



REFERENCE: 19/2/5/1/B1/14/WL0003/18

The Owner/s
South African Farm Assured Meat Group cc
P. O. Box 895
ROBERTSON
6705

Tel.: (023) 626 6320
Fax: (023) 626 6040

Attention: Mr. D. Houghton

Dear Sir

APPLICATION FOR A WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO 59 OF 2008) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): COMPOST FACILITY AND FEEDLOT ON PORTION 6 OF FARM MIDDELBURG NO. 10, ROBERTSON

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the Waste Management Licence, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. EDDIE HANEKOM
DIRECTOR: WASTE MANAGEMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 28-11-2019

CC: (1) Ms L. Abrahams (Eco Impact Legal Consulting (Pty) Ltd)
(2) Ms T. Brunings (Langeberg Municipality)
(3) Ms. N. Feni (BGCMA)
(4) Ms. A. Duffel-Canham (CapeNature)
(5) Mr. R. Roscher (Department of Agriculture)
(6) Mr. C. van der Walt (Department of Agriculture)

Fax: (021) 671 9976
Fax: (023) 614 1841
Fax: (023) 347 2012
Fax: (021) 866 1523
Fax: (023) 342 6779
Fax: (021) 808 5092



Western Cape
Government
Environmental Affairs and
Development Planning

BETTER TOGETHER.

DIRECTORATE: WASTE MANAGEMENT
ETIENNE ROUX
Etienne.Roux@westerncape.gov.za

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The Owner/s
South African Farm Assured Meat Group cc
PO Box 895
ROBERTSON
6705

Tel: (023) 626 6320
Fax: (23) 626 6040
Email: David@robab.co.za

For attention: Mr David Houghton

**WASTE MANAGEMENT LICENCE FOR THE COMPOST FACILITY ON PORTION 6 OF FARM
MIDDELBURG 10, ROBERTSON**

WASTE MANAGEMENT LICENCE

SECTION A: DECISION

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereafter "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA), hereby issue this Waste Management Licence (Licence No.: 19/2/5/1/B1/14/WL0003/18) (hereafter "the Licence") to the abovementioned Licence Holder for the operation of a composting facility at South African Farm Assured Compost (hereafter "the Facility") on Portion 6 of Farm Middelburg 10, Robertson.

The granting of this WML is subject to compliance with the conditions set out in Section C below.

LICENCE NUMBER: 19/2/5/1/B1/14/WL0003/18
WASTE APPLICATION: ESTABLISHMENT AND OPERATION OF A COMPOSTING FACILITY
LOCATION: PORTION 6 OF FARM MIDDELBURG 10, ROBERTSON
LICENCE HOLDER: SOUTH AFRICAN FARM ASSURED MEAT GROUP CC
CONTACT PERSON: MR DAVID HOUGHTON
ADDRESS: PO BOX 895, ROBERTSON, 6705

DETAILS OF THE EAP

Eco Impact Legal Consulting (Pty) Ltd

Ms Lauren Abrahams

PO Box 45070

CLAREMONT

7735

Tel: (021) 671 1660

Fax: (021) 671 9976

SECTION B: DESCRIPTION OF THE ACTIVITY:

The proposed development will entail the following:

- A compost facility to treat abattoir by-products and organic waste to produce compost on approximately 3.6ha on Portion 6 of Farm Middelburg 10, Robertson. Construction of storm water cut-off channels will feed into the collection dams to contain and store all storm water generated on site for reuse onto the compost rows as part of the treatment and compost making process.
- The proposal also includes the development of a feedlot for the keeping of animals for commercial production on approximately 6000m² on portion 6 of Farm Middelburg 10, Robertson. The planned stock levels under the canopy are 4500 lambs at any one time depending upon site and age. This activity is not authorised by this Waste Management Licence, but rather by an Environmental Authorisation, to be issued by this Department's Directorate: Land Management

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, are hereby authorised:

Category A

- 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).

Category C

The following waste management activities in Category C may be triggered if the volumes are exceeded.

- 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.
- 5(6) The sorting, shredding, grinding, crushing, screening or bailing of general waste at a facility that has an operational area that is 1000m² and more.

Should the above-mentioned threshold storage volumes be exceeded, then it would be required for the applicant to comply with the "NEM:WA National Norms and Standards for Storage of Waste", published as Government Notice No. 926 of 29 November 2013.

