



REFERENCE: 19/2/5/2/B1/2/WL0152/18

The Municipal Manager
Langeberg Local Municipality
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For attention: Mr Glen Slingers

WASTE MANAGEMENT LICENCE FOR THE OPERATION AND CLOSURE OF THE ASHTON WASTE DISPOSAL FACILITY ON PORTION OF PORTION 4 AND REMAINING PORTION 71 OF THE FARM GOREE NO. 158, DIVISION OF ASHTON

WASTE MANAGEMENT LICENCE

A. DECISION

I, Eddie Hanekom, in my capacity as the Director, (hereinafter referred to as "the Director"): Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA), as amended, hereby issue this Waste Management Licence to the Langeberg Municipality (hereinafter referred to as 'the Municipality') for the operation and closure of the Ashton Waste Disposal Facility (WDF) on Portion of Portion 4 and Remaining Portion 71 of the Farm Goree No. 158, Division of Ashton, Langeberg Local Municipality (hereinafter referred to as "the Facility").

B. DESCRIPTION OF THE ACTIVITY:

The activities for operation and decommissioning of the Ashton WDF as per the "*Minimum Requirements for Waste Disposal by Landfill*", 1998, Second Edition, Department of Water Affairs and Forestry (DWAF) (now the Department of Water and Sanitation) ("*Minimum Requirements*") and the NEM:WA "*National Norms and Standards for Disposal of Waste to Landfill*" Government Notice (GN) No. R636 of 23 August 2013 (GN R 636) will entail; but not be limited to the following:

The activities at the Facility will entail the following:

- (a) The disposal of general waste;
- (b) The compaction and covering of the disposed general waste;
- (c) The monitoring and surveying of the waste body to determine when the final contours are reached;
- (d) The crushing of construction and demolition waste and chipping of garden waste;
- (e) The further operation of a waste reclamation facility;
- (f) The construction of associated infrastructure such as stormwater, run-off water and leachate management structures and a final capping after the disposal of waste has ceased.
- (g) The monitoring of groundwater quality;
- (h) The recording of waste quantities disposed and recovered, incidents and complaints;
- (i) Conducting internal audits and appointing an independent auditor to compile external audits;
- (j) Ensure proper access control, keeping control over the waste accepted at the Facility and preventing, as far as practically possible, nuisance conditions such as wind-blown litter, odours, dust, flies and excessive noise and preventing the burning of waste;
- (k) The decommissioning of a waste disposal facility, meaning the planning for and management and remediation of the closure (capping and rehabilitation) of a facility that is in operation.

The following activities listed in the NEM:WA, List of Waste Management Activities that have, or are likely to have a Detrimental Effect on the Environment, Government Notice (GN) No. 921 of 29 November 2013, as amended (GN No. 921), are hereby authorised:

Category A

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

Category B

4 (8) The disposal of general waste to land covering an area in excess of 200m² and with total capacity exceeding 25 000 tons.

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

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

Director: Waste Management
Department of Environmental Affairs and Development Planning
Private Bag X 9086
CAPE TOWN
8000

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the Department of Water and Sanitation: Western Cape Provincial Operations who may be contacted at the address below:

Director: RPW: Western Cape Provincial Operations
Department of Water and Sanitation
Private Bag X16
SANLAMHOF
7532

C. LICENCE CONDITIONS

LICENCE NUMBER:	19/2/5/2/B1/2/WL0152/18
WASTE APPLICATION:	OPERATION TOWARDS CLOSURE OF THE ASHTON WDF
FACILITY CLASSIFICATION:	CLASS B
LOCATION:	PORTION OF PORTION 4 AND REMAINING PORTION 71 OF THE FARM GOREE NO. 158, DIVISION OF ASHTON
LICENCE HOLDER:	LANGEBERG LOCAL MUNICIPALITY
CONTACT PERSON:	THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS:	PRIVATE BAG X2, ASHTON, 6715

1. LOCATION

- 1.1 This Licence authorises the Langeberg Local Municipality to operate the Facility on Portion of Portion 4 and Remaining Portion 71 of the Farm Goree No. 158, Division of Ashton, Langeberg Local Municipality.
- 1.2 The location of the entrance to the Facility is:

Latitude	Longitude
33°50'11.40"S	20°06'04.19"E

The co-ordinates indicated in the Waste Management Licence Application Form, signed 23 August 2018 and the Additional Information Annexure, and specifically in the Proposed Operation and Impending Closure of the Existing Ashton Waste Management Facility, Western Cape Environmental Management Programme (EMPRr), dated 16 January 2019, by Legacy Environmental Consulting, which was appended to the Final Environmental Impact Assessment (EIA) Report, dated March 2019, submitted by the Licence Holder, are as follows:

Corner Point	Latitude	Longitude
1	33°50'11.34"S	20°06'03.91"E
2	33°50'09.64"S	20°06'03.72"E
3	33°50'09.06"S	20°06'01.98"E
4	33°50'06.49"S	20°06'02.97"E
5	33°50'05.44"S	20°05'57.86"E
6	33°50'02.34"S	20°05'58.90"E
7	33°50'03.02"S	20°06'05.45"E
8	33°50'03.80"S	20°06'10.52"E
9	33°50'07.52"S	20°06'09.89"E

Corner Point	Latitude	Longitude
10	33°50'11.28"S	20°06'08.76"E
11	33°50'10.66"S	20°06'06.79"E
12	33°50'11.48"S	20°06'04.28"E

The Licence Holder must confirm these co-ordinates at the first topographical survey required in Condition 5.2 and forward these co-ordinates to the Director.

