



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT

REPUBLIC OF SOUTH AFRICA

Enquiries: Ms. Lerato Lukhele
Office of the Head of Department: GDARD
Tel: +27 (0)11 240 2679
Email: Lerato.Lukhele@gauteng.gov.za
Reference Number: Gaut 002/11-12/W0002

Mr Willie Strydom
SUMMER SYMPHONY PROPERTIES 264
P.O. Box 15
OLIFANTSFONTEIN
1665
Email: willie@summersymphony.co.za

Dear Sir,

RENEWAL OF A WASTE MANAGEMENT LICENCE FOR THE OLIFANTSFONTEIN GENERAL LANDFILL SITE ON PORTION 41 AND A PORTION OF PORTION 179 OF THE FARM OLIFANTSFONTEIN 410 JR, CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

The above-mentioned Waste Management Licence (WML) issued by the Department on 09 October 2019 in terms of the National Environmental Management: Waste Act, 2008, (Act No. 59 of 2008) refers.

Summer Symphony Properties 264 submitted a query via email on 17 October 2019 requesting amendments and clarification of errors in conditions 3.1(c), 3.12 (a) and 3.12 (b) contained in the Waste Management Licence (WML). Upon review of the Waste Management Licence it was determined that conditions 3.3.4(a), 3.3.6(a), Annexure V Conditions 3(c), 3(d), 3(g) and 4(c) referred to "inert waste" being the type of waste to be accepted for disposal on site instead of "building and demolition waste". Moreover, that the inert waste will require classification prior disposal on site.

Please be advised that the Department has, under the powers vested in it by Sections 54(1)(d) & (e) and 55 of the National Environmental Management: Waste Act, Act No. 59 of 2008 decided to renew and vary the Waste Management Licence issued on 09 October 2019, to Summer Symphony Properties 264 (reference number Gaut 002/11-12/W0002) and issue a new Waste Management Licence.

The addendum reflecting the reasons for the decision are attached hereto.

You are instructed in terms of Regulation 4 (2) of the EIA Regulations, 2014 (as amended), to notify all registered interested and affected parties, in writing and within **fourteen (14) days** of the date of this letter, of the Department's decision to review the waste management licence as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 which regulates the appeal process. Should you wish to appeal any aspect of the decision, you must within **twenty (20) days** of the date of notification of the decision submit your appeal including supporting documents to the appeal administrator by any of the following means:

Postal Address:

The Appeals Administrator
Department of Agriculture and Rural Development

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PO Box 8769
JOHANNESBURG,
2000

Physical Address:

The Appeals Administrator
Department of Agriculture and Rural Development
56 Eloff Street
Umnotho House, 23rd Floor
Marshalltown
JOHANNESBURG
2000

Fax No: 011 240 3158/2700

Email Address: appeals@gauteng.gov.za

Your appeal must be submitted in the prescribed appeal form obtainable from the appeal administrator Ms Tsholofelo Mere at telephone number 011 240 3204 or email address Tsholofelo.mere@gauteng.gov.za. The appeal form is also available from our website: www.gdard.gpg.gov.za. Should you have queries or require additional information regarding the appeal process, you can contact the appeal administrator on any of the mentioned contact details.

Kind regards,

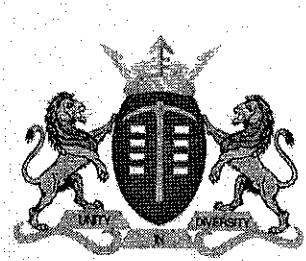
Paula
Ms. M. Gasela

HEAD OF DEPARTMENT: AGRICULTURE AND RURAL DEVELOPMENT

Date: *03 December 2019*

CC: Ecopartners (Pty) Ltd	Attn: Mr. J. Cornelius Tel: 011 431 2251 Email: ecopartners@ecopartners.co.za
GDARD: Compliance Monitoring	Attn: Ms L. Mkhungo Fax: 086 420 2110 Email: Lungile.Mkhungo@gauteng.gov.za
GDARD: Pollution and Waste Management	Attn: Ms N. Rammbasa Tel: 011 240 2682 Fax: 086 632 2017 Email: Nkhumeleni.Rammbasa@gauteng.gov.za

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Waste Management Licence

Licence register number: Gaut: 002/11-12/W0002

Last amended: 16 September 2015

Waste Management Facility: Olifantsfontein Landfill Site

Class: G:L:B- (Class D)

Holder of Licence: Summer Symphony Properties 264

Location of activity: Portion 41 and a Portion of Portion 179 of the Farm Olifantsfontein 410 JR, Olifantsfontein, Ekurhuleni Metropolitan Municipality

Coordinates:

Latitude (S)	Longitude (E)
Point S -25:58:04, 2865 S	28:11:11,6865 E
Point R -25:58:11, 7813 S	28:11:49,3469 E
Point v -25:58:15, 7812 S	28:11:49,2393 E
Point W -25:58:18, 4216 S	28:11:48,7321 E
Point X -25:58:22, 4813 S	28:11:47,5183 E
Point Y -25:58:04, 2865 S	28:11:11,6865 E
Point Z -25:58:28, 0797 S	28:11:44,9736 E
Point AI -25:58:24, 1952 S	28:11:21,1047 E
Point EI -25:58:14, 5998 S	28:11:23,0164 E
Point T -25:58:12, 4322 S	28:11:09,7009 E

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Definitions

"activity" means an activity identified –

- (a) in Government Notice No. 921 as a listed activity; or
- (b) in any other notice published by the Minister or MEC in terms of section 24D of the Act as a listed activity or specified activity;

