



REFERENCE: 19/2/5/1/B2/32/WL0093/17

The Board of Directors
Trigen Group (Pty) Ltd
P.O. Box 2814
BROOKLYN
6530

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Attention: Duncan Gibbison

WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A WASTE-TO-VALUE PLANT, BY MEANS OF ANAEROBIC DIGESTION, AT RCL FOODS (PTY) LTD, ERF NO. 4396, MCALISTER STREET, WORCESTER

WASTE MANAGEMENT LICENCE

A. DECISION

I, Eddie Hanekom, in my capacity 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 (NEM: WA), 2008 (Act No. 59 of 2008), as amended, hereby issue this Waste Management Licence to the Trigen Group (Pty) Ltd (hereinafter referred to as 'the Licence Holder') to commission the proposed waste-to-value plant, by means of anaerobic digestion, at RCL Foods (Pty) Ltd, on Erf No. 4396, McAlister Street, Worcester (hereinafter referred to as 'the Facility').

B. DESCRIPTION OF THE ACTIVITY:

The proposed activities involve the adaptation of the existing waste-to-value plant on the premises, used for the generation of biogas by means of anaerobic digestion.

Status Quo:

Effluent from the RCL Foods (Pty) Ltd was anaerobically digested at the existing waste-to-value plant on the premises. The biogas, obtained from this process, was then combusted in order to generate electricity, which then supplied approximately 1.55MW of electrical power to the RCL Foods (Pty) Ltd business, for the operation of the chicken processing facility. The treated effluent from this process was then discharged to the municipal sewer.

Preferred Alternative:

In order to supply more electrical power to the RCL Foods (Pty) Ltd business, for the operation of the chicken processing facility, an animal manure anaerobic digestion facility will be constructed and operated adjacent to the existing effluent waste-to-value plant on the premises. This adaptation project will yield biogas, which when combusted, will generate up to a maximum of 10MW of electrical power. This yield of power will have been expected to power the majority of the RCL Foods (Pty) Ltd business.

At least 5 combined heat and power engines will be constructed and installed. Waste heat from the biogas combustion will be used to generate steam and hot water for integration back into the chicken processing plant.

The animal manure anaerobic digestion facility will receive up to 100 tonnes of animal manure (referred to as the "feedstock") per day and is expected to yield approximately 80 tonnes of digestate. The digestion process will last for approximately 55 days. The digestate, from animal manure anaerobic digestion facility, will then be dried in a centrifuge and be sold to nearby farms as a biologically stable, high quality agricultural fertiliser. The effluent, from this centrifugal drying process, will be blended with the feedstock in the animal manure anaerobic digestion facility.

The biogas is expected to be yielded at a rate of approximately 2000m³/hour, comprising of 50 to 75% methane, 25 to 50% carbon dioxide, 0 to 10% nitrogen, 0 to 1% hydrogen, 0 to 3% hydrogen sulphide and 0 to 2% oxygen.

A two-stage chemical scrubber will be installed, which will be extracting gases from the manure storage area, to scrub the ammonia and hydrogen sulphide and reduce odorous emission from the development.

A series of tanks for water recovery – for gravity settling, filtration, reverse osmosis and treated effluent storage prior to return to the RCL Foods (Pty) Ltd will be installed.

In light of the above, the following Category A, 3 listed activities 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, are hereby authorised: -

Category A

- 3(3) The recycling of general waste at a facility that has an operational area in excess of 500m², excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- 3(5) The recovery of waste including the refining, utilisation, or co-processing of waste in excess of 10 tons but less than 100 tons of general waste per day or in excess of 500kg but less than 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

- 3(6) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons but less than 100 tons.
- 3(12) The construction of a facility for a waste management activity listed in Category A of this Schedule (not in isolation to associated waste management activity).

With regard to the storage of the feedstock at the Facility, as discussed above, the following Category C, 5 listed activities in GN No. 921, may be triggered if the volumes stored are exceeded: -

Category C

- 5(1) The storage of general waste at a facility that has the capacity to store in excess of 100m³ of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- 5(2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.

