



REFERENCE: 19/2/5/4/A2/40/WL0119/19

The City Manager
City of Cape Town
Directorate: Solid Waste Management
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CAPE TOWN
8000

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Attention: Mr Rustim Keraan

VARIATION OF THE 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 STRANDFONTEIN BERM HISTORIC WASTE DISPOSAL FACILITY, ON REMAINDER OF ERF NO. 87374, REMAINDER OF ERF NO. 115790 AND ERF NO. 93374, CAPE TOWN

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 (NEM: WA), 2008 (Act No. 59 of 2008), as amended, read with the Environmental Impact Assessment (EIA) Regulations, 2014, promulgated in Government Notice (GN) No. R. 982 of 4 December 2014, as amended, hereby, repeal the Waste Management Licence with Reference No.: 19/2/5/1/A2/40/WL0040/14, and issue this varied Waste Management Licence with Reference No.: 19/2/5/4/A2/40/WL0119/19, to the City of Cape Town (hereinafter referred to as 'the Licence Holder') for the decommissioning of the Strandfontein Berm Historic Waste Disposal Facility, on the Remainder of Erf No. 87374, Remainder of Erf No. 115790 and Erf No. 93374, Cape Town (hereinafter referred to as "the Facility").

B. DESCRIPTION OF THE ACTIVITY:

The activities for decommissioning of this Facility, as per the *Minimum Requirements for Waste Disposal by Landfill* (Second Edition 1998) of the Department of Water Affairs and Forestry (hereinafter referred to as the "Minimum Requirements"), will entail, but not be limited, to the following: -

- The Facility, or any portion thereof must be constructed and maintained in such a way that:
 - the formation of pools due to rain is prevented;
 - free surface runoff of rain-water is ensured;
 - contamination of stormwater is prevented;
 - no object or material which may hamper the rehabilitation of the Facility are present; and
 - little or no erosion occurs.
- Conduct regular visual inspections of the Facility to monitor cover integrity and erosion, and to rectify if needed which includes collecting and removing any exposed or illegally dumped waste;
- Remove all visible, exposed and illegally dumped builders' rubble; and
- Implementation of a programme to identify and eradicate any declared weeds and alien invader species at the site.

In light of the above, the following Category A, 3 listed activities in the NEM: WA, 'List of waste management activities that have, or are likely to have, a detrimental effect on the environment, 2013', Government Notice (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 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/A2/40/WL0119/19
WASTE APPLICATION: DECOMMISSIONING OF THE STRANDFONTEIN BERM HISTORIC WASTE DISPOSAL FACILITY
CLASS: (G:C:B+)
LOCATION: REMAINDER OF ERF NO. 87374, REMAINDER OF ERF NO. 115790 AND ERF NO. 93374, CAPE TOWN
LICENCE HOLDER: CITY OF CAPE TOWN
CONTACT PERSON: DESIGNATED WASTE MANAGEMENT CONTROL OFFICER
POSTAL ADDRESS: P.O. BOX 298, CAPE TOWN, 8000

1. Location

- 1.1. This Licence authorises the City of Cape Town to decommission the Facility on a Remainder of Erf No. 87374, Remainder of Erf No. 115790 and Erf No. 93374, Cape Town.
- 1.2. The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 21 January 2014 and Waste Management Licence Application Additional Information Annexure dated May 2014 submitted by the Licence Holder, which is defined as follows:

Table 1-1: Footprint of the Facility

Corner Points	Latitude	Longitude
1	34°5'37.28"S	18°30'30.54"E
2	34°5'40.14"S	18°30'27.69"E
3	34°5'43.43"S	18°30'29.88"E
4	34°5'41.67"S	18°30'46.36"E
5	34°5'25.85"S	18°32'6.34"E
6	34°5'20.14"S	18°32'4.15"E
7	34°5'22.12"S	18°31'52.06"E
8	34°5'27.17"S	18°31'42.61"E
9	34°5'39.04"S	18°30'52.29"E

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

Table 1-2: Location of Facility

Latitude	Longitude
34°5'42.38"S	18°30'39.07"E

- 1.4. The footprint of the Facility and its associated infrastructure is 190,000 m².