- 1.3 SG 21-digit code of the Facility is: C05000000000015800071.
- 1.4 The footprint of the Facility and its associated infrastructure is 55,415m².

2. PERMISSIBLE WASTE

- 2.1 Any portion of the Facility which has been constructed or developed according to Condition 4, of this Licence, may be used for the disposal of waste classified as general waste, according to the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA), or any current or future Norms and Standards developed by the Department of Environment Affairs, is authorised.
- 2.2 If more than 80m³ of hazardous waste is going to be stored at the Facility, registration in terms of the relevant NEM:WA National Norms and Standards for the Storage of Waste (Government Notice No. 926 of 23 August 2013) must be adhered to.
- 2.3 The Licence Holder must take all steps to ensure that, the following are not disposed of at the Facility: -
 - 2.3.1 Any hazardous waste; and
 - 2.3.2 Any health care risk waste, including pharmaceutical waste, as defined by the Western Cape Health Care Waste Management Act, 2007, (Act No. 7 of 2007).
- 2.4 All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Licence.
- 2.5 Organic waste is allowed to be disposed of at the Facility but must be in accordance with the Organic Waste Diversion Plan, targets and procedures referred to in Conditions 13.11 of the Licence.

3. APPOINTMENT OF WASTE MANAGEMENT CONTROL OFFICER

- 3.1 The waste management activities that are authorised by this Operating and Closure Waste Management Licence, must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.
- 3.2 A Waste Management Control Officer (WMCO) / Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in this Licence and EMPRr, dated 16 January 2019. The WMCO/ECO must: -
 - 3.2.1 Identify and submit potential measures to the Licence Holder and the Licence Authority in respect of waste minimization, including the reduction, recovery, re-use and recycling of waste;

- 3.2.2 Report any significant non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority that may affect the operation of the facility, create nuisance conditions or health hazards, through means reasonably available; and
- 3.2.3 Monitor the closure construction activities and ensure that the construction plans are in accordance with the engineering design.

4. COMMISSIONING AND CONSTRUCTION OF THE ACTIVITIES

- 4.1 Closure construction and further development within the proposed WDF must be carried out under the supervision of a Professional Engineer, registered under the Engineering Profession of South Africa Act, 2000 (Act No. 46 of 2000). Any new cell development on the Facility must adhere to a Class B containment barrier design as described in the NEM:WA National Norms and Standards for Disposal of Waste to Landfill, (Government Notice No. R 636, dated 23 August 2013), including a lined leachate collection dam. The Licence Holder must submit any additional design drawings to the Licensing Authority for approval 90 (ninety) days before commencement of the listed waste management activities.
- 4.2 The existing portion of the Facility must be capped with an appropriate infiltration control cap, according to the Design Drawings A228/100, A228/101, Revision 3, and A228/102, dated September 2017, by Jan Palm Consulting Engineers (Pty) Ltd (JPCE) and approved by the Department of Water and Sanitation on 27 February 2019. Design and construction records, including topographical surveys and methodical materials test results, must be recorded, archived and made available to the Director at any time after construction.
- 4.3 After construction of the closure of the Facility or any further development within the Facility, the Licence Holder must notify the Director thereof. The person referred to in Condition 4.1 must submit a certificate or alternatively a closure report or letter to the Director that the closure construction of the Facility or further development within the Facility, as proposed by the Licence Holder and approved by the Director, is in accordance with recognised civil engineering practice and the requirements in this Licence. Disposal may not commence in any new cells on the Facility until this has happened. If the Director is satisfied with the construction of the Facility and has given written permission, the Licence Holder may use any further development within the Facility for the disposal of waste.
- 4.4 Operational works on the Facility must be constructed and maintained on a continuous basis by the Licence Holder to divert all stormwater arising on land adjacent to the Facility, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of 1:50 (one in fifty) years (hereinafter referred to as the "estimated maximum precipitation"). Such works will, under the said rainfall event, maintain a freeboard of half a metre.
- 4.5 Operational works on the Facility must be constructed and maintained on a continuous basis by the Licence Holder to divert and drain from the working face of the Facility, all runoff water arising on the waste body on the Facility, which could be expected as a result of the estimated maximum precipitation. Any contaminated runoff water and leachate, if required, from the Facility must be collected and retained in appropriately lined works. Such works will, under the said rainfall event, maintain a freeboard of half a metre and be lined to the satisfaction of the Licensing Authority to prevent pollution of groundwater and drain from the Facility in a legal manner.
- 4.6 Runoff water referred to in Condition 4.5 will only be released into the environment if it complies to with the quality requirements of the General Standard, prescribed in terms of Government Notice No. 665, the "Revision of the General Authorisations in terms of section 39 of the National Water Act, 1998 (Act No. 26 of 1998) (The Act)" of 6 September 2013, or with such quality requirements as may

from time to time be determined by the Minister of Water and Sanitation or with special permission from the Director: RPW and will be drained from the Facility in a legal manner.

