



GA Environment

DRAFT SCOPING REPORT AND A WASTE MANAGEMENT LICENCE APPLICATION PROCESS FOR
THE PROPOSED LICENSING OF THE NIEKERKSHOOP LANDFILL; SIYATHEMBA LOCAL
MUNICIPALITY, NORTHERN CAPE PROVINCE

MARCH 2016

DRAFT SCOPING REPORT (DSR)

For

**PROPOSED LICENSING OF THE NIEKERKSHOOP LANDFILL; SIYATHEMBA LOCAL MUNICIPALITY,
NORTHERN CAPE PROVINCE**

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PROJECT INFORMATION

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Competent Authority: Northern Cape Department of Nature and Conservation

Reference No.: To be added once assigned

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AFFIRMATION OF EAP

I ***Nkhensani Khandhela*** name of person representing EAP) of ***GA Environment (Pty) Ltd*** declare that the information provided is correct and relevant to the activity/ project and that, the information was made available to interested and affected parties for their comments.

SIGNATURE OF EAP

DATE

DRAFT SCOPING REPORT FOR THE PROPOSED LICENSING OF THE NIEKERKSHOOP LANDFILL

DRAFT SCOPING REPORT

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LIST OF ABBREVIATIONS / ACRONYMS

DEA	Department of Environmental Affairs
DWA	Department of Water Affairs
ECA	Environmental Conservation Act (Act 73 of 1989)
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EMPR	Environmental Management Programme Report
G	General Waste
GCB	General Communal Landfill
GSB	General Small Landfill
GMB	General Medium Landfill
GLB	General Large Landfill
IAPs	Interested and Affected Parties
IRD	Initial Rate of Deposition
IWMP	Integrated Waste Management Plan or Industry Waste Management Plan

GLOSSARY OF TERMS

This section provides a catalogue of terms and definitions, which may be used in this report and, or other future waste management plans and documents. Where more than one definition for a term exists in the literature, additional definitions have been provided for clarity:

Term	Definition	Reference
Audit	A site inspection at which the condition of the site on that day is appraised in terms of a number of predetermined criteria.	Minimum Requirements (1998)
Buffer Zones	Buffer Zones are separations between the boundaries of registered landfill sites and residential developments. They may vary between 500m and 1000m in width, depending on the classification of the landfill. No residential development may take place within a proclaimed buffer zone. At the discretion of the local authority and the state departments, however, developments such as industrial development may be permitted.	Minimum Requirements (1998)
Cell	This is the basic landfill unit of compacted solid waste which, when completed at the end of each day, is entirely contained by cover material. The sides may be typically formed by 1,5m or 2,0m high soil or rubble berms, or sloped covered waste. Cell width is determined by the manoeuvring requirements of vehicles depositing waste at the working face.	Minimum Requirements (1998)
Co-Disposal	Co-disposal (General and Hazardous waste): The mixing and joint disposal of Hazardous (H) and General (G) waste in the same landfill. The co-disposal of general waste with hazardous waste as a means of facilitating disposal on a hazardous waste landfill is acceptable, whereas the co-disposal of any significant quantity of hazardous waste with general waste on a general waste landfill is unacceptable.	Minimum Requirements (1998)

Term	Definition	Reference
Co-Disposal	Co-disposal: (Liquid with Dry waste): The mixing of high moisture content or liquid waste with dry waste. This affects the water balance and is an acceptable practice on a hazardous waste landfill site. This is only acceptable on a general waste landfill site when the liquid is not hazardous and the site is equipped with leachate management measures.	Minimum Requirements (1998)
Compliance Monitoring	Monitoring done in compliance with permit conditions.	Minimum Requirements (1998)
Cover	The material used to cover waste. Cover material is usually soil, but may comprise builders' rubble, ash or other suitable material. Daily cover is usually 150mm thick, intermediate cover is usually 300mm thick and final cover or capping usually 500mm thick. Final cover may form part of a special capping design and, as is the case with intermediate cover, must be able to support vegetation.	Minimum Requirements (1998)
Cradle-To-Cradle	A philosophy and principle of industrial ecology involving the design of systems such that materials and waste products move in a cyclical process with zero wastage.	
Cradle-To-Grave	A policy of controlling of Hazardous Waste from its inception to its ultimate disposal.	Minimum Requirements (1998)
Development Plan	A plan indicating the phasing of the development of a landfill from the landfill preparation, through the operation (which is usually divided into areal phases), to the final closure, rehabilitation and end-use. The phasing, and hence the Development Plan, forms part of the design.	Minimum Requirements (1998)
Disposal Site	A site used for the accumulation of waste with the purpose of disposing or treatment of such waste.	ECA

Term	Definition	Reference
Duty Of Care	This requires that any person who generates, transports, treats or disposes of waste must ensure that there is no unauthorised transfer or escape of waste from his control. Such a person must retain documentation describing both the waste and any related transactions. In this way, the person retains responsibility for the waste generated or handled.	Minimum Requirements
Eco-Toxicity	Eco-toxicity is the potential to harm animals, plants, ecosystems or environmental processes.	Minimum Requirements (1998)
End-Use Plan	The purpose for which the area of the rehabilitated and closed landfill is used. This may be as a park, playing fields, or other suitable land-use.	Minimum Requirements (1998)
Environment	<p>the surroundings within which humans exist and that are made up of—</p> <p>(i) the land, water and atmosphere of the earth;</p> <p>(ii) micro-organisms, plant and animal life;</p> <p>(iii) any part or combination of (i) and (ii) and the interrelationships among and between them; and</p> <p>(iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being.</p>	NEMA
Extended Producer Responsibility	<p>Means measures that extend a person’s financial or physical responsibility for a product to the post-consumer stage of the product, and includes—</p> <p>(a) waste minimisation programmes;</p>	NEMWA (2008)

Term	Definition	Reference
	<p>(b) financial arrangements for any fund that has been established to promote the reduction, re-use, recycling and recovery of waste;</p> <p>(c) awareness programmes to inform the public of the impacts of waste emanating from the product on health and the environment; and</p> <p>(d) any other measures to reduce the potential impact of the product on health and the environment.</p>	
Fatal Flaw	A factor or situation which prevents the development of an environmentally acceptable waste disposal facility, except as prohibitive cost.	Minimum Requirements (1998)
General Waste	Waste that does not pose an immediate threat to man or to the environment, i.e. household waste, builder's rubble, garden waste, dry industrial and commercial waste.	White Paper on IP&WM
General Waste	Waste that does not pose an immediate threat to man or the environment, i.e. household waste, builders' rubble, garden waste, and certain dry industrial and commercial waste. It may, however with decomposition, infiltration and percolation, produce leachate with an unacceptable pollution potential.	Minimum Requirements (1998)
General Waste	All urban waste that is produced within the jurisdiction of local authorities. It comprises rubble, garden, domestic, commercial and general industrial waste. It may also contain small quantities of hazardous substances dispersed within it such as batteries, insecticides and weed-killers discarded on domestic and commercial premises. General waste may be disposed of in a permitted landfill and may be equated to what is commonly referred to as domestic, solid waste and municipal waste, i.e. that which is normally managed by a local authority.	DWAF Waste Generation Baseline Studies

Term	Definition	Reference
General Waste	<p>Means waste that does not pose an immediate hazard or threat to health or to the environment, and includes—</p> <p>(a) domestic waste;</p> <p>(b) building and demolition waste;</p> <p>(c) business waste; and</p> <p>(d) inert waste.</p>	NEMWA (2008)
General Waste Landfill	<p>A landfill designed to accept only general waste. Depending on the Site Water Balance, it may or may not have a leachate management system.</p>	Minimum Requirements (1998)
Generator	<p>An industry or other party whose activities result in the production of waste. The responsibility for hazardous waste remains from cradle-to-grave with the generator of the waste and the generator is held liable for any damage that the waste may cause to humans or to the environment.</p>	Minimum Requirements (1998)
Guidelines	<p>While not requirements, guidelines are recommended actions, which represent good practice. They are not enforceable, but may form the basis for site specific permit conditions in which case they become mandatory.</p>	Minimum Requirements (1998)
Hazard	<p>A source of or exposure to danger.</p>	NEMA
Hazardous Waste	<p>Waste that may, by circumstances of use, quantity, concentration or inherent physical, chemical or infectious characteristics, cause ill-health or increase mortality in</p>	Minimum Requirements (1998)

Term	Definition	Reference
	humans, fauna and flora, or adversely affect the environment when improperly treated, stored, transported or disposed of.	
Hazardous Waste	Waste, other than radioactive waste, which is legally defined as hazardous in the state in which it is generated, transported or disposed of. The definition is based on the chemical reactivity or toxic, explosive, corrosive or other characteristics, which cause, or are likely to cause, danger to health or to the environment, whether alone or when in contact with other waste.	Minimum Requirements (1998)
Hazardous Waste	Waste, including radioactive waste, which is legally defined as “hazardous” in the state in which it is generated. The definition is based on the chemical reactivity or toxic, explosive, corrosive or other characteristics which cause, or are likely to cause, danger to health or to the environment, whether by itself or when in contact with other waste.	White Paper on IP&WM
Hazardous Waste	Means any waste that contains organic or inorganic elements of compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment.	NEMWA (2008)
Incineration	Incineration is both a form of treatment and a form of disposal. It is simply the controlled combustion of waste materials to a non-combustible residue or ash and exhaust gases, such as carbon dioxide and water.	Minimum Requirements (1998)
Infectious Waste	Any waste which is generated during the diagnosis, treatment or immunisation of humans or animals; in the research pertaining to this; in the manufacturing or testing of biological agents – including blood, blood products and contaminated blood products, cultures, pathological	Minimum Requirements (1998)

Term	Definition	Reference
	wastes, sharps, human and animal anatomical wastes and isolation wastes that contain or may contain infectious substances.	
Interested And Affected Parties (IAPs)	Interested and Affected Parties are those people who will be affected in some way by the Hazardous Waste disposal process. Residents or farmers, a whole residential community, or the public at large may represent them.	Minimum Requirements (1998)
Landfill (V)	To dispose of waste on land, whether by use of waste to fill in excavations or by creation of a landform above grade, where the term "fill" is used in the engineering sense.	Minimum Requirements (1998)
Landfill (N)	The waste body created by land filling. This may be above or below grade, or both.	Minimum Requirements (1998)
Leachate	An aqueous solution with a high pollution potential, arising when water is permitted to percolate through decomposing waste. It contained final and intermediate products of decomposition, various solutes and waste residues. It may also contain carcinogens and/or pathogens. Sporadic/Significant.	Minimum Requirements (1998)
Litter	Any object or matter discarded or left behind by the person in whose possession or control it was.	ECA
Medical Waste or Health Care Waste	Wastes emanating primarily from human and veterinary hospitals, clinics and surgeries, also from chemists and Sanitary Services. They may comprise, inter alia, sharps (used hypodermic needles and scalpel blades), malignant tissue, body parts, soiled bandages and liner, and spent or outdated medicines or drugs. They have the ability to affect and infect other living organics, and are considered hazardous.	Minimum Requirements (1998)
Minimum Requirement	A standard by means of which environmentally acceptable waste disposal practices can be distinguished from environmentally unacceptable waste disposal practices.	Minimum Requirements (1998)

Term	Definition	Reference
Monitoring	The process of checking for changes in status or trends over time. This may be achieved by compiling successive audit or water quality analyses results.	Minimum Requirements (1998)
Operating Plan	A site-specific document which describes the way in which the landfill is operated. The Operating Plan commences at the level and detail of daily cell construction and continues through to the development and excavation sequence, access and drainage within a given phase of the Development Plan.	Minimum Requirements (1998)
Permit	The Permit issued by the Department of Water Affairs, & Forestry for the operation or closure of a landfill, in terms of Regulation 1549, promulgated under the Environment Conservation Act (Act 73 of 1989).	Minimum Requirements (1998)
Pollution	<p>Any change in the environment caused by—</p> <p>(i) substances;</p> <p>(ii) radioactive or other waves; or</p> <p>(iii) noise, odours, dust or heat,</p> <p>emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future.</p>	NEMA
Precautionary Principle	Where a risk is unknown; the assumption of the worst-case situation and making provision for such a situation.	Minimum Requirements (1998)
Recycle	The use, re-use, or reclamation of material so that it re-enters the industrial process rather than becoming a waste.	Minimum Requirements (1998)

Term	Definition	Reference
Remediation	The rectification of problems, caused by bad practices, through the implementation of remedial measures.	Minimum Requirements (1998)
Responsible Person	The Permit Holder or his legally appointed representative who takes responsibility for ensuring that all or some of the facets of any of the following are properly directed, guided and executed, in a professionally justifiable manner: Investigatory work, design, preparation, operation, closure and monitoring.	Minimum Requirements (1998)
Standard	A criteria/measure by which the accuracy or quality of others is judged or a model for imitation, or the degree of excellence required.	Minimum Requirements (1998)
Toxic Waste	A form of hazardous waste that causes death or serious injury, such as burns, respiratory diseases, cancer or genetic mutations.	White Paper on IP&WM
Transporter	A person, organisation, industry or enterprise engaged in or offering to engage in the transportation of waste.	Minimum Requirements (1998)
Treatment	Treatment is used to remove, separate, concentrate or recover a hazardous or toxic component of a waste or to destroy or, at least, to reduce its toxicity in order to minimise its impact on the environment.	Minimum Requirements (1998)
Waste	Any matter, whether gaseous, liquid or solid or any combination thereof, which is from time to time designated by the Minister by notice in the Gazette as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity (definition of 'waste' substituted by s. 1 (h) of Act 79 of 1992).	ECA
Waste	An undesirable or superfluous by-product, emission, or residue of any process or activity which has been discarded, accumulated or been stored for the purpose of discarding or processing. It may be gaseous, liquid or solid	White Paper on IP&WM

