

**REFERENCE:** 19/2/5/4/F3/11/WL00155/18

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**For attention:** Mr Henk Matthee

**VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE WEST COAST INTEGRATED WASTE MANAGEMENT FACILITY, WHICH WILL INCLUDE THE DISPOSAL, STORAGE, TREATMENT, SORTING, GRINDING AND BAILING OF WASTE, PORTION 2 (A PORTION OF PORTION 1) OF THE FARM VADERLANDSCHE RIETKUIL NO. 308, VANRHYNSDORP, MATZIKAMA**

### **WASTE MANAGEMENT LICENCE**

**A.**

#### **DECISION**

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA), hereby vary and replace the existing Waste Management Licence (Licence No. E13/2/10/2-F3/11-2008/10) and issue this Waste Management Licence to the West Coast District Municipality (hereinafter referred to as 'the Municipality') for the operation of the West Coast Integrated Waste Management Facility, which will store, treat, sort, grind, bail and dispose waste on Portion 2 (a Portion of Portion 1) of the Farm Vaderlandsche Rietkuil No. 308, Vanrhynsdorp, Matzikama.

**B. DESCRIPTION OF THE ACTIVITY:**

The Waste Management Facility will be operating on a surface area of 49.2 hectares and have a lifespan of approximately 50 (fifty) years. The activities at the Waste Management Facility will entail the following:

- A waste disposal facility (WDF) with a maximum height of six metres above ground. The WDF will have total airspace of approximate 3.5 million cubic metres;
- An area of approximately 5 hectares for crushing of construction and demolition waste; and
- A waste reclamation facility of approximately 2 hectares.

Associated infrastructure, such as access roads, offices, ablution facilities and a visitor centre, will be constructed as part of the establishment of the Facility.

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*', Government Notice (GN) No. 921 of 29 November 2013 (GN No. 921), as amended, are hereby authorised:

**Category B**

- 4 (6): The treatment of general waste in excess of 100 tons per day calculated as a monthly average, using any form of treatment;
- 4 (8): The disposal of general waste to land covering an area in excess of 200m<sup>2</sup> and with a total capacity exceeding 25 000 tons;
- 4 (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; and
- 4 (10): The construction of facilities for activities listed in Category B of this Schedule (not in isolation to associated activity).

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

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

Director: Waste Management

Department of Environmental Affairs and Development Planning

Private Bag 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/F3/11/WL000155/18

**WASTE APPLICATION:** INTEGRATED WASTE MANAGEMENT FACILITY

**LOCATION:** PORTION 2 (A PORTION OF PORTION 1) OF THE FARM VADERLANDSCHE RIETKUIL NO. 308, VANRHYNSDORP, MATZIKAMA MUNICIPALITY; WESTERN CAPE PROVINCE

**LICENCE HOLDER:** WEST COAST DISTRICT MUNICIPALITY

**CONTACT PERSON:** THE MUNICIPAL MANAGER AND/ OR THE DESIGNATED WASTE MANAGER/OFFICER

**ADDRESS:** PO Box 242, MOORREESBURG, 7310

1. **LOCATION**

1.1. This Licence authorises the West Coast District Municipality to operate an Integrated Waste Management Facility on the Farm Vaderlandsche Rietkuil No. 308, Vanrhynsdorp in the Western Cape Province (hereinafter referred to as "the Facility").