- 4.7 Runoff water referred to in Condition 4.5 which does not comply with the quality requirements applicable in terms of Condition 4.6 and all sporadic leachate from the Facility must, by means of works which must be constructed (refer to page 14 in the Ashton Waste Disposal Site Operation, Management and Rehabilitation Plan, dated 18 October 2018 by JPCE (Pty) Ltd – Storm Water Control and page 15 of the same Report - Leachate Management) and maintained on a continuous basis by the Licence Holder and be lined as approved by the Director to prevent pollution to groundwater: -
 - 4.7.1 Be treated to comply with the aforementioned standard and discharged in a legal manner; and/or,
 - 4.7.2 With the written approval of the Director, be evaporated in lined dams as approved by the Licence Authority; and/or
 - 4.7.3 Discharge into any convenient sewer only if accepted in writing by the authority in control of the sewer.
- 4.8 Install a proper stormwater diversion system and runoff water collection system to separate clean and dirty water.
- 4.9 If required, install a leachate collection tank or lined pond on the downstream side of any new cell of the Facility to collect any sporadic leachate or potentially contaminated water from the toe of the Facility.
- 4.10 No further development may be allowed, without the written agreement of the land owners (refer to the Interested and Affected Persons/Parties (I&AP) Agreement Forms that form part of Appendix D: Public Participation Process of the Final EIA Report), within a buffer zone of 150 (one hundred and fifty) metres around the Facility. This buffer zone must be maintained.
- 4.11 Should a new waste disposal cell being approved by the Director, this new cell must be lined with a containment barrier that must adhere to a Class B barrier system, as per GN No. R.636.
- 4.12 As part of the operation, the Facility must be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- 4.13 Side slopes will be kept to a maximum of 1v:3h to ensure stability, minimise erosion and promote vegetation growth.
- 4.14 Any development which occurs within the 1:100 (one in a hundred)-year flood line and/or within 500 (five-hundred) metre from the boundary of a wetland would require a water use licence in terms of section 21 of the National Water Act, 1998 (Act 36 of 1998).
- 4.15 The final contours of the waste body, including the final capping layers, may not exceed the contours as indicated in Drawing No. A228/101, Revision 3, dated September 2017, by JPCE and attached as Annexure III, to a maximum height of 296 metre above mean sea level. The Licence Holder must fill the waste body towards the final contours throughout the operational phase, to prevent unnecessary cut-to-fill excavations into the waste during the closure and rehabilitation of this Waste Disposal Facility and must cease all disposal of waste before these final contours are reached, taking the thickness of the capping layers into consideration. Annual topographical surveys of the Facility must be done and submitted to the Director as required in Condition 5.2.
- 4.16 After the disposal of waste has ceased the Licence Holder must immediately inform the Director thereof and thereafter the Director will issue Directives regarding the capping and rehabilitation of the Waste Disposal Facility.

5. GENERAL MANAGEMENT

- 5.1 The EMPRr dated 16 January 2019, submitted as part of the Final EIA Report, is hereby approved and must be implemented together with all the conditions of this Licence.
- 5.2 The Licence Holder must within 12 (twelve) months of the date of signature of this Licence undertake a topographical survey of the Facility, confirm the actual corner co-ordinates and use the data to calculate the side slope angles and the remaining volume of airspace on the Facility and compare this survey to the final contours, as specified in Drawing A228/101 Revision No. 3, dated September 2017 of the Ashton Waste Disposal Site Operation, Management and Rehabilitation Plan also attached as Annexure III of this Licence, and determine the estimated remaining time left for the disposal at the Facility before the closure and rehabilitation. These findings must be submitted to the Director in writing annually.
- 5.3 An application for the amendment to the EMPRr must be submitted to the Director if any further amendments are to be made to the EMPRr and this may only be implemented once the amended EMPRr has been authorised by the Director.
- 5.4 The EMPRr must be included in all contract documentation for all phases of implementation.
- 5.5 The Licence Holder must notify the Director immediately of any events or incidents that may cause significant environmental damage or significant breach of the requirements of the EMPRr.
- 5.6 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it, kept at or near the place where those duties will be carried out.
- 5.7 A copy of this Licence and the EMPRr must be kept at the Facility where the waste listed activities will be undertaken. The Licence and EMPRr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.
- 5.8 The Licence Holder will remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.

