



REFERENCE NUMBER: 14/2/1/1/A8/98/0004/17

ENQUIRIES: Moe'mina Hoosain

The Managing Director
Malta Recycling CC
PO Box 19051
TYGERBERG
7505

REGISTERED MAIL

Tel: (021) 931 9658
Fax: (086) 212 7270
Email: steve@maltarecycling.com

Attention: Mr Steve Newby

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL OPERATION OF AN UNLICENSED RECYCLING FACILITY AT MALTA RECYCLING, ERVEN 24557 AND 24558, AND REMAINDER OF ERF 8991 (SECTION 3 AND SECTION 6 OF LEISURE PARK BODY CORPORATE), PAROW INDUSTRIA

With reference to your application dated 8 March 2017, as well as your revised application dated 4 September 2018 submitted in terms of section 24G of the NEMA for the consequences of unlawful commencement of waste management activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the waste management activities specified in Section C below in accordance with Section A, as described in the Environmental Impact Report ("EIR") dated 16 May 2018.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the waste management activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Malta Recycling CC
 c/o Mr Steve Newby
 PO Box 696
 MILNERTON
 7435

Tel: (021) 931 9658

Fax: (086) 212 7270

Email: steve@maltarecycling.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

C. LIST OF WASTE MANAGEMENT ACTIVITIES AUTHORISED

Waste Management Activities	Activity/Project Description
<p>Waste Management Activities in terms of the National Environmental Management: Waste Act, 2008</p> <p><u>Government Notice No. 718 of 3 July 2009</u></p> <p>Category A, Activity 7: <i>The recycling or re-use of general waste of more than 10 tons per month.</i></p> <p><i>Similarly listed as:</i></p>	<p>Malta Recycling recycles waste plastic consisting of polyethylene and polypropylene and sells the recycled plastic as raw material (LDPE, HDPE and PP).</p> <p>The facility comprises of 5316m² of buildings. The buildings are open space warehouse type buildings which are steel frame clad with a combination of brick, IBR and asbestos sheeting walls and IBR and asbestos roofs.</p> <p>Part of the buildings comprises offices,</p>

Government Notice No. 921 of 29
November 2013

Category A

Activity 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.

Activity 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.

Activity 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).

whilst the remainder is open space used for processing and storage of materials. The remainder of the property consists of a concrete surfaced yard of approximately 4316m² in size.

When taking occupancy of the site in 2010, Malta Recycling erected a separate building next to Denton Street and undertook concrete surfacing of the storage yard.

The abovementioned list is hereinafter referred to as "the waste management activities".

D. PROPERTY DESCRIPTION AND LOCATION

The waste management activities commenced at Malta Recycling, Erven 24557 and 24558, and Remainder of Erf 8991 (Section 3 and Section 6 of Leisure Park Body Corporate), Parow Industria

The SG digit codes for the site are C01600420002455700000; C01600420002455800000 and C01600420000899100000

The co-ordinates for the site/property boundary are:

Point	Latitude (S)	Longitude (E)
1	33 ° 55' 8.79" South	18° 36' 43.57" East
2	33 ° 55' 7.88" South	18° 36' 48.96" East
3	33 ° 55' 11.95" South	18° 36' 49.64" East
4	33 ° 55' 12.39" South	18° 36' 44.19" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33 ° 55' 8.79" South	18° 36' 43.57" East
2	33 ° 55' 8.15" South	18° 36' 47.00" East
3	33 ° 55' 10.93" South	18° 36' 47.65" East
4	33 ° 55' 10.66" South	18° 36' 49.43" East
5	33° 55' 11.59" South	18° 36' 49.64" East
6	33° 55' 12.40 South	18° 36' 44.17" East

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Sillito Environmental Consulting
c/o Jako Schonken
PO Box 30134
TOKAI
7966

Tel: (021) 712 5060
Fax: (021) 712 5061
Cell: (084) 835 2211
Email: jako@environmentalconsulting.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

Malta Recycling recycles waste plastic consisting of polyethylene and polypropylene and sells the recycled plastic as raw material (LDPE, HDPE and PP). The facility comprises of 5316m² of buildings. The buildings are open space warehouse type buildings which are steel frame clad with a combination of brick, IBR and asbestos sheeting walls and IBR and asbestos roofs. When taking occupancy of the site in 2010, Malta Recycling erected a separate building next to Denton Street and undertook concrete surfacing of the storage yard.