"alternatives", in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the –

- (a) property on which or location where the activity is proposed to be undertaken;
- (b) type of activity to be undertaken;
- (c) design or layout of the activity;
- (d) technology to be used in the activity; or
- (e) operational aspects of the activity;

and includes the option of not implementing the activity;

"applicant" means a person who has submitted or intends to submit an application;

"application" means an application for an –

- (a) environmental authorisation in terms of Chapter 4 of government notice No. R982 of 2014;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of government notice No. R982 of 2014;
- (c) amendment to an EMPr in terms of Chapter 5 of government notice No. R982 of 2014; or
- (d) amendment of a closure plan in terms of Chapter 5 of government notice No. R982 of 2014;

"basic assessment report" means a report contemplated in regulation 19 of government notice No. R982 of 2014;

"EAP" means an environmental assessment practitioner as defined in section 1 of the Act;

"EMPr" means an environmental management programme contemplated in regulations 19 and 23 of government notice No. R982 of 2014;

"environmental audit report" means a report contemplated in regulation 34 of government notice No. R982 of 2014;

"public participation process" means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters;

"the Act" means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (as amended).

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1. Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this waste management licence, the applicant should be licenced to undertake the **activities** specified below.

Details regarding the basis on which the Department reached this decision are set out in **Annexure V**.

2. Activities licenced

By virtue of the powers conferred on it by the National Environmental Management; Waste Act, 2008 (Act No. 59 of 2008) the Department hereby licences –

Summer Symphony Properties 264

with the following contact details –

Mr. Willie Strydom
P.O. Box 15
Olifantsfontein
1665

Tel: 011 314 5489
Cell: 083 659 4400
Email: willie@summersymphony.co.za

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to undertake the following activity (hereafter referred to as "the activity")

The proposed Olifantsfontein general landfill site on Portion 41 and a portion of Portion 179 of the Farm Olifantsfontein 410 JR, Olifantsfontein, which falls within the jurisdiction of the City of Ekurhuleni Metropolitan Municipality, hereafter referred to as ("the site"), a listed activity in terms of Government Notice R 921, 29 November 2013, as amended,

Listed Activities as follows:

Category A

Listed Activity No. 3: "*The recycling of general waste at a facility that has an operational area in excess of 500m², excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises*".

Listed Activity No. 12: "*The construction of a facility for a waste management activity listed in Category A of this Schedule (not in isolation to associated waste management activity)*".

Category B

Listed Activity No. 9: "*The disposal of inert waste to land in excess of 25 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation*".

Listed Activity No. 10: "*The construction of the facility for a waste management activity listed in Category B of this schedule (not in isolation to associated waste management activity)*".

Category A (2) and Category C Activity (1) are withdrawn as they no longer require a waste management licence.

The granting of this Waste Management Licence is subject to the conditions set out below.

Conditions

3.1 Scope of Licence

- a. This licence is for the proposed development of Olifantsfontein General waste Landfill G:L:B- (Class D) site on Portion 41 and a portion of Portion 179 of the Farm Olifantsfontein 410 JR, Olifantsfontein, Ekurhuleni Metropolitan Municipality.
- b. This Waste Management Licence replaces the Waste Management Licence issued on 09 October 2019 and conditions contained thereon.
- c. Licensing of the activity is subject to the conditions contained in this licence, which form part of the Waste Management Licence and are binding to **Summer Symphony Properties 264**.
- d. The site is hereby licenced to accept **building & demolition waste** only for disposal.
- e. The excavations will be covered with soil and compacted to a levelled flat plain.
- f. The activities licenced must only be carried out at the property indicated above.
- g. **Summer Symphony Properties 264** must register and comply with the requirements outlined in terms of the National Norms and Standards for the Storage of Waste, 2013.
- h. **Summer Symphony Properties 264** must register and comply with the requirements outlined in terms of the National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017.
- i. Recyclable waste such as steel, wood, paper, glass and plastic found in the building and demolition waste will be sorted and temporarily stored on site before removal for recycling by authorised recycling companies.
- j. The site is currently zoned for agricultural purposes; therefore, **Summer Symphony Properties 264** must lodge an application for rezoning of the site from agriculture to landfill before commencing with the activity.
- k. **Summer Symphony Properties 264** will be responsible for ensuring compliance with the conditions by any person acting on its behalf, including but not limited to, an agent, subcontractor, employee or person rendering a service to **Summer Symphony Properties 264**.
- l. Any changes to, or deviations from, the project description set out in this licence must be approved, in writing by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for **Summer Symphony Properties 264** to apply for further licence in terms of the regulations.
- m. This activity must commence within a period of **2 (two)** years from the date of issue. If commencement of the activity does not occur within that period, the licence lapses and a new application for waste management licence must be made in order for the activity to be undertaken.
- n. This licence does not absolve the **Summer Symphony Properties 264**'s responsibility from complying with any other statutory requirements that may be applicable to the undertaking of the activity.
- o. A Water Use Licence (WUL) in terms of section 21(c) of the National Water Act must be applied for as the proposed site is within 500m radius from the boundary of a wetland.
- p. All aspects related to the risk posed (by the proposed landfill site) to the water resource quality characteristics of the receiving wetlands and Kaalspruit must be addressed in the WUL application.
- q. A thorough hydrological investigation must be done by a recognised groundwater consultancy and the report must reach the Department of Water and Sanitation (DWS) within four (4) months from the date of signature of this waste management licence.
- r. **Summer Symphony Properties 264** must prepare an updated Environmental Management Programme (EMPr), which must comply with the requirements outlined in terms of Appendix 4 of the NEMA: EIA Regulations, 2014 (as amended).
- s. The EMPr to be prepared must be submitted to the Department for approval within **ninety (90) days** from the date of signature of this licence.