Should these volumes be exceeded, then the Licence Holder would be required to comply with the NEM: WA, "National Norms and Standards for the Storage of Waste", GN No. 926 of 29 November 2013.

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

The Licence Holder appointed the following independent Environmental Assessment Practitioner (EAP) to administer the application for this Waste Management Licence:

DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

The Board of Directors
Sillito Environmental Consultants (Pty) Ltd
Contact person: Chantel Muller and Colleen McCreadie
P.O. Box 30134
TOKAI
7966
Tel.: (021) 712 5060
Fax: (021) 712 5061
E-mail: chantel@environmentalconsultants.co.za

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

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/1/B2/32/WL0093/17
WASTE APPLICATION: ANAEROBIC DIGESTION FACILITY
LOCATION: RCL FOODS (PTY) LTD, ERF NO. 4396, MCALISTER STREET, WORCESTER
LICENCE HOLDER: TRIGEN GROUP (PTY) LTD
CONTACT PERSON: DESIGNATED WASTE MANAGEMENT CONTROL OFFICER / DUNCAN GIBBISON
ADDRESS: P.O. Box 2814, BROOKLYN, 6530

1. Location

- 1.1. This Licence authorises the Trigen Group (Pty) Ltd to construct and operate the Facility at RCL Foods (Pty) Ltd, on Erf No. 4396, McAlister Street, Worcester.
- 1.2. Location of property on which Facility is situated: -

Table 1-1: Location of Facility

Latitude	Longitude
33°37'50"S	19°28'49"E

- 1.3. The boundaries of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 27 October 2017 and Waste Management Licence Application Additional Information Annexure submitted with the Basic Assessment Report (BAR) dated 13 April 2018, by the Licence Holder, which is defined as follows:

Table 1-2: Footprint of the Facility

Corner Points	Latitude	Longitude
F1	33°37'46.16"S	19°28'52.52"E
F2	33°37'45.96"S	19°28'52.47"E
F3	33°37'45.37"S	19°28'54.61"E
F4	33°37'46.47"S	19°28'55.17"E
F5	33°37'48.71"S	19°28'55.59"E
F6	33°37'49.7"S	19°28'55.44"E
F7	33°37'51.49"S	19°28'51.5"E
F8	33°37'49.68"S	19°28'50.56"E
F9	33°37'49.25"S	19°28'49.42"E
F10	33°37'49.14"S	19°28'49.06"E
F11	33°37'48.93"S	19°28'48.87"E
F12	33°37'48.65"S	19°28'48.77"E
F13	33°37'47.93"S	19°28'49.02"E
F14	33°37'47.56"S	19°28'49.86"E

Corner Points	Latitude	Longitude
F15	33°37'47.06"S	19°28'49.62"E
F16	33°37'47.03"S	19°28'50.02"E
F17	33°37'48.39"S	19°28'50.8"E
F18	33°37'47.62"S	19°28'53.22"E

- 1.4. The footprint of the Facility and its associated infrastructure is 16 500m².
- 1.5. The Surveyor General 21 Digit code of the Facility is: C08500040000439600000.

2. Permissible Waste

- 2.1. Any portion of the Facility which has been constructed or developed according to condition 5 of this Licence, may be used for the anaerobic digestion of animal manure, referred to as feedstock. Only waste that is classified as general waste, according to the NEM: WA, or any current and future Norms and Standards developed by the Department of Environmental Affairs, is permitted.
- 2.2. The Licence Holder must take all reasonable steps to ensure that:
- 2.2.1. no hazardous waste, including sewage; and
- 2.2.2. no health care waste, including pharmaceutical waste, as defined by the Western Cape Health Care Waste Management Act, 2007, (Act No. 7 of 2007), be managed of at the Facility.
- 2.3. The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.4. All waste loads must be checked at the gate to prevent the management of waste not permitted by this Licence.