6. IMPACT MANAGEMENT

- 6.1 The Licence Holder must: -
 - 6.1.1 Notify the Director immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMPRr.
 - 6.1.2 Ensure that effective vector (flies and vermin) control measures are in place and that these are maintained.
 - 6.1.3 Ensure that effective dust control is exercised to avoid any dust emanating during the construction, operational and closure phases from the processing of the waste as well as access roads where there is a potential for dust generation.
 - 6.1.4 If required, a specific area must be demarcated for fuelling and workshop services and such an area must be bunded to reduce the possibility of soil and water contamination.
 - 6.1.5 Ensure that the provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) are met, to ensure the health and safety of all staff.
- 6.2 Any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the causes of the complaints within a reasonable timeframe to the satisfaction of the Director and record it in terms of Conditions 12 and 13.

7. OPERATION

7.1 Facility Security and Access Control

- 7.1.1 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence of 1.8 m and a gate with the same height.
- 7.1.2 All entrance gates must be manned during the hours of operation and locked outside the hours of operation.
- 7.1.3 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 3 (three) of the official languages applicable in the area. These notices must prohibit unauthorised entry, state the hours of operation, include the type of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility. Signage must also be displayed for each of the waste activities on the Facility.

7.2 Facility management and operations

- 7.2.1 Waste may be pre-processed within the enclosed Material Recovery Facility (MRF) where as much recyclable material can be recovered as practically possible, builders' rubble crushed (not in enclosed area) or garden waste chipped (not in enclosed area), without the creation of any nuisance conditions such as wind-blown litter, odours, flies, vermin or noise. All residual waste material must be transported to the working face of the Waste Disposal Facility for controlled disposal, as soon as practically possible to avoid the decomposition of the waste. This MRF, and possible future crushing and / or chipping areas will be located on the licenced area. However the MRF, crushing and chipping areas and its waste management activities may, depending on the volumes of waste treated and areas used, be subject to NEM:WA National Norms and Standards relevant for the storage, sorting, shredding, grinding, crushing, screening or bailing of waste and therefore will not be regulated by this Licence. The closure of these facilities is also not linked to the final contours of the Waste Disposal Facility and may continue operating after the WDF may no longer accept waste.
- 7.2.2 Waste disposed of at the Facility must only be disposed of at a designated working area that is as small as practically possible.
- 7.2.3 Before the end of the working day, all the waste that is disposed of, must be spread, compacted and covered with sufficient suitable cover material, that is stockpiled near the working face.
- 7.2.4 The Licence Holder must take all reasonable steps to ensure the Facility is operated in a manner which will prevent the creation of nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise.
- 7.2.2 The Licence Holder must apply sufficient dust control measures to prevent wind-blown dust.
- 7.2.3 No reclamation of waste may take place on the waste body.
- 7.2.4 All persons reclaiming waste at the designated facilities or officially working on the WDF must be wearing suitable personal protection equipment.
- 7.2.5 Waste may not be burned at the Facility.
- 7.2.6 An Emergency Response Plan (ERP) must be developed and all staff must be trained in the implementation thereof. The ERP should be regularly updated and must include fire

excavations, injury on duty, accidents, procedures caused by unexpected hazardous waste which entered the Facility.

7.2.7 The Facility must comply with the Provincial Noise Control Regulations P.N. 200/2013, as promulgated under the Environmental Conservation Act, 1989 (Act No. 73 of 1989).

7.2.8 The Licence Holder shall take all reasonable steps to maintain service roads in a condition which ensures unimpeded access to the Facility for vehicles transporting waste and keep the roads free of waste.

8. ENVIRONMENTAL POLLUTION INVESTIGATIONS

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

9. MONITORING

9.1 Monitoring and Measurement Plan

9.1.1 The Licence Holder must put in place a monitoring and measurement plan that must amongst others include: -

9.1.3.1 Tonnage received, recovered, recycled, treated and transferred;

9.1.3.2 Waste types and sources;

9.1.3.3 Air quality monitoring, when required by the Director as part of investigative monitoring;

9.1.3.4 Water quality monitoring; and

9.1.3.5 Yearly (once a year) topographical survey.

9.2 Water Monitoring

9.2.1 The Licence Holder must establish and maintain a ground water monitoring network as recommended in the Groundwater Specialist Report, referenced: C00720-ENV-GWSR-01, dated 08 November 2017, by Advisian Worley Parsons Group as well as the Record of Decision from the Department Water and Sanitation, dated 26 July 2019, with at least one upstream and two downstream boreholes, within 6 (six) months of obtaining this licence, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.

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

9.2.3 When possible, surface water monitoring must be performed in all runoff water retention structures that discharge to the natural environment at locations selected in conjunction with the Director and at such a frequency as determined by the Director.

9.2.4 Monitoring for groundwater quality must be conducted for variables listed in Annexure II of this Licence.

9.3 Detection monitoring

9.3.1 Monitoring for groundwater and runoff water will be conducted: -

- (a) for variables listed in Annexure II – bi-annually (twice each year);
- (b) or at such frequency as may be determined by the Director or the Director: RPW.