Term	Definition	Reference
	<p>or any combination thereof and may originate from a residential, commercial or industrial area. This definition includes industrial waste water, sewage, radioactive substances, mining, metallurgical and power generation waste.</p>	
Waste	<p>Any matter, whether gaseous, liquid or solid or any combination thereof, originating from any residential, commercial or industrial area or agricultural area identified by the Minister of Environment Affairs as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity.</p>	<p>DWAF Waste Generation Baseline Studies</p>
Waste	<p>Means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—</p> <p><i>(a)</i> that is surplus, unwanted, rejected, discarded, abandoned or disposed of;</p> <p><i>(b)</i> where the generator has no further use of for the purposes of production, reprocessing or consumption;</p> <p><i>(c)</i> that must be treated or disposed of; or</p> <p><i>(d)</i> that is identified as a waste by the Minister,</p> <p>but—</p> <p><i>(i)</i> a by-product is not considered waste; and</p> <p><i>(ii)</i> any portion of waste, once re-used, recycled and recovered, ceases to be waste.</p>	<p>NEMWA (2008)</p>
Waste Body	<p>This refers to the body of waste (and cover) that is contained in the landfill. Because it is subject to decomposition, it has the potential to generate leachate and must therefore be adequately separated from the water regime.</p>	<p>Minimum Requirements (1998)</p>

Term	Definition	Reference
Waste Facility Disposal	Means any site or premise used for the accumulation of Waste with the purpose of disposing of that waste at that site or on that premise.	NEMWA (2008)
Waste Management Activity	<p>Means any activity listed in Schedule 1 or published by notice in the <i>Gazette</i> under section 19 of the NEM Waste Act, and includes—</p> <p>(a) the importation and exportation of waste;</p> <p>(b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;</p> <p>(c) the accumulation and storage of waste;</p> <p>(d) the collection and handling of waste;</p> <p>(e) the reduction, re-use, recycling and recovery of waste;</p> <p>(f) the trading in waste;</p> <p>(g) the transportation of waste;</p> <p>(h) the transfer of waste;</p> <p>(i) the treatment of waste; and</p> <p>(j) the disposal of waste.</p>	NEMWA (2008)
Waste Management License	Means a license issued in terms of section 49 of the NEM Waste Act (2008) for waste management activities listed under section 19 of the Act.	NEMWA (2008)
Waste Management Facility	All wastes or products stored on a temporary or permanent basis, that could impact on surface or groundwater quality, by leaching into or coming in contact with water, are referred to a “Waste Management Facilities”. See also the Waste Management Documents, “Minimum requirements for waste disposal sites” and “Minimum requirements for the handling and disposal of hazardous waste”.	Minimum Requirements (1998)

Term	Definition	Reference
Waste Management Services	Means waste collection, treatment, recycling and disposal services.	NEMWA (2008)
Waste Minimisation programme	Means a programme that is intended to promote the reduced generation and disposal of waste.	NEMWA (2008)
Waste Transfer Facility	Means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility.	NEMWA (2008)
Waste Treatment Facility”	Means any site that is used to accumulate waste for the Purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that Waste.	NEMWA (2008)

1 INTRODUCTION

1.1 Background

The Department of Environmental Affairs (DEA) is assisting the Siyathemba Local Municipality to licence various waste facilities within its jurisdiction. The Niekerkshoop landfill is one of the landfill sites that will require an operational licence from the Northern Cape Department of Environment, Nature and Conservation. The DEA has thus appointed GA Environment (Pty) Ltd. as independent Environmental Consultants, to undertake the Basic Assessment (BA) process as part of the Waste Management Licence Application Processes. The Siyathemba District Municipality proposes to formally license the existing Niekerkshoop landfill site for the disposal of waste from the community.

It is not exactly known when the Niekerkshoop landfill commenced with the operation. It must be noted that the landfill has been operating illegally/without a waste licence. Some of the information provided in this document is based on the information received from Siyathemba Local Municipality and other documents related to this landfill site. The Niekerkshoop landfill was designed and commissioned prior to the establishment of the Minimum Requirements for Waste Disposal by Landfill (DWAF, 1998 2nd Edition) and the promulgation of the National Environmental Management Waste Act (NEMWA hereafter), 2008 (Act No. 59 of 2008). Although the District Municipality Integrated Development Plan 2015/2016 identifies the Niekerkshoop landfill as one of the landfill that is not authorised as per the applicable legislative requirement, the IDP does not specifically stipulates the Licencing of this landfill as an action item within the next financial year. It is anticipated that the initiative by the DEA to obtain licencing of the Niekerkshoop landfill will assist the Siyathemba Municipality in accelerating the formalisation management of this landfill.

Niekerkshoop is a small town located in the Northern Cape and is about 40km north of Prieska and about 80km south of Griekwastad. The Niekerkshoop landfill is located on Erf 1, Niekerkshoop and on the Western outskirts of the Niekerkshoop town. The landfill site at Niekerkshoop is located 7 km outside town. The landfill is located in a fenced off area surrounded by pockets natural vegetation. The R386 road from Prieska to Griekwastad provide access to Niekerkshoop town. The unpaved access road from the R386 road provided direct access to the landfill site. Access can be gained from this road. The landfill site falls within the jurisdiction of the

Siyathemba Local Municipality. The site co-ordinates are 29°19'48.29"S; 22°49'41.92"E. The location of the site is indicated in **Figure 1.1**.

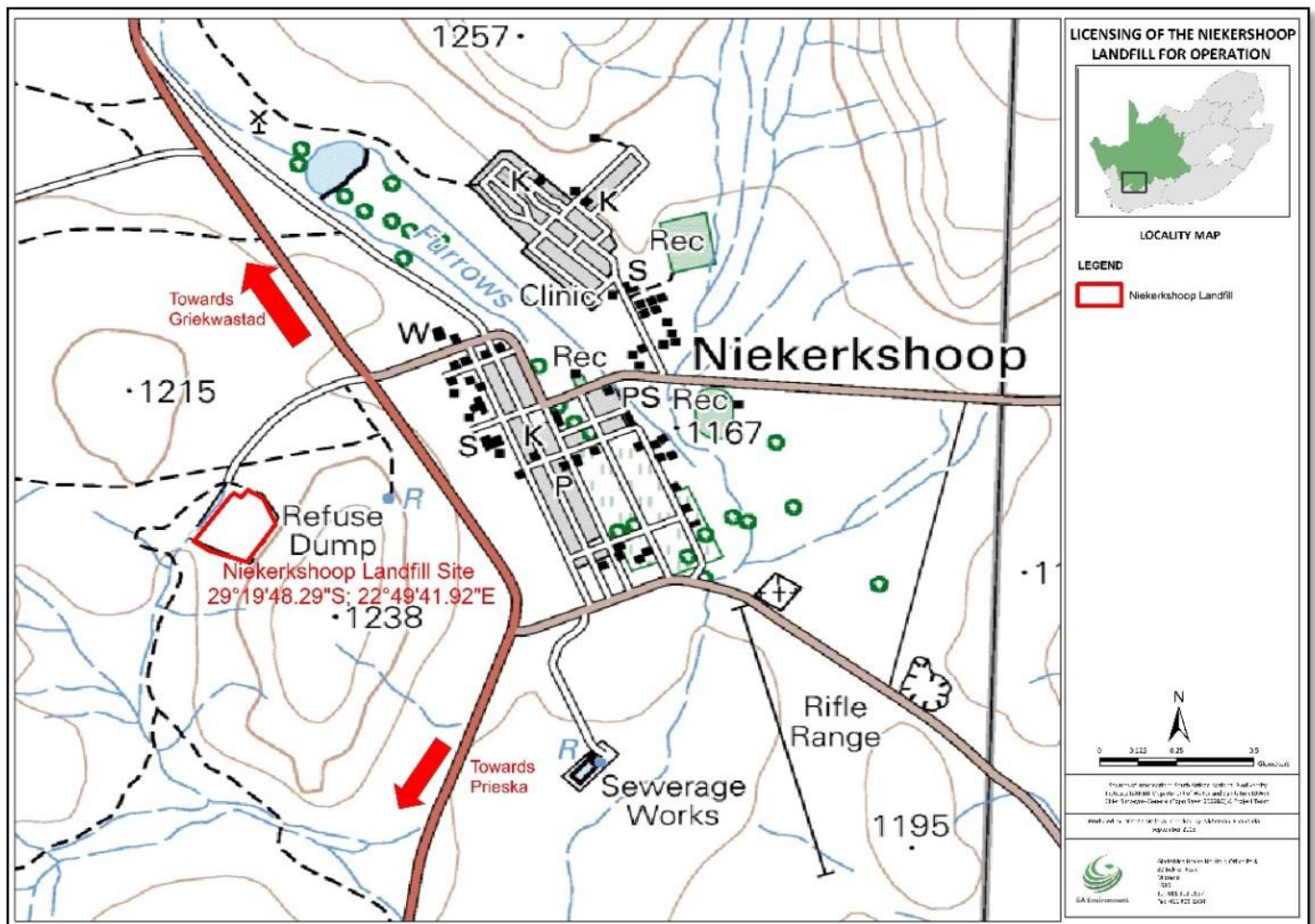


Figure 2. 1: Locality showing the location of Niekerkshoop

It must be mentioned that various Local Municipalities in the Northern Cape are faced with challenges of illegally operating their landfills effectively due to the lack of financial resources. Due to the fact that local Municipalities in the Northern Cape have encountered the financial challenges of not being able to effectively operate landfill sites, some of the waste sites, required key landfill infrastructure (boundary fencing, access gates, waste compactors and other machinery, security etc) are completely lacking and inadequate.

Although the Niekerkshoop landfill is fenced off, the boundary fence require maintenance and access to the site is not controlled. The open burning of waste in a pit forms part of the operational procedure for the site. The waste is not covered on a daily basis due to the absence of proper landfill equipment. The operation of the site is not up to an acceptable standard.

This project therefore attempts to address the back log for services delivery with regards to the general waste management in the municipality. It is anticipated that the MECs together with the local municipality will be able to source funding following the licensing of this landfill. The proposed activities associated with the licensing of the Niekerkshoop landfill will also include the upgrade of existing infrastructure (i.e. access gate, boundary fence, etc.) required for landfills as these are currently absent. It is the intention of this project to operate the site in accordance with the National Norms and Standards for Disposal of Waste to the Landfill promulgated in August, 2013.

The Niekerkshoop landfill is currently operational and receiving general waste, mainly domestic waste. The Siyathemba Local Municipality is applying for a Waste Management Licence in order to legally operate the facility, and to ensure that the site adheres to the NEM: WA, 2008 requirements and other key legislation. The Waste Management Licence will be issued by the Northern Cape Department of Environment, Nature and Conservation, and the application will be prepared by the Environmental Assessment Practitioner (GA Environment) for decision making purposes.

The Licensing of the landfill will ensure that the Siyathemba Local Municipality adheres to the requirements of the NEM:WA and that the existing landfill site that the disposal of waste is undertaken in accordance with the environmental requirements. The licensing of the landfill will ensure that the final condition of the site is environmentally acceptable and that there will be no adverse long term effects on the surrounding areas.

1.2 Solid Waste Disposal in Niekerkshoop

According to the Siyathemba Municipality IDP (2015/2016), the services which the Municipality is delivering includes, refuse removal, street cleansing, Landfill sites, transfer stations and bulk and containers. The IDP document further indicates that Siyathemba Municipality does not have a set of Bylaws which comprehensively address the Council's responsibility for the removal of refuse, management of disposal facilities, waste minimisation, illegal activities, payment of fees and penalties. There are currently no formal Municipal driven waste minimisation activities taking place in the Siyathemba Municipality. However, the Municipality is assisting one individual to recycle glass bottles from the landfills. The Municipality is also currently not offering any recycling incentives to private people or businesses.

With regard to waste removal, a regular waste removal service is provided to all the urban areas within the Municipality. The farming areas of the Siyathemba Municipality do not receive a waste removal service. The provision of such a service is at the moment not envisaged by the Municipality. The Siyathemba Municipality utilises a Black Refuse Bag System. Residents have to buy their own refuse bags. The Municipality accepts any number of bags per household, so there is no specific limit. The bags are placed on the curb outside the house

and collected from there. In some areas in Prieska, as well as in Marydale and Niekerkshoop, people put out their refuse bins from where it is emptied onto a truck.

1.3 Status Quo

The Niekerkshoop landfill is about 2,5 hectares in size and is owned and operated by the Siyathemba Local Municipality. According to DWAF Minimum Requirements for Waste Disposal by Landfill (1988), landfill sites are classified according to the type and volume (volume = maximum amount of waste handled/treated/stored per day for which the facility was designed) of waste handled/treated/stored at the specific facility per day. Unfortunately there are no site records indicating the quantities of waste that the Niekerkshoop landfill may have received over the period it was used. There are also no record available for amount of waste that is reclaimed from the site. However, based on the fact that the waste site was used solely for disposal of domestic waste from the surrounding towns and farms, it is assumed that the site can be classified as a General waste class; C = Communal size; B- = no significant leachate (GCB-) as per DWAF landfill classification criteria. The site climatic water balance classification is unknown as no calculation data is available from the Municipality. The Niekerkshoop area is a low rainfall area (it receives an average of about 152 mm per year), and high evaporation rate area and thus most likely a negative water balance. The site will most probably be classified as a non-leachate generating site.

Neither a boundary fence nor some form of demarcation exist to indicate the landfill site boundaries. There is currently no access control on site. No other infrastructure (i.e. potable water and sanitation, shelter, signage etc.), related to waste disposal was noted on site. Neither covering nor compaction of waste was observed. No reclamation of waste by local communities was noted during the site visits. Please refer to **Plates 1 and 2** below for the overview of the site.