1.2. The boundaries of the Facility must be according to co-ordinates indicated in the Waste Management Licence Application Additional Information Annexure, dated 29 August 2012, submitted by the Licence Holder, which are defined as follows:

**Table 1-2: Location of the Facility**

Corner Points	Latitude (S)			Longitude (E)		
1	31°	38'	38.83"	18°	37'	41.47"
2	31°	38'	57.96"	18°	37'	52.41"
3	31°	38'	01.84"	18°	37'	42.33"
4	31°	38'	52.88"	18°	37'	28.01"
5	31°	38'	51.41"	18°	37'	14.39"
6	31°	38'	34.97"	18°	37'	14.15"

1.3. The Surveyor General 21 Digit Code of the Facility is as follows: C07800000000030800002.

- 2. APPOINTMENT OF WASTE MANAGEMENT CONTROL OFFICER/ ENVIRONMENTAL CONTROL OFFICER**
  - 2.1 A Waste Management Control Officer (WMCO) or Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr), prior to any construction activities occurring on site. The WMCO/ ECO must:
    - 2.1.1 report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through means reasonably available, and
    - 2.1.2 monitor the construction activities and ensure that the construction plans are in accordance with the engineering design.
  - 2.2 The duties and responsibility of the WMCO/ ECO should not be seen as exempting the Licence holder from any other legal obligation in terms of the NEM:WA.
- 3. COMMISSIONING, DECOMMISSIONING AND CONSTRUCTION OF THE ACTIVITIES**
  - 3.1 This Licence must be made binding to the main contractor, as well as individual contractors, and should be included in tender documentation for the construction contract.
  - 3.2 The Facility construction must be carried out under the supervision of a WMCO/ ECO, who must submit a declaration to the Director upon completion that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed activities.
  - 3.3 Should any archaeological artefacts be exposed during excavation, the construction in the vicinity of the finding must be stopped. Under no circumstances shall any artefacts be destroyed. Such an archaeological site must be marked and fenced off, and South African Heritage Resource Agency must be contacted within 48 (forty-eight) hours.
  - 3.4 Construction of the Facility must be according the engineering drawings: General Layout and Layer Works A057/901, Proposed Cell Configuration A057/902 and Proposed Cell Configuration A057/903, dated February 2013 by Jan Palm Consulting Engineers (Pty) Ltd and with recognized civil engineering standards.
- 4. GENERAL MANAGEMENT**
  - 4.1 The Environmental Management Programme (EMPr) dated October 2011 and submitted as part of the final Environmental Impact Assessment (EIA) Report is hereby approved and must be implemented together with all the conditions of this Licence.
  - 4.2 The Licence Holder must notify the Director immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.

- 4.3 The Facility must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.
- 4.4 A copy of this Licence and EMPr must be kept at the Facility where the activity will be undertaken. The Licence must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Licence 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 on the environment.

## **5. PERMISSIBLE WASTE**

- 5.1 Any portion of the Facility, as demarcated in Condition 1.2, may be used for the sorting, shredding, bailing, treating and disposing of general waste. Only waste that is classified as general waste according to the NEM:WA, and any future norms and standards developed by the Department, are permitted.
- 5.2 The Licence Holder shall take all reasonable steps to ensure that:
  - 5.2.1 no hazardous waste; and
  - 5.2.2 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.
- 5.3 The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 5.4 All waste loads must be checked at the entrance to prevent the disposal of waste not permitted by this Licence.
- 5.5 If more than 80 m<sup>3</sup> of hazardous waste is going to be stored at the Facility, registration in terms of the relevant National Norms and Standards for the Storage of Waste (Government Notice No. 926 of 29 November 2013) must be adhered to.
- 5.6 Organic waste can 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 of the Licence.

## **6. OPERATIONAL MANAGEMENT**

- 6.1 Facility security and access control
  - 6.1.1 Weatherproof, durable and legible notices must be displayed at each entrance in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry, state the hours of operation, include the types of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.

- 6.1.2 The Facility shall be fenced to a minimum height of 1.8 (one point eight) metres, with gates of the same height at all entrances, to reasonably prevent unauthorised entry and curtail the spreading of wind-blown material.
- 6.1.3 The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.1.4 The Licence Holder shall ensure effective access control and that no illegal dumping occurs at the Facility.
- 6.1.5 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 to keep the roads free of waste.