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3.2 Appeal of licence

- a. **Summer Symphony Properties 264** must notify every registered interested and affected party, in writing and within **fourteen (14) days**, of receiving notice of the Department's decision to licence the activity.
- b. The notification referred to in 3.2 (a) above must –
 - i. Specify the date on which the licence was issued;
 - ii. Inform the interested and affected party of the appeal procedure; and
 - iii. Advise the interested and affected party that a copy of the licence and reasons for the decision will be furnished on request.

3.3 Management of the activity

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3.3.1 General Management

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- a. The activities must be managed and operated:
 - i. According to the Minimum Requirements for Waste Disposal by Landfill (DWAF) Second Edition, 1998.
 - ii. In accordance with conditions of this licence and with any other written instruction by the Department;
 - iii. In accordance with the site operational plan; and
 - iv. By a sufficient number of persons who are competent in respect of the responsibilities to be undertaken in connection with the operations of the site activities.
- b. 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 the licence, kept at or near the place where those duties are carried out.
- c. Traffic disturbance during the landfill construction and operational process must be kept to a minimum.
- d. Mitigation measures identified in the updated EMPr must be implemented to ensure that the environment is not affected during construction, operation and closure processes. These measures include, *inter alia*, the following:
 - i. A person must be appointed to manage the landfill site during construction;
 - ii. The design drawings and specifications must be drawn up by an Engineer and approved by the relevant authority;
 - iii. Areas requiring concurrent rehabilitation must be identified and demarcated;
 - iv. Materials must be appropriately secured to ensure safe passage between destination and must have appropriate cover to prevent material spilling from the vehicle during transit;
- e. Dust suppression techniques must be implemented to minimise the occurrence of dust pollution and soil erosion from the site.
- f. Provincial noise regulations as outlined in Provincial Notice No. 5479 of 1999: Gauteng Noise Control Regulations must be complied with at all times. Noise must not constitute a nuisance to the neighbourhood during the construction and operational phases of the proposed development.
- g. Used bags must be stored in waterproof containers to prevent windblown cement dust and water contamination.
- h. A 20m buffer around the perimeter of the indigenous grassland vegetation must be implemented and no development must occur within this buffer.
- i. Should it happen that Red/Orange or Protected species are found in the development area, necessary permits must be obtained from the Department and the species must be relocated to the surrounding open grassland.
- j. The indigenous trees (including *Acacia karoo* and *Searsia* species) specifically within the northern section of the site, must be incorporated into the development.
- k. All operators of excavation equipment must be made aware of the possibility of the occurrence of sub-surface heritage features and the following procedures must be implemented should they be encountered:
 - i. All construction in the immediate vicinity (50m radius of the site) must cease;

- ii. The area in a 50m radius of the site must be cordoned off with hazard tape;
- iii. A heritage practitioner must be informed as soon as possible;
- iv. In the event of obvious human remains the South African Police Services must be notified;
- v. Public access should be limited; and
- vi. The area must be guarded to prevent unauthorised access.

3.3.2 Appointment of Waste Management Control Officer

- a. A Waste Management Control Officer (WMCO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the licence and the updated EMPr, prior to any rehabilitation and closure activities being undertaken on site.
- b. The WMCO shall be responsible for the management of operations and maintenance of the landfill site in accordance to applicable legislation and regulations.
- c. The WMCO shall be responsible for the supervision, budgeting, planning, development, constructions and operations to ensure that waste is managed in efficient, effective and environmentally sound manner.
- d. The WMCO must:
 - i. report any non-compliance with any licence conditions or requirements or provisions of NEM: WA, 2008 (Act No. 59 of 2008) to the Department within **twenty-one (21) days** of the incident; and
 - ii. monitor the construction of the infrastructure to ensure that the layout plans are in accordance to the designs and record important findings of the site inspection.
- e. The duties and responsibilities of the WMCO must not be seen as exempting **Summer Symphony Properties 264** from the legal obligations in terms of this waste management licence.
- f. Waste deposited on the site must not be allowed to burn and suitable measures must be implemented to prevent fires on site or extinguish fires which may occur.

3.3.3 Emergency Preparedness Plan

- a. **Summer Symphony Properties 264** must have in place a disaster risk management and an emergency preparedness plan which must be implemented, maintained and reviewed after each emergency, major incident and annually when conducting an audit. The plan must, among others include, a contingency response protocol that must be implemented during events or incidences such as:
 - i. Natural disasters such as floods;
 - ii. Vehicle/machinery fire or malfunction;
 - iii. Site fires; and
 - iv. Industrial action.
- b. The contingency response protocol must contain updated contact details of police, ambulance and any emergency centre closer to the site.

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3.3.4 Construction and Further Development

- a. The site or any portion thereof may only be used for the disposal of building and demolition waste, if the site or any such portion has been constructed or developed according to the conditions listed under 3.3.4 of this licence.
- b. The height of the disposal area may not rise above ground level.
- c. Construction and further development of the site must be carried out in line with the new revised design drawings; General Layout Plan – 521-2015-01, Landfill Cells Excavation Layout Plan – 521-2015-02, Landfill Cells Fill Model Layout Plan – 521-2015-03, Landfill Cells Sections – 521-2015-04, Landfill Cells Typical Liner Details – 521-2015-05 and Leachate Dam Layout and Details – 521-2015-06.
- d. Construction and further development within the site must be carried out under the supervision of a Professional Civil Engineer, Engineering Profession of South Africa Act, 1990.

