

Date: 21/05/2013

Our Ref: S0687

Attention: Interested and Affected Party

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To Whom It May Concern,

**NOTICE OF APPLICATION FOR RECTIFICATION:
CONTINUATION OF ACTIVITIES IDENTIFIED IN TERMS OF THE
ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS IN TERMS OF 24G OF
THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NO. 107 OF 1998)**

1. INTRODUCTION

Notice is given, in terms of Section 24(G), read together with Section 24(F), of the National Environmental Management Act (NEMA), as amended, (No 107 of 1998) that EnviroServ Waste Management Ltd (EnviroServ) has made an application for rectification in terms of Sections 24(G) and 24(F) of NEMA to the Gauteng Department of Agriculture and Rural Development (GDARD) (Ref No.: S24G/03/12-13/0241).

EnviroServ placed stockpiles of soil and clay material on portions 15 and 16 of the farm Holfontein 71 IR. The site is immediately adjacent to the Holfontein Hazardous Waste Disposal Site (HHWDS) and the properties are owned by EnviroServ. The stockpiled materials are required for future capping and rehabilitation of the HHWDS and were deposited from June 2012 onwards.

EnviroServ was not aware that the affected land is classed as wetland and that the area is recognized as an ecological support area in GDARD's Conservation Plan. The placement of the material therefore triggered listed activities and was unlawful. EnviroServ is applying for authorisation in terms of section 24G of NEMA for the unlawful commencement and continuation of activities listed in the Environmental Impact Assessment (EIA) Regulations (Government Notices R 544 and R 546 of 18 June 2010), promulgated in terms of Section 24(5) and 44 of the NEMA.

Synergistics Environmental Services (Pty) Ltd (Synergistics) has been appointed as independent environmental assessment practitioner responsible for managing the rectification application.

2. BACKGROUND

EnviroServ owns the Holfontein Hazardous Waste Disposal Site which is operated for the disposal of high hazard wastes in terms of a waste disposal permit (16/2/7/C212/Y121/P3 - with amendments).

The HHWDS is subject to on-going construction and development of waste disposal cells on the remaining land within the HHWDS. Previous construction activities at the HHWDS, and the development of the future waste disposal cells, have and will continue to result in the generation of soil and clay material in excess of the immediate construction needs. This material is derived from the stripping, excavation and preparation of the base layers required for the waste disposal cells. The soil and clay material is required for the on-going construction as well as future closure and rehabilitation of waste cells and is a valuable resource.

These materials have been stockpiled on the available space within the HHWDS. However, this area is now under development and is no longer available for the stockpiles. EnviroServ thus took the decision to relocate the soil and clay material from within the HHWDS to an area west of and adjacent to the HHWDS. The soil and clay stockpile was placed on portion 15 and portion 16 of the farm Holfontein 71 IR (Figure 1). These properties are owned by EnviroServ and were unused. The stockpile will be used on an on-going basis with material being added and removed as it is required for construction, closure and rehabilitation of waste cells at the HHWDS. The stockpile will cover an area of approximately 3.65 ha at full extent.

Subsequent to the placement of the soil and clay stockpile, it was determined from the SANBI GIS database that areas of the property are considered to be wetlands [National Freshwater Ecosystem Priority Area (NFEPA 2011)]. A subsequent review of the GDARD Conservation Plan (v3.3) indicated that the area is also mapped as an ecological support area (Figure 1).

3. UNAUTHORISED ACTIVITIES

The Environmental Impact Assessment (EIA) Regulations (GN R 543-7, June 2010) published in terms of section 24(5) of the NEMA list activities that may not commence without environmental authorisation from the competent authority. Commencement with any of the listed activities without environmental authorisation is an offence in terms of Section 24F of the NEMA.

Due to the wetland and ecological support area status of parts of portions 15 and 16 of the farm Holfontein 71 IR, the placement of the soil and clay stockpile on this land without environmental authorisation constitutes an unlawful activity. The listed activities for which environmental authorisation should have been obtained included:

- GN R 544, Activity 18: “*The infilling or deposition of any material of more than 5 m³ into (i) a watercourse*”; and

- GN R 546, Activity 13: “the clearance of an area of 1 ha or more of vegetation where 75% or more constitutes indigenous vegetation, in (a) Critical biodiversity area and ecological support areas identified in systematic biodiversity plans adopted by the competent authority”.

