

Appendix A Buisplaas Varied Closure Waste Management License



 **LEGACY** | ENVIRONMENTAL
MANAGEMENT
CONSULTING



Reference: 19/2/5/4/D6/29/WL0164/21

The Acting Municipal Manager
Mossel Bay Municipality
P O Box 29
MOSSSEL BAY
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For attention: Mr Dick Naidoo

VARIATION WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008) OF THE BUYSPLAAS WASTE DISPOSAL FACILITY, PORTION 1, BUFFELDRIFT NO. 191, MOSSSEL BAY

WASTE MANAGEMENT LICENCE

A. DECISION

I, Lance McBain-Charles in my capacity as the Acting Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as "the Department"), by virtue of the powers conferred in me by the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA), read with the Environmental Impact Assessment (EIA) Regulations promulgated in terms of Government Notice (GN) No. R. 982 of 4 December 2014, hereby vary and replace the existing Waste Management Licence (WML) Ref. No.:19/2/5/1/D6/29/WL0083/14, issued on 28 August 2014 to the Mossel Bay Local Municipality (hereinafter referred to as "the Municipality") for the decommissioning of the Buysplaas Waste Disposal Facility (WDF), on Portion 1 of the Farm Buffeldrift No. 191, Mossel Bay Municipality, (hereinafter referred to as "the Facility") by extending the decommissioning commencement date of this decommissioning WML. The Licence Holder must comply with conditions set out in section C below as per above-mentioned issued Waste Management Licence.

B. DESCRIPTION OF THE ACTIVITY

The activity entails the decommissioning (closure and rehabilitation) or removal of the waste as follows:

- (a) Investigating the location and extent of the WDF;
- (b) Removing the waste and disposing of it at an authorised WDF or develop capping and rehabilitation designs for the in situ WDF;
- (c) Confining and compacting the waste, shaping to design contours, final covering or capping, landscaping and re-vegetating.
- (d) Constructing stormwater diversion and erosion control measures; and
- (e) Installing any infrastructure relating to the End-use Plan.

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

Category A

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

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

Director: Waste Management

Department of Environmental Affairs and Development Planning

Private Bag X 9086

CAPE TOWN

8000

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the 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/D6/29/WL0164/21
WASTE APPLICATION: DECOMMISSIONING OF THE BUYSPLAAS WASTE DISPOSAL FACILITY
CLASS: CLASS B (G:C:B)
LOCATION: PORTION 1, BUFFELDRIFT NO. 191, MOSSEL BAY
LICENCE HOLDER: MOSSEL BAY LOCAL MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: PRIVATE BAG X29, MOSSEL BAY, 6500

1. LOCATION

- 1.1 This Licence authorises the Mossel Bay Local Municipality to decommission the Facility on Portion 1, Buffeldrift No. 191, Mossel Bay Municipality.
- 1.2 The location and extent of the Facility must be investigated, and the co-ordinates (in degrees, minutes and seconds) must be specified and submitted to the Director within one (1) year of the date that this Variation WML was issued.
- 1.3 The location of property on which Facility is situated:

Latitude	Longitude
34°07'00.56" S	21°42'44.65" E

- 1.4 The Licence Holder must determine and submit the area (m²) of the footprint of the Facility and its associated infrastructure and submit this to the to the Director within one (1) year of the date that this Variation WML was issued.
- 1.5 The Surveyor General SG 21 Digit code of the Facility is: C0510000000019100001

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

2.1 A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr) dated 1 April 2014, prior to any construction activities being undertaken on the Facility.

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 the means reasonably available; and
- 2.1.2 Monitor the closure activities and ensure that the closure plans are in accordance with the approved engineering designs.

