



REFERENCE: 14/1/1/E2/3/2/1/0227/16

ENQUIRIES: Najah Ben Jeddou

BY EMAIL

Paarl Poultry Farms (Pty) Ltd

PO BOX 341

PAARL

rdavis@iafrica.com

Tel: 021 554 0096

Attention: Mr R Davis

DIRECTIVE

Dear Sir

DIRECTIVE IN TERMS OF SECTION 28(4) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998

1. The Department's Pre-Directive dated 18 July 2017, the Directive dated 5 February 2018 issued to you, Mr Ray Davis, manager of Paarl Poultry Farms (Pty) Ltd, and the site inspection dated 18 February 2019 has reference.
2. Having considered the evidence before me, I, Mr Achmad Bassier, in my capacity as Director: Environmental Law Enforcement, hereby issue you, Mr Ray Davis, the manager of Paarl Poultry Farms (Pty) Ltd with a Directive in terms of section 28(4) of the NEMA, as you are causing, have caused and may continue to cause significant pollution and degradation of the environment as a result of the mismanagement and accumulation of chicken manure at the Paarl Poultry Farms (Pty) Ltd (the facility).

3. The mismanagement and accumulation of chicken manure at the facility has given rise to an excessive fly nuisance problem in area.
4. This Directive relates to non-compliance with section 28(1) of the NEMA.

Details of conduct constituting non-compliance

5. During an investigation into allegations of pollution and degradation of the environment, a site inspection of Farm RE/1762, Rosendal Chicken Farm, Kumalo Street, Paarl was conducted by Environmental Management Inspectors (EMIs) from this Directorate on 18 February 2019 and it was confirmed that you are causing, have caused and may continue to cause significant pollution and degradation to environment due to the inadequate handling and storage of waste (i.e. chicken manure) at the facility.
6. Further observations on-site revealed that trenches were excavated between the chicken houses in order to channel the overflow and run-off from the chicken manure onto an open field as well as a dam situated on the property, which may potentially cause further surface and ground water pollution, and associated nuisance conditions.
7. In addition, EMIs conducted further inspections on the same day at the properties adjacent to the facility, namely; the Sonop Primary School, the Klein Drakenstein Clinic and the DC Meat Wholesalers, which confirmed the extent of the fly nuisance problem and the unpleasant conditions in which the learners and workers have to endure as a result thereof, which is affecting their health and wellbeing.

GPS Co-ordinates 33°44'15.33"S 19° 1'53.29"E



Aerial map: Location of mismanagement of chicken manure and origin of associated nuisance.



Photo 1: An overview of the area between the chicken house: overflow of chicken manure.



Photo 2: Seepage of wet chicken manure from the chicken houses.



Photo 3: Wet and dry chicken manure stored directly on the ground and flowing into adjacent trenches.



Photo 4: Seepage of wet chicken manure from beneath chicken house.



Photo 5: Wet chicken manure in trench.



Photo 6: A trench of chicken manure emanating from the facility close to residents on the farm



Photo 7: Wet chicken manure flowing to the dam.



Photo 8: Unbounded fuel/oil storage tanks and spill of oil on the ground on the property.

8. Section 28(1) of the NEMA provides that every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.
9. The provisions contained in section 28(5) of the NEMA were considered when determining the measures and timeframes included in this Directive.

10. You are hereby directed to:

- 10.1 Immediately remove all stockpiling of chicken manure which has accumulated on-site **within five (5) working days** upon receipt of this Directive, and dispose of it at a registered waste disposal facility, and provide copies of disposal certificates to this Department.
- 10.2 Immediately conduct an adequate clean-up and remove all chicken manure from trenches below and between the chicken houses and adjacent open fields on the property **within five (5) working days** upon receipt of this Directive, in order to prevent further surface and ground water pollution, and associated nuisance conditions.
- 10.3 Immediately desilt chicken manure sludge in the dam which is also a source of fly and odour nuisance on the property **within five (5) working days** upon receipt of this Directive.
- 10.4 Appoint an external reviewer to undertake a review of the engineering designs of the existing chicken houses, which include, but not limited to, chicken densities, waste quantities generated and the current methodology used, **within 14 (fourteen) calendar days** upon receipt of this Directive.
- 10.5 Appoint a suitably qualified and experienced independent environmental assessment practitioner **within 14 (fourteen) calendar days** to conduct the following:
 - 10.5.1 Assessment and evaluation of the impact of the pollution and/or degradation in and around the chicken houses; which must include surface and ground water (including the dam) and soil sampling;
 - 10.5.2 Identification of alternative and effective suppression methods for the spreading of flies and larvae, other than the current excessive usage of insecticide; and
 - 10.5.3 Fly nuisance assessment at the facility and the properties adjacent to the facility, namely; the Sonop Primary School, the Klein Drakenstein Clinic and the DC Meat Wholesalers.

11. Submit the above reports as stipulated in paragraph 10.5 to this Department **on 1 April 2019.**
12. If the above reports are approved by the Department, you will be obliged to take the necessary remedial / mitigation measures at your own cost.

Offences and penalties, including failure to comply with this Directive

13. In terms of section 49A(1)(e) of the NEMA it is an offence to unlawfully and intentionally or negligently commit any act or omission which causes significant pollution and/or degradation of the environment or is likely to cause significant pollution and/or degradation of the environment.
14. According to section 49A(1)(f) of the NEMA it is an offence to unlawfully and intentionally or negligently commit any act or omission detrimentally affects or is likely to detrimentally affect the environment.
15. A person convicted of the above offences is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
16. Furthermore, in terms of section 49A(1)(g) of the NEMA failure to comply with a Directive is an offence. A person convicted of failing to comply with a Directive is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
17. Furthermore, in terms of section 28(7) of the NEMA, if you fail to comply or inadequately comply with this Directive, the Provincial Head of Department may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief.

18. In terms of section 28(8) of the NEMA, the Provincial Head of Department may recover costs for reasonable remedial measures undertaken to remedy the situation from, amongst others, you.

Appeal against this Directive

19. You may appeal against the decision to issue this Directive to the Minister of Local Government, Environmental Affairs and Development Planning ("the Minister") within **30 (thirty) calendar days** from the date of receipt of this Directive.

20. The appeal must be in writing on the form obtainable from the Appeal Administrator, Mr Jaap de Villiers, at the contact details below and must be accompanied by a statement detailing the grounds for the appeal and supporting documentation, if any.

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: Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: Jaap.DeVilliers@westerncape.gov.za

21. For purposes of electronic database management, you are requested to submit an electronic copy (Microsoft Word format) of the appeal form and any supporting documents.

22. The appeal form as well as assistance regarding the appeal procedure is obtainable from the Appeals Administrator.



Mr Achmad Bassier

Director: Environmental Law Enforcement

Date: 04/03/2019

CC: (1) Ms A de Villiers (DEA&DP: HOD's Office) Email: Annelize.DeVilliers@westerncape.gov.za
(2) Mr A Mohamed (DEA&DP: Env Gov, Pol Co & Enforce) Email: Ayub.Mohamed@westerncape.gov.za
(3) Shaun Reece (Drakenstein Municipality) Email: Shaun.Reece@drakenstein.gov.za
(4) Etienne A Roux (DEA&DM: D: WM) Email: Etienne.Roux@westerncape.gov.za
(5) Russell Meh (DEA&DP: D: PCM) Email: Russell.Mehl@westerncape.gov.za
(6) Mr Mr Ferucci Feruccio Email: feruccio@aol.com