Plate 1.1: The access gate leading to Niekerskshoop landfill, the landfill is in the background, site is fenced off. Arrow shows an equipment storage area



Plate 1.2: The interior view of the Niekerskshoop landfill, waste is currently disposed in the horizontal manner

The scope of this Basic Assessment report is limited to the operation of the Niekerskshoop landfill and will not include the other proposed waste disposal options that may be required by the Municipality.

1.4 Applicable Waste Management Listed Activities Applied For

According to the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008) as amended, the licensing of the Niekerkshoop landfill requires a Waste Management License as per the following Waste Management listed activities:

- **Category A, Activity 13:** The expansion of a waste management activity listed in Category A or B of this Schedule which does not trigger an additional waste management activity in terms of this Schedule.
- **Category B, Activity 8:** The disposal of general waste to land covering an area in excess of 200m² and with a total capacity exceeding 25 000 tons; and
- **Category B, Activity 9:** The disposal of inert waste to land covering an area 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.

In terms of the National Environmental Management Act (NEMA), the EIA Regulations of 2014, Government Notices No R 982 and 984 of 2014, the proposed licencing of the landfill site and is regarded as a listed activity and therefore requires an environmental assessment prior to authorisation. In terms of Section 24(1) of NEMA, the potential impact on the environment associated with these listed activities must be considered, investigated, assessed and reported on to the competent authority (the decision-maker) charged by NEMA with granting of the relevant environmental authorisation. The competent authority is the Northern Cape Department of Environment, Nature and Conservation (DENC hereafter).

This scoping report was conducted in accordance with Section 24 of the NEMA. The Act requires that an EIA be undertaken in order to inform the authorisation process for a listed activity. Government Notice R. 984, published in terms of Chapter 5 of NEMA, defines the manner in which the EIA is to be undertaken. Guideline documents have been published by the Department of Environmental Affairs and these provide further guidance in implementing the EIA Regulations, 2014. This guideline document will be used as reference documents for the purpose of this EIA.

The Environmental Impact Assessment Process will be guided by the regulations made in terms of Chapter 5 of the National Environmental Management Act No. 107 of 1998 (NEMA), published as Government Notice No. 982 in Government Gazette No. 38282 of 04 December 2014. The purpose of these Regulations is to regulate the procedure and criteria for the preparation, evaluation, submission, processing and consideration of, and decision on, applications for environmental authorizations.

1.5 Description of Proposed Activities

As mentioned, it is envisaged that the existing Niekerkshoop landfill footprint area will be required for the waste disposal site. A total of more than 200m² ha area will require authorisation to include the associated landfill infrastructure. The infrastructure associated with the waste disposal site will include:

- General waste cells designated for the disposal of waste;
- An adequate boundary fence;
- A lockable access gate;
- A Weight pad;
- Fire breaks;
- A waste sorting facility or area for recyclables; (if required) and
- Other infrastructure such as a guardhouse and ablution facilities (depending on the municipality budget and requirements).

Landfill associated infrastructures such as weighbridges, access roads are costly to install and expensive to maintain and it might be important to utilise the existing facilities rather than constructing new ones at the landfill site. Other requirements that have to be considered as part of the disposal facility will include facility design including site classification, site layout, access, hydrology and drainage design, containment, leachate management, leachate detection, monitoring systems and the rehabilitation plan in line with the Minimum Requirements for Waste Disposal by Landfill (DWAF, 1998). The exact design, footprint and sizes of the associated infrastructure will be confirmed during the EIA phase when the engineering design requirements are finalised. The scope of the waste disposal site, including details of all elements of the project (for the construction, operation and decommissioning phases) will be discussed in detail in the Environmental Impact Report that will be submitted during the EIA phase.

It is anticipated that the following activities must be undertaken to ensure that the continued operation of the Niekerkshoop landfill site is undertaken in an environmental sensitive manner:

- Implementation of erosion protection measures;
- Removal of illegally dumped waste and disposal at a licensed facility;
- Possible implementation of measures to restrict public access and prevent further illegal dumping;
- Control of alien vegetation; and
- Establishment of monitoring programme (to monitor erosion, subsidence, drainage, storm water management, ponding, fire and security).

Prior to the establishment of any landfill, it is required that the nature and quantities of the waste that will be deposited into the landfill be determined and the impacts that the land filling operation might have on the

receiving environment be identified and assessed. The Department of Water Affairs and Forestry (DWAF) has developed a series of guidelines that serve as standards for managing waste and sets minimum requirements that an applicant wanting to permit a landfill will have to adhere to be in compliance with prevailing legislation. The Norms and Standards for disposal of waste to landfill issued in August 2013 must also be considered during the licencing of the Niekerkshoop landfill. The Engineering specifications report and the conceptual layout of the Niekerkshoop landfill will be included in the Environmental Impact Report that will be compiled following the approval of this Scoping Report by DENC.

1.6 Scoping and EIA Requirements

The list of activities applied for in terms NEMWA Waste Management Activities have already been discussed in **Section 1.4**. These listed activities triggered by the proposed licencing of the Niekerkshoop must follow the required Environmental Impact Assessment process as described required by NEMA Regulations as set out in Government Notice Regulations 982. Based on these Regulations, a Scoping and EIA process must be followed. The application has not been registered with the relevant Competent Authority, it is anticipated that application forms will be submitted to the Competent Authority during the review of this draft scoping report as per the 2014 NEMA Regulations application procedures.

1.7 The Scoping Phase

The Scoping and EIA process must be undertaken in accordance with the 2014 EIA Regulations No. 982. The main objectives of the Scoping Phase, in terms of the regulatory requirements stipulated in *Appendix 2* of the 2014 EIA Regulations, are to:

- a) identify the relevant policies and legislation relevant to the activity;
- b) motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the preferred location;
- c) identify and confirm the preferred activity and technology alternative through an impact and risk assessment and ranking process;
- d) identify and confirm the preferred site, through a detailed site selection process, which includes an impact and risk assessment process inclusive of cumulative impacts and a ranking process of all the identified alternatives focusing on the geographical, physical, biological, social, economic, and cultural aspects of the environment;
- e) identify the key issues to be addressed in the assessment phase;
- f) agree on the level of assessment to be undertaken, including the methodology to be applied, the expertise required as well as the extent of further consultation to be undertaken to determine the impacts and risks the activity will impose on the preferred site through the life of the activity, including

the nature, significance, consequence, extent, duration and probability of the impacts to inform the location of the development footprint within the preferred site; and

- g) identify suitable measures to avoid, manage or mitigate identified impacts and to determine the extent of the residual risks that need to be managed and monitored.

1.7.1 The Scoping Report

Once the scoping process is complete, a Scoping Report must be prepared detailing the scope of the EIA required for the proposed activities. This Scoping Report has been compiled in accordance with the requirements set out in Appendix 2 of the 2014 EIA Regulations (GNR 982), which outlines the contents of a Scoping Report and provides the requirements necessary for undertaking the Public Participation Process.

1.7.1.1 Structure of the Scoping Report

This Scoping Report is divided into **8 Chapters**, the contents of which will be presented as follows in this report:

- **Chapter 1** introduces the background to the development proposal and profiles its proponents. Furthermore, this chapter provides an indication of the EIA process that will be followed as well as providing insights into the legislative requirements that have resulted in the need for this process.
- **Chapter 2** provides the legislative framework for the EIA process and the context of this development. The legislative framework includes national and provincial legislation as well as planning framework which will have to be considered in the EIA process, such as the SDF and IDP.
- **Chapter 3** is a detailed description of the adopted Scoping and Environmental Impact methodologies that will be implemented throughout the project.
- **Chapter 4** is a description of the receiving environment associated with the construction of the landfill.
- **Chapter 5** is a description and comparative assessment of the alternatives that were considered.
- **Chapter 6** details the various steps and processes that were followed in the public participation process. It also summarises key outcomes of the process.
- **Chapter 7** details the issues and potential identified, for the proposed construction of the landfill.
- **Chapter 8** provides a plan of study for the Environmental Impact Assessment.
- **Chapter 9** is the Conclusion and Recommendations, whereas **Chapter 10** is the outline of the References that were used in this report

1.7.1.2 Assumptions and Limitations

The following assumptions have been made in the undertaking of the scoping process:

- The licencing of the of the Niekershooop landfill is limited to the existing boundary of the landfill;

- The necessary guidelines and standards for waste management will be taken into account during the design of the landfill; and
- The scope of this Basic Assessment report is limited to the operation of the Niekerkshoop landfill and will not include the other proposed waste disposal options that may be required by the Municipality.

1.8 Application Details

The following section of the Scoping Report provides the particulars, including contact details, of the key stakeholders (applicant, Environmental Assessment Practitioner and the relevant, Competent Authority) associated with the project. These details are outlined in **Table 1** below.

Table 1.1: Application details

Applicant	Environmental Impact Practitioner	Competent Authority
<p>Name: Mr Johnny Roberto Morris Alexander Siyathemba Local Municipality Designation: Municipal Manager Tel: 053 353 5345 Fax: 053 353 1386 Mobile no: 0721191488 E-Mail: mayor@siyathemba.gov.za</p>	<p>Name: Ms Nkhensani Khandlhela GA Environment Designation: Principal Scientist Address: GladAfrica House, Hertford Office Park, 90 Bekker Road, Midrand, 1686 Tel: 011 312 2537 Fax: 011 805 1950 Email: nkhensanik@gaenvironment.com</p>	<p>Name: Ms Agnes Mekgwe Northern Cape Department of Environment and Nature Conservation Designation: Waste Licencing Address: Metlife Towers; Corner Nelson Mandela Drive and River Street; T-Floor; Private Bag X6102; Kimberly; 8300 Tel: Tel:054 338 4800 Fax: 054 331 1155 Email: amekgwe@ncpg.gov.za</p>

Specific details, CV's and expertise of the team of EAPs who prepared this Scoping Report are indicated and are included as **Appendix A** to this report. This Scoping Report was prepared by Ms Nkhensani Khandlhela. **Ms. Nkhensani Khandlhela** is an Environmental Scientist and holds a M.Sc. (Geographical Sciences). She is an Environmental Scientist with 11 years of experience. Nkhensani specialises in Integrated Environmental Management (IEM), Environmental Impact Assessments (EIAs), rural development, land use issues and socio-economic surveys. Nkhensani has been a project scientist for various EIAs in KwaZulu Natal, Eastern Cape, North West, North West and Gauteng provinces of South Africa. Nkhensani is currently a Project Manager and Environmental Scientist at GA Environment (Pty) Ltd.

2 LEGISLATIVE FRAMEWORK

This section of the Scoping Report discusses applicable legal provisions and the legal context for the Environmental Impact Assessment process. It provides a review of relevant legislation, regulations, policies and guidelines, which are applicable to (or have implications for) the proposed project. The contents of this report are based on a review of the information that was available at the time. The discussion in this chapter is by no means an exhaustive list of the legal obligations of the applicant in respect of environmental management for the Niekerkshoop landfill site.

2.1 National Legislation

2.1.1 Constitution of the Republic of South Africa

The environmental right is mentioned in Chapter 2 of the Constitution of the Republic of South Africa (Act No. 108 of 1996). In terms of this provision: everyone has the right to an environment that is not harmful to his or her health or wellbeing. The State must therefore respect, protect, promote and fulfil the social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities. Specifically as regards the environmental right, the Constitution states that:

“...everyone has the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development”.

The Constitution therefore recognises that the environment is a functional area of concurrent national and provincial legislative competence, and all spheres of government and all organs of state must cooperate with, consult and support one another if the State is to fulfil its constitutional mandate.

2.1.2 National Environmental Management Act, 1998

The National Environmental Management Act, 1998 or NEMA (Act No. 107 of 1998) was promulgated to serve as the general framework within which environmental management and implementation plans must be formulated. It provides guidelines on how any organ of state must exercise any function when taking any decision in terms of the Act or any statutory provision concerning the protection of the environment. NEMA sets out the principles by reference to which a conciliator appointed under the Act must make recommendations. These principles guide the interpretation, administration and implementation of the Act, and any other specific laws concerned with the protection or management of the environment.

2.1.2.1 NEMA and cooperative governance in environmental management

As the main environmental management legislation in the country, NEMA provides the legal framework for integrating good environmental management into all development activities. The principles laid out in Section 2 of the Act are aimed at promoting certainty with regard to decision-making by organs of state on matters affecting the environment. These NEMA principles are meant to guide the exercise of functions affecting the environment by “all organs of state that may significantly affect the environment”. This implies that any statutory body, or state-owned enterprise, fulfilling a mandate having to do with the protection of the environment must carry out such a function in accordance with these principles. NEMA advocates for procedures and institutions to facilitate and promote cooperative government and intergovernmental relations.

2 Key NEMA Principles

(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.

(3) Development must be socially, environmentally and economically sustainable.

NEMA also advocates and promotes public participation in environmental governance. One of the objectives of NEMA is to provide for institutions that will promote cooperative governance and procedures for co-ordinating environmental functions exercised by organs of state; to provide for certain aspects of the administration and enforcement of other environmental management laws; and to provide for matters connected therewith, such as detailed regulations for Environmental Impact Assessment to predict the impacts of a plan, proposal or policy.

Since its promulgation on 29 January 1999, there have been several amendments to the original act, with a view to strengthening the environmental management function and the general framework of laws concerning the environment.

2.1.2.2 National Environment Management Act, 1998 (Amendments)

The National Environmental Management Amendment Act No. 8 of 2004 [which came into effect from 7 January 2005] was a landmark amendment which sought to ensure greater enforcement of environmental laws. Other amendments to NEMA include:

- National Environmental Management Act No. 56 of 2002; and
- National Environmental Management Amendment Act No. 46 of 2003 [with effect from 1 May 2005].