3. MANAGEMENT

3.1 General Management

- 3.1.1 The EMPr for the closure of the facility dated 1 April 2014, submitted as part of the final Basic Assessment Report (BAR), is hereby approved and must be implemented together with all the conditions of this Licence.
- 3.1.2 An application for the amendment to the EMPr must be submitted to the Director if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Director.
- 3.1.3 The closure and rehabilitation of the Facility must be managed by a fit and proper person who is competent in respect of the responsibilities to be undertaken by them in connection with the commencement of the decommissioning activity.
- 3.1.4 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it. This must be kept at or near the place where those duties will be carried out.
- 3.1.5 A copy of this Licence and the EMPr must be kept at the Mossel Bay Municipal Offices. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein, and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.

3.1.6 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

4. CONDITION OF OPERATIONS UNTIL CLOSURE

4.1 The Facility must be managed and operated:-

4.1.1 In such a manner that no nuisance conditions such as odour or health hazards occur; and

4.1.2 So that no general waste is burned at the Facility.

4.1 The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.

4.2 Waste disposed of at the Facility must be compacted and covered on a daily basis with a minimum of 150 millimetres of soil or other material approved by the Director.

4.3 The Licence Holder must make use of moveable fences to control windblown litter.

4.4 No new waste cell may be developed, and the existing waste cells may not be expanded.

4.5 The Licence Holder must ensure the health and safety of workers and employees on the Site, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

4.6 The types of waste accepted for disposal must comply with the National Norms and Standards for the Assessment of waste for landfill disposal of 23 August 2013.

4.7 No hazardous waste can be disposed of at the Facility.

4.8 No tyres should be disposed of at the Facility.

5. DECOMMISSION PHASE

5.1 The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Licensing Authority for approval 3 (three) months prior to construction taking place as part of the decommissioning of the Facility.

5.2 Decommissioning-construction of the Facility must be considered in accordance with the proposed Closure Report for the Facility in the EMP and final BAR as prepared by AECOM dated 1 April 2014 and this Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil, 450mm of compacted clay Layer (CCL) (in 3 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding 10^{-6} cm/sec or have static infiltration less than 0,5m/year, over a compacted waste body shaped to have a slope between 1v:4h (25%) and 1v:50h (2%). An alternative to the 450mm CCL of specified performance clay is acceptable in which the 450 mm CCL is replaced with 450mm random soil compacted fill over a Geosynthetic Clay Layer (GCL).

- 5.3 Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990).
- 5.4 The waste body must be covered with the surrounding indigenous vegetation.
- 5.5 The Licence Holder must establish an alien invasive plant management programme on the Site.
- 5.6 Construct the closure of the Facility in accordance with recognised civil engineering practices, with special consideration to stability.
- 5.7 The Facility, or any portion thereof must be covered and the Facility must be maintained in such a way that:–
 - 5.7.1 The formation of pools due to rain is prevented;
 - 5.7.2 Free surface runoff of rain-water is ensured;
 - 5.7.3 Contamination of storm water is prevented;
- 5.7.4 No objects or material which may hamper the rehabilitation of the Site are present; and
- 5.7.5 Little or no erosion occurs.
- 5.8 A leachate collection system must be installed and monitored for 18 (eighteen) months; if a minimal amount of leachate is generated then the conservancy tanks might be closed permanently.
- 5.9 Sporadic leachate from the Facility may only be discharged into any convenient sewer if accepted by the authority responsible for that sewer.
- 5.10 Maintain a buffer of at least 30 (thirty) meters around all wetlands. The wetlands and their buffer zones must be mapped in the wet season to maximise accuracy.
- 5.11 Any development which occurs within the 1:100-year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of section 21 of the National Water Act, 1998 (Act No 36 of 1998).
- 5.12 Construct and maintain the riverbank retaining walls (see page 32 of EMPr) and stormwater management in such a manner that the occurrence of erosion is prevented.

6. IMPACT MANAGEMENT

6.1 Access Control

- 6.1.1 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence of 1.8m in height and a gate with the same height.
- 6.1.2 Weatherproof, durable, and legible notices must be displayed at each entrance to the Facility in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry and must contain the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 6.1.3 The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs on the Facility.

