



**Western Cape
Government**
Environmental Affairs and
Development Planning

DIRECTORATE: WASTE MANAGEMENT
ETIENNE ROUX
Etienne.Roux@westerncape.gov.za

REFERENCE: 19/2/5/4/F3/8/WL0043/19

The Municipal Manager
Matzikama Local Municipality
PO Box 98
VREDENDAL
8160

Tel: (027) 201 3331
Fax: (027) 213 3238

Email: rbasson@matzikamamun.co.za

For attention: Mr Riaan Basson

VARIATION OF THE WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008) FOR THE CLOSURE OF THE KOEKENAAP WASTE DISPOSAL FACILITY ON REMAINDER OF ERF NO. 317 ON PROPERTY 1033 OF THE OLIFANTSRIVIER SETTLEMENT, KOEKENAAP

WASTE MANAGEMENT LICENCE

A. DECISION

I, Lance McBain- Charles, in my capacity as the Acting Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM: WA), hereby vary and replace the existing Waste Management Licence (WML) (Licence No.: 19/2/5/1/F3/10/WL0023/14) issued by the Department on 7 November 2014, and issue this WML to the abovementioned Licence Holder for the decommissioning of the Koekenaap Waste Disposal Facility (WDF) on remainder of Erf No. 317 on Property 1033 of the Olifantsrivier Settlement (hereinafter referred to as "the Facility").

B. DESCRIPTION OF THE ACTIVITY:

The activities for this G:C:B-/Class B Facility, as per the Second Edition of the "Minimum Requirements for Waste Disposal by Landfill" of the Department of Water Affairs and Forestry (DWAf, 1998) (now Department of Water and Sanitation (DWS)) (referred to as "Minimum Requirements") and for any new waste cells that will be developed, as per the NEM:WA "National Norms and Standards for Disposal of Waste to Landfill", contained in Government Notice (GN) No. R. 636 (GN No. R. 636) of 23 August 2013, will entail but not be limited to the following:

- (a) Remedial design to address identified problem areas;
- (b) Final shaping, landscaping and re-vegetation;
- (c) Final landfill cover or capping design;
- (d) Construct the capping layer to a minimum quality and thickness;
- (e) Permanent storm water diversion measures, run-off control and anti-erosion measures; and
- (f) Any infrastructure relating to the End-use Plan.

The following activities 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, 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.

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 if the volumes are exceeded:

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

Should the above-mentioned threshold volumes be exceeded, it will be required for the applicant to comply with Government Notice No. 926 of 29 November 2013, "Norms and Standards for Storage of Waste".

Should the above-mentioned threshold operational area be exceeded, it will be required for the applicant to comply with Government Notice No. 1093 of 11 October 2017, "Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste".

In this Licence, "Director" means the Director: Waste Management of the Western Cape Department of Environmental Affairs and Development Planning, who may be contacted at the address below:

Director: Waste Management
Department of Environmental Affairs and Development Planning
Private Bag X 9086

CAPE TOWN

8000

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the Department of Water and Sanitation: Western Cape Provincial Operations, who may be contacted at the address below:

Director: RPW: Western Cape Provincial Operations
Department of Water and Sanitation
Private Bag X16

SANLAMHOF

7532

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/F3/8/WL0043/19
WASTE APPLICATION: DECOMMISSIONING OF THE KOEKENAAP WDF (G:C:B⁻)
LOCATION: REMAINDER OF ERF NO. 317, ON PROPERTY 1033 OF THE OLIFANTSRIVIER SETTLEMENT
LICENCE HOLDER: MATZIKAMA LOCAL MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: PO BOX 98, VREDENDAL, 8160

1. LOCATION

1.1 This Licence authorises the Matzikama Local Municipality to decommission the Facility remainder of Erf No. 317 on Property 1033 of the Olifantsrivier Settlement.

