



REFERENCE: 19/2/5/4/F2/5/WL0111/17

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For attention: Mr Jacob Klaase

RE-ISSUING OF THE VARIATION OF WASTE MANAGEMENT LICENCE FOR THE PROPOSED CLOSURE OF THE ELANDS BAY WASTE DISPOSAL FACILITY (WDF), ON PORTION 24 OF FARM BONTEHEUWEL, ELANDS BAY, IN ORDER TO CORRECT ADMINISTRATIVE ERRORS.

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 re-issue the existing Waste Management Licence (Licence No. 19/2/5/1/F2/5/WL0064/14) of the Cederberg Municipality (hereinafter referred to as 'the Municipality') for the operation of the Elands Bay WDF on portion 24 of farm Bonteheuwel, Elands Bay (hereinafter referred to as "the Facility"), in order to correct administrative errors.

B. DESCRIPTION OF ACTIVITY:

The activities for operations until closure and closure and decommissioning of the Elands Bay WDF, as per the "Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs", Second Edition 1998 and Government Notice (GN) No. R 636 "National Norms and Standards for Disposal of Waste to Landfill" of August 2013, will entail but not be limited to the following:-

- (a) Disposal of general waste
- (b) WDF Site Auditing
- (c) Gate or weighbridge recording procedures
- (d) Volume Surveys
- (e) Collection and processing of other data
- (f) Leachate and water quality monitoring
- (g) Gas monitoring
- (h) Air quality monitoring
- (i) Monitoring of rehabilitated areas
- (j) Health of workers
- (k) The determination of the total airspace at the waste disposal facility within 6 months after this Licence is issued;
- (l) Remedial design to address identified problem areas;
- (m) Final shaping, landscaping and re-vegetation;
- (n) Final landfill cover or capping design;
- (o) Permanent stormwater diversion measures, run-off control and anti-erosion measures; and
- (p) Any infrastructure relating to the End-use plan.

The following activities have been identified in Government Notice No. 921 'List of waste management activities that have, or are likely to have, a detrimental effect on the environment' of 29 November 2013 and are hereby authorised:-

Category A

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

Category C

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:-

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 and/or

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 and/or*

5 (3) *The storage of waste tyres in a storage area exceeding 500m²*

5 (6) *The sorting, shredding, grinding, crushing, screening or baling of general waste at a waste facility that has an operational area that is 1000m² and more."*

Should these volumes be exceeded, it would be required for the applicant to:

- (a) comply with the Government Notice No. 926, Norms and Standards for Storage of Waste, November 2013 and register on the Department's Integrated Pollutant and Waste Information System and/or;
- (b) adhere to Government Notice No. 1093 of 11 October 2017 "*Norms and Standards for the sorting, shredding, grinding, crushing, screening or baling of general waste*".

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 X9086
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/F2/5/WL0111/17
WASTE APPLICATION:	CLOSURE OF THE ELANDS BAY WDF
LOCATION:	PORTION 24 OF FARM BONTEHEUWEL, ELANDS BAY
LICENCE HOLDER:	CEDERBERG LOCAL MUNICIPALITY
CONTACT PERSON:	THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS:	PRIVATE BAG X2, CEDERBERG, 7320

1. LOCATION

1.1 This Licence authorises the Cederberg Local Municipality to operate until decommissioning and closure and decommission the Facility on Portion 24 of Farm Bonteheuwel, Elands Bay, Cederberg Local Municipality.