- e. After construction of the site or further development within the site, **Summer Symphony Properties 264** must notify this Department thereof and the person referred to in condition 3.3.4 (c) above must submit a certificate or alternatively a letter to the Department that the construction of the site or further development within the site, as proposed by **Summer Symphony Properties 264** and approved by the Department is in accordance with recognised civil engineering practice before disposal may commence on site. If the Department is satisfied with the construction of the site or any further development within the site and has given written permission, **Summer Symphony Properties 264** may use the site or any further development within the site for the disposal of building and demolition waste.
- f. Works must be constructed and maintained on a continuous basis by **Summer Symphony Properties 264** to divert and drain from the site in a legal manner, all runoff water arising on **land adjacent to the site**, which could be expected as a result of the estimated maximum precipitation during a period of 24 hours with an average frequency of once in fifty (50) years (hereinafter referred to as the "estimated maximum precipitation"). Such works shall be under the said rainfall event, maintain a freeboard of half a metre.
- g. Works must be constructed and maintained on a continuous basis by **Summer Symphony Properties 264** to divert and drain from the **working face of the site**, all runoff water arising on the site, which could be expected as a result of the estimated maximum precipitation and to prevent such runoff water from coming into contact with leachate from the site. Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- h. Run-off referred to in condition 3.3.4 (g) above must comply with the quality requirements of the General and Special Standards, as published in Government Notice 991 of 18 May 1984, or with such quality requirements as may from time be determined by the Minister (DWA) and shall be drained from the site in a legal manner.
- i. Run-off referred to in condition 3.3.4 (g) above which does not comply with the quality requirements applicable in terms of condition 3.3.4 (i) and all sporadic leachate from the site shall, by means of works which shall be constructed and maintained on a continuous basis by **Summer Symphony Properties 264**.
 - i. be treated to comply with the aforementioned standard and discharged in a legal manner;
 - ii. with the written approval of the DWS be evaporated in lined dams with a freeboard of one meter.
- j. The site must be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- k. The site must be constructed in such a manner that little or no erosion occurs.
- l. The entire site where waste is handled, collected, stored, sorted, reclaimed and loaded must have a suitably engineered surface which is maintained and enables effective site housekeeping i.e. cleaning of surfaces and that stormwater does not create adverse environmental impacts.
- m. **Summer Symphony Properties 264** must make provision for sanitation facilities on site in line with the Occupational Health and Safety Act, 1993 (Act 85 of 1993), Part 4 of Safety General Regulations, 1996 (as amended).
- n. Construction activities must be restricted between the following hours: **07h00 to 17h00 on Weekdays, 07h00 to 13h00 on Saturdays**. No construction activities must take place on Sundays and on Public Holidays.
- o. **Summer Symphony Properties 264** must establish a weigh bridge in order to weigh the volume of waste entering the site before the operation of the site begins.
- p. Site preparation must be as minimal as possible and construction activities must be confined to the proposed site to prevent negative impact of the surrounding vegetation cover.
- q. **Summer Symphony Properties 264** must maintain a buffer zone of 400m from the **working face** around the site.

3.3.5 Access Control

- a. Weatherproof, durable and legible notices in at least three official languages applicable in the area, must be placed at the entrance of the site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and contact details of **Summer Symphony Properties 264** and the person responsible for the management of the landfill site.
- b. A minimum height of 1.8 meters fence, with gates of the same height at all entrances must be maintained to reasonably prevent unauthorised entry.

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- c. **Summer Symphony Properties 264** must take all reasonable measures to maintain roads in a condition which ensure unimpeded access to the site for vehicles transporting waste and to keep the roads free from waste.
- d. **Summer Symphony Properties 264** must ensure effective access control by placing security personnel, weighbridge controllers and waste spotters.
- e. A register must be kept for all vehicles entering the landfill site by the security personnel.
- f. No visitors may enter the operational areas of the site unless in the presence of a competent **Summer Symphony Properties 264** official.
- g. **Summer Symphony Properties 264** must ensure that no waste transport vehicle may enter the site operational areas without having been over the weighbridge. Unexpected vehicle must be directed to a waiting area before the vehicle/s proceeds to the disposal area. For any vehicle/s that turned away a log book must be kept with vehicle/s details.
- h. **Summer Symphony Properties 264** must ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- i. **Summer Symphony Properties 264** must ensure effective access control.
- j. **Summer Symphony Properties 264** must take all reasonable steps to prevent disposal of waste on a cell for which the site has not been approved.

3.3.6 Permissible Waste

- a. Any portion of the site which has been constructed or developed according to condition (3.3.4) of this licence may be used for the disposal of building and demolition waste only, (which does not contain hazardous waste or hazardous chemicals).
- b. "Inert waste" other than building and demolition waste (not containing hazardous waste or hazardous chemicals) and excavated earth material (not containing hazardous waste or hazardous chemicals) are not included in Annexure 1 of the Waste Classification and Management Regulations, 2013. Therefore, such waste will need to be **classified before it can be allowed on the site**. Such inert waste will therefore only be allowed on site **upon approval of the submitted classification to the Department for approval**. This is particularly important given that the site has a **Class D containment barrier**.
- c. **Summer Symphony Properties 264** must implement adequate procedures and measures to prevent waste listed in Annexure I from entering the site.
- d. Waste listed in Annexure I may not be disposed of at the site.