1.2 The location of the entrance to the property on which the Facility is situated, is as follows:

Location of entrance of Facility:

Latitude (S)	Longitude (E)
31°32'31.16"	18°14'40.91"

1.3 The footprint of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form, dated 9 January 2014, and Waste Management Licence Application Additional Information Annexure, dated 1 April 2014, submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility:

Corner Points	Latitude (S)	Longitude (E)
1	31°32'29.4"	18°14'40.9"
2	31°32'30.6"	18°14'37.7"
3	31°32'32.9"	18°14'41.9"
4	31°32'32.0"	18°14'43.5"

1.4 The footprint of the Facility and its associated infrastructure is 8298 m².

1.5 The Surveyor General 21 digit code of the Facility is: C078 0007 00001 03300000.

2. PERMISSIBLE WASTE

2.1 Only waste that is classified as general waste, according to the NEM:WA, or any current and future Norms and Standards developed by the Department, is permitted.

2.2 The License holder must take all 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 hazardous waste is removed from the Facility prior to commencing of capping of 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 18.8 and 18.9.

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

- 3.1 The waste management activities that are authorised by this Licence, must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.
- 3.2 A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr), dated 22 March 2014, prior to any construction activities being undertaken at the Facility. The WMCO/ECO must:
- 3.2.1 report any non-compliance with any Licence conditions or requirements or provisions of the NEM:WA to the Director through the 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;
- 3.2.3 monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs, and
- 3.2.4 submit a declaration to the Director upon completion of the construction works that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed activities.

4. MANAGEMENT

- 4.1 The Environmental Management Programme (EMPr) for the decommissioning of the Facility, submitted as part of the final Basic Assessment Report (BAR), is hereby approved and must be implemented together with all the conditions of this Licence.
- 4.2 An application for an 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 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.
- 4.4 A copy of this Licence and the EMPr must be kept at or near 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.
- 4.5 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 closure and rehabilitation of the Facility must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them in connection with the commencement of the decommissioning activity.
- 5.2 Decommissioning-construction of the Facility must be considered in accordance with the proposed Closure Report for the Facility in the EMPr and final BAR as prepared by AECOM dated 1 April 2014.
- 5.3 The Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil, 450mm of compacted clay Layer ('CCL') (in 3 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding 10^{-6} cm/sec or have static infiltration less than 0,5m/year, over a compacted waste body shaped to have a slope between 1v:4h (25%) and 1v:50h (2%). An alternative to the 450mm CCL of specified performance clay is acceptable in which the 450 mm CCL is replaced with 450mm random soil compacted fill over a Geosynthetic Clay Layer.

- 5.4 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 114 of 1990).
- 5.5 The waste body must be covered with the surrounding indigenous vegetation.
- 5.6 The closure of the Facility must be constructed in accordance with recognised civil engineering practices, with special consideration to stability.
- 5.7 The Facility, or any portion thereof, must be covered and maintained in such a way that:
 - 5.7.1 the formation of pools due to rain is prevented;
 - 5.7.2 free surface runoff of rain-water is ensured;
 - 5.7.3 contamination of stormwater is prevented;
 - 5.7.4 no objects or material which may hamper the rehabilitation of the Site are present; and
 - 5.7.5 little or no erosion occurs.
- 5.8 A cut off trench and porous pipe which contains and collects any leachate from the Facility must be installed downstream of the Facility. A conservancy tank must be installed downstream to collect any leachate collected by the porous pipe.
- 5.9 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) (NWA).
- 5.10 Works constructed in compliance with condition 5 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate:
 - 5.10.1 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
 - 5.10.2 all expected leachate.
- 5.11 Works constructed in compliance with condition 5.10 must, on a continuous basis, be properly maintained.
- 5.12 All runoff water (storm water) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with condition 5.
- 5.13 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.
- 5.14 The Licence Holder shall retain the responsibility for the Facility, and its monitoring after decommissioning of the Facility is according to the Minimum Requirements and any relevant Norms and Standards that may replace the Minimum Requirements and ensure that:
 - 5.14.1 the presence of any nuisances such as flies, exposed waste, and bad odours must be prevented and monitored every six months and monitoring results kept in terms of condition 12; and
 - 5.14.2 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/or Director: RPW and record it in terms of conditions 12 and 13.

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 of 1.8m and a gate with the same height.
- 6.2 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least three official languages applicable to the area. These notices must prohibit unauthorised entry and must contain the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 6.3 The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated 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 roads free of waste.

7. ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 7.1 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.
- 7.2 Should the investigation carried out as per condition 7.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

8. MONITORING METHODS AND PARAMETERS

- 8.1 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 9.
- 8.2 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.
- 8.3 The Licence Holder must put in place a monitoring and measurement plan that must inter alia include:
- 8.3.1 mass (in tonnes or kilograms) received, recycled, reclaimed, treated and transferred;
- 8.3.2 waste types and sources;
- 8.3.3 air quality monitoring; and
- 8.3.4 an annual (once a year) 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.

9. MONITORING

9.1 WATER QUALITY MONITORING

- 9.1.1 The Licence Holder must establish and maintain a ground water monitoring borehole network with at least one upstream and one downstream borehole, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 9.1.2 Monitoring boreholes shall be equipped with lockable caps. The Director and Director: RPW reserves the right to take water samples at any time and to analyse these samples or have them analysed.
- 9.1.3 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 determined by the Director and the Director: RPW.

9.2 BACKGROUND MONITORING

- 9.2.1 Samples from the borehole as required above, where the groundwater in the borehole is at an expected higher hydraulic pressure level than the hydraulic pressure level of the groundwater under the Facility, shall be considered as background monitoring. Background groundwater monitoring shall be conducted during each monitoring occasion in terms of conditions 9.3, 9.4 or 9.5 for the water quality variables as agreed by the Director and the Director: RPW.

9.3 DETECTION MONITORING

- 9.3.1 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 Director and the Director: RPW.

9.4 INVESTIGATIVE MONITORING

- 9.4.1 If, in the opinion of the Director and/or Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 9.3, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme until such time that the variable is within acceptable limits.

9.5 POST-CLOSURE MONITORING

- 9.5.1 Groundwater monitoring by the Licence Holder, in accordance with condition 9.3 or 9.4, shall commence immediately upon closure of the Facility and be maintained for a period of 30 (thirty) years, or such lesser period as may be determined by the Director and Director: RPW.

9.6 FURTHER INVESTIGATION

- 9.6.1 If, in the opinion of the Director and 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 and the Director: RPW.

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 to report the findings of the audits, which must be made available to the external auditor specified in condition 10.2 and the internal audit report must be submitted to the Director, if requested.

10.2 EXTERNAL AUDITS

- 10.2.1 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 documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
- 10.2.2 The audit report must:
- 10.2.2.1 specifically state whether conditions of this licence are adhered to;
 - 10.2.2.2 include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment;
 - 10.2.2.3 specify target dates for the implementation of the recommendations to achieve compliance; and
 - 10.2.2.4 specify whether corrective action which was taken for the previous audits non-conformities was adequate.
- 10.2.3 The external audit report must be submitted to the Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 11, within 3 (three) months from the date on which the external auditor finalised the report.
- 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.
- 10.2.5 Both the internal and external audit reports must be in accordance with the format as prescribed by the Director.

10.3 **DEPARTMENTAL AUDITS AND INSPECTIONS**

- 10.3.1 The Department and/or 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.
- 10.3.2 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.
- 10.3.3 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.

11. **MONITORING COMMITTEE**

- 11.1 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.
- 11.2 The Monitoring Committee shall be representative of relevant interested and affected persons (I&APs) and may consist of at least 3 (three) of the following representatives:
- 11.2.1 Licence Holder and/or his/her appointed consultant(s) or advisor(s);
- 11.2.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
- 11.2.3 representative(s) of this Department; and
- 11.2.4 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 I&APs of each meeting.
- 11.3 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 10.2.1, and submitted in terms of condition 10.2.3.
- 11.4 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.

12. **RECORD KEEPING**

- 12.1 The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 12.2 Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 12.5.
- 12.3 All records required or resulting from activities required by this Licence must:
- 12.3.1 be legible;
- 12.3.2 be made available and should form part of the external audit report;
- 12.3.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
- 12.3.4 be retained in accordance with documented procedures which are approved by the Department; and
- 12.3.5 be made available upon the request of the Director and/or Director: RPW.
- 12.4 The Licence Holder shall record all borehole data and chemical analysis in a format agreed upon in writing between the Director and the Director: RPW, the Licence Holder, and a relevant specialist if so required.
- 12.5 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.