1.2 Location of property on which the Facility is situated:-

Table 1-1: Location of the Facility

Latitude (S)	Longitude (E)
32°18'33.05"	18°21'37.17"

1.3 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 20 January 2014 and Waste Management Licence Application Additional Information Annexure submitted by the Licence Holder, which is defined as follows:-

Table 1-2: Footprint of the Facility

Corner Points	Latitude (S)	Longitude (E)
1	32°18'34.40" S	18°21' 36.40" E
2	32°18'33.30" S	18°21' 38."30 E
3	32°18'32.00" S	18°21'37.90" E
4	32°18'32.80" S	18°21'36.00" E

1.4 The footprint of the Facility and its associated infrastructure is 3196m².

1.5 The SG 21 Digit code of the Facility is: C0580000000000800000.

2 PERMISSIBLE WASTE

2.1 Any portion of the Facility as demarcated in Condition 1.2, may be used for the disposal of general waste. Only waste that is classified as general waste, according to the NEM:WA or any current and future Norms and Standards 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 All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Licence.

2.4 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 20.7 and 20.8 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.

The WMCO/ ECO must:-

3.2.1 report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through means reasonably available;

3.2.2 identify and submit potential measures to the Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste; and

3.2.3 monitor any future construction activities and ensure that the construction plans are in accordance with the approved engineering design.

- 3.2.4 monitor the closure activities and ensure that the closure plans are in accordance with the approved 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 EMPr has been authorised by the Licensing Authority.
- 4.3 The decommissioning of the Facility must be managed by a fit and proper person who is competent in respect of the responsibilities to be undertaken by them in connection with the commencement of the decommissioning activity.
- 4.4 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it. This must be kept at or near the place where those duties will be carried out.
- 4.5 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 request 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.

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 Licensing 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 EMP and 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 Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil on top of a 450mm of load generating soil (whose material will define whether under drainage is required or not), composite liner (of 1,5mm HDPE geomembrane plus 300mm liner of compacted clay (in 2 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 300mm Compacted Clay Layer ("CCL") of specified performance clay is acceptable in which the 300mm CCL is replaced by a Geosynthetic Clay Layer. The design and compliance is to be confirmed by a registered Professional Engineer in writing to the Licensing Authority not less than 90 days prior to start of construction.
- 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 Facility are present; and
 - 5.6.5 little or no erosion occurs.
- 5.7 Works constructed in compliance with Condition 5.11 must, on a continuous basis, be properly maintained.
- 5.8 Any development which occurs within the 1:100-year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of Section 21 of the National Water Act, (1998 Act no 36 of 1998).
- 5.9 The slope of the sides of the Facility must be constructed and maintained in such a manner that the occurrence of erosion is prevented.
- 5.10 A monitoring borehole network for the Facility, which consist 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.

- 5.11 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 Responsible Authority, to prevent pollution to groundwater. Evaporation dams must be lined and approved by the Responsible Authority.

6 ACCESS CONTROL

- 6.1 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry and must contain the name, address and telephone number of the Licence Holder and the person responsible for the Facility. The notices must also indicate the alternative waste management or disposal options.
- 6.2 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence of 1.8m and a gate with the same height.
- 6.3 The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs on the Facility.
- 6.4 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 to keep the roads free of waste.
- 6.5 The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.6 The Licence Holder shall ensure effective access control.

7 OPERATIONAL

- 7.1 Waste disposed of on the Facility shall be compacted and covered on a weekly basis with a minimum of 150 millimetres of soil or other material approved by the Regional Director.
- 7.2 The Licence Holder shall take all reasonable steps to ensure that the Facility is operated in a manner that shall prevent the creation of nuisance conditions or health hazards.
- 7.3 All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn on the Facility and the provision of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) must be complied with.
- 7.4 Any complaint 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 Condition 15.

- 7.5 All waste outside the boundaries of the Facility, as specified in Condition 1.3, must be removed and disposed within the boundaries of the Facility.
- 7.6 Reclamation of waste may occur at the Facility at the discretion of the Licence Holder, but may not take place at the active working face and must adhere to Government Notice No. 1093, National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste as stipulated in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- 7.7 All persons reclaiming waste must be wearing suitable personal protection equipment.
- 7.8 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.
- 7.9 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).
- 7.10 No new waste cell may be developed and the existing waste cells may not be expanded unless authorisation is granted by the Director and plans approved by the Director: RPW.
- 7.11 The Licence Holder must within 6 (six) months of the date of signature of this Licence submit a WDF Airspace Determination Report which estimates the remaining volume of airspace on the Facility and the estimated remaining time left for the disposal at the Facility and inform the Department thereof in writing.