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3.3.7 Impact Management

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- a. **Summer Symphony Properties 264** must ensure that litter or mud arising from the landfill operations does not cause pollution and is cleared from affected areas outside the site regularly.
- b. **Summer Symphony Properties 264** must control wind-blown waste by picking up litter from fences and vegetation on a daily basis.
- c. **Summer Symphony Properties 264** must ensure that emissions from the landfill operations are free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Department and I&APs.
- d. **Summer Symphony Properties 264** must ensure that there is an effective storm water management around the site thereby intercepting all seepage from the site into the storm water system and no leachate must enter this system.
- e. **Summer Symphony Properties 264** must formalise reclamation of any waste by reclaimers with the potential to be reused and recycled on site.
- f. **Summer Symphony Properties 264** must ensure that there is sufficient daily cover material to isolate the waste from the environment, for which a minimum thickness equivalent to the effective covering of 150mm of compacted soil or other approved cover materials applied. Run-off water which does not comply with the DWS National Water Quality Guidelines for the natural environment must be channelled to the sewer provided written permission is granted by the relevant section of the municipality.
- g. Waste outside the site must be collected on a weekly basis to maintain level 1 of cleanliness as outlined in the Gauteng Waste Collection Standards, 2010.

3.3.8 Operation

- a. Waste disposal must be done in accordance with the site operation plan, the condition of this licence and any other written instruction by the Department.
- b. **Summer Symphony Properties 264** must ensure that records in terms of volume, source and the nature of all wastes received and transferred are maintained and reported to the Department.
- c. Waste that is not permissible must be dealt with according to the relevant legislation or the Department's policies and practices.
- d. Waste disposed on site must be compacted and covered on a daily basis with soil.
- e. The excavations must be compacted to a flat levelled plain.
- f. **Summer Symphony Properties 264** must ensure that the site is operated in such a manner that nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards are prevented.
- g. **Summer Symphony Properties 264** must ensure the health and safety of workers and employees on site, in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- h. In order to prevent nuisance, pollution and/or littering incidents, **Summer Symphony Properties 264** must ensure that all waste is compacted and covered with soil on a daily basis.
- i. **Summer Symphony Properties 264** must prioritize implementation of the waste hierarchy objectives by ensuring re-use, recovery and recycling of waste prior to disposal, provided that the environment is not impacted upon.
- j. A Sixteen Point Material Safety Data Sheets (MSDSs), as required by the Occupational Health and Safety Act, Act 85 of 1993 must be available on site for all chemicals and hazardous substances stored or used on-site.

3.4 Monitoring

3.4.1 Monitoring methods and parameters

- a. **Summer Symphony Properties 264** must carry out all tests required in terms of this licence in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 1982 (Act 30 of 1982), should testing be deemed necessary.
- b. **Summer Symphony Properties 264** must put in place a monitoring and measurement plan that must amongst others include:
 - i. Tonnage received, reclaimed and transferred;
 - ii. Sources of Builders rubble and demolition waste;
 - iii. Community complaints and compliments;
 - iv. Air quality monitoring;
 - v. Storm water and leachate monitoring; and
 - vi. Ground water quality monitoring.

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3.4.2 Water Monitoring

- a. A monitoring borehole network for the site must be established and maintained by **Summer Symphony Properties 264** according to Annexure II and III of this licence and to the satisfaction of the Department so that unobstructed sampling, as required in terms of this licence, can be undertaken.
- b. **Summer Symphony Properties 264** must ensure that monitoring boreholes must be clearly marked, numbered and equipped with lockable caps.
- c. The Department reserves the right to take water samples at any time and to analyse these samples or have them analysed. Where the Department has taken water samples, the **Summer Symphony Properties 264** must be furnished with a report detailing the results of the water sampling.

- d. Surface water monitoring must be performed in all storm water drains on and adjacent to the site at locations selected in conjunction with the Department and at such a frequency as determined by the Department.
- e. Monitoring points must not be changed prior to the written approval by the Department.
- f. If pollution occurs, a ground water remediation plan must be developed to ensure that corrective measures are implemented.
- G. During operation phase ensure that local aquifers are not recharged by the seepage emanating from the waste disposal facilities and associated effluent facilities.

3.4.3 Background monitoring

- a. Comprehensive groundwater quality analysis must be done before the site can operate and this will be used as background data to compare with groundwater chemistry.
- b. Samples from the boreholes as required in 3.4.2 (c) above, where groundwater in the borehole is at an expected higher hydraulic pressure level of the groundwater under the site, must be considered as background monitoring. Background groundwater must be conducted during each monitoring occasion in terms of conditions 3.4.4, 3.4.5, or 3.4.6 for the water quality variables listed in Annexure II or Annexure III.

3.4.4 Detection Monitoring

- a. Groundwater quality (chemistry) monitoring must be done every second month for the first year of the landfill operation, thereafter groundwater quality monitoring must be reduced to once every six months.
- b. Monitoring must be conducted in January and July of each year for the water variables listed in paragraph (a) of Annexure III and annually in July for the variables listed in paragraph (b) of Annexure III.

3.4.5 Investigative Monitoring

If, in the opinion of the Department or DWS, a water quality variable listed under the detection monitoring programme, as referred to in condition 3.4.4 above, shows an increasing trend, **Summer Symphony Properties 264** must initiate a monthly monitoring programme for the water quality variables listed in Annexure II.

3.4.6 Post-closure monitoring

Groundwater monitoring by **Summer Symphony Properties 264**, in accordance with condition 3.3.4 or 3.4.5 above, must commence immediately upon closure of the site and be maintained for a period of **thirty (30) years**, or such lesser period as may be determined by the Department or DWS.

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3.4.7 Investigations

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- a. If, in the opinion of the Department or DWS, environmental pollution, nuisances or health risks may be or is occurring on the site, **Summer Symphony Properties 264** must initiate an investigation into the cause of the problem or suspected problem.
- b. Investigations carried out in terms of conditions 3.4.7 (a) above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Department.
- c. Should the investigation carried out as per conditions 3.4.7 (a) above reveal any unacceptable levels of pollution, **Summer Symphony Properties 264** must submit mitigation measures to the satisfaction of the Department.