13. REPORTING

- 13.1 The Licence Holder must, within 24 (twenty four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused any pollution.
- 13.2 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 13.1, 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:
 - 13.2.1 correct the impact resulting from the incident;
 - 13.2.2 prevent the incident from causing any further impact; and
 - 13.2.3 prevent a recurrence of a similar incident.
- 13.3 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 13.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and responsibility of the Licence Holder.
- 13.4 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.
- 13.5 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.
- 13.6 The Department must be notified within 14 (fourteen) days of the following changes:
 - 13.6.1 Licence Holder's trading name, registered name or registered office address;
 - 13.6.2 particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 13.6.3 steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.7 All audit reports (internal and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.
- 13.8 The Department must be notified without delay in the case of the following:
 - 13.8.1 any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - 13.8.2 the breach of conditions of this licence; and
 - 13.8.3 any significant adverse environmental and health effects.
- 13.9 Prior written notification must be given to the Director of the following events and within the specified timeframes:
 - 13.9.1 as soon as practicable prior to the permanent cessation of any operational activities;
 - 13.9.2 partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
 - 13.9.3 full or partial resumption of the operation of all or part of the activities after a cessation notified under conditions 13.9.1 and 13.9.2 above.

14. CONDITION OF OPERATIONS UNTIL CLOSURE

- 14.1 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.
- 14.2 Waste may not be burned at the Facility.

- 14.3 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.
- 14.4 The Licence Holder must ensure the health and safety of workers and employees at the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 14.5 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
- 14.6 The types of waste accepted for disposal must comply with the National Norms and Standards for disposal of waste to landfill of 23 August 2013.
- 14.7 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.
- 14.8 Reclamation of waste may occur at the Facility at the discretion of the Licence Holder, but may not take place on the landfill body and the Licence Holder must adhere to the NEM:WA "National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste" GN No. 1093 of 11 October 2017. In addition, "Norms and Standards for Storage of Waste" GN No. 926 of November 2013 and GN R. 149: "Waste Tyre Regulations", 2008 and any subsequent waste tyre regulations must be adhered to where applicable.
- 14.9 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).
- 14.10 The Licence Holder must ensure that a stockpile of at least 3 (three) weeks of suitable cover material is available at all times, as long as the Facility is still receiving waste for disposal.
- 14.11 The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.
- 14.12 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.

15. LEASING AND ALIENATION OF THE FACILITY

- 15.1 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.

16. TRANSFER OF LICENCE

- 16.1 Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of Section 52 of the NEM:WA, 2008.
- 16.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.

17. COMMENCEMENT

- 17.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.
- 17.2 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.
- 17.3 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.
- 17.4 This decommissioning phase must commence before 7 November 2028. 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.

17.5 If the proponent anticipates that commencement of the activity would not occur before 7 November 2028, he/ she must apply and show good cause for an extension of the commencement date in this Licence 2 (two) years prior to its expiry date.

18. GENERAL

18.1 This Licence shall not be transferable unless such transfer is subject to condition 16 above.

18.2 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.

18.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.

18.4 This Licence is valid until 7 November 2033. The licence may be reviewed every 3 (three) years after commencement. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.

18.5 Should the Licence Holder want to conduct the waste management activity beyond 7 November 2033, the Licence Holder must apply for a review 1 (one) year before the expiry date.

18.6 Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM:WA, 2008.

18.7 In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the NWA, 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 environmental acceptable manner.

18.8 The Licence Holder must submit an Organic Waste Diversion Plan to the Director on an annual basis.

18.9 The information within the Organic Waste Diversion Plan must:

18.9.1 provide a status quo of current organic waste sources and volumes disposed of, and current rates and procedures of organic waste diversion from the Facility; and

18.9.2 set annual targets and identify procedures from 2018 that will be implemented to meet these targets for the diversion of organic waste from municipal WDFs, in order to reach a 50% diversion by the year 2022 and 100% diversion by the year 2027.