3. Appointment of Waste Management Control Officer/Environmental Control Officer

- 3.1. The waste management activities that are authorised by this 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 the Licence and Environmental Management Programme (EMPr) dated 13 April 2018, prior to any construction activities being undertaken on the Facility. The WMCO/ECO must: -
- 3.2.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available;
- 3.2.2. identify and submit potential measures to the Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste; and
- 3.2.3. monitor any future construction activities and ensure that the construction plans are carried out in accordance with the approved engineering design.

4. General Management

- 4.1. The EMPr for the facility mentioned in condition 3.2, submitted as part of the final BAR, is hereby approved and must be implemented together with all the conditions of this Licence.

- 4.2. An application for the amendment to the EMPr must be submitted to the Licensing Authority if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Licensing Authority.
- 4.3. Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it. This must be kept at or near the place where those duties will be carried out.
- 4.4. A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activity will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein, and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.
- 4.5. The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

5. Construction

- 5.1. The Licence Holder must submit the final engineering drawings to the Director for approval 90 (ninety) days prior to construction of the Facility.
- 5.2. Construction of the Facility must be in accordance with the final BAR and EMPr as prepared by EAP, dated 13 April 2018.
- 5.3. Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).
- 5.4. The Facility must be constructed in accordance with recognised civil engineering practice.
- 5.5. The Facility, or any portion thereof must be constructed and maintained in such a way that:
 - 5.5.1. the formation of pools due to rain is prevented;
 - 5.5.2. free surface runoff of rain-water is ensured; and
 - 5.5.3. contamination of stormwater is prevented;
- 5.6. Any development which occurs within the 1:100-year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998).
- 5.7. Leachate from the Facility shall, by means of works which shall be constructed and maintained on a continuous basis by the Licence Holder, to prevent pollution to groundwater, be discharge into any convenient sewer if accepted by the authority in control of that sewer.

6. Facility Security and Access Control

- 6.1. The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence and a gate.
- 6.2. Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry and must contain the name, address and telephone number of the Licence Holder and the person responsible for the Facility. The notices must also indicate the alternative waste management or disposal options.
- 6.3. The Licence Holder must ensure that there is no illegal access to the Facility.

- 6.4. The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.5. 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.

7. Facility Management and Operations

- 7.1. The Licence Holder shall retain the responsibility for the Facility, its monitoring and ensure that:
 - 7.1.1. the presence of any nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise are prevented and monitored on a regular basis and monitoring results thereof are kept in terms of condition 14.
 - 7.1.2. any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Department and record it in terms of conditions 14 and 15.
- 7.2. The Licence Holder must ensure that:
 - 7.2.1. feedstock, digestate and gas are carefully transferred and contained. In the event of a major feedstock or digestate spill, workers should exercise caution when containing the material. Equipment should be readily available for isolating the spill and reducing potential contamination of surface and ground waters;
 - 7.2.2. access routes take into account and cause minimum disturbance to public, or cause disturbance of other areas and avoid erosion and pollution problems; and
 - 7.2.3. no biogas (methane, carbon dioxide, hydrogen and hydrogen sulphide) build-up occurs outside the anaerobic digester and within the Facility as well.
 - 7.2.4. no feedstock is brought into the Facility while the plant, including the chemical scrubber, is under maintenance.
 - 7.2.5. the downtime of the scrubber, due to maintenance, is not more than 4 (four) days per year. The Director must be notified immediately if or when the downtime of the scrubber, due to maintenance, exceeds the expected 4 (four) days.
- 7.3. Runoff from the site is cleared of any sediment and hydrocarbon contamination and does not enter into the stormwater system. No untreated wastewater should be released into a water resource.
- 7.4. The Licence Holder must ensure the health and safety of workers and employees on the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 7.5. An Emergency Response Plan (ERP) must be implemented, and all staff must be trained in the implementation thereof. The ERP should be regularly updated and must include fire evacuations, injury on duty, accidents, and procedures caused by unexpected hazardous waste ending up at the Facility.
- 7.6. The Facility must comply with the Noise Control Regulations P.N. 200/2013, as promulgated under the Environmental Conservation Act, 1989 (Act No. 73 of 1989).