9.4 Investigative monitoring

9.4.1 If, in the opinion of the Director or Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in Condition 9.3, shows an increasing trend, the Licence Holder may be required initiate a monthly monitoring programme.

9.5 Further investigation

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

9.6 Post-closure monitoring

9.6.1 Groundwater monitoring by the Licence Holder, in accordance with Condition 9.2, will continue after closure of the Facility and be maintained for a period of 30 (thirty) years, or such lesser period as may be determined by the Director or Director: RPW.

9.7 Monitoring Methods and Parameters

9.7.1 The Licence Holder must carry out all tests required in terms of this Licence in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008) to analyse the sample as taken under the monitoring programme specified in Condition 10.2.1.

9.7.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Director or Director: RPW, specifying that the method to be used is at least equivalent to the SABS method.

10. **AUDITING**

10.1 INTERNAL AUDITS

10.1.1 Internal audits must be conducted quarterly (four times a year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor, in the format prescribed by the Director, to report the findings of the audits, which must be made available to the external auditor specified in Condition 11.2 to be included in the external audit report and submitted to the Director as instructed.

10.2 EXTERNAL AUDITS

10.2.1 The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

10.2.2 The audit report must: -

10.2.2.1 Specifically state whether conditions of this Licence are adhered to;

10.2.2.2 Include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment;

- 10.2.2.3 Contain recommendations regarding non-compliance or partial non-compliance with the Licence conditions and must propose specific target dates for the implementation by the Licence Holder of the recommendations.
- 10.2.2.4 Must be submitted to the Residential Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in Condition 12 below, within 3 (three) months from the date on which the external auditor finalised the report.
- 10.2.2.5 Must be submitted to the Director within 30 (thirty) days from the date on which the external auditor finalised the report.
- 10.2.2.6 Specify whether corrective action which was taken for the previous audit's non-compliance was adequate.
- 10.2.2.7 Must be in accordance with the format as prescribed by the Director.

10.3. DEPARTMENTAL AUDITS AND INSPECTIONS

- 10.3.1 The Director or the Director: RPW reserve the right to audit and/or inspect the Facility without prior notification at any time and frequency as may be determined by the Director or Director: RPW, or to have the Facility inspected.
- 10.3.2 The Licence Holder must make any records or documentation available to the Director or Director: RPW upon request, as well as any other information the Director or Director: RPW may require.
- 10.3.3 The findings of these audits or inspections must be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

11. **MONITORING COMMITTEE**

- 11.1 The Licence Holder must establish and take all reasonable steps to maintain and ensure the continued functioning of the Ashton / Zolani (adjacent area) Monitoring Committee for the normal operative lifetime of the Facility.
- 11.2 The Monitoring Committee will be representative of relevant interested and affected persons and may consist of at least the following persons: -
 - 11.2.1 Licence Holder and/or his appointed consultant(s) or advisor(s);
 - 11.2.2 Representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
 - 11.2.3 Representative(s) of the Provincial Government responsible for waste management and environmental functions; and
 - 11.2.4 At least 3 (three) persons/parties, or their representatives elected by the adjacent local residents.
- 11.3 The Monitoring Committee will meet at least once a year and not later than 30 (thirty) days after the yearly external audit report specified in Condition 10.2 has been submitted according to Condition 13.7.
- 11.4 The Licence Holder must keep minutes of all meetings of the Monitoring Committee and must ensure the distribution of these minutes to all members of the Monitoring Committee within 14 (fourteen) days after the meeting, even when no quorum, as specified in the Monitoring Meeting

Constitution, was present. Proof of the invitations and the minutes must be recorded and be made available upon request.

12. RECORD KEEPING

- 12.1 The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 12.2 Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Director as per Condition 14.8
- 12.3 All records required or resulting from activities required by this Licence must: -
 - 12.3.1 Be legible;
 - 12.3.2 Be made available and should form part of the audit report;
 - 12.3.3 If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 12.3.4 Be retained in accordance with documented procedures which are approved by the Director; and
 - 12.3.5 Be made available upon the request of the Director or Director: RPW.
- 12.4 The Licence Holder must record and interpret all borehole and chemical analysis data in a format as agreed upon in writing between the Director or the Director: RPW and the Licence Holder or a relevant specialist if so required.

13. REPORTING

- 13.1 The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause disruption in the normal operation of the Facility, or has caused water pollution, pollution to the environment, health risks or nuisance conditions.
- 13.2 The Licence Holder must within 14 (fourteen) days, or such time specified by the Director, from the occurrence or detection of any incident referred to in Condition 13.1
- 13.3 Submit an action plan, which must include a detailed time schedule and resource allocation signed off by management to the satisfaction of the Director, of measures taken to: -
 - 13.3.1 Correct the impact resulting from the incident;
 - 13.3.2 Prevent the incident from causing any further impact; and
 - 13.3.3 Prevent a recurrence of a similar incident.
- 13.4 In the event that measures have not been implemented within 21 (twenty-one) days of the incident referred to in Condition 13.1 to address impacts caused by the incident, or that the measures which have been implemented are inadequate, the Director, may implement the necessary measures at the cost and risk of the Licence Holder.
- 13.5 The Licence Holder or duly appointed person must keep and maintain an incident and complaints register, which must be made available at the request of the Director and be made available to both the external and Departmental auditors for the purpose of their audits.