NEMA Amendment Act, 2004 provides for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that should promote cooperative governance and procedures for co-ordinating environmental functions exercised by various organs of state. It outlines the framework for integrating good environmental management into all development activities. Certain aspects of the administration and enforcement of other environmental management laws are also catered for in this act.

2.1.2.3 Specific Environmental Management Legislation

The term “*Specific Environmental Management Legislation*” refers to a range of specific laws that have been formulated as regulations or subordinate legislation aimed at dealing with various aspects of environmental management in terms of NEMA and its provisions (Section 1 of Act No. 46 of 2003). Some specific Environmental Management Legislation is discussed in the following sections.

a) *Environmental Impact Assessment Application*

In terms of section 24(2) of NEMA, the Minister and or any MEC in concurrence with the Minister may identify activities which require authorisation or permission by law as these activities may significantly affect the environment. The act requires that in such cases the impacts must be considered, investigated and assessed prior to their implementation and reported to the organ of state charged by law with authorising, permitting, or otherwise allowing the implementation of an activity. The following sections discuss the regulations governing the environmental impact assessments.

b) *NEMA Environmental Impact Assessment Regulations*

Regulations for EIA in South Africa were first promulgated under the Environment Conservation Act, 1989 (ECA) (Act No. 73 of 1989). Those regulations took effect in September 1997 and several minor amendments followed in the early 2000s. Since then, two major reviews of EIA regulations have ushered in gradual reforms aimed at improving the efficiency of EIAs and resolving the administrative problems that soon became apparent with the implementation of the ECA regulations. The most recent of these regulations were promulgated in terms of Sections 24(5), 24M and 44 of NEMA, and are now referred to as the NEMA EIA Regulations, 2014 (Government Notice Nos. R982, R983, R984, R985 and R986, published in Government Gazette No. 38282 of 04 December 2014).

The Environmental Impact Assessment (EIA) for the proposed Niekerkshoop landfill is being undertaken in terms of the NEMA EIA Regulations, 2014, which came into effect on 04 December 2014. The NEMA EIA Regulations, 2014 were scrutinised to ensure that the required procedures were completed during the EIA.

A number of listed activities, which trigger the EIA process, are planned as part of the proposed Niekerkshoop landfill. The second schedule to the EIA Regulations (R982) deals with activities identified in terms of Section 24(2)(a) and (d) of NEMA, which may not commence without Environmental Authorisation from the competent authority and in respect of which the investigation, assessment and communication of potential impacts of activities must follow the EIA procedure as described in regulations 27 to 36 of the EIA Regulations, 2014. **Section 1.4** shows which activities have been applied for.

2.1.3 National Environmental Management: Waste Act, 2008

A specific environmental management act was promulgated on 10 March 2009 to govern waste management activities. This Act aims to reform the law regulating waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development.

The National Environmental Management Waste Act (Act No. 59 of 2008) establishes institutional arrangements and planning matters; provides for national norms and standards for regulating the management of waste by all spheres of government; makes provision for specific waste management measures; establishes the procedures for the licensing and control of waste management activities; provides for the remediation of contaminated land; provides for the establishment of the national waste information system; and provides for compliance and enforcement of waste management activities.

The proposed development, being a waste disposal area, is expected to generate significant amounts of waste. Section 16(1) of the Waste Act states that “A holder of waste must, within the holder's power, take all reasonable measures to—

“(a) avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amounts of waste that are generated;

(b) reduce, re-use, recycle and recover waste;

(c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;

(d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;

(e) prevent any employee or any person under his or her supervision from contravening this Act; and

(f) prevent the waste from being used for an unauthorised purpose.”

Also, section 19(1) of the act gives the minister power to gazette certain activities as “listed waste management activities” for which either a Basic Assessment or an Environmental Impact Assessment must be carried out and an Environmental Authorisation and a Waste Management License issued, before such activities may be undertaken.

2.1.3.1 Specific Waste Management Legislation

The term “*Specific waste management legislation*” refers to a range of specific laws and guidelines that have been formulated with the aim of dealing with various aspects of waste management, and should be considered in conjunction with NEMWA. Some specific Environmental Management Legislation is discussed in the following sections.

- ***Minimum requirements for the handling, classification and disposal of hazardous waste***

The minimum requirements for handling, classification and disposal of hazardous waste guideline sets out the waste classification system, in which waste is placed in two classes i.e. general or hazardous. The classification of the waste is based on their inherent toxicological properties. Hazardous waste, however, is further subdivided based on the risks the waste poses. The requirements for pre-treatment and disposal of hazardous waste are appropriately set in accordance with the waste classification, and are provided for within the guideline document. Hazardous waste prevention and minimisation as well as the handling, transportation and storage is also briefly addressed.

- ***NEMWA: National Norms and Standards for the Storage of Waste***

The National Norms and Standards for the Storage of Waste was promulgated in terms of the provision stipulated in the NEMWA, and came into effect on the 23 November 2011, GN No. 926. The National Norms and Standards for the Storage of Waste aims to regulate both the storage of general and hazardous waste. The schedule provides standards for the location, construction and design as well as the operation of waste management facilities. Furthermore, the schedule provides the minimum requirements for the both above ground and underground waste storage facilities and containers.

2.1.4 National Water Act, 1998

The National Water Act, 1998 (Act No. 36 of 1998) aims to provide for management of the national water resources in order to achieve sustainable use of water for the benefit of all water users. This act requires that the quality of water resources is protected as well as the integrated management of water resources with the delegation of powers to institutions at the regional or catchment level. The purpose of the Act is to ensure that the nation’s water resources are protected, used, developed, conserved and managed in ways which take into account:

- Meeting basic human needs of present and future generations;
- Promoting equitable access to water;
- Redressing the results of past racial discrimination;
- Promoting the efficient, sustainable and beneficial use of water in the public interest; facilitation social and economic development;
- Providing for the growing demand for water use;
- Protecting aquatic and associated ecosystems and their biological diversity;
- Reducing and preventing pollution and degradation of water resources;
- Meeting international obligations;
- Promoting dam safety; and
- Managing floods and drought.

In pursuit of these objectives, Chapter 4 of the act regulates water use, while Section 21 lists eleven water use types that are regulated [Section 21 (a) – (k)]. Watercourses and wetlands are protected in terms of this section, as both are regarded as water resources. Should there be any wetlands located within 500m of the watercourse or with the flood line, a Water Use Licence Application will be undertaken in terms of this Act.

2.1.5 National Heritage Resources Act, 1999

The objective of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is to introduce an integrated system for the management of national heritage resources. The identification, evaluation and assessment of any cultural heritage site, artefact or find in South Africa is required by this Act.

Section 38(1) of this Act states that: *"...any person who intends to undertake a development categorised as...any development or other activity which will change the character of a site-*

- (i) Exceeding 5 000 m² in extent; or*
- (ii) Involving three or more existing erven or subdivisions thereof; or*
- (iii) Involving three or more erven or divisions which have been consolidated within the past 5 years; or*
- (iv) The costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;*
- (v) The rezoning of a site exceeding 10 000m² in extent; or*
- (vi) Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must at the very earliest stages of initiating*

such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development”.

Section 38(3) further states that the responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a).

The Act stipulates that cultural heritage resources may not be disturbed without authorisation from the relevant heritage authority. Section 34(1) of the Act states that “no person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority...”

2.1.6 National Environmental Management: Protected Areas Act, 2003

The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) provides for a range of protected areas: protected environments, special nature reserves and nature reserves.

South Africa has much valuable biodiversity outside of protected areas, but this is disappearing at an alarming rate. It has been recognised that in order to effectively conserve South Africa’s biodiversity, conservation efforts must focus outside of formerly protected reserves, considering 80% of the country’s most scarce and threatened habitats are privately owned. It is clearly not possible for government to purchase all the land identified as high priority in terms of habitat or threatened ecosystems to add it to our system of state-owned protected areas. This requires a new approach to conservation extension and a shift away from reactive extension (i.e. responding to problems and enforcing regulations and permitting procedures) to proactive extension (i.e. engaging with a landowner before a problem is created) where stewardship is encouraged. For these purposes, extension officers need to be better equipped with people skills relating to relationship building, conflict resolution, land negotiation, as well as hands-on knowledge, in the form of practical guidelines for managing natural ecosystems.

2.1.7 National Environmental Management: Biodiversity Act, 1993

The object of the National Environmental Management: Biodiversity Act, 1993 (NEM:BA) is to provide for the management and conservation of South Africa’s biodiversity within the framework of NEMA; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bio-prospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. The objectives of NEM:BA are:

- Within the framework of the National Environmental Management Act, to provide for:

- the management and conservation of biological diversity within the Republic and of the components of such biological diversity;
- the use of indigenous biological resources in a sustainable manner; and
- the fair and equitable sharing among stakeholders of benefits arising from bio-prospecting involving indigenous biological resources;
- To give effect to ratified international agreements relating to biodiversity which are binding on the Republic;
- To provide for co-operative governance in biodiversity management and conservation; and
- To provide for a South African National Biodiversity Institute to assist in achieving the objectives of this Act.

2.1.8 National Environmental Management: Air Quality Act, 2004

The aim of The National Environmental Management: Air Quality Act, 2004 (NEM:AQA) is to:

- Protect and enhance air quality in the Republic;
- Prevent air pollution and ecological degradation and
- Secure ecologically sustainable development, while promoting justifiable economic and social development.

The NEM:AQA makes provision for the establishment of ambient air quality and emission standards at a national, provincial and local level.

2.1.9 Other National Legislation Concerning the Environment

Various other laws regarding the protection of the environment that are relevant to this EIA include:

- Environment Conservation Act, 1989 (Act No. 73 of 1989) (as amended);
- Hazardous Substances Act, 1973 (Act No. 15 of 1973);
- Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983);
- Land Administration Act, 1995 (Act No. 2 of 1995);
- Water Services Act, 1997 (Act No. 108 of 1997);
- National Forests Act, 1998 (Act No. 84 of 1998); and
- Occupational Health and Safety Act, 1993 (Act 85 of 1993).

3 SCOPING PHASE METHODOLOGY

The NEMA Regulations 2014 identify three separate administrative processes for EIAs, depending on the nature of the activity. A Basic Assessment process (*Listing Notice 1*) is identified for those activities that have less of a possible detrimental impact to the environment. A Scoping and EIA process (*Listing Notice 2*) is necessary for those activities, which are identified as having more of a possible detrimental impact on the environment, whereas *Listing Notice 3* relates to identified activities that would require environmental authorisation prior to the commencement of those activities in specific identified geographical areas only.

The Scoping and EIA process is required for this project as the proposed licencing of the landfill must in terms of NEM:WA, 2008, undergo this process.

3.1 Registration of the Application with the Competent Authorities

A Waste License application form has been completed, but has not been submitted to the competent Authorities as yet. It must be noted that based on the EIA Procedures promulgated in December 2014, the submission of the application form can be undertaken following the completion of all scoping processes. It is our intention, based on these regulations, to submit the application form to the Competent Authorities following the review of this Draft Scoping Report. It is anticipated, based on our consultation with DEA and Northern Cape Department of Environment, Nature and Conservation, that the application form will be submitted at least 14 days before the submission of the Final Draft Scoping Report that has been subjected to public review. The Reference Number that will be issued will be included in the Final Scoping Report that will be submitted to the Competent Authority for review and consideration.

3.2 Public Participation Process

A Public Participation Process (PPP) consistent with Chapter 6 of Government Notice R. 982 (Regulations 39 – 44) was undertaken for the proposed development. This included identification of Interested and Affected Parties (I&APs) and the compilation of an I&AP database (**Appendix D1**), the placement of site notices at visible and accessible locations close to the site, (**Appendix D2**) and a newspaper advertisement in the local newspaper (**Appendix D3**). Notification letters and hand deliveries (**Appendix D4**) have been distributed to the adjacent land owners on an on-going basis from 23 September 2015 – to date via e-mail. The public commenting period for this Scoping Report will be 30 days. Please see **Chapter 6** of this report for a detailed description of the PPP undertaken to date. The purpose of the public review period is to identify any additional environmental issues and concerns for inclusion in the Scoping Report that the environmental practitioners and specialists may not have identified. This Draft Scoping Report has been issued out for public review from **08 March – 11 April 2016** at public venues located in Niekerkshoop. Comments that will be received during

the public review will be included in the Final Scoping Report that will be submitted to DENC for review and authorisation.

3.3 Draft Scoping Report (DSR)

This report represents the Draft Scoping Report for the project and documents the findings of the Scoping Phase. The report also documents the issues identified through the site visits, consultation with the Competent Authorities and other Stakeholders, the Public Participation Process (PPP) as well as through the professional input of the relevant specialists identified, the project engineers and the GA Environment team.

All public comment that will be received during the review of the Draft Scoping Report will be captured and responded to through a Comments Response Report (**Appendix D5**) that will be submitted to DENC. DENC will also receive a copy of this report as the proposed development falls within Northern Cape Province and the DENC becomes the Competent Authority on this development. All I&APs registered on the I&AP database have been informed of the availability of the Draft Scoping Report for public review. I&APs will be given another opportunity to submit their comments during the Environmental Impact Assessment (EIA) Phase of the project.

Specialist studies relevant to the proposed project have been identified and specialist investigations will only be conducted during the EIA Phase, pending the approval of the Plan of Study for EIA by DENC. Following the acceptance of the Scoping Report and Plan of Study for EIA, the specialists will then undertake their studies during the EIA phase of the application.

3.4 Review of the Draft Scoping Report by Competent Authorities

DENC as the competent authority for the listed activity must, within 43 days of receipt of the report, in writing, accept the report and Plan of Study for EIA if no amendments are required or shortcomings identified therein. Upon acceptance of the report, the Environmental Assessment Practitioner (EAP) may then proceed with the tasks contemplated in the Plan of Study for EIA.