Part of the buildings comprises offices, whilst the remainder is open space used for processing and storage of materials. The remainder of the property consists of a concrete surfaced yard of approximately 4316m² in size. A portion of the property is being rented and was used as a wash plant since December 2016 and for storage of

the final product. However, due to the drought, the washing plant has been decommissioned.

The plastic waste that is processed is primarily of industrial origin, i.e. general packaging waste, telecom cable sheathing, etc. and is collected from clients and delivered to the facility with trucks where it is stored in an open yard or inside the building until processing. The plastic is sorted, washed in the enclosed washing facility as required (only about 5% of raw materials) and shredded. The shredded plastic is fed into an extruder where it is melted, screened to remove contaminants and pelletized into the final product. It is then transferred to a bagging station where it is bagged and finally stored prior for sale.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above, on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **ten (10) years** from the date of the decision for continuation of commencement of the waste management activities.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information in order to evaluate the significance and impacts of such

changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of construction activities.

5.1 The notice must make clear reference to the site details and 24G Reference number given above.

5.2 The notice must also include proof of compliance with conditions of 5, 6 and 7.

PART III

Notification and administration of an appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision-

6.1 notify all registered Interested and Affected Parties ("I&APs") of -

6.1.1 the outcome of the application;

6.1.2 the reasons for the decision as included in Annexure 3;

6.1.3 the date of the decision; and

6.1.4 the date when the decision was issued.

6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

6.4 provide the registered I&APs with:

6.4.1 the name of the holder (entity) of this Environmental Authorisation;

6.4.2 name of the responsible person for this Environmental Authorisation;

6.4.3 postal address of the holder;

6.4.4 telephonic and fax details of the holder;

- 6.4.5 e-mail address, if any, of the holder; and
- 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

7. The waste management activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

- 8. The draft Environmental Management Programme ("EMPr") of November 2017, as compiled by Sillito Environmental Consulting, submitted as part of the application for environmental authorisation, is hereby approved and must be implemented.
- 9. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

- 10. The holder must appoint a suitably experienced Environmental Control Officer to ("ECO") ensure compliance with the EMPr and the conditions contained herein.
- 11. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activity/ies, and must be made available to anyone on request, including a publicly accessible website (if applicable).
- 12. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority, upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

The holder must, within 7 [seven] days of the submission of the report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

PART VII

Activity/ Development Specific Conditions

14. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to. Employees must be trained and informed about the hazards associated with the substances they work with.
15. Appropriate safety signage and notices must be displayed on site.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity

period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –
 - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.
2. An appellant (if NOT the holder) must –
 - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.
3. The holder (if not the appellant), the decision-maker, I&APs and 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.
4. This appeal and responding statement must be submitted to the address listed below:

By post: Attention: Jaap de Villiers
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: Jaap.DeVilliers@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721. E-mail Joop.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

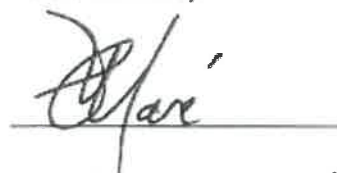
J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, the Municipality, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation 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.

Yours faithfully



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 19 MARCH 2019

CC: (1) J. Schonker
Fax: (021) 712 5061

(Sillito Environmental Consultants)
Email: joko@environmentalconsultants.co.za

(2) D. Georgeades
Fax: (021) 425 4448

(City of Cape Town: District D)
Email: Dimitri.Georgeades@capetown.gov.za

(3) E. Roux (DEA&DP: Waste Management)
Fax: (021) 483 3186

Email: Eljenne.Roux@westerncape.gov.za