- 13.6 The Department must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.
- 13.7 The Department must be notified within 14 (fourteen) days of the following changes: -
 - 13.7.1 Licence Holder's trading name, registered name or registered office address;
 - 13.7.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 13.7.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.8 All audit reports (internal – unless otherwise instructed and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.
- 13.9 The Licence Holder must register and report quantities of waste to the Department's Integrated Pollutant and Waste Information System (IPWIS) which can be accessed on the URL <http://ipwis.pgwc.gov.za/ipwis3/public/Reporting> on IPWIS must be done as required by the Department.
- 13.10 The information required in terms of Condition 12.4 must be reported to the Director and the Director RPW in a yearly report, which may be attached to or form a part of the external audit report. The information must be represented in a trend graph that includes and compares all previous information and must be interpreted by an expert in the field.
- 13.11 The Licence Holder must submit an Organic Waste Diversion Plan to the Director within 90 (ninety) calendar days after the signing of this Operation and Closure Licence. And annually thereafter.
 - 13.11.1 The information within the Organic Waste Management Diversion Plan must:
 - 13.11.1.1 Provide a *status quo* of current organic waste sources and volumes disposed of at municipal WDF's, and current rates and procedures of organic waste diversion from WDF's; and
 - 13.11.1.2 Set annual targets and identify procedures from 2019 that will be implemented to meet these targets for the diversion of organic waste from municipal WDF's, in order to reach a 50% diversion of organic waste by the year 2022 and 100% diversion of garden waste by the year 2027.

14. LEASING AND ALIENATION OF THE SITE

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

15. TRANSFER OF THE WASTE MANAGEMENT LICENCE

- 15.1 Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA, 2008.
- 15.2 Any subsequent Licence Holder will be bound by the conditions of this Licence or Variations thereof.

16. COMMENCEMENT

- 16.1 The closure activities hereby licensed may not commence within 20 (twenty) days of the date of signature of the original Licence.
- 16.2 Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not continue or commence with the closure activities until authorised by the Director in writing.
- 16.3 After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.

17. GENERAL

- 17.1 This Licence will remain responsible for the Facility and/or any of the impacts on the environment arising from the operations.
- 17.2 This Licence will not be construed as exempting the Licence Holder from compliance with the provisions of the Health Act, 2003 (Act No. 61 of 2003), the National Water Act, 1998 (Act No. 36 of 1998) or any applicable Act, Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 17.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Director.
- 17.4 Based on the compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn.
- 17.5 Should the Licence Holder want to conduct the waste management activity beyond the airspace capacity, the Licence Holder must apply for a review of the Licence 1 (one) year before reaching that capacity.
- 17.6 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in section 67(1) of the NEM:WA.
- 17.7 In terms of sections 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and Employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

18. REHABILITATION AND CLOSURE OF THE FACILITY

- 18.1 After the Licence Holder has ceased the disposal of waste on the Facility, this Department must be informed thereof and a timeframe for the commencement of the capping and rehabilitation must be determined. The Licence Holder will then develop detailed closure design plans that must be in line with the approved preliminary design plans.
- 18.2 The Licence Holder will remain responsible for the Facility, and/or any of its impacts on the environment, after operations on the Facility have ceased.

D. APPEAL OF VARIED LICENCE CONDITIONS

- 1.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 1.2. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
 - 1.2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.3. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
 - 1.3.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 1.3.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.4. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 1.5. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development
Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 3 Dorp Street, Cape Town, 8001

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

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

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

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of the Licence will not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

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

Yours faithfully,



EDDIE HANEKOM

DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 26-07-2019

CC: (1) Malise Noe: (DWS: Resource Protection and Waste)