The authority can also reject the Scoping Report for not following legislative procedure if any of the required steps were not undertaken. In terms of Regulation 22 (b) of Government Notice R. 982, the Scoping Report may be amended and resubmitted by the EAP should it be rejected. On receipt of the amended Scoping Report and Plan of Study for EIA, the competent authority will then reconsider the application. Should the Scoping Report be rejected, the amended Scoping Report will then be made available for public review and comment prior to submission to the Competent Authority.

The authority may also advise the EAP of matters that may hinder the success of the EIA application or matters that may prejudice the success of the application.

3.5 Environmental Impact Assessment Phase

The EIA Phase commences after the competent authority accepts the Scoping Report and advises the EAP in terms of Regulation 23(1) (a) of Government Notice R. 982 to proceed with the tasks contemplated in the Plan of Study for EIA.

3.5.1 Public Participation Process (PPP) for EIA Phase

A PPP must be followed and documented and included in the Environmental Impact Report (EIR). The PPP must be undertaken in accordance with the Plan of Study for EIA. The database of I&APs compiled in the Scoping Phase will be updated throughout the EIA Phase. A summary of comments received from, and a summary of issues raised by the registered I&APs, the date of their receipt and responses of the EAP to those comments will be provided in an updated Comments and Response Report. All copies of any representations, objections and comments received will also be submitted to the competent authority together with the EIR.

3.5.2 Specialist Studies

The specialist studies indicated in the Plan of Study for EIA (refer to **Chapter 8**) will be undertaken during this Phase. These specialist studies will be documented and recommendations formulated by the specialists for the proposed development. The full impact of construction activities will be described in the EIR after the integration of the specialist study findings has occurred. Assumptions made and the specialist will explicitly state any uncertainties and gaps in knowledge. An indication will be provided by the specialist of the methodology used in determining the significance of potential environmental impacts.

3.5.3 Environmental Impact Report

The EIR will contain all information that is necessary for the competent authority to consider the application and to reach a decision. It will detail the process followed during the EIA Phase including details of the PPP and an assessment of each identified potentially significant impact. An Environmental Management Program (EMPr) for the mitigation of impacts will be provided within the EIR. The EMPr will attempt to mitigate the construction related impacts of the proposed upgrades. Appended to the EMPr will be Closure and Operational plans for the landfill site. These documents will be prepared in line with the guidance documents on best practice for Closure of Waste Management Facilities, some of which can be found in the Minimum Requirements for Waste Management 2nd Editions, Department of Water Affairs and Forestry (1998).

3.5.4 Issuing of the Waste Licence

Following the review of the EIA Report, A Waste License is issued in terms of Section 49 of the National Environment Waste Management Act (2008) in the name of the applicant. If the activity is authorised, this

authorisation will be a single Waste Licence covering all activities for which a Waste Management Licence was granted. It should be noted that a Waste Management License may provide that the licensed activity may not commence before specified conditions are complied with. The License may also include any other condition that the competent authority considers necessary for the protection of the environment.

3.5.5 Appeal Period

After a decision has been reached by DENC, Chapter 2 of the National Appeal Regulations 2014 makes provision for any affected person to appeal against the decision. Within 20 days of being notified of the decision by the competent authority, the appellant must submit the appeal to the appeal administrator. An appeal panel may be appointed at the discretion of the delegated organ of state to handle the case and it would then submit its recommendations to that organ of state for a final decision on the appeal to be reached. GA Environment will communicate the decision of the Provincial Authority and the manner in which appeals should be submitted to the Minister and to all I&APs as soon as reasonably possible after the DENC decision has been received.

4 DESCRIPTION OF THE AFFECTED ENVIRONMENT

This chapter serves to describe the environmental setting of the area identified whilst the environmental issues that were identified to be of significance are discussed in **Chapter 7** of this report. The chapter will also provide a description of the overall character and other sensitivities that were identified in the surrounding environment. The specialist ecological opinions compiled were also considered during the compilation of this section.

The Siyathemba Municipality proposes to limit the landfill activities (proposed infrastructures and activities) to remain within the boundaries of the existing landfill site. The proposed upgrade will thus not affect any green fields or virgin ground as the site has already been degraded by the current waste disposal activities. Most of the environment surrounding the site has been impacted and disturbed by human activities. The following environmental issues relating to the licencing of the Niekerkshoop landfill site have been identified as being important and were investigated in the Scoping Phase. These issues will be further investigated in the EIA Phase of the project.

4.1 Climatic Conditions

Niekerkshoop is considered to have a desert climate. In Niekerkshoop, there is virtually no rainfall during the year. Niekerkshoop normally receives about 152mm of rain per year, with most rainfall occurring mainly during autumn. The chart below (lower left) shows the average rainfall values for Niekerkshoop per month. It receives the lowest rainfall (0mm) in July and the highest (37mm) in March. The monthly distribution of average daily maximum temperatures (centre chart below) shows that the average midday temperatures for Niekerkshoop range from 17°C in June to 32°C in January. The region is the coldest during July when the mercury drops to 0.3°C on average during the night. **Figure 4.1** below is an indication of the rainfall and temperature conditions in Niekerkshoop.

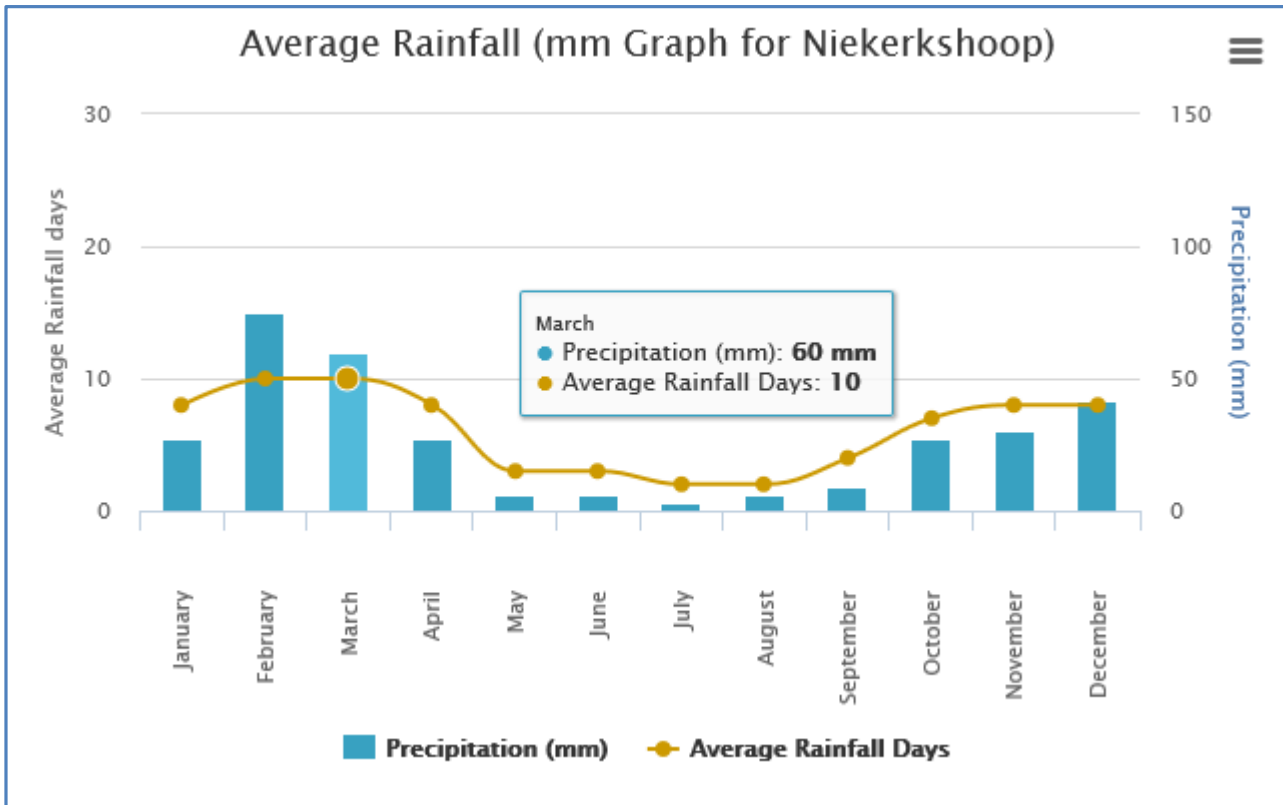


Figure 4.1: Climatic conditions for Niekerkshoop, 2000 - 2012 (source: worldweatheronline.com)

4.2 Land Uses and Land Cover

The town of Niekerkshoop lies to the east of the site, this town contains residential infrastructure, roads and pathways. To the south of the site, untransformed vegetation extends approximately 3,5 km to the R386 Road and beyond. North of the site a dirt road to the landfill site (**Plate 4.1**) as well as a second dirt road is the only major land use. The waste water treatment works of the town lies approximately 1.2 km to the south east from the site (**Plate 4.2**). Eskom distribution powerlines and Telkom telephone lines are noted to be located in the norther westerly direction of the landfill and will not be impacted by this development. In terms of topography the slope there is a hill on the eastern portion of the site. The topography slopes from east (1203 m.a.m.s.l) to west (1188 m.a.m.s.l) and from south (1199 m.a.m.s.l) to north (1191 m.a.m.s.l) the information was obtained from Google Earth Show Elevation Model function. **Plate 4.3** shows the general characteristics of the site in terms of the terrain conditions.



Plate 4.1: The access road (in the background) from R386 providing direct access to the site, the landfill is on the interior



Plate 4.2: Other land uses (powerlines, communication lines, R386, reservoirs) located south east of the

landfill

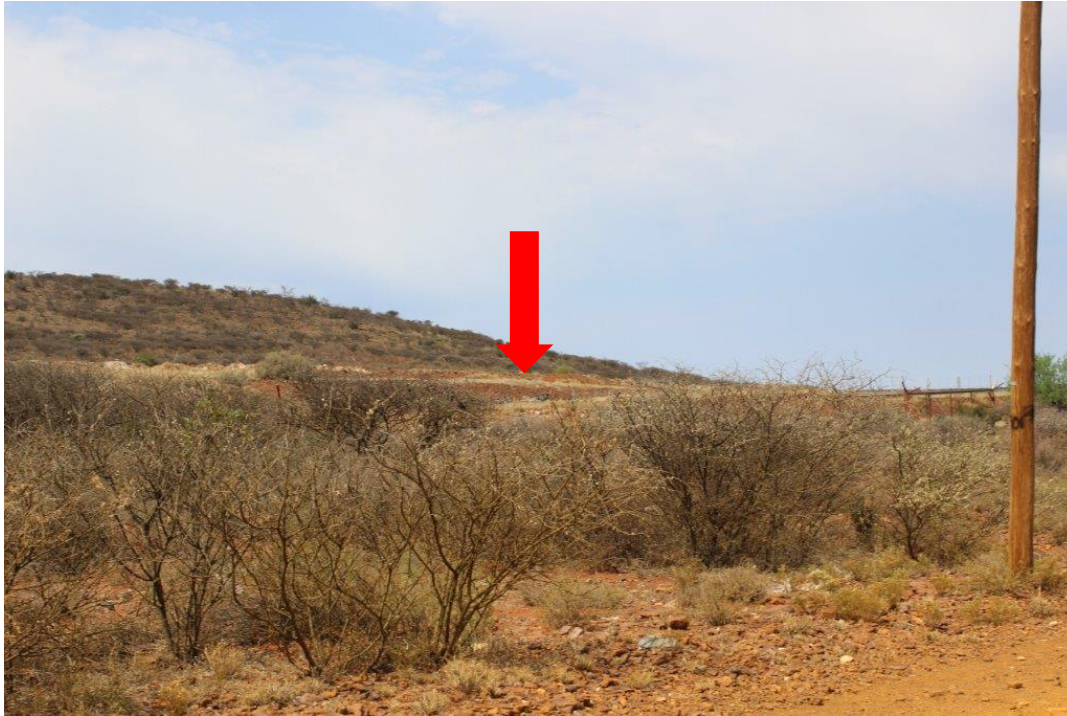


Plate 4.3: Landfill site is surrounded by hillslopes to the south and east of the site. Arrow shows the location of landfill site

The Niekerkshoop town is located about 7km from the landfill which conveniently excludes them from the direct impact of the landfill. No issues regarding the landfill site was raised by the community.

4.3 Soils, geology and terrain conditions

The landfill site spans a relatively small area and is about 2500 m². The site is situated in a relatively hilly terrain with rocky soils outcrops and rocky soils that seem to make excavation in this area challenging. No indication of soil stability issues was observed at the landfill site. Although the site has been partially excavated and for waste dumping purposes, the site was noted to be stable with no evidence of soil erosion or other soil stability problems. It was thus assumed that no detailed geological assessment or survey was required provided the geological and soil conditions are considered during the detailed design of the upgrade and construction practices are done in accordance to an Environmental Management Program (EMPr) to mitigate impacts.



Plate 4.4: The rocky nature of the Niekerkshoop landfill, landfill is to the right

4.4 Ecology (flora and fauna)

According to the Ecological opinion undertaken, the site falls within the vegetation type Northern Upper Karoo (NKu 3) sensu Mucina and Rutherford (2006). This vegetation type is best described as shrubland. The vegetation structure contains mainly dwarf karoo shrubs, grasses and the low trees. *Senegalia mellifera* subsp. *detinens* along with other low tree species occur mostly on sandy soils in close proximity to the Orange River. Endemic taxa include the succulent shrubs include *Lithops hookeri*, *Stomatium pluridens*; and shrubs *atriplex spongiosa*, *galenia exigua*. The only herb endemic to this vegetation unit is *Manulea deserticola*. This vegetation unit is classified as 'Least Threatened' since very little of the area has been transformed, or is threatened by transformation (Mucina and Rutherford, 2006).