8. Environmental Pollution Investigations

- 8.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring on the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.

8.2. Should the investigation carried out as per condition 8.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

9. Runoff Water Quality Management

- 9.1. Works constructed in compliance with condition 5 must be of such a capacity as to accommodate:
- 9.1.1. all stormwater runoff, 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 once in the 50 (fifty) years; and
 - 9.1.2. all expected leachate.
- 9.2. Works constructed in compliance with condition 9.1 must, on a continuous basis, be properly maintained.
- 9.3. All runoff water (stormwater) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with condition 5.
- 9.4. Uncontaminated runoff water must under no circumstances be used to dilute leachate emanating from the Facility but must be diverted to and discharged into the nearest storm water channel.

10. Monitoring

- 10.1. Water Quality Monitoring
- 10.1.1. The Licence Holder must establish and maintain a ground water monitoring borehole network with at least 1 (one) upstream and 2 (two) downstream boreholes, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
 - 10.1.2. Monitoring boreholes must be equipped with lockable caps. This Department and the Department of Water and Sanitation (DWS) reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 10.2. Detection monitoring
- 10.2.1. Monitoring for groundwater and surface water shall be conducted for the water quality variable as agreed to by and at such frequency as determined by the Director.
 - 10.2.2. A monitoring report done by a geohydrologist should be compiled for evaluation in order to determine whether further monitoring may be needed.
- 10.3. Investigative monitoring
- 10.3.1. If, in the opinion of the Director, a water quality variable listed under the referred to in condition 10.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.
- 10.4. Further investigation
- 10.4.1. If, in the opinion of the Director, groundwater and/or surface water pollution have occurred or may possibly occur, the Licence Holder must conduct and/or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Director.
- 10.5. Emission monitoring
- 10.5.1. The Licence Holder must monitor Ammonium (NH₄), Hydrogen sulphide (H₂S), Methane (CH₄), Carbon dioxide (CO₂) as well as any other emissions indicated by the Director to the atmosphere that is related to the activity on a regular basis or on a frequency determined by the Director, which must be reported on during the external auditing process as per condition 12.2.

11. Monitoring Methods and Parameters

- 11.1. The Licence Holder must carry out all tests required in terms of condition 10.2 in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008).
- 11.2. The Licence Holder may only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to the Director.
- 11.3. The Licence Holder must put in place a monitoring and measurement plan that must *inter alia* include:
 - 11.3.1. mass (in tonnes or kilograms) received (animal manure), recycled (fertiliser), recovered (biogas);
 - 11.3.2. treated and transferred;
 - 11.3.3. waste types and sources; and

12. Auditing

- 12.1. Internal Audits
 - 12.1.1. Internal audits must be conducted quarterly (four times per year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor, in the format referred to in condition 12.3, to report the findings of the audits, which must be made available to the external auditor specified in condition 12.2.1 and the Department (if requested), according to condition 12.4.2.
- 12.2. External Audits
 - 12.2.1. 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, in the format referred to in condition 12.3, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
 - 12.2.2. The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
 - 12.2.3. The audit report must specify target dates for the implementation of the recommendations to achieve compliance and specify whether corrective action which was taken for the previous audits non-conformities was adequate.
 - 12.2.4. The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 13 below, within 3 (three) months, from the date on which the external auditor finalised the report.
 - 12.2.5. Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 12.3. Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.
- 12.4. Departmental Audits and Inspections
 - 12.4.1. The Director reserves the right to audit and/or inspect the Facility without prior notification at any time and at such a frequency as the Director may decide, or to have the Facility audited or inspected.
 - 12.4.2. The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.
 - 12.4.3. The findings of these audits or inspections shall be made available to the Licence Holder