4. APPLICATION FOR RECTIFICATION (SECTION 24G)

Section 24G of the NEMA provides opportunity for the rectification of the unlawful commencement and/ or continuation of listed activities. The process to be followed will consist of the following steps:-

Step 1: Ascertain whether he/she/they are responsible for the commencement or continuation of an activity requiring authorisation in terms of the EIA Regulations without the necessary authorisation. **Completed**

Step 2: Submit an application for rectification to the GDARD. **Completed**

Step 3: The application is reviewed and a site inspection may be conducted to verify information provided. **Completed**

Step 4: The GDARD will advise the applicant on further procedural and information requirements by means of a notice. This includes the compilation of an Environmental Assessment Report and the conduction of prescribed Public Participation Process (PPP). **Received**

Step 6: The applicant submits the required reports together with proof of PPP.

Step 7: The GDARD reviews the reports and advises the MEC to inform his decision. The MEC will also advise the applicant on the administration fine payable.

Step 8: The MEC communicates his decision to the applicant (within 90 days). This decision could be either:

- issue the applicant with an environmental authorisation; or
- issue the applicant with a directive instructing him to cease with the activity and rehabilitate the environment.

Step 9: The applicant implements the MEC's decision.

The Environmental Assessment Report required in terms of **Step 4** must contain the following:

- A description of the need and desirability of activities;
- A clear description of the activities in question and size of property in question including a site layout plan and a locality map;
- An assessment of the environmental impacts of the activity including a detailed description on all current possible environmental impacts associated with the operation and decommissioning of the activity;

- Storm water Management Plan around the stockpile area;
- An aquatic study related to any riverine or wetlands on the property and delineation of the floodplains;
- Specialist reports including an ecological study and a geotechnical study, both including cumulative impacts.
- A Environmental Management Plan (EMP) with an identification and description of the mitigation measures undertaken to manage environmental impacts of the activity, which will be enforced by a appointed Environmental Control Officer;
- A detailed monitoring plan of surface and groundwater as well as dust emissions;
- An identification of all legislation and guidelines that have been considered in preparation of all conclusions and recommendations made;
- Any current and potential pollution, environmental impacts or environmental degradation caused by the activity;
- Comment from the South African Heritage Resource Agency (SAHRA);
- Comment from the Department of Water Affairs (DWA); and

A description of, and results from, the PPP followed during the application for rectification.

5. ENVIRONMENTAL ASSESSMENT AND MANAGEMENT PLAN

Synergistics will undertake an environmental assessment of the unlawfully commenced activities. The assessment will consider the nature, extent, duration and significance of the consequences for, or impacts on, the environment of the activity, including the cumulative effects. Specialist input may be called for to provide a full understanding of the wetland status. Consideration will be given to relevant issues identified by the public.

A description of mitigation measures undertaken or to be undertaken in respect of the environmental impacts of the activity will be provided. These actions are required to minimise negative impacts and enhance positive impacts associated with the activities. An EMP will detail the actions and responsibilities required to effectively implement the mitigation measures.

6. PUBLIC PARTICIPATION PROCESS

Interested and Affected Parties (I&APs) are afforded an opportunity to object to or comment on the proposed rectification and environmental authorisation of the unlawful commencement of the listed activities. All objections and environmental issues raised by the I&APs will be documented and reported with the Section 24G application. The Public Participation Report will document how the issues raised have been addressed.

You are hereby notified that a consolidated rectification application has been submitted to GDARD in terms of Section 24G of NEMA. Should you require further information regarding the application or wish to object or raise any issues of environmental concern, please feel free to submit them in writing, or contact:

Samantha Scott of Synergistics Environmental Services (Pty) Ltd

Post: P.O. Box 68221, Bryanston, 2021, RSA

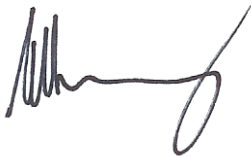
Fax: +27 (0)11 326-4118

Email: samantha@synergistics.co.za

Parties wishing to formally object to and/ or comment on the proposed rectification and environmental authorisation are requested to forward their objections and comments (with reasons) to Synergistics no later than thirty days after the distribution of this notification letter (**07 June 2013**).

Should you have any queries please feel free to contact Synergistics.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Matthew Hemming', with a stylized, flowing script.

Matthew Hemming

Environmental Assessment Practitioner

Return completed sheet to: Samantha Scott
Synergistics Environmental Services (Pty) Ltd
 Fax: (011) 326-4118
 E-mail: samantha@synergistics.co.za
 P.O. Box 68221, Bryanston, 2021, RSA

Postal Address:

Cell phone:

E-mail:

Signature:

If you know of others who should be informed of the project, please provide us with their contact details:

Organisation/Affiliation

Cell phone:

E-mail:

If you have any direct business, financial, personal or other interest in the approval or refusal of the application, please disclose these:

ISSUES, CONCERNS AND QUESTIONS

(use additional pages if required)

ALL COMMENTS MUST REACH US BY 07 JUNE 2012.

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