The site was noted to be fairly vegetated in the surrounding environment with vegetation devoid from the active waste disposal area (Refer to **Plate 4.4**).



Plate 4. 5: The surrounding vegetation (grass) and shrubs noted within the site boundaries

According to the Ecological opinion undertaken for this site, plant species richness and density is likely to be affected by the edge effects from the town that lies to the east of the site as well as grazing and landfill activities that have occurred on the site for at least ten years. The impacted nature of the site, together with the expanse of untransformed vegetation to the west and south of the site lead to the suggestion that the study site is not regionally ecologically important. It is not likely to be a refuge to sensitive plant species.

With regard to the avifaunal species, the site is close to the town but hidden from it by being on top of a low rocky hill, at the head of a small drainage line that runs southwest into a red-sand valley, with bands of red sand on the lower slopes and all covered by thorn- and some camphor-bushes. The site has been partially excavated and used as a dump for building rubble and waste rocks. If consumables enter and are exposed at the site a variety of birds from the surroundings are expected to feed on the waste or the other small animals it attracts. The landfill site itself is not expected to attract any species classified as threatened (Taylor 2015) or otherwise of local conservation concern. Based on SABAP data, Kori Bustard (*Ardeotis kori*) and Karoo Korhaan (*Eupodotis vigorsii*); both Near Threatened), and Ludwig's Bustard (*Neotis ludwigii*; Endangered), Verreaux's (*Aquila verreauxii*; Vulnerable) and Martial (*Polemaetus bellicosus*; Endangered) Eagles, and Lanner Falcon

(*Falco biarmicus*; Vulnerable) are expected in the area, especially given the proximity of the surrounding hills with their slope lift, especially along the Gariep/Orange River valley, and from the nearby Mokala National Park.

Besides the small reptiles (lizards) that may be cohabiting in the area, no other faunal species including livestock were noted within the site boundaries during the site visit. It is however highly unlikely that any significant fauna would inhabit the project area.

4.5 Drainage and Hydrological conditions

The region is characterised by dry drainage features in which terrestrial vegetation grows slightly more densely to become visible on aerial imagery. Soils are variable from shallow to deep. In terms of drainage soils vary from very shallow Glenrosa and Mispah forms to freely drained soils (Mucina and Rutherford, 2006). It is unlikely that riparian or wetland habitat occurs in these drainage lines. They are however an important hydrological feature of the landscape which may transport high volumes of water during precipitation events.

The site contains no drainage lines however there is a drainage line present to the west of the site boundary. This drainage line drains into a dry drainage area further to the south of the site. During events of high rainfall and increased surface flow it is likely that some of the landfill material and waste may run into these drainage lines.

4.6 Socio economic conditions

As mentioned in **Section 1.2**, the removal of solid waste remains the responsibility of the Siyathemba Local Municipality. Niekerkshoop currently has a waste removal service in the residential services. The licencing of the Niekerkshoop provides for an essential and strategic waste disposal service to the Niekerkshoop area as the site is currently not operating in line with the legislative requirements.

4.7 Heritage and Cultural Features

No cultural and heritage features were noted during the site visits undertaken for the Niekerkshoop landfill. Although unlikely to exist as the landfill has been in existence for a number of years, it is expected that unknown features or artefacts of heritage value may be exposed during excavation and should thus be appropriately dealt with in environmental planning for landfill upgrading.

4.8 Roads and Traffic Conditions

The site is located to the east of the R368 and this road will serve as a link access road to the landfill site. Construction of new roads has not been considered as part of this application and it is assumed that the current access roads will be used. Depending on the funds availability, these roads can be upgraded to improve access

as direct access roads to the site are rocky and hinder access to site. Traffic levels on these access roads and residential areas are very low and will unlikely cause noise impacts even during the upgrading and the operation phase of the project.

4.9 Noise and Air Quality

Effective waste disposal is essential to prevent the spread of disease in communities. It is thus imperative that the Siyathemba Municipality proceed with the licencing of the landfill site to be in line with the applicable legislative requirements. Beside the smell emanating from the waste burnt on site, no significant odour problems were detected during the site visits, it must however be noted that the proposed landfill site will obviously have impacts on the current odour levels. No ambient air quality information is available for the area, although there are no major emitters of air pollution in the area. Niekerkshoop is a small town which currently have no noise problems. Beside the loud noise from the music and other sound systems from the township that were heard during the site visit, the site is not regarded as noisy. It is anticipated that the licensing of the site as per the NEM:WA legislative requirements will improve the environmental quality of the site as the site is currently not managed as per the applicable legislative requirements.

4.10 Visual and Aesthetic Features

The Niekerkshoop landfill is located away from the local communities and no visual nuisances are likely to emanate as part of the landfill upgrade. It highly unlikely that the licencing of the Niekerkshoop landfill will cause visual problems with the exception of the municipal workers that work on this landfill.

5 ALTERNATIVES

In terms of the EIA Regulations published in Government Notice (GN) R982 of 2014, feasible and reasonable alternatives must be identified and considered within the Environmental Scoping phase (section 28 (1)(c)). According to GN R 982 of the EIA Regulations (2014), an alternative is defined as “...in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to:

- (a) The property on which or location where it is proposed to undertake the activity;
- (b) The type of activity to be undertaken;
- (c) The design or layout of the activity;
- (d) The technology to be used in the activity;
- (e) The operational aspects of the activity; and
- (f) The option of not implementing the activity.”

In terms of NEMA, the proponent is required to demonstrate that alternatives have been described and investigated in sufficient detail during the EIA process. The feasible alternatives identified for the proposed upgrade of the Niekerkshoop landfill were limited to various process alternatives. For the purposes of this project, three alternatives (Closure and Rehabilitation, Landfill capping and End use plan) were considered. Impacts from the alternatives discussed above will collectively be assessed with the construction/operation impacts as the impacts are likely to be similar. These alternatives are summarised as follows:

5.1 The No-Go Option

The no-development alternative would entail continuing with the *status quo*, i.e. a situation where the Niekerkshoop landfill remains operational and un-rehabilitated. This could lead to major environmental liability, as the Municipality must eventually take responsibility for adequate closure and rehabilitation of the landfill in line with the legislative requirements. The *status quo* of the Niekerkshoop is currently presenting a potential pollution risk to the surrounding environment and will not have the capacity to cater for the expected future growth if left to operate in the current state. Adopting the “No go alternative” is also against the DENC’s Key Performance Areas to ensure that improved integrated waste management systems such as the legally permitted disposal facilities exist within each Municipality.

The need to license many of the unlicensed Waste Disposal in South Africa by the Minister of Environmental Affairs is regarded as one of key project towards a cleaner environment. Further delays in implementing the project will mean that the Siyathemba Local Municipality will continue to dispose waste on an unlicensed site thereby causing adverse environmental problems. This initiative will aid in achieving the Minister’s service delivery agreement Outcome 10 (Output 1 to 4) deliverable target/indicator that serves to ensure that

environmental assets and natural resources are well protected and are continually enhanced. Further delays in implementing the project will mean that both the Siyathemba Local Municipality will continue to dispose waste on an unlicensed sites thereby causing adverse environmental problems.

Based on the reasons provided above, there is a therefore definite need to formally license the Niekerkshoop landfill site to meet all applicable legislative requirements.

5.2 Proposed and Preferred Alternative (Licencing of the Niekerkshoop Landfill)

The Niekerkshoop landfill is currently operating without a license and does not adhere to the NEM:WA. Licensing this landfill will adhere to the Minimum Requirements for Waste Disposal by Landfill, 2nd Edition (DWAF, 1998), and the National Norms and Standards for the disposal of waste to landfills promulgated in November 2013. The rationale behind the project serves to address the following issues:

- The need to license many unlicensed waste disposal facilities existing within each municipality is in line with the Minister of Environmental Affairs' initiative towards attaining a cleaner environment;
- The current environmental problem will be eliminated such as visual nuisance, contamination of underground water and this will eliminate potential for litigation from organizations that are directly affected;
- The disposal of waste in Niekerkshoop will be in accordance with the legislative requirement and will thus improve efficiency in terms of the municipality waste disposal programme.

This is the preferred and only option for the proposed licensing of the Niekerkshoop landfill site. Three alternatives designs that have been considered for the purposes of Scoping and EA are discussed in the sections that follow.

5.3 Alternative 1: - Closure and Rehabilitation of the Niekerkshoop Landfill

The proposed closure and rehabilitation of the unlicensed landfill would ensure that the site is environmentally and publicly acceptable and that it complies with the Minimum Requirements for Waste Disposal by Landfill, 2nd Edition (DWAF, 1998), and the National Norms and Standards for the disposal of waste to landfills promulgated in August 2013. As has already been discussed, the closure and rehabilitation of the site would entail the following:

- Shaping and landscaping of the waste body;
- The construction of storm water management infrastructure;
- Capping of the waste body in accordance with the Minimum Requirements;
- Concrete palisade fencing;

- The maintenance of access roads;
- Vegetative cover of the final landform;
- The construction of the required end-use infrastructure (once finalised); and
- Post closure environmental monitoring where necessary.

Although the closure is viable, this is outweighed by the preferred alternative of licensing the existing site for operation. The following are the limitations that can occur should closure and rehabilitation option be considered:

- The closure and rehabilitation of the existing landfill site will result in a need to identify new land for the construction of the Niekerkshoop landfill;
- The use of new green field site will create a new environmental problem;
- Additional cumulative impacts .e.g. visual impacts and contamination of underground water resources will occur from a new “greenfield site” and open space; keeping in mind that the Niekerkshoop area is dry area and the available water resources are limited and thus require management; and
- The closure will be against the Municipality’s IDP requirements and Minister of Environmental Affairs resolution as the Niekerkshoop landfill site has been identified for closure.

5.4 Alternative 2 - End Use Planning

An end-use plan shall guide what would be the most suitable land use for the area. The choice of type of end use is dependent on the urban or rural spatial planning of the area in which the landfill is situated. The tables below shows the end-use possibilities, categorized from low-graded re-use to high-graded end-use. The type of end-use can also related to the potential vulnerability, expressed in the average number of hours per day that people are spending at the location. The longer humans spend at or near the site, the higher the chance on potential exposure to any residual effects of the landfill site and the higher the potential vulnerability. **Table 5.1** shows the relation between vulnerability of the type of end-use and the environmental risk-levels of the landfill.

Quality of End Use	Type of End Use
Low Grade	Parking Area
	Industrial Area

 High grade	Commercial Area
	Natural Area
	Sports and Recreation
	Residential Area

Table 5.1: Landfill End use matrix

Landfill Type	Type of End-Use	
	Low Vulnerability	High Vulnerability
Low Risk ¹		
High Risk ²		

It is obvious that in the green box situation redevelopment projects can be initiated and carried out without any problem. The red box represents the opposite situation. For example from a psychological point of view the end use of the landfill site for housing will not be feasible anyway and should in fact not be wanted. The yellow box situation many types of end-use are possible, but the feasibility will depend on the local situation.

¹ Low risk site here mainly refer to communal sites and small sites

² High Risk sites in this case refer to Medium, Large and Hazardous landfill sites.

6 PUBLIC PARTICIPATION PROCESS

Section 24 of the Constitution of South Africa, 1996 aims to guarantee everyone's right to an environment that is not harmful to their health and well-being and to have the environment protected for present and future generations. The National Environmental Management Amendment Act, (No. 62 of 2009) enables the Minister to publish guidelines on various aspects of the Act. The Guidelines on Public Participation, which have been published but the Department of Environmental Affairs, informed the steps that were taken during the Public Participation Process for this Project.

The NEMA EIA Regulations, 2014 prescribes that the Environmental Impact Assessment process must undertake public participation in accordance with the Chapter 6 of the Regulations. The purpose of the Public Participation Process is to provide all potential and / or registered Interested and Affected Parties (I&APs), including the competent authority and any other stakeholder or organ of state, an opportunity to become involved in the EIA process and provide comments during the various phases of the project. Involvement by I&APs is critical, as it contributes to a better understanding of the proposed project among I&APs, raises important issues that need to be assessed and provides local insight that will enhance the EIA process.

This chapter of the report provides details on the Public Participation Process followed during the Scoping Phase of the EIA for the proposed upgrades to the Niekerkshoop landfill site

6.1 Identification of Interested and Affected Parties

6.1.1 Notification of I&APs

At the commencement of the project, written notices and Background Information Documents (BIDs), were sent to the landowners and / or the current occupants of the properties surrounding Niekerkshoop landfill, as well as stakeholders and organs of state with a direct interest in the project. Since then, there has been ongoing distribution of these documents via email to I&APs that are identified as the project progresses. Copies of these letters, together with the details of the recipients are included in **Appendix D2**.

6.1.2 Site Notices

In accordance with the NEMA EIA Regulations, 2014 a notice board detailing the proposed activity as well as the contact details of the EAP was placed on the landfill site; site and at various public and common places (municipality offices, local shops, post office, along R368) on the 20 October 2015. Proof of the placement of the site notices is included in **Appendix D2**.

6.1.3 Newspaper Advertisement

An advertisement was placed on 23rd September 2015 informing I&APs that the EIA process for the proposed

licensing of the Niekerkshoop landfill to invite all I&APs to register and provide comment on the project. The advertisement appeared on page 20 of *Die Gemsbok* Newspaper. Proof of the placement of the newspaper advertisement is included in **Appendix D3**.