within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

13. Monitoring Committee

- 13.1. The Licence Holder must establish a Monitoring Committee for the normal operative lifetime of the Facility.
- 13.2. The Licence Holder must take the necessary steps to establish, maintain and ensure the continued functioning of a Monitoring Committee for the normal operative lifetime of the Facility and for a period of at least 2 (two) years after the closure of the Facility, or such longer period as may be determined by the Director.
- 13.3. The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:
- 13.3.1. Licence Holder and/or his/her appointed consultant(s) or advisor(s);
 - 13.3.2. representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
 - 13.3.3. representative(s) of this Department; and
 - 13.3.4. at least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the Monitoring Committee to interested and affected parties of each meeting.
- 13.4. The Monitoring Committee shall meet annually (once per year) and no later than 3 (three) months after the finalisation of the external audit report referred to in condition 12.2.1, and submitted in terms of condition 12.2.4.
- 13.5. The Licence Holder must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 30 (thirty) days after the meeting.

14. Record Keeping

- 14.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 14.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 14.5.
- 14.3. All records required or resulting from activities required by this Licence must:
- 14.3.1. be legible;
 - 14.3.2. be made available and should form part of any audit report;
 - 14.3.3. amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 14.3.4. be retained in accordance with documented procedures which are approved by the Department; and
 - 14.3.5. be made available upon the request of the Director and/or the Provincial Head.
- 14.4. The Licence Holder shall record and interpret all borehole data and chemical analysis in a format approved upon in writing by the Director.
- 14.5. The Licence Holder must register and report all waste volumes or masses received, recovered, or stored 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>, as required by the Department.

15. Reporting

- 15.1. The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident at the Facility, which has the potential to cause, disruption in the normal operation of the Facility, or has caused water pollution, pollution of the environment, health risks or nuisance conditions.
- 15.2. The Licence Holder must, within 14 (fourteen) days, or as specified by the Director from the occurrence or detection of any incident referred to in condition 15.1, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by management, to the satisfaction of the Director of measures taken to: –
 - 15.2.1. correct the impact resulting from the incident;
 - 15.2.2. prevent the incident from causing any further impact; and
 - 15.2.3. prevent a recurrence of a similar incident.
- 15.3. In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in condition 15.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 15.4. The Licence Holder must keep and maintain an incident and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.
- 15.5. The Department must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.
- 15.6. The Department must be notified within 14 (fourteen) days of the following changes: -
 - 15.6.1. Licence Holder's trading name, registered name or registered office address;
 - 15.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 15.6.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 15.7. All internal and external audit reports must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.

16. Leasing and Alienation of the Facility

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

17. Transfer of Licence

- 17.1. Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA.
- 17.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

18. Commencement

- 18.1. The activities hereby Licenced may not commence within 20 (twenty) days of the date of signature of this Licence.

- 18.2. Should the Licence Holder be notified by the Director of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not commence with the activities until authorised by the Director in writing.
- 18.3. After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.
- 18.4. This activity must commence within a period of 5 (five) years from the date of issue. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for waste management licence must be made in order for the activity to be undertaken.
- 18.5. If the proponent anticipates that commencement of the activity would not occur within 5 (five) year period, he/she must apply and show good cause for an extension of the Licence 6 (six) months prior to its expiry date.

19. General

- 19.1. The Licence Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 19.2. This Licence shall not be transferable unless such transfer is subject to condition 17 above.
- 19.3. This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 19.4. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 19.5. This Licence is valid for a period of 10 (ten) years from the date of issue of this Licence. The licence may be reviewed any time after commencement. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 19.6. Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 19.7. Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM: WA, 2008.
- 19.8. 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 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understand the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

D. NOTIFICATION OF DECISION AND APPEAL OF LICENCE

1. Notification of Decision

- 1.1 The applicant must in writing, within 14 (fourteen) calendar days of the date of the decision on the application and in accordance with regulation 4(2) of Government Notice (GN) No. R. 982 of 8 December 2014: -
- 1.1.1 Notify all registered interested and affected parties of: -
- (a) the outcome of the application;
 - (b) the reasons for the decision as included in Annexure A;
 - (c) the date of the decision; and
 - (d) the date when the decision was issued;
- 1.1.2 Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in section B below; and
- 1.1.3 Draw the attention of all interested and affected parties to the manner in which they may access the decision.