Should the Licence Holder intend to sort, shred, grind, crush, screen or bail general waste, the Licence Holder must register in terms of "NEM:WA National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste", published as Government Notice No. 1093 of 11 October 2017 and adhere to the general Duty of Care as stipulated in section 28 of the National Environmental Management Act, 1998 (Act no. 107 of 1998) "NEMA". If the Facility has an operational area greater than 1000m², the Facility will need to adhere to the above mentioned Norms and Standards.

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 National Department of Water and Sanitation: Western Cape Provincial Operations, who may be contacted at the address below:

Director: Resource Protection and Waste

Department of Water and Sanitation

Private Bag X16

SANLAMHOF

7532

SECTION C: LICENCE CONDITIONS

1 LOCATION

1.1 This Licence authorises the South African Farm Assured Meat Group CC to establish and operate an organic composting Facility on Portion 6 of Farm Middelburg 10, Robertson.

1.2 Location of the property on which the Facility is situated:

Latitude (S)	Longitude (E)
33°43'51.05"	19°44'37.09"

1.3 The footprint of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form, dated 26 January 2018, and Waste Management Licence Application Additional Information Annexure, dated 10 January 2018, submitted by the Licence Holder, which is defined as follows:

Corner numbers	Latitude (S)	Longitude(E)
1	33°43'50.41"	19°44'41.61"
2	33°43'52.27"	19°44'43.84"
3	33°43'55.42"	19°44'35.52"
4	33°43'57.01"	19°44'47.27"

1.4 The footprint of the Facility and its associated infrastructure is 36 000 m².

1.5 The Surveyor General 21 digit code of the Facility is: C06500000000001000006.

2 PERMISSIBLE WASTE

2.1 Only non-infectious mortalities, animal manure and other non-hazardous organic waste may be used in the composting process authorised in terms of this Licence.

2.2 The composting capacity of the Facility should not exceed 100 tons.

2.3 Should the Facility wish to compost more than 500kg of hazardous waste per day, the Facility will need to obtain a Waste Management Licence prior to the treatment of these quantities of hazardous waste.

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 26 April 2018, prior to any construction activities being undertaken on the Facility. The WMCO/ECO must:
- 3.2.1 report any non-compliance with Licence conditions or requirements or provisions of the NEM:WA to the Licensing Authority through the means reasonably available;
- 3.2.2 monitor the construction activities and ensure that the construction plans are in accordance with the approved engineering designs; and
- 3.2.3 submit a declaration to the Director upon completion of the construction works that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed activities.

4 CONSTRUCTION

- 4.1 This Licence must be made binding to the main contractor, as well as individual contractors, and should be included in tender documentation for the construction contract.
- 4.2 The Licence does not negate the Licence Holder's responsibility to comply with any other statutory requirements that may be applicable for the undertaking of the listed activities.
- 4.3 The Facility or any portion thereof may only be used for the composting of permissible waste if the Facility or any such portion has been constructed or developed according to the conditions listed under condition 4 of the Licence.
- 4.4 Construction and further development within the proposed 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). The Licence Holder must submit design drawings to the Licensing Authority for approval 90 (ninety) days before commencement of the listed waste management activities.
- 4.5 Should any archaeological artefacts be exposed during excavation, the construction in the vicinity of the finding must be stopped. Under no circumstances shall any artefacts be destroyed. Such an archaeological site must be marked and fenced off, and the South African Heritage Resource Agency must be contacted within 48 hours.

- 4.6 After construction of the Facility or further development within the Facility, the License Holder must notify the Responsible Authority thereof and the person referred to in condition 4.4 must submit a certificate or alternatively a letter to the Responsible Authority that the construction of the Facility or further development within the Facility, as proposed by the License Holder and approved by the Responsible Authority, is in accordance with recognized civil engineering practice and the requirements in this License, before composting may commence at the Facility. If the Responsible Authority is satisfied with the construction of the Facility or any further development within the Facility and has given written permission, the License Holder may use the Facility or any further development within the Facility for the composting of waste.
- 4.7 The composting should take place on an impermeable surface and containment barriers must be risk based and the type of waste to be processed and the immediate receiving environment must be considered to quantify the type of containment barriers to put in place in consultation with the Director.
- 4.8 The composting area should be sloped in such a way to allow liquids to flow to the collection dams.
- 4.9 The Licence Holder must ensure that the site layout and levels of the surface of the Facility is free-draining throughout so that no ponding of leachate/runoff occur on or around the working areas.
- 4.10 A stormwater management system must be installed to divert and drain all runoff water arising on land adjacent to the Facility. This stormwater system must have the capacity to maintain a freeboard of a half a metre in the event of a maximum precipitation during a period of 24 (twenty four) hours with an average frequency of 1:50 (once in fifty) years.