7. FACILITY MANAGEMENT AND OPERATIONS

- 7.1 The Licence Holder shall retain the responsibility for the Facility, and its monitoring after decommissioning of the Facility is according to the Minimum Requirements and any relevant Norms and Standards that may replace the Minimum Requirements and ensure that:-
 - 7.1.1 The presence of any nuisances such as flies, exposed waste, and bad odours must be monitored every 6 (six) months and monitoring results are kept in terms of Condition 14.
 - 7.1.2 Any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Department and record it in terms of Conditions 14 and 15.

8. ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 8.1 If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring on the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.
- 8.2 Should the investigation carried out as per Condition 8.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

9. WATER QUALITY MANAGEMENT

9.1 Runoff Management

9.1.1 Works constructed in compliance with Condition 5 must be of such a capacity as to maintain a freeboard of half a meter and to accommodate:-

9.1.1.1 All stormwater runoff, which could be expected as a result of the estimate maximum precipitation during a period of 24 (twenty four) hours with an average frequency of once in the fifty years; and

9.1.1.2 All expected leachate.

9.1.2 Works constructed in compliance with Condition 9.1 must, on a continuous basis, be properly maintained.

9.1.3 All runoff water (storm water) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with Condition 5.

9.1.4 runoff water must under no circumstances be used to dilute leachate emanating from the Site but must be diverted to and discharged into the nearest storm water channel.

9.2 Leachate Management

9.2.1 Sporadic leachate from the Facility must be managed by means of works which must be constructed and maintained on a continuous basis by the Licence Holder and be lined as approved by the Responsible Authority, to prevent pollution to groundwater:-

9.2.1.1 With written approval of the Licensing Authority be evaporated in lined dams as approved by the Licensing Authority; and

9.2.1.2 Be discharge into any convenient sewer if accepted by the authority responsible for that sewer.

10 MONITORING

10.1 Water Quality Monitoring

10.1.1 The Licence Holder must establish and maintain a ground water monitoring plan with at least one upstream and one downstream borehole, within 3 (three) months of obtaining this licence and submit the plan to the Director and the Regional Director for approval, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.

10.1.2 Monitoring boreholes must be equipped with lockable caps. The Director and the Director: RPW reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.

10.2 Detection monitoring

10.2.1 Monitoring for groundwater and surface water shall be conducted:-

10.2.1.1 Bi-annually for the water quality variables listed in Annexure II;

10.2.1.2 Annually for the quality variables listed in Annexure III; or

10.2.1.3 Such frequency as may be determined by the Licencing Authority.

10.3 Investigative monitoring

If, in the opinion of The Director and the Director: RPW a water quality variables listed under the detection monitoring programme, as referred to in Condition 10.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

10.4 Further investigation

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

11. ANALYSIS OF SAMPLES

11.1 Monitoring Methods and Parameters

11.1.1 The Licence Holder must carry out all tests required in terms of Condition 10.2 in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008).

11.1.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Licencing Authority, specifying that the method to be used is at least equivalent to the SABS method.

12. AUDITING

12.1 Internal audits

12.1.1 Internal audits must be conducted every 6 (six) months by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in Condition 12.2 and the internal audit report must be submitted to the Director.

12.2 External audits

12.2.1 The Licence Holder must appoint an independent external auditor after the decommissioned phase has been concluded, to audit the Facility biennially (every 2 years) and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

- 12.2.2 The audit report must:-
- 12.2.2.1 Specifically, state whether conditions of this licence are adhered to;
 - 12.2.2.2 Include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
 - 12.2.2.3 Specify target dates for the implementation of the recommendations to achieve compliance; and
 - 12.2.2.4 Specify whether corrective action which was taken for the previous audits non-conformities was adequate.
 - 12.2.2.5 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

13. DEPARTMENTAL AUDITS AND INSPECTIONS

- 13.1 The Department reserves the right to audit or inspect the Facility without prior notification at any time and frequency as may be determined by the Director.
- 13.2 The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.
- 13.3 The findings of these audits or inspections must be made available to the Licence Holder within 60 (sixty) 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).