D. APPEAL OF LICENCE

- 1.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
 - 1.2 An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
 - 1.2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2.2 submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
 - 1.3 An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
 - 1.3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 1.3.2 submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
 - 1.4 The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
2. This appeal and 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 J. de Villiers
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

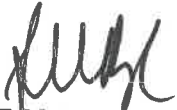
A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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,



LANCE MCBAIN-CHARLES

ACTING DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 2019/5/7

Cc: (1) Mr Malise Noe (DWS: Resource Protection and Waste)
(2) Ms Wilna Moolman (DWS: Resource Protection and Waste)

Email: NoeM@dws.gov.za

Email: MoolmanW@dws.gov.za

ANNEXURE I

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. REASONS FOR THE DECISION (APPEALABLE)

1. The Department received a non-substantive variation application on 1 April 2019 to apply for a postponement of the commencement date to a maximum of 10 years, citing that due to other waste management activities and the current activities requiring funding, the rehabilitation of the Koeknaap Waste Disposal Facility cannot commence before the required commencement date. Budget allocations is to be spread over the upcoming financial years in order to rehabilitate various waste disposal facilities throughout Matzikama. The remaining months before the original commencement period (i.e. 7 November 2019) was therefore insufficient for the activity to commence on time. The Department has extended the commencement date of this WML to 7 November 2028 (9 year extension).
2. Additionally, the Department conducted a review of this WML as per section 53(1) of the NEM:WA, as amended, 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". 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)
(d) to make a non-substantive amendment".
3. The review and subsequent non-substantive amendments were conducted in order to align the Koeknaap WDF WML conditions with current waste legislation and replace the existing licence (Ref: 19/2/5/1/F3/10/WL0023/14), issued by the Department and issue this Licence.

B. REASONS FOR THE ORIGINAL DECISION (NOT APPEALABLE)

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

- (a) The information contained in the Application Form for a Waste Management Licence dated 9 January 2014;
- (b) The BAR dated 1 April 2014, compiled by AECOM (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) Relevant information contained in the Departmental information base; and
- (e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.

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

Environment

The Facility is being used for the disposal of general waste, including domestic, garden and building waste. The Facility is fenced but access control is not implemented. The surrounding land-uses in the area predominantly consists of agricultural and residential activities.

Deviation

The applicant requested deviation from Regulation 54(2) (a) to (d) of GN No. R. 543 of 18 June 2010 and is granted permission for such deviation from the site alternatives, as the facility is already an existing waste disposal facility requirement to fix notice boards, give written notices and place advertisements contemplated under the relevant paragraphs, site notice will be placed on alternatives.

ALTERNATIVES

The following alternatives were considered:-

Site Alternatives

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

Activity Alternatives

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

Design Alternatives

The project will entail the closure and rehabilitation of an existing waste disposal facility, which will entail:

- (a) Gathering all the waste to form a dome shape. Determine the depth of waste on the Site. If the volume allows it, gather the waste together in order to cap a smaller portion of the Waste Disposal Facility. Create a dome shape with the waste with a flat surface, and 1:3 slopes;
- (b) Compact and cover the waste body with soil; and
- (c) Placing a clay layer or Geosynthetic Clay Layer and topsoil on top of the cover and grass it with the hydroseed mix prescribed in the EMP on page 37 (Table 8: Engineering specifications – Closure Design).

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following:-

- (f) 40-day I&AP Registration and public review and comment period on draft BAR (17 February 2014 to 28 March 2014);
- (g) Engagements were held with several stakeholders between 20 February 2014 and 7 March 2014.
- (h) Advertisements were placed in the "Cape Argus" on 24 January 2014, in "Die Burger" on 24 January 2014 and "Standard" on 6 March 2014;

- (i) Fixing of notice board at the Koekenaap Waste Disposal Facility and at the Helpmekaar Handelaars on 22 January 2014;
- (j) Notification sent to registered I&AP's via sms and email on 17 February 2014 and copy made available at the Helpmekaar Handelaars of final BAR from 1 April 2014 for review for 21 days;
- (k) Submission of the final BAR to the Department on 1 April 2014; and

Authorities Consultation:-

- (a) Cape Nature; and
- (b) Department of Water and Sanitation (DWS), Western Cape Provincial Operations.

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 DWS have been included in the Waste Management Licence.

END