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 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.
- 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 All runoff water (storm water) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder.

9.2 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.

9.3 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:-

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

(b) all expected leachate.

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 1 (one) downstream borehole of the compacted waste body, 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 reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.

10.1.3 Surface water monitoring must be performed in all stormwater drain outlets or any appropriate area on the Facility that allows surface water to discharge into the natural environment and adjacent to the Facility at locations selected in conjunction with and at such a frequency as prescribed by the Water Quality Monitoring Protocol approved by the Director: RPW through the Director.

10.2 Detection Monitoring

10.2.1 Monitoring shall be conducted on a biannual (twice per year) basis during late summer and late winter to capture seasonal variation, for the water quality variables as agreed by the Department and the Director: RPW.

10.3 Investigative Monitoring

10.3.1 If, in the opinion of the Director: RPW, 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 until such time that the variable is within acceptable limits.

10.4 Further Investigation

10.4.1 If, in the opinion of the Director: RPW, groundwater, surface water and/or air pollution have occurred or may possibly occur, the Licence Holder shall conduct the necessary investigations and implement additional monitoring and rehabilitation measures, which shall be to the satisfaction of the Director: RPW.

11 MONITORING METHODS AND PARAMETERS

11.1 The Licence Holder shall carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008), to analyse the samples taken under the monitoring programmes specified in Condition 10.2

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

11.3 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, treated and transferred;

11.3.2 waste types and sources;

11.3.3 air quality monitoring; and

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

12 AUDITING

12.1 INTERNAL AUDITS

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

12.2 EXTERNAL AUDITS

12.2.1 The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report documenting the findings of the audit.

- 12.2.2 The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
- 12.2.3 The audit report must contain recommendations regarding non-compliance or potential non-compliance with the Licence conditions, and must specify target dates for the implementation of the recommendations by the Licence Holder.
- 12.2.4 The external audit report must be submitted to the Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in Condition 14 below, within 3 (three) months, from the date on which the external auditor finalised the report.
- 12.2.5 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 12.2.6 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

13 DEPARTMENTAL AUDITS AND INSPECTIONS

- 13.3.1 The Department and the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and Director: RPW may decide, or to have the Facility audited or inspected.
- 13.3.2 The Licence Holder must make any records or documentation available to the Director and the Director: RPW upon request, as well as any other information the Director and Director: RPW may require.
- 13.3.3 The findings of these audits or inspections shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

14 MONITORING COMMITTEE

- 14.1 The Licence Holder must 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 2 (two) years after the closure of the Facility, or such longer period as may be determined by the Director.
- 14.2 The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:-

14.2.1 Licence Holder and/or his/her appointed consultant(s) or advisor(s);

14.2.2 Representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;

14.2.3 Representative(s) of this Department; and

14.2.4 At least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the invitation to attend the Monitoring Committee to interested and affected parties of each meeting.

14.3 The Monitoring Committee shall meet annually (once a year) and no later than 3 (three) months after the finalisation of the external audit report was conducted in terms of Condition 12.2, and submitted in terms of Condition 12.2.4.

14.4 The Licence Holder must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 30 (thirty) days after the meeting.

15 RECORD KEEPING

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

15.2 Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per Condition 15.5.

15.3 All records required or resulting from activities required by this Licence must:-

15.3.1 be legible;

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

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

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

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

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

15.5 The Licence Holder must register and report all waste volumes or masses received, recovered, disposed of 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.