## **6.2 Stormwater Management**

- 6.2.1 A stormwater management system must be installed to divert and drain all runoff water from the Facility that arise on land adjacent to the Facility. This stormwater system must have the capacity to maintain a freeboard of a half a metre in the event of a maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of once in fifty years.
- 6.2.2 A stormwater management system must be installed to divert and drain all runoff water from the working face of the Facility. This stormwater system must have the capacity to maintain a freeboard of a half a metre in the event of a maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of once in fifty years and must be lined to prevent pollution to groundwater.
- 6.2.3 Runoff water must comply with the quality requirements as prescribed by the Director and Director: RPW, which may be determined from time to time and shall be drained from the Facility in a legal manner.
- 6.2.4 Runoff water that does not comply with the quality requirements applicable in terms of Condition 6.2.3 and all sporadic leachate from the Facility must be contained in evaporation dams.
- 6.2.5 All areas where waste is temporary stored and handled, excluding the disposal area, must be designed and managed so that there is no escape of contaminants into the environment. All runoff, if any, must be prevented from entering local watercourses.

## **6.3 Impact management**

- 6.3.1 All waste stored must adhere to the NEM:WA National Norms and Standards for the Storage of Waste GN No. 926 of 29 November 2013.
- 6.3.2 Windblown waste must be contained on-site with moveable fences and perimeter fencing. Any windblown waste contained on any fences must be removed and disposed of daily.

- 6.3.3 Waste must be covered daily with 150 mm compacted soil and areas that will be left for a period longer than one year must be covered with 200 mm compacted soil.
- 6.3.4 A special waste cell must be constructed to handle general waste other than the domestic waste received on a daily basis. This special waste cell must also be accessible in inclement weather conditions or emergency incidents.
- 6.3.5 All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn at the Facility.
- 6.3.6 A two-way access road must be constructed with material that creates minimal dust. This access road must also be maintained to facilitate easy access to the Facility and the active cells.
- 6.3.7 The topsoil must be stockpiled separately to be used for the final capping processes.
- 6.3.8 All invasive alien vegetation must be removed annually.
- 6.3.9 Fugitive dust emission must be mitigated through wet suppression methods and earth moving operations should not happen during windy conditions.
- 6.3.10 A 200 metre buffer zone must be established around the Facility. This buffer zone must restrict any residential and light industrial development within 200 metre of the Facility. The buffer zone must be established by registering a servitude on the adjacent properties. Notice must be given to adjacent property owners that livestock will graze within the buffer zone at own risk.
- 6.3.11 A containment barrier for a Class B WDF as contemplated in Government Notice No. R. 636 in Government Gazette No. 36784 of 23 August 2013, must be installed.
- 6.3.12 The Licence Holder must ensure that the maximum height of the waste body must not exceed six metres above the immediate ground level relative to the average metres above mean sea level (mamsl).
- 6.3.13 The Licence Holder must manage landfill gas in terms of the standards as per the "Minimum Requirements for Waste Disposal by Landfill", 1998, Second Edition, Department of Water Affairs and Forestry (DWAF) (now Department of Water and Sanitation) ("Minimum Requirements"), a gas monitoring and/or extraction system must be implemented when required or indicated by the Director.
- 6.3.14 The slope of the sides of the disposal area must be constructed to form part of the 1v:3h sloped berms that is in 2 metre vertical steps and maintained in such a manner that erosion is prevented.
- 6.3.15 All sumps for water or gas monitoring on the Facility must be routinely inspected and cleaned.
- 6.3.16 The Licence Holder must assure that there shall be a 10 metre dry zone/ unsaturated zone beneath the Facility.
- 6.3.17 Spill kits, which include hydrocarbon absorbent material, must be at the Facility and staff must be trained to use these spill kits.