5 **ACCESS CONTROL**

- 5.1 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, state the hours of operation, include the types of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 5.2 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence and a gate.
- 5.3 The Licence Holder must ensure that there is no illegal access to the Facility.
- 5.4 The Licence Holder shall ensure that all entrance gates are locked outside the hours of operation.
- 5.5 The Licence Holder must prevent the acceptance of any waste not permissible at the Facility.

6 OPERATIONAL MANAGEMENT

- 6.1 The EMPr for the establishment and operation of the Facility dated 26 April 2018 and submitted as part of the final Basic Assessment Report (BAR), is hereby approved and must be implemented together with all the conditions of this Licence.
- 6.2 The EMPr must be included in all contract documentation for all phases of implementation.
- 6.3 The Licence Holder must notify the Licensing Authority immediately of any events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.
- 6.8 The Licence Holder shall retain the responsibility for the Facility, and its monitoring even after decommissioning.
- 6.9 The Licence Holder shall take all reasonable steps to ensure the Facility is operated in a manner which shall prevent the creation of nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, obnoxious odours and noise.
- 6.10 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.
- 6.11 The Licence Holder must maintain and implement an emergency preparedness plan and review it after each emergency and/or major incident and when conducting external audits. The plan must, among others, include:

- 6.11.1 natural disasters such as floods;
- 6.11.2 vehicle/machinery fire or malfunction;
- 6.11.3 facility fires, accidents, spills, explosions, etc;
- 6.11.4 industrial action; and
- 6.11.5 contact details of police, ambulance and any emergency centre in close proximity to the Facility.
- 6.12 Stock piling of animal matter is not allowed on site.
- 6.13 Operational measures must be put in place to immediately blend a carbon source or cover with mature compost, any highly biodegradable organics putrescible waste to minimise offensive odour emissions that may be generated by potentially odorous waste.
- 6.14 Emissions of methane in aerobic processes must be controlled by keeping the organics being processed adequately aerated.
- 6.15 The schedule of turning of the compost must be in-line with the composting method being employed at the facility and must conform to the EMPr.
- 6.16 Facility management must put measures in place to control high concentrations of particulate matter during pre-treatment (shredding and mixing) of dry organics.
- 6.17 The quantities (tonnage or kilograms) of incoming and processed organics must at all times not exceed the design requirements of the storage and processing areas.
- 6.18 Operational measures must be put in place to ensure that the storage times for organics are controlled to minimize emissions of offensive odours.
- 6.19 Dust created by the daily operations of the Facility must be mitigated as far as possible.

7 ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 7.1 If, in the opinion of the Director and/or Director: RPW, 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 and/or the Director: RPW.
- 7.2 Should the investigation carried out as per Condition 7.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director and/or the Director: RPW.

8 STORMWATER MANAGEMENT

- 8.1 A stormwater management plan must be compiled and submitted to the Department for approval. A copy of the stormwater management plan must be submitted to the Director: RPW, the Breede-Gouritz Catchment Management Agency, as well as the Langeberg Local Municipality, for comment prior to submission to the Director for approval.
- 8.2 The approved stormwater management plan must be implemented.
- 8.3 The stormwater management system must be able to sufficiently and effectively handle run-off water from the Facility.
- 8.4 The collection dams must be designed to cater for a 1:100 year floodline.
- 8.5 Works constructed in compliance with Condition 8 must be of such a capacity as to accommodate:
- 8.5.1 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 fifty years; and
- 8.5.2 all expected leachate.
- 8.6 Works constructed in compliance with Condition 8.1 must, on a continuous basis, be properly maintained.