3.4.8 Further investigations

If, in the opinion of the Department and/ or DWS, groundwater and surface water pollution have occurred or may possibly occur, **Summer Symphony Properties 264** must conduct and/or appoint specialists to conduct the necessary investigations and implement additional monitoring and rehabilitation measures to the satisfaction of the Department or DWS.

3.4.9 Methods of Analysis

- a. **Summer Symphony Properties 264** must 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, 1982 (Act 30 of 1982), to analyse the samples taken under the monitoring programmes specified in condition 3.4.
- b. **Summer Symphony Properties 264** must only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to this Department and/or DWS.

3.5 Auditing

3.5.1 Internal Audits

- a. Internal audits must be conducted bi-annually (wet and dry season) by **Summer Symphony Properties 264** 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 3.5.2 (a) below.

3.5.2 External Audits

- a. **Summer Symphony Properties 264** must appoint an independent external auditor to audit the site annually and this auditor must compile an audit report documenting the findings of his/her audit, which must be submitted to this Department according to condition 3.5.2 (b).
- b. The audit report must -
 - i. Specifically, state whether conditions of this licence are adhered to.
 - ii. Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment.
 - iii. Specify target dates for the implementation of the recommendations by **Summer Symphony Properties 264** to achieve compliance.
 - iv. Contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations by **Summer Symphony Properties 264** and whether corrective action taken for the previous audit non-conformities was adequate.
 - v. Show monitoring results graphically and conduct trend analysis.
- c. Each external audit report referred to in condition 3.5.2 (a) above must be presented to the monitoring committee within **sixty (60) days** of the audit and further submitted together with meeting minutes to the Department within **thirty (30) days** from the date of the meeting.

3.5.3 Departmental audits and inspections

- a. The Department reserves the right to audit and/ or inspect the site at any time and at such frequency as the Department may decide, or to have the site audited and inspected.
- b. **Summer Symphony Properties 264** must make any records or documentation available to the Department upon request, as well as any other information the Department may require.
- c. The findings of these audits or inspections must be made available to **Summer Symphony Properties 264** within **thirty (30) days** of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

3.6 Records

- a. **Summer Symphony Properties 264** must keep records; update all the information and submit the updated information to the Department upon request.
- b. **Summer Symphony Properties 264** must ensure that records in terms of volume, source and the nature of all wastes received and disposed are maintained.
- c. **Summer Symphony Properties 264** must ensure that records in terms of volume and the nature of all wastes reclaimed are maintained and reported on.

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- d. All records required or resulting from activities required by this waste management licence must:
 - i. be legible;
 - ii. be made as soon as reasonably practicable and must form part of the external audit report;
 - iii. if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable; and
 - iv. be retained in accordance with a documented procedure which is approved by the Department.
- e. **Summer Symphony Properties 264** must record all borehole data and chemical analysis.
- f. Records demonstrating compliance must be maintained and made available to the Department upon request.

3.7 Reporting

- a. **Summer Symphony Properties 264** must register and report quantities on a quarterly basis of waste that has been disposed on site on the GWIS in terms of the Gauteng Waste Information Regulations, 2004 (GWIR) by login on to www.gwis.gpg.gov.za.
- b. **Summer Symphony Properties 264** must, within **twenty-four (24) hours**, notify the Department of the occurrence or detection of any incident on the site which has the potential to cause, or has caused water pollution.
- c. **Summer Symphony Properties 264** must within **fourteen (14) days**, or a shorter period of time, from the occurrence or detection of any incident referred to in condition 3.7 (b), submit an action plan, which must include a detailed time schedule to the satisfaction of the Department and/or DWS of measures taken to –
 - i. Correct the impact resulting from the incident;
 - ii. Prevent the incident from causing any further impact; and
 - iii. Prevent a recurrence of a similar incident.
- d. In the event that measures have not been implemented within **twenty-one (21) days** of the incident to address impacts caused by the incident referred to in condition 3.6 (b), or measures which have been implemented are inadequate, the Department may implement the necessary measures at the cost and risk of **Summer Symphony Properties 264**.
- e. **Summer Symphony Properties 264** must keep an incident report and complaints register, which must be made available to both external and Department for the purpose of their audits.
- f. The Department must be notified without delay in the case of the following:
 - i. any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - ii. the breach of this licence; and
 - iii. any significant adverse environmental and health effects.
- g. **Summer Symphony Properties 264** must within **forty-eight (48) hours**, notify the Department of any sporadic leachate generated on account of unusual circumstances on the site.
- h. **Summer Symphony Properties 264** must notify the Department of any significant/ major environmental incidents on the site which has the potential to cause water pollution of the environment, health risk or nuisance conditions.
- i. The information required in terms of condition 3.4 and Annexure II & III must be reported to the Department in an annual report.
- j. The information must also be included into a trend report, which must contain a graphical presentation of all results obtained previously at any specific point, as well as an interpretation and discussion of the results of each monitoring occasion.
- k. **Summer Symphony Properties 264** must submit a written report to the Department regarding any deviations from plans described in this license and must obtain written permission from the Department before such deviations may be implemented.

3.8 Monitoring committee

- a. **Summer Symphony Properties 264** must identify Interested and Affected Parties and establish a functional monitoring committee for as long as landfill site exists until after at least **two (2) years** after cessation of such activities.