- 6.3.18 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 waste, obnoxious odours and noise.
- 6.3.19 Any complaint from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Department and record it in terms of Condition 12.
- 6.3.20 The skips or bins must be clearly marked to indicate the different waste types.
- 6.3.21 An area must be demarcated for fuelling and workshop services and must be bunded to contain any spillages.
- 6.3.22 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.pawc.gov.za/ipwis3/public>, as required by the Department.
- 6.2.23 Reclamation of waste may be undertaken in a designated roofed area away from the waste body, under the management of the Licence Holder, but may not take place at the working face of Facility. Informal waste reclamation on any part of the footprint area is prohibited.
- 6.2.24 All persons reclaiming waste must be wearing suitable personal protection equipment.
- 6.2.25 All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn at the Facility and the provision of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) must be complied with.

## 7. INVESTIGATIONS

- 7.1 If, in the opinion of the Director, environmental pollution, nuisances or health risks may be or are occurring at the Facility, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem. Such investigation 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 Director. Should the investigation reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## 8. MONITORING

### 8.1 Water Monitoring

8.1.1 The Licence Holder must establish a monitoring borehole network, as indicated in the Final Specialist Report: Hydrogeological and Geotechnical Impact Assessment for the West Coast District Municipality, dated August 2012 by SRK Consulting, and to the satisfaction of the Responsible Authority.

8.1.2 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 sample or have them analysed at the cost of the Licence Holder. The Licence Holder must ensure that all monitoring sites are adequately protected from vandalism and is kept at an acceptable operational condition.

8.1.3 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 frequency as determined by the Director and Director: RPW.

8.1.4 The Licence Holder must use baseline groundwater/ surface water monitoring quality data as reference for comparing any groundwater and surface water quality results with. If groundwater or surface water quality deteriorates, remediation measures should be put in place to prevent pollution of the water resources.

### 8.2 Background Monitoring

8.2.1 Samples from the upstream borehole 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.

### 8.3 Detection Monitoring

8.3.1 Monitoring for groundwater quality must be conducted quarterly (four times a year) during late summer and late winter to capture seasonal variation, or such frequency as may be determined the Director: RPW, for the water quality variables as agreed by the Director and Director: RPW.

### 8.4 Investigative Monitoring

8.4.1 If, in the opinion of the Responsible Authority, a water quality variable listed under the detection monitoring programme, as referred to in Condition 8.3.1, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme until such time that the variable is within acceptable limits.

8.5 Post-closure Monitoring

8.5.1 Groundwater monitoring by the Licence Holder, in accordance with Condition 8.3.1 or 8.4.1, shall continue upon closure of the Facility and be maintained for a period of 30 years, or such lesser period as may be determined by the Director: RPW.

8.6 Further Investigations

8.6.1 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 Director: RPW.

8.7 Windblown Waste Monitoring

8.7.1 Windblown waste must be removed from the inside and outside of the perimeter fence on a daily basis. In extreme windy conditions the frequency of removal must be increased.

8.8 Dust and Odour Emissions Monitoring

8.8.1 Dust and odour emissions must be monitored on the inside and outside of the perimeter fence on a daily basis. In extreme windy conditions the frequency of monitoring must be increased and suitable dust suppression methods must be used.

8.9 Gas Management Monitoring

8.9.1 Gas monitoring must be done as soon as waste cells are full and intermediately covered. Where methane levels exceed the relevant standard in terms of the Minimum Requirement or any other standard, more frequent monitoring must be done and /or gas extraction must be implemented. These monitoring results must be kept in terms of Condition 12.

8.10 Airspace Survey Monitoring

8.10.1 The Licence Holder must conduct an airspace determination survey every 2 (two) years and submit the Airspace Determination Report to the Director. These monitoring results must be kept in terms of Condition 12.

## **9. AUDITING**

9.1 Internal audits

9.1.1 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 9.2.1 and the Department (if requested).

9.2 External audits

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

9.2.2 The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.

9.2.3 The audit report must contain recommendations regarding non-compliance or potential non-compliance with the Licence conditions, and must specify target dates for the implementation of the recommendations by the Licence Holder.