14. RECORD KEEPING

- 14.1 All records required or resulting from activities required by this Licence must:-
- 14.1.1 Be legible;
 - 14.1.2 Be made available and should form part of the external audit report;
 - 14.1.3 If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable.
 - 14.1.4 Be retained in accordance with documented procedures which are approved by the Department; and
 - 14.1.5 Be made available to the Department upon the request of the Director.

15. REPORTING

- 15.1 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.
- 15.2 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 15.1, 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:-
- 15.2.1 Correct the impact resulting from the incident;
- 15.2.2 Prevent the incident from causing any further impact; and
- 15.2.3 Prevent a recurrence of a similar incident.
- 15.3 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 15.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and responsibility of the Licence Holder.
- 15.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 15.5 The Department must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.
- 15.6 The Department must be notified within 14 (fourteen) days of the following changes:-
- 15.6.1 Licence Holder's trading name, registered name or registered office address;
- 15.6.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
- 15.6.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering composition or arrangement with creditors.
- 15.7 All audit reports (internal and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.

15.8 The Licence Holder must register and report to the Departmental Integrated Pollutant and Waste Information System (IPWIS), which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public/>.

16. LEASING AND ALIENATION OF THE FACILITY

16.1 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.

17. TRANSFER OF LICENCE

17.1 Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA, 2008.

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

17.3 The rights granted by this Licence are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the Licence Holder may undertake the activities authorised by the Licensing Authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:-

17.3.1 The applicant must submit an originally signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including:-

17.3.1.1 Confirmation that the Licence is still in force (i.e. that the validity period has not yet expired or the listed activities were lawfully commenced with);

17.3.1.2 The contact details of the person who will be the new Licence Holder;

17.3.1.3 The reasons for the transfer; and

17.3.1.4 An originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she has the ability to implement the mitigation and management measures and comply with the stipulated conditions.

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

18. COMMENCEMENT

- 18.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.
- 18.2 Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not commence with the activities until authorised by the Director in writing.
- 18.3 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.
- 18.4 This decommissioning phase must commence by **28 August 2024**. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for Licence must be made in order for the activity to be undertaken.
- 18.5 If the proponent anticipates that commencement of the activity would not occur **28 August 2024**, he/ she must apply and show good cause for an extension of the commencement date in this Licence 6 (six) months prior to its expiry date.

19. GENERAL

- 19.1 This Licence shall not be transferable unless such transfer is subject to Condition 17 above.
- 19.2 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 19.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 19.4 This Licence is valid for a period of 10 (ten) years from the date of issue of this Variation Licence. The licence may be reviewed at any time after commencement. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 19.5 Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 19.6 Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM:WA, 2008.

19.7 In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the National Water Act (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and 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 environmental acceptable manner.

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

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

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

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@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: DEADP.Appeals@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 will not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Lance McBain-Charles Digitally signed by Lance McBain-Charles
Date: 2021.12.15 07:49:18 +02'00'

ACTING DIRECTOR: WASTE MANAGEMENT

CC: Warren Manuel (Waste Manager Mossel Bay Municipality)

E-mail: Warren.Manuel@mosselbay.gov.za

ANNEXURE I

A. REASONS FOR THE DECISION: APPEALABLE

The reasons were considered for the variation of the Licence

1. The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM: WA). NEM:WA section 54 (variation of waste management licences) 1(d) states that "A licensing authority may, by written notice to the holder of a waste management licence, vary the licence – (d) to make a non-substantive amendment".
2. This Department views the extension of the decommissioning commencement date and licence validity period as non-substantive. The exact location and extent of the waste has also not been established yet and therefore corner co-ordinates must be established prior to construction. These amendments are in accordance with the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) Environmental Impact Assessment Regulations, 2014, published in the Government Notice No. R982 on 4 December 2014 (EIA Regs), as amended, Chapter 5 "Amendment, expansion, withdrawal and auditing of compliance with the Environmental Authorisation (EA) and Environmental Programme (EMPr)." Part 1 "Amendments where no change in scope or change in ownership" where such amendment will not change the scope of a valid EA, nor change the level or nature of the impact, which nature was initially assessed and considered when the application was made for an EA.
3. This Department received an initial application for variation prior to the decommissioning commencement date of the 28 August 2019, more information was required and a re-application submitted on 17 November 2021 was considered for the approval of this variation Waste Management Licence.