- b. The Monitoring Committee must formulate terms of reference and code of conduct, according to the Minimum Requirements, Second Edition, 1998 by DWAf.
- c. The Monitoring Committee must comprise of representatives of relevant Interested and Affected Persons, the communities in the vicinity and **Summer Symphony Properties 264**. The Monitoring Committee must meet at least twice a year and not later than **thirty (30) days**, in one committee meeting present the external audit report specified in condition 3.5.2 has been submitted according to condition 3.5.2 (c).
- d. **Summer Symphony Properties 264** must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within **fourteen (14) days** after the meeting.
- e. The Department must be copied on the minutes of the Monitoring Committee Meetings and such minutes must be sent within **sixty (60) days** of the committee meeting.

3.9 Decommissioning of the site

- a. **Summer Symphony Properties 264** must notify the Department within **one (1) year** prior to the intended closure of the site.
- b. Should unforeseen circumstances arise that result to an urgent closure of **Summer Symphony Properties 264**, the Department must be notified within **fourteen (14) days**.
- c. **Summer Symphony Properties 264** shall remain responsible for the site, and/or any of its impacts on the environment, after operations on the site have ceased.

3.10 Leasing and alienation of the site

- a. **Summer Symphony Properties 264** must apply for an amendment should the following changes:
 - i. trading name, registered name or registered office address;
 - ii. particulars of **Summer Symphony Properties 264** ultimate holding company (including details of an ultimate holding where **Summer Symphony Properties 264** has become a subsidiary); leasing or alienation of the site.

3.11 Transfer of licence

- a. Should **Summer Symphony Properties 264** want to transfer holder-ship of this licence; it must apply in terms of Section 52 of the NEM: WA, 2008 (Act No. 59 of 2008).
- b. Any subsequent licence holder will be bound by the conditions of this licence.
- c. The transfer of a waste management licence does not relieve the holder of the waste management licence from whom the waste management licence was transferred of any liability that the waste management licence holder may have incurred whilst he or she was the holder of that waste management licence.

3.12 Validity, Renewal and Review of the Licence

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- a. This waste management licence is valid for a period of **ten (10) years** from the date of issue and the licence renewal process must be initiated with the Department within **one (1) year** prior the expiry date.
- b. This waste management licence shall be reviewed every **five (5) years** from the date of issue or at any time before or after that date. Based on the results of the review.

3.13 General conditions

- a. A copy of this waste management licence must be kept at the property where the activity will be undertaken. The licence must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of **Summer Symphony Properties 264** who works or undertakes work at the property.
- b. **Summer Symphony Properties 264** notify the Department, in writing and within **twenty-four (24) hours**, if any of the conditions of this waste management licence cannot be adhered to. In all other cases, **Summer Symphony Properties 264** must notify the Department, in writing, within

- thirty (30) days** if a condition of this waste management licence is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- c. Non-compliance with a condition of this waste management licence may result in criminal prosecution or other actions provided for in the NEM: WA 2008 (Act No. 59 of 2008) and the Regulations.
 - d. This waste management licence shall not be construed as exempting **Summer Symphony Properties 264** from compliance with the provisions of the National and Provincial Legislation and any relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.
 - e. Transgression of any condition of this licence could result in the validity of the licence being terminated by the Department.
 - f. Any committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the **Summer Symphony Properties 264** or its successor in title in any instance where construction or operations are to be temporarily or permanently stopped for reasons of non-compliance.
 - g. In terms of section 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and section 19 and 20 of the National Water 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 **Summer Symphony Properties 264** reads through and understand the legislative requirements pertaining to the project.
 - h. It is **Summer Symphony Properties 264**'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.
 - i. This waste management licence shall not be transferable unless such transfer is subject to condition 3.11 above.

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Annexure I: Waste which may not be accepted on the site: Condition 3.3.6

- a. Any waste which is difficult to analyse and classify.
- b. Contaminated building and demolition waste.
- c. Contaminated soils emanating from decommissioning activities, spillage clean-up operations or emergency incidents which may contain hazardous substances.
- d. Domestic waste.
- e. Business waste.
- f. Waste where specific control has been established in terms of the Nuclear Energy Act, 1999 (Act 46 of 1999).
- b. Waste types controlled in terms of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and the Electricity Act, 1987 (Act 41 of 1987), unless written permission has been obtained from the Department.
- c. Waste which is defined, according to the Minimum Requirements, as an extreme hazard or Hazard Group 1 (HG1); high hazard or Hazard Group 2 (HG2); moderate hazard or Hazard Group 3 (HG3) and low hazard or Hazard Group 4 (HG4).
- d. Flammable wastes, with a closed cup flash point less than 61°C.
- e. Corrosive substances, as defined and described in the Minimum Requirements as Class 8 (1998 edition: page 6-8, Diagram III).
- f. Oxidising substances and organic peroxides, as defined and described in the Minimum Requirements as Class 5 (1998 edition: page 6-8, Diagram III).
- g. Any waste with a substance which is a Group A and/or Group B carcinogen/mutagen. Group A carcinogens/mutagens have been proven in humans, both clinical and epidemiological. Group B carcinogens/mutagens have been proven without doubt in laboratory animals.
- h. Any waste with a substance at a concentration greater than 1% where the substance is a Group C and/or Group D carcinogen/mutagen. Group C carcinogens/mutagens have shown limited evidence in animals. Group D carcinogen/mutagen - the available data is inadequate and doubtful.
- i. All materials which fall in Class 1 (explosives), Class 2 (compressed gases) and Class 7 (radioactive materials), as defined and described in the Minimum Requirements.
- j. Any waste with a pH less than 6 or greater than 12.
- k. Any waste which is difficult to analyse and classify.
- l. Any complexes of heavy metal cations, paint and paint sludges, or laboratory chemicals.
- m. Organic or inorganic element or compound which may have a definite acute or chronic negative effect on human health and/or the environment, due to its toxic, physical, chemical or persistent characteristics.
- n. Any medical waste.
- o. Pharmaceutical products registered in terms of the medicines and Related Substances Control Act, 1965 (Act 101 of 1965).