9.2.4 The external audit report must be submitted to the Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in Condition 11 below, within 3 (three) months, from the date on which the external auditor finalised the report.

9.2.5 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.

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

## **10. DEPARTMENTAL AUDITS AND INSPECTIONS**

10.1 The Department and the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and Director: RPW may decide, or to have the Facility audited or inspected.

10.2 The Licence Holder must make any records or documentation available to the Director and Director: RPW upon request, as well as any other information the Director and Director: RPW may require.

10.3 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 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 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 authority;

11.2.3 representative(s) of the Department of Environmental Affairs and Development Planning: Directorate: Waste Management; 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 interested and affected parties of each meeting.

11.3 The Monitoring Committee must formulate a terms of reference and code of conduct, according to the Minimum Requirements and to the satisfaction of the Director, under which the Committee can operate.

11.4 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 9.2, and submitted in terms of Condition 9.2.4.

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

## **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 received and recovered for recycling purposes must be kept at the Facility and reported to the Department as per Condition 13.7.

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 any 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.

### **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 risk of the Licence Holder.

13.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.

13.5 The Department must be notified within 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 The Licence Holder must register and report to the Department's Integrated Pollutant and Waste Information System (IPWIS) URL: <http://ipwis.pgwc.gov.za/ipwis3/public>.

13.8 The Department must be notified without delay in the case of the following:

- 13.8.1 any malfunction, breakdown or 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 full or partial cessation of the operational activities for a period likely to exceed 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 Condition 13.9.2 above.

#### **14. LEASING AND ALIENATION OF THE FACILITY**

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

#### **15. TRANSFER OF THE WASTE MANAGEMENT LICENCE**

15.1 Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of Section 52 of the NEM:WA.

15.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.

#### **16. REHABILITATION AND CLOSURE OF THE FACILITY**

16.1 In accordance with Government Notice No. 921 of 29 November 2013 or any amendments thereto, a waste management licence is required for the decommissioning of the Facility. The Licence Holder must therefore submit a waste management licence application should he /she intend to decommission the Facility.

16.2 The Licence Holder must rehabilitate the Facility or any portion thereof, in accordance with a closure report and rehabilitation plan, which must be submitted to the Department for approval at least one year prior to the intended closure of the Facility, or any portion thereof.

16.3 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts on the environment, after operations on the Facility have ceased.

## **17. COMMENCEMENT**

- 17.1 The construction activities of the licensed activities 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 appeal decisions on the authorised activities, he/she may not commence with the activity 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 activity must commence by 10 March 2024. 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.
- 17.5 If the proponent anticipates that commencement of the activity would not occur by 10 March 2024, he/ she must apply and show good cause for an extension of the Licence six months prior to its expiry date.

## **18. GENERAL**

- 18.1 This Licence shall not be transferable unless such transfer is subject to Condition 15 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 Standards and Norms.
- 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 the waste disposal airspace capacity of 3.5 million cubic metres has been reached. The Licence may be reviewed at any time within the lifetime of this Licence. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof be extended.
- 18.5 Should the Licence Holder want to conduct the waste management activity beyond the airspace capacity, the Licence Holder must apply for a review of the Licence one year before the expiry date.
- 18.6 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in Section 67 (1) of the NEM:WA.

18.7 In terms of sections 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understand the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

18.8 The Licence Holder must submit an Organic Waste Diversion Plan to the Director within 90 (ninety) days after the date of issue of this Licence and annually (once a year) thereafter.