16 REPORTING

- 16.1 The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident at the Facility, which has the potential to cause disruption in the normal operation of the Facility, or has caused water pollution, pollution of the environment, health risks or nuisance conditions.
- 16.2 The Licence Holder must, within 14 (fourteen) days, or a shorter period of time, if specified by the Director, from the occurrence or detection of any incident referred to in Condition 16.1, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Director of measures taken to:-
- 16.2.1 correct the impact resulting from the incident;
 - 16.2.2 prevent the incident from causing any further impact; and
 - 16.2.3 prevent a recurrence of a similar incident.
- 16.3 In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in Condition 16.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 16.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 16.5 The Licence Holder or duly appointed person must keep an incident report and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.
- 16.6 The Department must be notified within 7 (seven) days of any changes to the management of the Facility, including the name of the incoming person, together with evidence that such person has the required technical competence.
- 16.7 The Department must be notified within 14 (fourteen) days of the following changes:-
- 16.7.1 Licence Holder's trading name, registered name or registered office address;
 - 16.7.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and

- 16.7.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 16.8 The Department must be notified without delay in the case of the following:
- 16.8.1 any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
- 16.8.2 the breach of conditions of this licence; and
- 16.8.3 any significant adverse environmental and health effects.
- 16.9 Prior written notification must be given to the Director of the following events and within the specified timeframes:
- 16.9.1 as soon as practicable prior to the permanent cessation of any operational activities;
- 16.9.2 full or partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
- 16.9.3 full or partial resumption of the operation of all or part of the activities after a cessation notified under 16.9.2 above.

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 MANAGEMENT LICENCE

- 18.1 Should the Licence Holder want to transfer ownership of this Licence, he/she must apply in terms of Section 52 of the NEM:WA.
- 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;

18.3.1.3 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.

18.3.2 The Licensing Authority will issue an amendment to the new Licence Holder either by way of a new Licence or an addendum to the existing Licence if the transfer is found to be appropriate.

19 COMMENCEMENT

19.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.

19.2 Should the licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the 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 when the airspace capacity has been reached or within a period of 10 (ten) years from the date of issue, whichever one comes first. Note that the 10 year commencement period will be on 28 August 2024. If commencement of the activity does not occur within that period, the validity of this licence lapses and a new application for Licence must be made in order for the activity to be undertaken.

19.5 If the proponent anticipates that commencement of the activity would not occur by 28 August 2024, he/she must apply and show good cause for an extension of the commencement date in this Licence 6 (six) months prior to its expiry date.

20 GENERAL

20.1 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of the Health Act, 2003 (Act No. 61 of 2003), the National Water Act, 1998 (Act No. 36 of 1998) or any applicable act, ordinance, regulation or by-law.

20.2 Transgression of any condition of this Licence could result in the suspension of the Licence by the Director.

- 20.3 This Licence is valid until 28 August 2024. The licence may be reviewed any time after commencement. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and/or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 20.4 Should the Licence Holder want to conduct the waste management activity beyond the validity period, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 20.5 Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM:WA.
- 20.6 In terms of sections 28 and 30 of the National Environmental Management Act (Act 107 of 1998), 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 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 environmentally acceptable manner.
- 20.7 The Licence Holder must submit an Organic Waste Diversion Plan to the Director 90 (ninety) days after the date of issue of this Licence and annually thereafter.
- 20.8 The information within the Organic Waste Diversion Plan must:-
- 20.8.1 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
- 20.8.2 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.
- 20.9 The Licence may be reviewed at any time before the waste disposal airspace capacity is reached. 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 be extended.

D. APPEAL OF LICENCE

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the Competent Authority:-
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. 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. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs:-
 - 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 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.
3. 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.
4. 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: 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 Jaap.DeVilliers@westerncape.gov.za.

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

E. DISCLAIMER

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Yours faithfully,



EDDIE HANEKOM

DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 22-08-2019

ANNEXURE

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 review and subsequent non-substantive amendment was conducted in order to correct administrative errors which occurred in the issuing of the variation licence issued by Department of Environmental Affairs and Development Planning.
2. The administrative errors as per the variation licence (Ref: 19/2/5/4/F2/5/WL0111/17), in accordance with Regulation 38(3)(f) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) Environment Impact Assessment (EIA) Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014), specifies that an Environmental Authorisation (including a Waste Management Licence) may be amended by correcting a technical or editorial error.
3. The administrative errors in the licence were the site co-ordinates and the commencement of decommissioning date. Please note that these were correct in the Waste Management Licence issued on 28 August 2014 (Ref: 19/2/5/1/F2/5/WL0064/14) and will be reverted back.