6.2 Draft Scoping Report (DSR)

6.2.1 Placement of Draft Scoping Report for Public Comment

This report serves as a copy of the Draft Scoping Report. The Draft Scoping Report will be placed for public comment at public places such the Police station, schools etc.; for the prescribed duration of 30 days from the 05th February to the 05th March 2016. The placing of the Draft Scoping Report will allow for the public to be given adequate time to review the details of the project and provide, in writing, comments and concerns relating to the proposed upgrading of the Niekerkshoop landfill site.

6.2.2 Public and Focus Group Meetings

No public or focus group meetings have been held to date with I&APs concerning the upgrading of the Niekerkshoop landfill site. The need of the public meeting will be determined following the nature of issues raised by the I&APs and other interested stakeholders after the end of the public review period. All registered I&APs will be notified in writing of the availability of the report for review by the public and the duration of the commenting period.

6.3 Interested and Affected Parties Register and Comments Database

From the onset of the project a database of persons, organizations and organs of state identified as being affected parties or who registered as I&APs was opened and maintained. The I&APs register is continually updated during all phases of the Environmental Impact Assessment process. The I&APs register is included in **Appendix D1**.

A record of all comments received, together with a note of the responses given, will be also maintained. To date, no issues and concerns have been raised during the announcement phase of the project. It is a general understanding based on the verbal comments raised by I&AP during the distribution of the notices that the community support the project as they believe that licencing of the Niekerkshoop landfill will improve the current site conditions. Issues and concerns that may arise during the review of the DSR will be recorded and detailed in the Final Scoping Report.

7 DESCRIPTION OF ENVIRONMENTAL ISSUES AND IMPACTS

The scope of an environmental assessment is defined by the range of issues and alternatives it considers, and the approach towards the assessment that will follow (DEAT, 1992b). Scoping is a critical stage in the Integrated Environmental Management procedure, as it is an important tool for involving the public in the assessment process, and for structuring assessment studies (DEAT, 2002).

A Scoping Report must contain all the information that is necessary for a proper understanding of the nature of issues identified during the scoping phase of the project and must include a description of environmental issues and potential impacts, including cumulative impacts that have been identified. This chapter describes the environmental issues and impacts as identified during the scoping phase. Potential impacts identified and elaborated on in this chapter has been presented as follows:

- Theme 1: Impacts on the Biodiversity Environment; and
- Theme 2: Impacts on the Human Environment.

In both themes, an attempt has been made to outline potential impacts for all construction, operational and decommissioning phases of the projects. These impacts will be assessed and presented in detail during the Impact Assessment Phase.

7.1 Issues and Impacts Identified During the Scoping Phase

The impacts that may result from the upgrading/ construction of the Niekerkshoop landfill as well as the No-Go alternative are detailed in **Table 7.1** below. Direct, indirect and cumulative impacts have been considered from activities associated with the construction, operational and decommissioning phases of the proposed project.

Table 7.1: Potential Impacts associated to the proposed construction/upgrade of the Niekerkshoop landfill

Activity	Aspect	Nature of Impact	Description of Impact
Theme 1: Biophysical Environment			
Construction Phase			
Upgrading of the Niekerkshoop landfill	Loss of biodiversity	Negative	The upgrade of the Niekerkshoop landfill will result in the clearing of existing vegetation (thornveld and grass) and removal of rocks resulting in the loss of biodiversity.
	Wetland and aquatic impact	N/A	No wetlands or drainage lines are known to exist within the boundaries of Niekerkshoop landfill.
	Surface and groundwater contamination	Negative	Hydrocarbon leakages from plant vehicles and poor management of sources of hydrocarbon leakages has a potential to pollute underground and surrounding resources.
	Loss of faunal habitat	Negative	The upgrade of the Niekerkshoop landfill will result in the clearing of vegetation and removal of rocks associated to faunal habitats.
	Soil contamination	Negative	Contamination of surrounding soil resources through spillages and overflows emanating from the construction activities may result

Activity	Aspect	Nature of Impact	Description of Impact
	Soil compaction	Negative	Compaction from landfill construction activity may emanate thereby causing erosion problems
	The status of the biophysical environment within the Niekerkshoop landfill boundary site has already been transformed. The potential impact on the biodiversity in the area is considered to be of moderate significance without mitigation during the landfill upgrade.		
Operational Phase			
Upgrading of Niekerkshoop landfill	Groundwater contamination	Negative	The risk of landfill leachate contaminating surface and groundwater resources, thereby reducing the quality of groundwater in the area.
	Faunal disturbances	Negative	Introduction of a formal landfill is likely cause disturbances to the existing faunal communities and may attract new species in the area.
	Establishment of alien vegetation	Negative	The clearing of vegetation during landfill maintenance and site rehabilitation activities will enhance the establishment of alien species.
Decommissioning Phase			
Decommissioning of Niekerkshoop landfill	Alien species infestation	Negative	The decommissioning of the Niekerkshoop landfill may result in the encroachment of alien invasive species.
The decommissioning phase would entail the closure of the landfill site, the covering of the waste body, re-capping, reshaping, and landscaping of the waste disposal area and ultimate rehabilitation of the landfill. It is anticipated that the Municipality will determine appropriate end use following the final rehabilitation of the site. The decommissioning phase will eliminate all environmental problems that occur as a result of landfill operations.			
Theme 2: Human Environment			
Construction Phase			
Upgrading of the Niekerkshoop landfill	Efficient solid waste disposal services	Positive	The proposed project is of strategic importance and serves to provide adequate solid waste disposal infrastructure is in line with the Municipality waste removal requirements.
	Services disruption	N/A	The disposal of waste on the landfill site will not cease during the upgrade. It is recommended that the Contractor designate a site for temporary disposal during the upgrade. Beside the landfill, there are no other services that are known to exist in the area.
	Local Economy	Positive	Creation of potential opportunities to support local business and communities, including education & training, & community based projects and programmes.
	Land use	Positive	The confinement of the proposed upgrade within the boundaries of the existing land use limits the impact on land use and zoning.
	Increased noise generation	Negative	The use of heavy machinery during construction may result in the generation of noise on site as noise levels are currently low.
	Visual & Aesthetic	Negative	Visual and aesthetic impacts activities such as excavation, stockpiling of construction material, waste and rubble handling of materials will occur.
	Air quality (dust)	Negative	Dust emanating from construction related activities (excavation, earth grading etc.) will cause a visual nuisance.
	Air quality - odour	Negative	Odours associated with the biological and chemical processes that occur during the decomposition of wastes.
	Loss of heritage resources	Negative	Construction activities may unearth and damage heritage resources present within the planned excavation works. No heritage features were noted within the site boundary.
Local roads and Traffic	Negative	Since the development will be undertaken only on the landfill site located outside the boundaries of town, negligible impact on traffic is expected.	

Activity	Aspect	Nature of Impact	Description of Impact
	Health and safety	Insignificant	Construction is restricted to the landfill site boundaries, the risk to public safety is lower.
The project will thus have an overall positive socio-economic impact for the receiving area, which can be considered as of high significance. The proposed development is limited within the landfill boundary and none of the neighbouring properties will be directly affected. Negative impact identified will reduce the impacts to lower significance with Mitigation.			
Operational Phase			
Upgrading of Niekerkshoop landfill	Efficient solid waste disposal services	Positive	The proposed project is of strategic importance and developments and serves to provide adequate solid waste disposal infrastructure is in line with the local municipality services
	Elimination of current environmental problems	Positive	The upgrade of the Niekerkshoop landfill will reduce the current environmental problems (visual, odour, health etc) as the landfill will operate in line with the applicable legislation
	Visual Impact	Positive	Once in place, the landfill will have an aesthetic/visual impact, improved visual impacts than that of the existing operations
	Noise impact	N/A	Landfill operations are not usually noisy environment
	Improved safety and security	Positive	The upgrade of the landfill will include the establishment of an adequate fence, which will allow for access control and the prevention of animals and the community from obtaining unauthorised entry into the landfill. The establishment of a fence will further prevent vandalism which may result in damage to infrastructure.
Decommissioning Phase			
Decommissioning of the landfill	Provision of services	Negative	If the licensing of the Niekerkshoop landfill site is halted without any consideration of other feasible waste disposal options, the Niekerkshoop community will have no optional disposal site than the current site. Similar waste management practices as currently will continue thus continue to degrade the environment.
The decommissioning phase would entail the closure of the landfill site, the covering of the waste body, re-capping, reshaping, and landscaping of the waste disposal area and ultimate rehabilitation of the landfill. It is anticipated that the Municipality will determine appropriate end use following the final rehabilitation of the site. The decommissioning phase will eliminate all environmental problems that occur as a result of landfill operations. It must however be also noted that the improper decommissioning of the Niekerkshoop landfill may result in other environmental problems related to human health and environmental contamination.			

As has already discussed in **Chapter 5** of this DSR, these options highlighted in this will be evaluated as part of the EIA Phase. Further detailed information regarding the impacts of the alternatives considered will be provided during the EIA phase.

8 PLAN OF STUDY FOR THE ENVIRONMENTAL IMPACT ASSESSMENT

The proposed upgrade of the Niekerkshoop landfill require an EIA in accordance with the NEMA EIA Regulations, 2014. The EIA follows the preparation of the Scoping Report with a purpose of identifying range of environmental impacts that are associated with the proposed development, alternatives and the focus of the EIA. This chapter will present the proposed approach to the EIA and will address all requirements as stipulated in **Appendix 2** of the NEMA EIA Regulations, 2014.

A key requirement within these regulations is the compilation of the Plan of Study for undertaking an Environmental Impact Assessment (Plan of Study hereafter). The aim of the EIA Phase is to address the significant issues highlighted in the Scoping Phase through specialist investigation and detailed assessment. The Plan of Study details the proposed approach to the Environmental Impact Assessment, which will be in line with the EIA Regulations (2014). The regulations stipulate that the Plan of Study for undertaking an environmental impact assessment process should include the following:

- i). A description of the alternatives to be considered and assessed within the preferred site; including the option of not proceeding with the activity;
- ii). a description of the aspects to be assessed as part of the environmental impact assessment process;
- iii). aspects to be assessed by specialists;
- iv). a description of the proposed method of assessing the environmental aspects, including a description of the proposed method of assessing the environmental aspects including aspects to be assessed by specialists;
- v). a description of the proposed method of assessing duration and significance;
- vi). an indication of the stages at which the competent authority will be consulted;
- vii). particulars of the public participation process that will be conducted during the environmental impact assessment process;
- viii). a description of the tasks that will be undertaken as part of the environmental impact assessment process; and
- ix). Identify suitable measures to avoid, reverse, mitigate, or manage identified impacts and to determine the extent of the residual risks that need to be managed and monitored.

8.1 Tasks to be undertaken during the EIA Phase

In order to adequately assess and provide sufficient responses to the issues raised during the Scoping Phase, it is intended that the EIA will focus on the following tasks:

- Reviewing the approval for the Scoping and Plan of Study for EIA including the relevant conditions of approval;

- Continued public participation;
- Conducting specialist investigations on all the significant issues identified and raised in the Scoping Process;
- Evaluate and summarise the findings of the specialist reports;
- Undertaking a detailed impact assessment process, assessing alternatives, and providing potential mitigation measures;
- Documenting the findings of the Impact Assessment into an Environmental Impact Report (EIR); and
- Compiling a framework Environmental Management Programme.

8.2 Specialist Studies

Following the key issues that have been identified during the Scoping Phase, the following specialist studies have been identified as being necessary during the assessment phase:

8.2.1 Ecological Opinion

An Ecological opinion to determine the impact of the surrounding ecological environment (flora, fauna and wetland) will be undertaken by Limosella Consulting (Pty) Limited. The Ecological opinion is aimed at informing the Waste Licencing Processes regarding the potential impact of the upgrade of landfill on the surrounding ecological environment. The terms of reference for the Ecological opinion study were as follows:

- Highlight sensitive environmental components including watercourses, conservation-worthy vegetation and fauna habitat; and
- Discuss potential impacts, mitigation and management procedures relevant to the protection of the conservation-worthy aspects of the site, and in the surrounding environment

8.2.2 Geotechnical and Geohydrological Investigations

Landfills are known to have impact on the underground water systems due to the levels of surface water leachate generated from landfill site. It is therefore essential that the potential existing and future groundwater pollution and other potential threats to the local aquifer be determined as part of the assessment phase. GA Environment has appointed USK Environmental & Waste Engineering to undertake Geotechnical Engineering and Hydrogeological Risk Assessment for the Niekerkshoop landfill site. The terms of reference for the Geotechnical and Geohydrological study will cover the following:

- Evaluation of geotechnical and hydrogeological parameters of the sub base soil at the site;
- Review the geotechnical and hydrogeological requirements for the development of cells and associated infrastructure for a landfill at the site;

- Assess the requirements, and availability and suitability of cover material for the operations of the landfill;
- Assess the requirements, and availability and suitability of capping material for the closure of the landfill;
- Assess and evaluate the requirements, and risk issues for the landfill including, slope stability, and permeability of soil;
- Assess and evaluate the requirements for the landfill containment barrier system (geomembrane lining) in accordance with the current legal framework and make key recommendations in relation to the above site investigations;
- Identify geotechnical and hydrogeological risks associated with the site; and
- Develop a suit of site-specific recommendations for consideration during the engineering design of the proposed landfill site and associated infrastructure.

The Geohydrological Investigation will include a desktop study and a hydrocensus. The desktop study will focus on available literature on the geology and hydrogeology of the site, as well as data from databases of the DWS. During the hydrocensus, existing boreholes on neighbouring properties will be used (or, for instance within 1 km of the site) to gather information on the characteristics of the aquifer, as well as on the existing groundwater users that may be affected by the development. A groundwater impact assessment and potential impacts of the development will be identified, assessed and rated.