E-mail: NoeM@dws.gov.za

ANNEXURE I

REASONS FOR THE DECISION

1. The reasons for the Licence decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below:
2. The existing Ashton Waste Disposal Facility had come to the end of its legal lifetime and required the Langeberg Municipality to apply for a Waste Management Closure Licence in terms of the activities listed in the NEM:WA, List of Waste Management Activities that have, or are likely to have a Detrimental Effect on the Environment, Government Notice (GN) No. 921 of 29 November 2013, as amended (GN No. 921).
3. The Langeberg Municipality had planned to use the new Cape Winelands Regional waste disposal facility, once all their own waste disposal facilities had reached capacity or had closed, for the disposal of general municipal waste. Due to unforeseen circumstances, this new Regional Waste Disposal Facility has not yet been established. This left the Langeberg Municipality with no other practical and feasible option but to apply for a height extension of the current Ashton Waste Disposal Facility and to continue operating this Facility until an agreeable height of proposed final contours had been reached.
4. A Waste Management Licence Application for the operation towards closure, together with a Scoping Report and Environmental Impact Assessment Report was subjected to full public participation and submitted to the Department of Water and Sanitation and to this Department for comment, evaluation and a final decision.
5. Having considered the limited options available to the greater Langeberg Municipality, the environmental risks, the potential impacts to the community, comments from all the Interested and Affected Persons, location current impacts to the groundwater quality and the visual impact assessment of the proposed height extension, this Department is convinced that the benefits of allowing the proposed height extension and following closure, capping and rehabilitation of this Waste Disposal Facility far outweighed the potential negative impacts that the continued operation towards closure may have and issued this authorisation.
6. All the following information that was available to the Department was taken into account in the Department's consideration of the application: -
 - (a) The information contained in the Closure Waste Management Licence Application, signed 23 August 2018.
 - (b) Waste Management Licence Application Additional Information, appended to the Final Environmental Impact Assessment Report.
 - (c) The Scoping Report dated August 2018.
 - (d) The Final Environmental Impact Assessment Report, compiled by Legacy Environmental Management Consulting, dated March 2019 with the following attachments:
 - (i) Previous Permits and Authorisations;
 - (ii) Specialist Studies:
 - Visual Impact Assessment, dated 11 October 2017,
 - Air Quality Impact Assessment, dated 22 February 2018,
 - Geohydrological Impact Assessment, dated 08 November 2017;
 - (iii) Public Participation Report, including list of Interested and Affected Parties, Comments and Response Table, Agreements with all residents within a 150m buffer zone, and advertisements in Local newspapers;
 - (iv) Operation, Management and Closure Plan, dated October 2018;
 - (v) Environmental Management Programme, dated 16 January 2019;
 - (vi) Emergency Plan; and

(vii) Land Management.

- (e) The letter of acceptance from the Department of Water and Sanitation, dated 27 February 2019 of the following documents:
- (i) Langeberg Municipality: Closure and Rehabilitation of the Ashton Landfill, Design Report, dated November 2018, by JPCE (Pty) Ltd' and
 - (ii) Three design drawings No.: G-A228/100, A228/101 and A228/ 102.
- (f) The Record of Decision in terms of section 50 of the NEM: WA, from the Department of Water and Sanitation, issued on 26 July 2019.
- (g) Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation Process and the applicant and the Environmental Assessment Practitioner's responses thereto.
- (h) Relevant information contained in the Departmental information base.
- (i) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
7. It is the opinion of the Environmental Assessment Practitioner (EAP) that the Langeberg Municipality should be granted authorisation for the operation towards closure of the Ashton Waste Disposal Facility on condition that: -
- (a) The mitigation measures as per EMPR must be implemented.
 - (b) The operation of the Facility must be in line with the final design plans.
 - (c) The Operation, Management and Closure Plan must be complied with.
 - (d) The Emergency Plan must be followed and constantly kept updated by the Licence Holder.
8. A summary of the issues, which, in the Department's view were of the most significance, are set out below.

5.1 Alternatives

The following alternatives were considered:

- (a) Design or layout alternatives.
- (b) The current Material Recovery Facility on the licenced area, will not be able to replace the disposal facility and is therefore not an alternative.
- (c) No-Go alternatives

The option of not licensing the existing operation of the Facility is not considered appropriate and allowing the activity to continue on its currently impacted footprint is preferable and more feasible than establishing a new waste disposal facility or even constructing new waste disposal cells lined with a Class B containment barrier.

5.2 Deviation

No deviation was applied for.

5.3 Basic Assessment

As the previous operating Permit had expired, the Langeberg Municipality was required to conduct a Scoping and EIA process instead of a Basic Assessment Report process, required for the closure of an authorised waste management facility.

5.4 Environment

The footprint of the current Ashton Waste Disposal Facility will not be enlarged as part of this Application and therefore the only additional potential environmental risks of the increasing the height of the facility

is a visual impact and an insignificant increase in the risk of causing nuisance conditions due to the increase in height. These additional risks can be mitigated by operating the Facility according to the new Waste Management Licence conditions.

5.5 Geohydrology

Previous groundwater monitoring has indicated that the uncontaminated groundwater from the background borehole is brackish. No evidence of groundwater pollution was detected in the downstream monitoring borehole. The risk of increased contamination due to the extension of the existing waste body height is not expected to increase. Despite this evidence, the Licence Holder will be required to deepen the downstream borehole and install a third monitoring borehole.

5.6 Public Participation Process (PPP)

The PPP comprised of the following: -

- (a) Interested and Affected Persons/Parties (I&AP's) were identified and invited to comment on Draft Scoping and EIA Documents;
- (b) Advertisements were placed in two local newspapers on the 23 and 28 August 2018, respectively;
- (c) Fixing of a notice were put up at strategic places;
- (d) Notification sent to registered I&Ap's and copies of the various documents were made available; and
- (e) Submission of the final EIA Report to this Department and the Department of Water and Sanitation were received on the 01 April 2019 and 16 May 2019 respectively.