- 1.5. The Surveyor General 21 Digit codes of the Facility is: (1) C01600070008737400000
(2) C01600070011579000000

2. Appointment of Waste Management Control Officer/Environmental Control Officer

- 2.1. The closure and rehabilitation activities, for decommissioning of the Facility, 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.
- 2.2. 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) dated March 2014, prior to any construction activities being undertaken at the Facility. The WMCO/ECO must:
- 2.2.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available; and
- 2.2.2. monitor any future construction activities and ensure that the construction plans are carried out in accordance with the approved engineering designs.

3. General Management

- 3.1. The EMPr for the facility mentioned in condition 2.2, submitted as part of the final BAR, as previously approved, must be implemented together with all the conditions of this Licence.
- 3.2. An application for the amendment to the EMPr must be submitted to the Licensing Authority if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Licensing Authority.
- 3.3. 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.
- 3.4. The Licence Holder must ensure that the intended after-use is properly implemented and that the waste body cover integrity and erosion is monitored on site and that any declared weeds and alien invader species on the Facility are eradicated to ensure the successful implementation of the intended after-use. Exposed waste and illegally dumped waste need to be collected and disposed of.
- 3.5. 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.
- 3.6. The Licence Holder must communicate the intended after use of the Closed Facility to the Licensing Authority before any development commences.

4. Decommission Phase

- 4.1. The Facility must be decommissioned in accordance with the EMPr and the Rehabilitation Design Methodology as well as in accordance with conditions of this Licence and any other written instruction by the Department.
- 4.2. The closure construction of the Facility must be in accordance with the final Basic Assessment Report dated May 2014 prepared by SRK Consulting.

- 4.3. The waste body must be covered with the surrounding indigenous vegetation, if applicable.
- 4.4. The slopes of the sides of the Facility must be constructed and maintained in such a manner that the occurrence of erosion is prevented.
- 4.5. Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).
- 4.6. The Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability of the waste body.
- 4.7. The Facility, or any portion thereof must be constructed and maintained in such a way that:
 - 4.7.1. the formation of pools due to rain is prevented;
 - 4.7.2. free surface runoff of rain-water is ensured;
 - 4.7.3. contamination of stormwater is prevented;
 - 4.7.4. no object or material which may hamper the rehabilitation of the Facility are present; and
 - 4.7.5. little or no erosion occurs.
- 4.8. 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).

5. Facility Management and Operations

- 5.1. The Licence Holder shall retain the responsibility for the Facility, any of its impacts arising from the operations on the environment and its monitoring and ensure that:
 - 5.1.1. the presence of any nuisance conditions or health hazards, such as vectors (flies and vermin), dust, windblown litter, exposed waste, obnoxious odours and noise are prevented and monitored on a regular basis and monitoring results thereof are kept in terms of condition 11.
 - 5.1.2. 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 Director and record it in terms of conditions 11 and 12.

6. Environmental Pollution Investigations

- 6.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring at 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.
- 6.2. Should the investigation carried out as per condition 6.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

7. Runoff Water Quality Management

- 7.1. 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: -
 - 7.1.1. 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
 - 7.1.2. All expected leachate.

- 7.2. Works constructed in compliance with condition 4.7 must, on a continuous basis, be properly maintained.
- 7.3. 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 4.
- 7.4. Stormwater leaving the site shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the site.
- 7.5. 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.
- 7.6. Sporadic leachate from the Facility 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 Director: RPW, to prevent pollution to groundwater –
 - 7.6.1. with the written approval of the Director: RPW be evaporated in lined dams as approved by the Responsible Authority; and/or,
 - 7.6.2. be discharged into any convenient sewer if accepted by the authority in control of the sewer.

8. Monitoring

- 8.1. If, in the opinion of the Director and/or the Director: RPW, groundwater and/or surface water pollution have occurred or may possibly occur, the Licence Holder must conduct and/or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Director and/or the Director: RPW.

9. Analysis of Samples

- 9.1. Monitoring Methods and Parameters
 - 9.1.1. The Licence Holder must carry out all tests required in terms of condition 8 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).
 - 9.1.2. The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Licensing Authority, specifying that the method to be used is at least equivalent to the SABS method.