8.2.3 Engineering Assessment and Designs

USK Environmental & Waste Engineering has been appointed to provide the design work for the proposed development. The company will be involved throughout the EIA to advise on issues pertaining project planning and design in order to reduce the risk of unexpected costs and delays later in the EIA Phase. The scope of work for the design engineers will include the following:

- Assess the existing site against standard legislative requirements for landfill design and operations, and develop a suite of conceptual engineering recommendations, which must be considered as license conditions to ensure that the landfill site is designed; and operated within legal compliance;
- Assess and evaluate the requirements for the landfill containment barrier system (geomembrane lining) in accordance with the current legal framework and make key;
- Recommendations in relation to the above site investigations; and
- Develop a suite of site-specific recommendations for consideration during the engineering design

of the proposed landfill site and associated infrastructure.

8.3 Impact Assessment Methodology

In accordance with Government Notice R.982, promulgated in terms of Section 24 of the National Environmental Management Act, 1998 (Act 107 of 1998), the EAP is required to assess the significance of potential impacts in terms of the following criteria:

- Cumulative impacts;
- Nature of the impact;
- Extent of the impact;
- Intensity of the impact;
- Duration of the impact;
- Probability of the impact occurring;
- Non-reversibility of Impacts;
- Impact on irreplaceable resources; and
- Confidence level.

Activities within the framework of the proposed development and their respective construction and operational phases, give rise to certain impacts. For the purpose of assessing these impacts, the project has been divided into three phases from which impacting activities can be identified, namely:

Construction phase:

This phase refers to all the pre-construction and construction related activities on site, until the contractor leaves the site.

Operational phase:

This includes all post construction activities, including the operation and maintenance of the proposed development

Decommissioning Phase:

This includes all activities associated with the closure and decommissioning of the proposed development, including any removal of infrastructure and rehabilitation that may need to occur.

The assessment of the impacts will be conducted according to a synthesis of criteria required by the integrated environmental management procedure. The methodology that will be used comprises of the following four steps:

- Step 1: Identification of positive and negative impacts of the project;

- Step 2: Identification of the significance rating of the impact before mitigation;
- Step 3: Identification of the mitigation measure and the mitigation efficiency; and
- Step 4; Identification of the significance rating of the impact after mitigation;

Activities that will be undertaken to give effect to the proposed development gives rise to certain impacts. For the purpose of assessing these impacts, the project has been divided into the following phases discussed in **Table 8.1**. For the purpose of this impact assessment, the phrase ‘*upgrading*’ and ‘*construction*’ will be used interchangeably as it is understood that although the Niekerkshoop landfill sites will be upgraded, activities such as the construction of waste cells, internal roads and other infrastructure to the ‘*licencing*’ of the Niekerkshoop landfill will be undertaken.

Table 8.1: Project phases in a development

PHASES OF A PROJECT IN WHICH IMPACTS WILL OCCUR
Status Quo
The study area as it currently exists.
Pre-construction phase (pre-closure and rehabilitation phase)
All activities on site up to the start of construction, not including the transport of materials, but including the initial site preparations. This also includes the impacts that would be associated with planning.
Construction phase (closure and rehabilitation phase)
All the construction and construction-related activities on site, until the contractor leaves the site.
Operational phase (post-closure and rehabilitation phase)
All activities after construction, including the operation and maintenance of the proposed development.
The activities arising from each of the relevant phases have been included in the impacts assessment tables. The assessment endeavours to identify activities that would require environmental management actions to mitigate the impacts arising from them. The criteria against which the activities were assessed are given in the next section.

8.4. Assessment Criteria

The assessment of the impacts has been conducted according to a synthesis of criteria required by the guideline documents to the EIA regulations (2006) and integrated environmental management series published by the Department of Environmental Affairs and Tourism (DEAT) currently Department of Environmental Affairs (DEA). In addition to this, it is a requirement of the National Environmental Management Act (NEMA) 2014 Regulations, Appendices 1 and 2 that an Impact and Risk Assessment process be undertaken for Basic Assessments and Environmental Impact Reporting. The Assessment Criteria is based on the following:

- Nature of Impact ,
- Extent;
- Duration;
- Intensity;
- Probability;
- Determination of significance; and
- Reversibility of impact.

Each of these are explained in Table 4.3 below:

Table 8.2: Assessment Criteria used in rating impacts of a project

ASSESSMENT CRITERIA	
i). Nature of Impact	
	This is an appraisal of the type of effect the proposed activity would have on the affected environmental component. The description should include what is being affected, and how.
b) Extent	
	The physical and spatial size of the impact. This is classified as: <ul style="list-style-type: none"> i) Site The impact could affect the whole, or a measurable portion of the site. ii) Local The impacted area extends only as far as the activity, e.g. a footprint of the specific activity iii) Regional The impact could affect areas such as neighbouring farms, transport corridors and the adjoining towns.

c) Duration

The lifetime of the impact; this is measured in the context of the lifetime of the proposed project.

Short term

The impact will either disappear with mitigation or will be mitigated through natural process in a span shorter than any of the phases.

ii) Medium term

The impact will last up to the end of the phases, thereafter it will be entirely negated.

iii) Long term

The impact will continue or last for the entire operational life of the development, but will be mitigated by direct human action or by natural processes thereafter.

iv) Permanent

The only class of impact which will be non-transitory. Mitigation either by man or natural processes will not occur in such a way or in such a time span that the impact can be considered transient.

d) Intensity

Is the impact destructive or benign? Does it destroy the impacted environment, alter its functioning, or slightly alter it? These are rated as:

i) Low

The impact alters the affected environment in such a way that the natural processes or functions are not affected.

ii) Medium (Moderate)

The affected environment is altered, but function and process continue, albeit in a modified way.

iii) High

Function or process of the affected environment is disturbed to the extent where it temporarily or permanently ceases. This will be a relative evaluation within the context of all the activities and the other impacts within the framework of the project.

e) Probability

This describes the likelihood of the impacts actually occurring. The impact may occur for any length of time during the life cycle of the activity, and not at any given time. The classes are rated as follows:

i) Improbable

The possibility of the impact occurring is very low, due either to the circumstances, design or experience.

ii) Probable

There is a possibility that the impact will occur to the extent that provisions must be made.

iii) Highly probable

It is most likely that the impacts will occur at some or other stage of the development. Plans must be drawn up before the undertaking of the activity.

iv) Definite

The impact will take place regardless of any prevention plans, and mitigation actions or contingency plans are relied on to contain the effect.

f) Determination of significance

Significance is determined through a synthesis of impact characteristics. Significance is an indication of the importance of the impact in terms of both physical extent and time scale, and therefore indicates the level of mitigation required. The classes are rated as follows:

i) No significance

The impact is not substantial and does not require any mitigation.

ii) Low

The impact is of little importance, but may require limited mitigation.

iii) Medium (Moderate)

The impact is of importance and therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels.

iv) High

The impact is of great importance. Failure to mitigate, with the objective of reducing the impact to acceptable levels, could render the entire development option or entire project proposal unacceptable.

g) Reversibility of impact

Natural or human aided intervention:

(i) Irreversible

The impact will be permanent.

(ii) Short term

The impact is reversible within two years after construction.

(iii) Long term

The impact is reversible within 2 to 10 years after construction.

f) The degree to which the impact can cause irreplaceable loss of resources
<p>(i) Low</p> <p>The impact result in the loss of resources but the natural, cultural and social processes/functions are not affected.</p> <p>(ii) Medium</p> <p>The loss of resources occur but natural cultural and social processes continue, albeit in a modified manner.</p> <p>(iii) High</p> <p>The impact result in irreplaceable loss of resource.</p>

8.5. Environmental Impact Report

On completion of the Environmental Impact Assessment, the EAP will compile an Environmental Impact Report (EIR) for the competent authority's consideration and decision-making. The main purpose of this report is to gather and synthesise environmental information and evaluate the overall environmental impacts associated with the development, to consider mitigation measures and alternative options, and make recommendations in choosing the best development alternative. The EIR will also provide details on the steps taken to respond to the issues identified in the scoping phase and indicate the manner in which these issues have either been responded to or addressed.

Furthermore, a draft Environmental Management Programme (EMPr) will be compiled during the course of the EIA and will be submitted for approval as part of the final EIR. The EMPr provides guidelines to the project proponent and the technical team on how best to implement the mitigation measures and management recommendations outlined in the EIR during the construction and operational phase.

8.6. Closure and Rehabilitation Plan

As part of the Scoping and EIA Report and Waste Licence Application requirements for the Closure of the Niekerkshoop Landfill Site, a closure plan for the site must be compiled to support the application. The Closure and Rehabilitation report will be compiled in consultation with the USK Consulting (Pty) Ltd. as the company was responsible for providing the conceptual layout design for the site.

The Closure and Rehabilitation report is intended to serve a guide for the formal closure and end use planning for the proposed closure of the Niekerkshoop landfill site. The closure and end use plan are intended to be implemented along with the rehabilitation of the site. This report is thus intended to:

- Serve a guide for the formal closure and rehabilitation planning for the Niekerkshoop Landfill Site.
- Used as a framework document, which shall guide the development of more detailed specifications for the implementation of engineering scope of works for the closure and rehabilitation of the Niekerkshoop Landfill Site.
- Form part of the Environmental Management Plan for the Closure of the Niekerkshoop Landfill site.
- Guide the Siyathemba Local Municipality to make Financial Provisions for the closure and rehabilitation for the sites.

The closure report will be prepared in line with the guidance documents on best practice for Closure of Waste Management Facilities, some of which can be found in the Minimum Requirements for Waste Management 2nd Editions, Department of Water Affairs and Forestry (1998), and is intended to ensure compliance with legal and other requirements within the context of Environmental Management Systems and Planning.

The objective of the closure plan is to steer the use of the site during its lifetime toward a desirable end use state that minimizes environmental risk, social risk, and financial or economic risk. The closure plan takes all closure requirements into account. The landfill closure plan aims to specify the implementation of requirements for closure of the landfill and would typically include details of rehabilitation measures. The closure report also seeks to specify details of management, inspection, monitoring and maintenance of the site after it is closed. It is however important to bear in mind that this plan is a retrospective Closure Plan as the Niekerkshoop Landfill site was never opened formally and not designed as a dumpsite or landfill.

8.7. Operational plan

This manual will serve as a guidance document for the personnel working at the Niekerkshoop Landfill Site to aid them in proper landfill operations. It also serves as a guide for operations supervisory personnel and sets forth contingency plans for special problems and situations that may arise. This document will further provide a framework for developing the operations guidance manual or plan and shall be developed along a site is developed through its various stages.

This Operation Environmental Management Plan will be designed to be useful both as a field reference document and as a training manual. Every employee working on the Site is expected to be familiar with its use and location at the site. The manual will be divided into two sections: the General

Overview; and Standard Operating Procedures. The General Overview contains basic knowledge regarding personnel responsibilities, safety practices, weighbridge operations, and the overall operations of the landfill.

8.8. Public Participation process

Public participation during the EIA phase will continue similarly to the process undertaken for the Scoping Phase. The key tasks that will form part of the public participation process in the EIA phase include:

- Continued identification of I&APs;
- Placement of the Draft EIR for public comment;
- Continued consultation within key stakeholders and I&APs; and
- Continued recording of issues and responses.

8.8.1. I&AP Database

The database of interested and affected parties will be updated and expanded to include any I&APs who become interested or request to be included in the process and will act as a record of the communication/ involvement process. All I&AP information (including contact details), together with dates and details of consultations and a record of all issues raised is recorded within a comprehensive database of I&APs.

8.8.2. Public Review of the Draft EIR

The Draft EIR will be made available for public viewing for a period of 30 days. The information regarding the availability of the Draft EIR i.e. the dates of release and the respective venues, will be communicated to all I&APs. Furthermore, in terms of the EIA regulations, the availability of the Draft EIR will be advertised within the local newspapers. The primary aim advertising will be to ensure that the widest group of I&APs possible are informed of the project.

8.8.3. Public Meetings

Should comments received during this period warrant an information-sharing meeting, and then this will be scheduled and held accordingly.

8.8.4. Issues and Responses Report

The comments/queries raised by I&APs will be responded to and included in the issues and Response Report of the Final EIR.

8.9. Authority Liaison

Consultation with National DEA and the Provincial authorities (DENC) will be on-going and will continue from the communications established during the Scoping Phase of the project. Due to the nature of the project, the Department of Water Affairs will be actively engaged throughout each phase of the project. In addition, a Water Use Licence Application will be submitted as part of this EIA process. If any additional permits or requirements are identified at any time during the EIA process, the relevant competent authority will be notified and be provided with the opportunity to form part of the EIA process.

13 CONCLUSIONS

The proposed Licencing of the Niekerkshoop Landfill Site is expected to improve the current site condition which has created a visual and other environmental nuisances over the years. The proposed licencing will serve as an upgrade of the current landfill is a strategic response to address legislative requirements associated with landfill operations. The Niekerkshoop landfill is currently an illegal operation as it is not in compliance with the Minimum Requirements for disposal of waste to landfill and other Environmental requirements.

Based on the summary of environmental observations noted during the Scoping phase, it is a conclusion of this BA that the proposed upgrade of the Niekerkshoop landfill will have low impacts on the bio-physical environment, all of which can be fully mitigated and managed, and where possible prevented. The landfill activities on the site are not likely to negatively affect local ecological functions noted during the scoping phase. There are no water features within and around the landfill site. The EIA phase will attempt to provide detailed mitigation measures for all issues identified in this Scoping Phase.

Although activities related to the upgrade and operation of the landfill site may have a potentially adverse impacts of a low to medium significance on surface and ground water pollution, air quality and the quality of soil (erosion and degradation), these impacts are envisaged to be immediate to the site and can easily be mitigated with the application of recommended mitigation measures.

14 REFERENCES

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