B. REASONS FOR THE INITIAL DECISION: NON-APPEALABLE

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

- (a) The information contained in the Application Form for a Waste Management Licence dated 29 January 2014;
- (b) The Basic Assessment Report (BAR) dated 1 April 2014, compiled by AECOM (Pty) Ltd., including the Waste Management Licence Application Additional Information Annexure;
- (c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) A site visit undertaken by Deon Stoltz from this Department on 6 March 2014;
- (e) Relevant information contained in the Departmental information base; and
- (f) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 1998 (Act No. 107 of 1998).

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

Environment

Buysplaas Waste Disposal Facility was apparently located approximately 100m away from the Buysplaas Township and within the Mossel Bay Local Municipal area of the Western Cape. Agricultural land as well as some untransformed area can be seen immediately east of the Facility. To the south of the Facility is the Gouritz River. The river as well as the banks is considered a wetland according to SANBI Geographical Information System. Agricultural land surrounds the Facility to the west and north.

Geology

The area is comprised of alluvial fine sandy, silty and clayey soils over Quaternary sediments, largely derived from weathering of Table Mountain sandstone, Bokkeveld Group shales and Cape Granite (specifically the George Batholith). In accordance with the sourced literature (Volume 1, Geology of South Africa, Department of Geology, University of Pretoria, 1996) the geology in the area comprises of the Bokkeveld Group which overlays the Table Mountain Group. The Bokkeveld Group is in contrast with the Table Mountain Group as it consists of shale with interlayered sandstone. It contains a wide variety of invertebrate marine fossils and therefore deposited in the ocean.

Deviation

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

Basic Assessment

The applicant requested downgrading from a Scoping & EIR process to Basic Assessment process as per Regulation 20(4) of GN No. R. 543 of 18 June 2010 and had been granted permission for such downgrading to a Basic Assessment for the following reasons:

- (a) The site is an existing waste disposal facility;
- (b) The site is an historical un-licensed facility, a communal small facility and therefore thus likely to have fewer impacts than a medium or large facility; and
- (c) The disposal of mainly builders' rubble and garden waste took place. The impacts associated with the waste streams are not significant.

ALTERNATIVES

The following alternatives were considered:

Site Alternatives

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

Activity Alternatives

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

No-Go Alternatives

The no-go alternative would result in the continued operation of an unlicensed landfill facility in its current state.

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following:

- (a) 40-day I&AP Registration and public review and comment period on draft BAR (19 February 2014 to 30 March 2014);
- (b) Engagements were held with several stakeholders between 20 February 2014 and 7 March 2014;
- (c) Advertisements were placed in the "Cape Argus" on 26 January 2014, in "Die Burger" on 24 January 2014 and "Standard" on 6 March 2014;
- (d) Fixing of notice board at the Buysplaas Waste Disposal Facility and at the Herbertsdale Public Library, 8 Main Road, Herbertsdale on 17 February 2014;
- (e) Notification was sent to registered I&Ap's via sms and email on 17 February 2014 and copy made available at the Trading Post, Klipfontein Farm, Malgas of final BAR from 1 April 2014 for review for 21 days; and
- (f) Submission of the final BAR to the Department on 1 April 2014.

Authorities Consultation:

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

Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. No authorities objected to the commencement of the activity. Where possible and relevant, the conditions imposed by Cape Nature and DWA have been included in the Waste Management Licence.____

ANNEXURE II

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at bi-annual intervals for:

Alkalinity (P.Alk)

Ammonia (NH₃-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO₃-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)

ANNEXURE III

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at annual intervals for:

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO₄)

_____END_____