2. Appeal of Licence

- 2.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 2.2 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:
- 2.3 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
- 2.4 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.
- 2.5 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:
- 2.6 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
- 2.7 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.
- 2.8 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.
- 2.9 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; or

By hand: Attention: Mr J. de Villiers (Tel: 021 483 3721)

Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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 Jaap.DeVilliers@westerncape.gov.za.

A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@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 shall 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: 01-08-2018

CC: (1) Chantel Muller (Sillito Environmental Consulting)

E-mail: chantel@environmentalconsultants.co.za

ANNEXURE I

REASONS FOR THE DECISION

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:

- (a) The information contained in the Application Form for a Waste Management Licence dated 27 October 2017;
- (b) The final Basic Assessment Report (BAR) received on 13 April 2018, compiled by Sillito Environmental Consulting, including the Waste Management Licence Application Additional Information Annexure;
- (c) Comments raised by the I&APs throughout the Public Participation Processes, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) The meetings held with Applicant, I&APs and stake holders;
- (e) The site inspections done on 5 September 2017, prior to the submission of the Waste Management Licence Application dated 27 October 2017;
- (f) Relevant information contained in the Departmental information base; and
- (g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.

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

ENVIRONMENT

The development is proposed to be located at RCL Foods (Pty) Ltd, on Erf No. 4396, McAlister Street, Worcester Industrial, which is zoned as an industrial area and has been developed accordingly. The site is also situated on a flat area at the foot of the Meiringsberg Mountains, approximately 1.2km north of the site.

The site was described to have, a shallow water table of less than 1.5m deep and seasonally wet soils. The site is furthermore, located in an area adjacent to or above an aquifer. According to the geological map for the area (3319 Worcester), the site is likely to be underlain at depth by the Malmesbury Group bedrock comprising sercitic and chloritic greywacke, occasionally with conglomerate or gritstone, basal conglomerate, poorly developed phyllite, highly sheared meta andelite. This was overlain by Transported, Quaternary age Strandveld Formation loam and sandy loam.

The Hex River, a perennial river, is situated about 1.2km south of the site. A canalised, non-perennial river, is located on the northern boundary of the site, adjacent to the existing effluent anaerobic digestion waste-to-value plant.

The RCL Foods (Pty) Ltd site has been transformed by industrial development since its development around the year 1974. The terrestrial and aquatic Critical Biodiversity Areas and Ecological Support Areas as identified in the Breede Valley Fine Scale Biodiversity Plan (2009) as well as the 1:50 000 scale topographical map: 3319 Worcester, are no longer present due to the fact there is no evidence that any wetland areas remain on, nor any non-perennial rivers run across, the site at this stage.

The site is situated in a major aquifer region, classified as a high yielding aquifer of good quality water.

The closest residential developments include, the Zweletemba area located approximately 1.5km south east site and Meirings Park located approximately 520m north west of the site.

The proposed development will have outputs of particular significance for benefit of the company, by reducing the demand for natural resources and reducing its negative impacts on the environment.

ALTERNATIVES

The following alternatives were considered: -

Site Alternatives

The proposed development is based on an adaptation of the existing effluent anaerobic digestion waste-to-value plant. The electrical power generated, heat, steam, water treated through a reverse osmosis process, from the existing and the proposed development, will be used at the RCL Foods (Pty) Ltd, on Erf No. 4396, McAlister Street, Worcester Industrial. Therefore, no site alternatives have been assessed as the proposed activity is required at the site.