10. Auditing

- 10.1. Internal Audits
 - 10.1.1. 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 10.3, to report the findings of the audits, which must be made available to the external auditor specified in condition 10.2.1 and the Director (if requested), according to condition 10.4.2.

- 10.2. External Audits
- 10.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report, in the format referred to in condition 10.3, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
- 10.2.2. The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
- 10.2.3. The audit report must specify target dates for the implementation of the recommendations to achieve compliance and specify whether corrective action which was taken for the previous audits non-conformities was adequate.
- 10.2.4. Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 10.3. Both the internal and external audit reports must be in accordance with the format as prescribed by the Director.
- 10.4. Departmental Audits and Inspections
- 10.4.1. The Director reserves the right to audit and/or inspect the Facility without prior notification at any time and at such a frequency as the Director may decide, or to have the Facility audited or inspected.
- 10.4.2. 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.
- 10.4.3. The findings of these audits or inspections shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

11. Record Keeping

- 11.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 11.2. All records required or resulting from activities required by this Licence must:
- 11.2.1. be legible;
- 11.2.2. be made available and should form part of any audit report;
- 11.2.3. be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
- 11.2.4. be retained in accordance with documented procedures which are approved by the Department; and
- 11.2.5. be made available upon the request of the Director.
- 11.3. The Licence Holder must register and report all waste volumes or masses received, recovered, 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 Director.

12. Reporting

- 12.1. 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 water pollution, pollution of the environment, health risks or nuisance conditions.

- 12.2. 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 12.1, 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: –
- 12.2.1. correct the impact resulting from the incident;
 - 12.2.2. prevent the incident from causing any further impact; and
 - 12.2.3. prevent a recurrence of a similar incident.
- 12.3. 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 12.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 12.4. The Licence Holder must keep and maintain an incident and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.
- 12.5. 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.
- 12.6. The Department must be notified within 14 (fourteen) days of the following changes:
- 12.6.1. Licence Holder's trading name, registered name or registered office address;
 - 12.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 12.6.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 12.7. 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.

13. Leasing and Alienation of the Facility

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

14. Transfer of Licence

- 14.1. Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA.
- 14.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.
- 14.3. 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: –
- 14.3.1. 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:
 - (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 can implement the mitigation and management measures and comply with the stipulated conditions.
- 14.3.2. 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.

15. Commencement

- 15.1. The activities hereby Licenced may not commence within 20 (twenty) days of the date of signature of this Licence.
- 15.2. Should the Licence Holder be notified by the Director of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not commence with the activities until authorised by the Director in writing.
- 15.3. 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.
- 15.4. This activity must commence within a period of 8 (eight) years from the date of this Licence. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for waste management licence must be made for the activity to be undertaken.
- 15.5. If the proponent anticipates that commencement of the activity would not occur within the 8 (eight) year period, he/she must apply and show good cause for an extension of the Licence 6 (six) months prior to its expiry date.

16. General

- 16.1. This Licence shall not be transferable unless such transfer is subject to condition 14 above.
- 16.2. 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.
- 16.3. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 16.4. 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.
- 16.5. This Licence is valid for a period of 13 (thirteen) years from the date of this Licence. The licence may be reviewed any time before that date. 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.
- 16.6. Should the Licence Holder want to conduct the waste management activity beyond 13 (thirteen) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 16.7. In terms of sections 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998)

(NEMA), and sections 19 and 20 of the National Water Act (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

D. APPEAL OF LICENCE

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
2. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
 - 2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 2.3 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:
 - 2.3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 2.3.2 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.
- 2.4 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.
- 2.5 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;

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

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

Note: A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister 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: 30-09-2019

ANNEXURE I

A. REASONS FOR THIS VARIATION OF THE DECISION (APPEALABLE)

The reasons for the variation 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:

- (a) The subsequent non-substantive variation was granted to postpone the due date for commencement of the decommissioning activity, for this Facility. This licence repeals the Waste Management Licence with Reference No.: 19/2/5/1/A2/40/WL0040/14, dated 10 December 2014.
- (b) The original Waste Management Licence with Reference No.: 19/2/5/1/A2/40/WL0040/14, dated 10 December 2014, required commencement within 5 (five) years (by 10 December 2019), and was valid for 10 (ten) years (until 10 December 2024). The information provided by the Licence Holder indicating the projected financial commitment and plan to commence with decommissioning of the Facility, was considered to vary this Waste Management Licence.
- (c) In accordance with condition 17.6 Waste Management Licence with Reference No.: 19/2/5/1/A2/40/WL0040/14, dated 10 December 2014, the Department has subsequently reviewed and updated the Waste Management Licence by postponing the commencement due date for decommissioning of the Facility to 8 (eight) years from the date of this 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 21 January 2014, compiled by SRK Consulting (Pty) Ltd;
- (b) The Final Basic Assessment Report (BAR) dated May 2014, compiled by SRK Consulting (Pty) Ltd, including the Waste Management Licence Application Additional Information Annexure.
- (c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) A site visit undertaken by Marius Venter from this Department on 1 April 2014;
- (e) Record of Decision by the Department of Water Affairs 14 Augustus 2014;
- (f) Relevant information contained in the Departmental information base; and
- (g) 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 underlain by white sand with finely crushed shell, pebbles and shells originating from beaches which is underlain by greywacke, phyllite and quartzitic sandstone interbedded with lava and tuff of the Tygerberg formation, Malmesbury group.

The Zeekoevlei outlet canal (Zeekoe Canal) discharges into the sea immediately to the west of the facility. The facility is bordered on a number of the Cape Flats Waste Water Treatment Works.

The facility is located within the area of original extent of a threatened terrestrial ecosystem, namely Endangered Cape Flats Dune Strandveld. The largest part of the facility comprises sand dunes, with patches of re-established vegetation.

Deviation

The Applicant requested and was granted deviation the from PPP requirements in terms of Regulation 54(2) of GN No. R. 543 of 18 June 2010. The application is for the formal decommissioning of a waste disposal site that has been closed for more than 30 years adjacent to the Cape Flats Wastewater Treatment Works, Baden Powell Drive and vacant land. The requirements to directly notify owners and occupiers of adjacent properties is considered unnecessary. Owners and occupiers of land adjacent to the site will still have an opportunity to participate in the process through site notices and newspaper advertisements.

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

Compacting, shaping and capping of the waste body according to specifications based on the waste type and/or the waste site classification. The purpose of compacting, shaping and capping of a waste site is to reduce the risk of groundwater contamination through leachate generation, by preventing the ingress of water which percolates through the waste body and generates leachate. The removal of all waste from site and the disposal at an appropriately designed and construction waste disposal facility, which would entail earthworks and transportation of waste material, require rehabilitation of the excavated waste site area and put additional pressure on existing landfill capacity. In addition, the Strandfontein Berm Facility may act as a retaining berm for the adjacent Waste Water Treatment Works maturation ponds.

Design Alternatives

No design alternatives were assessed.

Technology Alternatives

No technology alternatives were assessed.

Operational Alternatives

No operational alternatives were assessed.

The No-Go Option

The site is an existing waste disposal facility that has not been operational for several years, but was never formally permitted / licensed in terms of relevant legislation. The current waste management licence application for the formal decommissioning of the site in terms of the NEMA: WA in order to ensure that the site is legally compliant. The No-Go option is not considered a reasonable or feasible alternative, as this would mean that the site would remain unlicensed in contravention of the NEMA: WA and contrary to the principles set out in Chapter 2 of NEMA.

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following: -

- (a) Advertisements were placed in the "Fals Bay Echo" and "People's Post" on 27 March 2014;
- (b) Copies of the draft Basic Assessment Reports were sent to CapeNature and Department of Water Affairs on 25 March 2014 and a copy of the draft Basic Assessment Report was sent to the Muizenberg Public Library on 26 March 2014.
- (c) Fixing of notice board at the boundary of the Facility was done on 27 March 2014;
- (d) 40-day I&AP Registration and public review and comment period on draft BAR (28 March 2014 to 12 May 2014); and
- (e) 21-day commenting period on the final Basic Assessment Report which started on 19 May 2014.

Authorities Consultation: -

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

No authorities have objected to the proposed activities. Where possible and relevant, the conditions imposed by these authorities have been included in this Licence insofar as it relates to the environmental aspects of the proposed activities. This Licence is issued only in terms of the waste management legislation and the applicant is required to obtain all other necessary approvals before commencing with the activities.

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