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 (once a year) targets and identify procedures from 2018 that will be implemented to meet these targets for the diversion of organic waste from municipal WDFs, 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.
- 1.5 The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning

Private Bag X9186

**CAPE TOWN**

8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

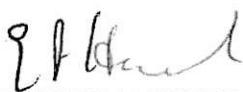
A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

**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,



EDDIE HANEKOM

**DIRECTOR: WASTE MANAGEMENT**

**DATE OF DECISION: 08-10-2018**

## **ANNEXURE I**

### **A. REASONS FOR THE DECISION (APPEALABLE)**

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

1. The Department received a non-substantive variation application on 7 September 2018 to apply for a postponement of the commencement date to 10 March 2024, citing that due to delays in the development agreements between contributing Municipalities, funding applications and service provider appointments, which could only commence during 2018, the remaining months before the original commencement period (i.e. 9 March 2019) was insufficient for applications to be completed and appointments to be made in order for the activity to commence on time.
2. In accordance with the Licence condition 18.4, the Department has also reviewed and updated the Licence.

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

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

The following information was available to the Department which was taken into account in the Department's consideration of the application:

- The information contained in the Application Form for a Waste Management Licence dated 2 February 2010, compiled by Anel Blignaut Environmental Consultants;
- The Amended Scoping Report dated 15 September 2011, compiled by Anel Blignaut Environmental Consultants;
- The Record Decision issued on 24 April 2013 by the Department of Water Affairs;
- The Amended Environmental Impact Assessment Report dated 13 November 2012, compiled by Anel Blignaut Environmental Consultants;
- Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- A site visit undertaken by this Department's Clayton Hendricks from Directorate: Waste Management and Liza Petersen from Directorate: Land Management;
- Relevant information contained in the Departmental information base; and
- 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.

### **Alternatives**

The following alternative was considered:

#### **Site Alternative A**

Portion 1, Farm no. 307, Vanrhynsdorp.

This alternative was rejected because the site was located within a Critical Biodiversity Area and it is unlikely that the alteration of the vegetation on the site would have been supported.

#### **Site Alternative B**

Portion 6, Farm no. 243, Vanrhynsdorp.

#### **Site Alternative C (Preferred Alternative)**

Portion 2 (a portion of portion 1) of the Farm Vaderlandsche Rietkuil no. 308, Vanrhynsdorp

#### **Site Alternative D**

Portion 171 of Farm no. 292, Vanrhynsdorp

Site Alternatives were comparatively assessed and Site Alternative C had the less environmental constraints and was the most preferred.

#### **No-go alternative**

This facility is going to provide all towns in the Cederberg and Matzikama Municipality with a licenced waste disposal facility, if the no-go alternative was preferred the current status quo and the continuous operation of illegal waste disposal facilities in both municipalities.

#### **Environment**

The site is currently disturbed as an area was mined for gypsum. The site has a few species of vegetation and contains low sensitive ecosystems, habitats or vegetation of environmental significance.

#### **Need and Desirability**

The Matzikama Municipal area currently has seven waste disposal sites, one licensed and six unlicensed. All six of these will have to close due poor location and/ or capacity. The Cederberg Municipality area has five waste disposal sites, one licensed and four unlicensed. All five of these will have to close due poor location and / or capacity.

## **Public Participation Process**

The Public Participation Process in terms of the 2010 NEMA EIA Regulation GN R. 543 comprised of the following:

- A Background Information Document (BID) was distributed to potential Interested and Affected Parties on 22 February 2010;
- Advertisements were placed during the Scoping Report in the "Ons Kontrei" newspaper and "Die Burger" newspaper on 26 February 2010;
- The Scoping Report was placed and the various libraries in the municipal area on 26 August 2010;
- Notification letters informing registered I & AP's of the draft EIA Report were sent out on 17 May 2012 and a notice appeared in the "Ons Kontrei" newspaper on 18 May 2012;
- Draft EIAR and final EIAR were placed in the various libraries in the municipal area, and
- Hosting of a public meeting on 14 June 2012 to present the findings of the EIAR.

## **Authorities Consultation:**

The authorities consulted include the following:

- Department of Water Affairs,
- Heritage Western Cape;
- Department of Health Western Cape;
- Department of Agriculture Western Cape;
- CapeNature; and
- Department of Transport and Public Works Western Cape.

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

END