

Verwysing
Reference
Isalathiso

EG 12/2/1-37 ERF 464, GEORGE (4417B)

Navrae
Enquiries
Imibuzo

F. NAUDÉ

Datum
Date
Umhla

2005 -11- 28
OF ISSUE



*Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEbe leMicimbi yeNdalo esiNgqongileyo noCwanciso loPhuhliso*

The Municipal Manager
George Municipality
PO Box 19
George
6530



Attention: Mr G. Goosen

Tel : (044) 801 9111
Fax: (044) 801 9112

Dear Sir

APPLICATION: THE DISPOSAL OF WASTE AS DEFINED IN SECTION 20 OF THE ENVIRONMENT CONSERVATION ACT, ON ERF 464, GEORGE: GEORGE BUILDING RUBBLE & GREEN WASTE SITE

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed development that is sited on a portion of Erf 464 George entails the establishment of a waste disposal facility in an unused quarry/borrow pit site for the exclusive disposal and management of building rubble and green waste as well as the construction of a containment dam to capture contaminated run-off from the two respective waste areas.

This is an activity identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

Item 8 viz. The disposal of waste as defined in section 20 of the Act, excluding domestic waste, but including the establishment, expansion, upgrading or closure of facilities for all waste, ashes and building rubble.

hereinafter referred to as "the activity"

Utiliteitsgebou, Dorpsstraat 1
Privaatsak X9086 Kaapstad 8000

Utilitas Building, J. Dorp Street
Private Bag X9086 Cape Town 8000

Tel No.:
Ifowuni:
Fax/Faks No.:
Ifaksi:

(021) 483-4793

(021) 483-3633

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended), hereby grants **authorisation with conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 6.1, 8, 9, 10 and 12
3. One week's notice, in writing, must be given to this Directorate, before commencement of operation activities.
 - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 5, 7 and 11
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. This must include, but not be limited to, the following:
 - 4.1 The establishment and management of the building rubble/green waste site must be aligned with the integrated waste management plan for the George Municipality.
 - 4.2 A recovery programme for building rubble/green waste must be incorporated into the operational management of the site.
 - 4.3 Recovered building rubble must be recycled and appropriately reused in construction activities.
 - 4.4 Measures to reduce the disposal of green waste and the appropriate reuse thereof must be incorporated in the functioning of the site.

5. The waste disposal facility on the site must be exclusively utilised for the disposal and management of building rubble and clean green waste.
 - 5.1 This authorisation does not provide for the disposal or storage of any other waste type at the site and the disposal/storage of other waste types at the site must be authorised in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) or applicable legislation by this Department.
 - 5.2 Items contaminating the building and green waste (e.g. general waste), must be removed and disposed of at appropriate waste disposal facilities prior to the building rubble/ green waste being disposed of at the site.
 - 5.3 Building rubble and green waste must be separately disposed of at the site and the barrier between the two waste types maintained.
 - 5.4 The disposal of clean green waste and at the site is a temporary measure. The area designated for the disposal of green waste must only be utilised for a period of no longer than 5-years from the date of commencement of this site or to a point where 90% of the allocated air-space or volume for green waste of the site is reached, whichever is first.
 - 5.5 The applicant must monitor and keep data and records of the waste volume and/or tonnage of waste disposed of at the site. This data must be made available to this Directorate and/or the relevant authorities on request.
6. The applicant must ensure that access to the site is controlled.
 - 6.1 The perimeter of site must be clearly demarcated and fenced off.
 - 6.2 No scavenging or unauthorised persons must be allowed on the site.
 - 6.3 Incoming waste must be monitored to ensure that only inert, non-hazardous builders' rubble is disposed of at the site.
 - 6.4 No person(s) or domestic animal(s) are allowed to live or stay on the site.
7. Provision must be made for the establishment of a recovery/reclamation facility for useable builders rubble that is disposed of at the site.
 - 7.1 The building rubble recovery/reclamation facility must be established and operational within 3 years from the date of commencement of operation of the site.
8. The applicant must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the construction phase EMP.
9. The applicant must compile and submit to this Directorate an acceptable construction phase Environmental Management Plan ("EMP") for approval prior to construction commencing. The EMP must:
 - 9.1 Be submitted to this Directorate at least three weeks prior to construction activities commencing, for approval. No clearing of land prior to approval of the plan.
 - 9.2 Describe the level and type of competency required of the Environmental Control Officer (ECO).