Activity Alternatives

There were no direct activity alternatives, because the proposed development will have outputs of particular significance for benefit of the company, by reducing the demand for natural resources and reducing the negative impacts on the environment.

Design or Layout Alternatives

The proposed development was designed to tie-into the existing effluent waste-to-value plant. The layout alternatives were limited by the available space for construction. However, the design as part of the preferred alternative, included a closed system where possible, to limit the potential nuisances and emission from the proposed development.

Technology Alternatives

In addition to the preferred alternative, the pyrolysis and combustion alternatives were considered in this Basic Assessment Process. It was concluded that the use of manure in these processes would not be as feasible as the preferred alternative. The following outputs, from the preferred alternative were of particular significance:

- Recycling of manure to produce an agricultural fertiliser.
- Reducing the Chemical Oxygen Demand in the effluent for reverse osmosis process, to recycle the water for cleaning the chicken processing facility at RCL Foods (Pty) Ltd. This process will reduce the demand for potable water at the RCL Foods (Pty) Ltd. This process will also reduce the demand for treatment at the Breede Valley Municipality's Wastewater Treatment Works, because less sewage will be discharged to the municipal sewer.
- Combusting the biogas to produce electricity to power RCL Foods (Pty) Ltd as well as heat in a combined heat and power engine. This process will reduce the demand for electrical energy and power at the RCL Foods (Pty) Ltd.

In light of the above, the proposed adaptation of the existing effluent waste-to-value plant was considered to be the most feasible and sustainable.

Operational Alternatives

The proposed operations were considered to be best practice. As such no operational alternatives were considered.

No-Go Alternative

In comparison to the proposed development, the No-Go alternative was not preferred, because the applicant would have to maintain its demand for natural resources.

PUBLIC PARTICIPATION PROCESS

The Public Participation Process (PPP) comprised of the following: -

- (a) The advertisement placed in the Standard Geklasifiseerd Classifieds on 9 November 2018 and Die Burger on 10 November 2018.
- (b) Fixing of a site notice board at the at the RCL Foods (Pty) Ltd site main entrance and the Farm Shop nearby for the notification of the PPP prior to
- (c) The notification of the first PPP, 30-day I&AP commenting period on BAR, sent to I&APs via e-mail on 6 November 2018;
- (d) The 30-day I&AP registration, public review and commenting period on BAR, from 10 November 2018 to 15 December 2018;
- (e) The notification of the second PPP, 30-day I&AP commenting period on BAR, sent to I&APs via e-mail on 6 March 2018;
- (f) The 30-day I&AP registration, public review and commenting period on BAR, from 8 March 2018 to 11 April 2018; and
- (g) The availability of the BAR for public review at, the Worcester Public Library in hard copy and the Sillito Environmental Consulting's website: www.environmentalconsultants.co.za in electronic form;
- (h) The notification of the submission of the final BAR, including the Comments and Response Report, to the Department, sent to I&APs via e-mail on 13 April 2018.

Authorities Consultation: -

- (a) Department of Health,
- (b) Cape Winelands District Municipality,
- (c) Breede Valley Local Municipality,
- (d) Department of Agriculture,
- (e) Department of Energy,
- (f) Department of Water and Sanitation, and
- (g) Heritage Western Cape.

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. No authorities objected to the commencement of the activity based on the final BAR. Where possible and relevant, the conditions imposed by relevant authorities have been included in this Waste Management Licence.

EXTENSION

The EAP received comments from the Cape Winelands District Municipality during the first PPP, which resulted in the Applicant opting to make substantial design amendments. As such, the Department advised the EAP to notify the I&APs of the substantive changes made to the BAR. The EAP as such, requested a 50-days' time extension, to submit the BAR to this Department for decision making, because an exceptional circumstance had arisen, so that the issues raised by the I&APs could be properly addressed. The EAP, therefore, submitted a notification to this Department on 1 February 2018, that the BAR will be submitted on or before 13 April 2018.

END