B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (NOT APPEALABLE):

1. 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 listed below.
 - (a) The information contained in the Waste Management Application Form dated 20 January 2014.
 - (b) A site inspection conducted on 27 November 2013 by Shaun Arendse from the Department, the final BAR dated 1 April 2014.
 - (c) The Waste Management Licence Application Additional Information Annexure compiled by AECOM (Pty) Ltd.
 - (d) The Record of Decision by the Department of Water Affairs dated 21 May 2014 was taken into account in the Department's consideration of the application.
 - (e) Comments raised by I&AP's throughout the Public Participation Process (PPP), were taken into account.
 - (f) 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.
 - (g) A summary of the issues, which, in the Department's view, were of the most significance, are set out below.
2. The Department conducted a review of selected WML as per Section 53 (1) of the NEM:WA, which states that: "A licensing authority must review a waste management licence at intervals specified in the licence, or when circumstances demand that a review is necessary".
3. The proposed variation was in line with Section 54 (1) (a) and (d) of the NEM:WA, which states that:

“(1) A licensing authority may, by written notice to the holder of a waste management licence, vary the licence-

- (a) if it is necessary or desirable to prevent pollution; (and)
- (b) to make a non-substantive amendment”.

4. The review and subsequent non-substantive amendment was conducted in order to align the Elands Bay Licence conditions with current waste legislation and repeal the existing Licence (Ref: 19/2/5/1/F2/5/WL0064/14) issued by Department of Environmental Affairs and Development Planning, and issue this Licence.

ENVIRONMENT

The Facility is used for the disposal of general waste, garden refuse and builders waste (approximately 9 tonnes per month).

The Facility is located approximately 600m north of the Verlorenvlei wetland and estuary system. The estuary is considered to be one of the ten most important wetlands for wading birds in the South-Western Cape, providing feeding, nesting and resting facilities to at least 189 bird species, two of which are notionally threatened, three globally threatened and six nationally near threatened.

Furthermore, due to its geographical position at the karroid/fynbos vegetation types interface, the region supports a high floral diversity.

Surface Water

The area has been completely transformed by the existing landfill Facility, and now surface water structures occur within the project area. In addition, the landfill facility is located approximately 600m north of the Verlorenvlei wetland and estuary system.

Alternatives

Site Alternatives

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

Activity Alternative

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

Design Alternative

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

Operational Alternative

Operational alternatives are not applicable as this project entails the closure of an existing landfill Facility.

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

The PPP comprised of the following:-

- (a) 40-day I&AP's Registration and public review and comment period on draft BAR (19 February 2014 to 30 March 2014);
- (b) Engagements were held with several stakeholders between 20 February 2014 and 7 March 2014;
- (c) Advertisements were placed in the "Cape Argus" on 24 January 2014 and 26 February 2014, in "Die Burger" on 24 January 2014 and 30 January 2014 in the Weslander;
- (d) Fixing of notice board at the Waste Disposal Facility and at the Elanda Shop on 21 January 2014;
- (e) Notification sent to registered I&AP's via sms and email on 19 February 2014 and copy made available at the Elandsbaai public library of the draft BAR from 17 February 2014 to 28 March 2014 for 40 days;
- (f) 21 days review and comment period on the final BAR from 1 April 2014; and
- (g) Submission of the final BAR to the Department on 1 April 2014.

Authorities Consultation

The authorities consulted include the following:-

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

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. No authorities objected to the Facility. Where possible and relevant, the conditions imposed by these authorities have been included in the Licence.

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