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Annexure II: Water Quality variables required for Background Monitoring and Investigative Monitoring

Alkalinity (P.Alk)	Free & saline ammonia as N (NH4-N)
Calcium (Ca)	Boron (B)
Chromium (hexavalent) (Cr ⁶⁺)	Magnesium (Mg)
Chromium (Total) (Cr)	Cadmium (Cd)
Chemical oxygen demand (COD)	Chloride (Cl)
Cyanide (CN)	Total dissolved solids (TDS)
Mercury (Hg)	pH
Lead (Pb)	Sodium (Na)
Nitrate (as N) (NO ₃ N)	Electrical conductivity (EC)
Phenolic compounds (Phen)	Sulphate (SO ₄)
Potassium (K)	

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Annexure III: Water Quality variables required for Detection Monitoring

- (a) Alkalinity (P.Alk)
Chemical oxygen demand (COD)
pH
Total dissolved solids (TDS)
Chlorides (Cl)
Nitrate (NO₃-N)
Potassium (K)

- (b) Annually for
Electrical conductivity (EC)
Calcium (Ca)
Magnesium (Mg)
Sodium (Na)
Sulphate (SO₄)
Fluoride (F).

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Annexure IV: Acronyms used in water use and waste licence considerations

CCL – Compacted Clay Liner

GCL – Geosynthetic Clay Liner

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Annexure V: Reasons for Decision

1. Background

The applicant, Summer Symphony Properties 264 applied for the renewal of a Waste Management licence to carry on the following activity –

The proposed Olifantsfontein general landfill site on Portion 41 and Portion of Portion 179 of the Farm Olifantsfontein 410 JR, which falls within the jurisdiction of the City of Ekurhuleni Metropolitan Municipality.

The applicant appointed Ecopartners Pty Ltd to conduct a public participation process which involved the placing of on-site notices, newspaper notice, contacting and informing neighbours by providing them with Interested and Affected Parties comment forms.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration:

- a.
- b. Final Waste Impact Report which was received by the Department on 22 October 2019.
- c. A query submitted by Summer Symphony Properties 264 via email on 17 October 2019 requesting amendments on the conditions of the Waste Management Licence that had errors.
- d. Renewed Waste Management Licence to Summer Symphony Properties 264 on 09 October 2019.
- e. The findings of the site visit conducted by Ms. Precious Mafune (GDARD), Ms Charlaine Baartjes (EAP –Ecopartners Pty Ltd) and Mr. Willie Srydom (Summer Symphony Properties 264) on 09 September 2019.
- f. Application form for renewal dated 02 August 2019 and received by the Department on 19 August 2019.
- g. The amended application form for renewal dated and received by the Department on 28 August 2019.
- h. Waste Impact Report attached to the Application Form as Appendix D.
- i. Public Participation Report attached as Appendix E.
- j. External Audit Report dated April 2019 attached on the application form.
- k. Rezoning application progress attached on the application form.
- l. Contractor letter dated 05 April 2017 attached on the application form.
- m. Surface water & Boreholes test results dated 13 June 2017 attached on the application form.
- n. WULA submission progress feedback attached on the application form.
- o. A copy of approved new revised design drawings dated 04 January 2016 submitted as additional information on 19 September 2019.
- p. A copy of the Waste Management Licence dated 28 October 2014 attached on the application form.
- q. Addendum to Waste Management Licence dated 03 March 2015 attached on the application form.
- r. Amendment of the Waste Management Licence dated 15 September 2015 attached on the application form.
- s. The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a. The proposed site has been historically utilized for sand mining since 2004 and is highly disturbed due to past and present illegal mining operations and is not properly rehabilitated.
- b. The proposed activity will cater for building and demolition waste only and thereby assist in the reduction of illegal dumping of builder's rubble around the Tembisa and Midrand area.
- c. Summer Symphony Properties 264 clearly demonstrated that there are very few landfill sites within Gauteng which cater for the disposal of building and demolition waste.
- d. The use of excavated land for disposal of building and demolition waste will provide a service in the construction industry.
- e. Backfilling of the old excavations will reduce the danger that the excavations pose to individuals currently using the site illegally.
- f. Recycling activities will be predominantly undertaken on site, thereby promoting waste minimisation.
- g. Any disposal other than builder's rubble and demolition waste must be undertaken at the nearest licenced general waste landfill site.
- h. The property is currently not safe for construction of any kind, due to historic illegal excavations.
- i. The landfill site would also not deal with the collection or dumping of noxious or industrial waste.
- j. **"Inert waste"** will need to be **classified before it can be allowed on the site**. Such inert waste will therefore only be allowed on site **upon approval of the submitted classification to the Department for approval**. This is particularly important given that the site has a **Class D containment barrier**.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a. The proposed landfill site is being undertaken on a vacant and derelict land portion that was historically used as a river sand quarry.
- b. The site requires significant rehabilitation to improve the environmental condition and the proposed activities will reduce the safety risk to individuals due to large open holes.
- c. The proposed site is for the disposal of predominantly building and demolition waste.
- d. The proposed activity has been identified as the best alternative to enable the most comprehensive long-term rehabilitation of the site.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the waste management licence, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels.

The renewal of Waste Management Licence is accordingly granted.

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