- 9.3 Define and allocate the roles and responsibilities of the ECO referred to above, for the construction phase.
- 9.4 Determine the frequency of site visits.
- 9.5 Include a detailed site development plan, and
- 9.6 Address the construction of the following relating to the site:
 - Upgrade and maintenance of the access road;
 - Controlled access and security system;
 - Odour control;
 - Containment dam;
 - Stormwater and leachate collection and safe disposal system.
10. The applicant must compile and submit an acceptable operational phase Environmental Management Plan ("EMP"), for the entire establishment. The EMP must address, but not be limited to, the following:
 - 10.1 Provide detailed information of the operation and management of the green waste and building rubble disposal facility,
 - 10.2 Detail leachate management and control as well as appropriate contingency plans,
 - 10.3 Detail a ground- and surface-water monitoring plan. Such a plan must indicate the position and frequency of monitoring of boreholes as well as the water quality in the Gwaing River,
 - 10.4 Detail a surface water management plan,
 - 10.5 Detail dust control on the site,
 - 10.6 Address access for incoming and outgoing traffic,
 - 10.7 Address potential dumping of "general waste" at the building rubble & green waste site,
 - 10.8 Incorporate the conditions of authorisation given in this Record of Decision, as appropriate to the operational phase of the project. The operator of the facility must implement and ensure compliance with this EMP.
 - 10.9 Be included in all contract documentation for the operational phase.
 - 10.10 Include an efficient Waste Management Plan for the operational phase of the project to be designed and implemented in conjunction with the relevant authorities. Such a plan must take into account the following:
 - White Paper on Integrated Pollution and Waste Management for South Africa.
 - The National Waste Management Strategy documents.
 - Minimisation of waste including recycling and re-use of waste.
 - Possible opportunities for recycling and re-use of waste by small, medium and micro enterprises.
 - The Waste Management plan to be updated and resubmitted to this Directorate annually.

11. The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate one (1) year after construction has been completed.
 - 11.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation.
 - 11.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 11.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
12. The applicant must, within five calendar days of the date of issue of this Record of Decision:
 - Inform the relevant local authority as well as all interested and affected parties ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
 - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/other/2005/4/appealquestionnaire05.pdf> must accompany the appeal.
 - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
13. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer.

14. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:
The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447
Pretoria
0001
15. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
16. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
17. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.
18. All conditions relating to the operation of the refuse transfer station are valid for the lifetime of the transfer station.

H. RECOMMENDATIONS:

It is recommended that:

1. The applicant investigates an appropriate alternative site for the disposal of green waste from the George Municipal area.
2. George Municipality vigorously advertises the establishment of the new building rubble site and encourages the public and building contractors to make use thereof.
3. George Municipality audit all vacant land and identify areas where building rubble has been disposed of. All the unauthorised dump sites should be cleaned up and the rubble transferred to the new building rubble site.
4. The recovery/ reclamation facility is developed in such a manner to enhance local economic development.

I. KEY FACTORS AFFECTING THE DECISION:

Applicant's motivation

The applicant motivates that the current landfill site is running short of air space, thus the application for a new disposal facilities are required. It is not the intention of the George Municipality to dispose of the clean green waste component at the building rubble site or waste transfer station but to divert this waste stream for composting. The development of a composting facility will only be established once a regional composting strategy has been finalised by the Eden District Municipality. The builders' rubble cannot be transferred via the transfer station to the regional waste site that is situated at the PetroSA site, near the town of Mossel Bay, as this waste stream must be disposed of locally.

Biophysical

The applicant has reported that proposed site is an unused quarry/ borrow pit which is underlain by highly weathered granites with a high clay content. Furthermore, that these formations are considered to be of a low aquifer potential with yields and groundwater quality being poor. The activity waste will be disposed of on the disturbed ground within the quarry area. According to the consultant, Mr Andrew West, the negative impacts on the biophysical environment will be negligible.

Socio-economic

Due to the location of the proposed site, this has proven to be economically viable and will service the community of George as a whole. The proposed new building rubble site will improve the overall disposal and management of waste significantly in the area. It will also reduce the illegal dumping of waste in certain (prohibited) areas.

It is foreseen that the required waste reduction and recovery measures that form part of this record of decision will create economic opportunities with positive socio-economic prospects for the inhabitants of George.

Alternatives

Two sites were investigated, and the no-go option was not considered based on the current waste disposal situation in George and the motivation submitted by the applicant.

- Preferred site: the proposed site is regarded to be the most suitable and viable option as it has a more suitable geological structure and is situated within 1km from the current waste site and transfer station.
- The alternative site is also a quarry however regarded to be completely unsuitable due to the continued movement of water across the surface and upper layers of the underlying geology.

Public Participation

The public participation process involved the placement of an advertisement in the local newspaper, the George Herald on the 29 May 2003, inviting Interested and Affected Parties (I&AP's) to register. A 14-day comment period was allowed for I&AP's to register their concerns. On the 23 June 2003 a public meeting was held to obtain any further input. The consultant has reported that no comments were received on the establishment of the building rubble site.

The Directorate: Pollution and Waste Management provided valuable input on the Scoping Report

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals **must be directed within thirty (30) days** of the date of the issuing of this Record of Decision, to:

Provincial Minister of Environment, Planning and Economic Development
Western Cape Province
Private Bag X9086
Cape Town
8000
Fax: (021) 483-6081

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

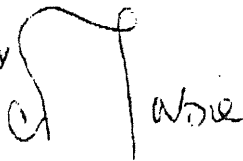
A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, email jdevill@pawc.wcape.gov.za or URL <http://www.capegateway.gov.za/other/2005/4/appealquestionnaire05.pdf> must accompany the appeal.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

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

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

Yours faithfully



CHRIS RABIE
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 28/11/2005

Copies to: (1) Andrew West (Andrew West Environmental Consultancy)
(2) Larry Eichstadt (Environment Resources Management)
(3) Directorate Integrated Environmental Management (Region A1) – George

Fax: (044) 870 8239
Fax: (021) 975 1373
Fax: (044) 874 2160