5.7 Authorities Consultation:

The authorities consulted include the following: -

- (a) Department of Water and Sanitation (Head Office);
- (b) Department of Water Affairs: Regional Office, Western Cape (BGCMA);
- (c) Western Cape Department of Environmental Affairs and Development Planning;
- (d) Western cape Department of Economic Development and Tourism;
- (e) Western cape Department of Transport and Public Works;
- (f) Cape Nature;
- (g) Cape Winelands District Municipality;
- (h) Langeberg Municipal Ward 10 Councillor;
- (i) Langeberg Municipal Manager; and
- (j) Ashton / Zolani Community Policing Forum.

ANNEXURE II

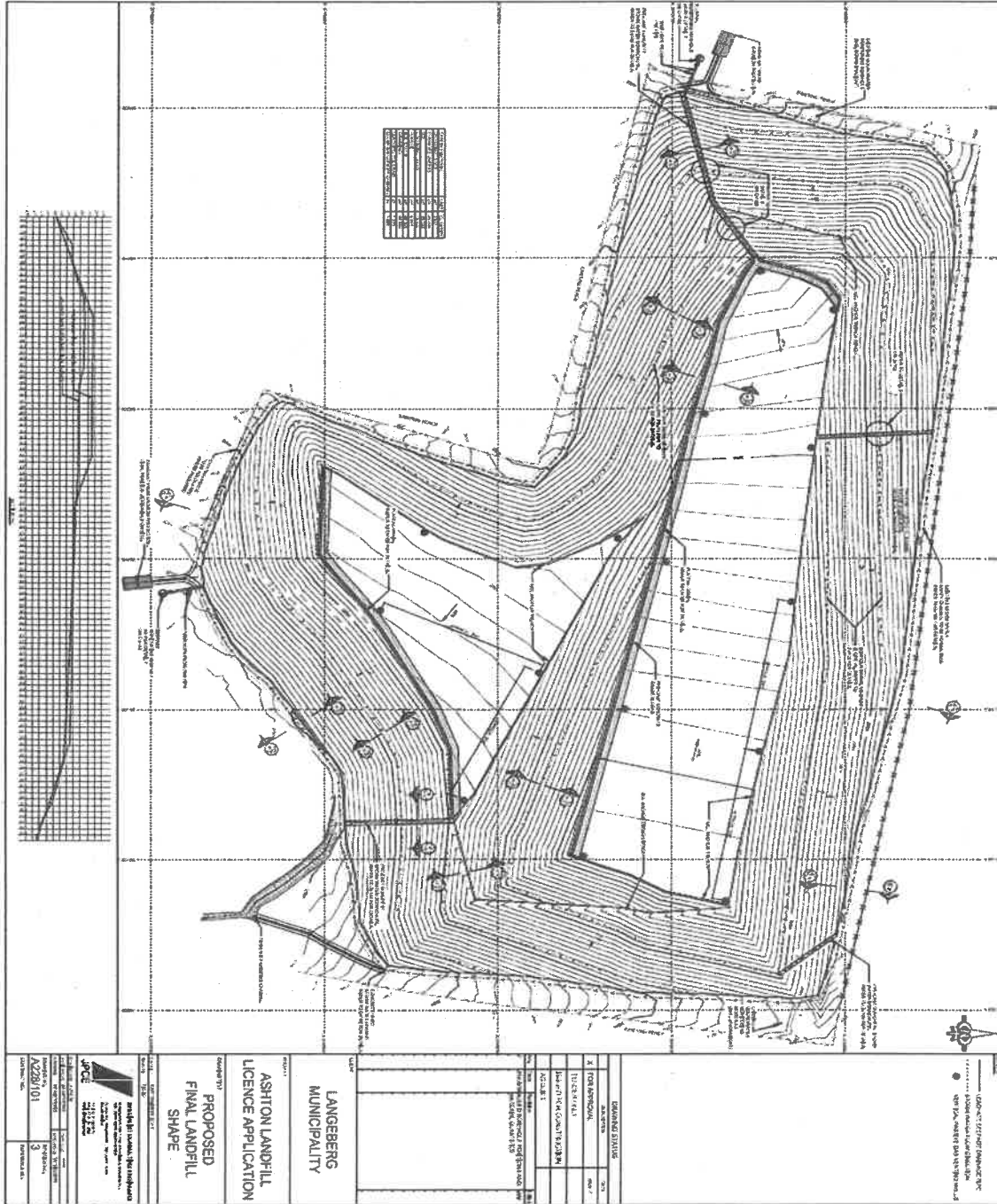
Water Quality Variables required for detection monitoring:

Monitor bi-annually for:

Alkalinity (P.Alk)
Ammonia (NH₃-N)
Chemical Oxygen Demand (COD)
Chlorides (Cl)
Electrical Conductivity (EC)
Nitrate (NO₃-N)
pH
Phosphates (PO₄)
Potassium (K)
Sodium (Na)
Total Dissolved Solids (TDS)

ANNEXURE III

Final Contours, including the capping layers, after which no further disposal will be permitted



-----End-----