9 MONITORING

9.1 WATER QUALITY MONITORING

- 9.1.1 The Licence Holder must establish and maintain a ground water monitoring borehole network with at least one upstream and one downstream borehole, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 9.1.2 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.
- 9.1.3 The details of the boreholes should be provided to the Director and/or the Director: RPW. This should include the depth, diameter, coordinates, lithological logs (geology), water strikes, groundwater level, construction details, field electrical conductivity, pH, etc.
- 9.1.4 The groundwater monitoring programme should include both the water quality and water level monitoring.
- 9.1.5 Water levels should be measured at least monthly and the readings recorded against time and date.

- 9.1.6 Runoff water shall comply with the quality requirements as prescribed by the Director together with the Director: RPW which may be determined from time to time and shall be drained from the Facility in a legal manner.
- 9.1.7 Runoff water that does not comply with the quality requirements and all sporadic leachate from the Facility must:
- 9.1.7.1 be contained in collection dams;
 - 9.1.7.2 be treated to comply with the aforementioned standard and discharged in a legal manner; or
- 9.1.7.3 with the written approval of the Director be evaporated in dams and/or be evaporated by spraying over those portions of the Facility which comply with the requirements set in terms of condition 4.
- 9.1.8 Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500 (five hundred) m 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).

9.2 **DETECTION MONITORING**

- 9.2.1 Monitoring shall be conducted on a biannual (twice per year) basis during late summer and late winter to capture seasonal variation, for the water quality variables as agreed by the Department and the Director: RPW.

9.3 **INVESTIGATIVE MONITORING**

- 9.3.1 If, in the opinion of the Director and/or the Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in Condition 9.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme until such time that the variable is within acceptable limits.

9.4 **FURTHER INVESTIGATION**

- 9.4.1 If, in the opinion of the Director and/or the Director: RPW, groundwater, surface water and/or air pollution have occurred or may possibly occur, the Licence Holder shall conduct the necessary investigations and implement additional monitoring and rehabilitation measures, which shall be to the satisfaction of the Director and/or the Director: RPW.

10 **ANALYSIS OF SAMPLES**

MONITORING METHODS AND PARAMETERS

- 10.1 The Licence Holder shall carry out all tests 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 samples taken under the monitoring programmes specified in Condition 9.

10.2 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 and the Director: RPW.

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

10.3.1 tonnage composted;

10.3.2 waste types; and

10.3.3 waste sources.

10.4 In the event of contamination/pollution being found, the Director, the Directorate: Pollution and Chemicals Management as well as the Department of Water and Sanitation should be notified as soon as possible and a remediation plan be provided for approval. Potential receptors are to be identified immediately and action taken to ensure that there is no health risk.

10.5 STORMWATER SYSTEM MONITORING

10.5.1 The water quality in the collection dam must be monitored. These monitoring results must be kept in terms of Condition 14.

10.6 AIR QUALITY MONITORING

10.6.1 Passive fence line monitoring of Volatile Organic Compounds (VOCs), ammonia and hydrogen sulphide must be carried out to establish the baseline. The same baseline sampling campaign, with additional locations nearby the proposed composting activities, should be conducted for a minimum of 6 (six) months once the proposed project is completed and thereafter repeated annually. Any unacceptable, adverse impacts (i.e. increased levels of key indicator VOCs) must be mitigated with effective management of the Facility.

10.6.2 The passive fence line monitoring chemical analysis results for the first 6 (six) months, referred to in 10.6.1, must be reported to the Cape Winelands District Municipality and the Director in a clear, understandable, precise and user friendly format to assist in interpretation.

11 AUDITING

11.1 INTERNAL AUDITS

11.1.1 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 to report

the findings of the audits, which must be made available to the external auditor specified in Condition 11.2.1 and the Department.

11.2 **EXTERNAL AUDITS**

- 11.2.1 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.
- 11.2.2 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.
- 11.2.3 The audit report must contain recommendations regarding non-compliances or potential non-compliances with the Licence conditions, and must specify target dates for the implementation of the recommendations by the Licence Holder.
- 11.2.4 The external audit report must be submitted to the 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.
- 11.2.5 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 11.2.6 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

12 **DEPARTMENTAL AUDITS AND INSPECTIONS**

- 12.1 The Department and the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and Director: RPW may decide, or to have the Facility audited or inspected.
- 12.2 The Licence Holder must make any records or documentation available to the Director and the Director: RPW upon request, as well as any other information the Director and Director: RPW may require.
- 12.3 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 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.

- 13.2 The Monitoring Committee shall be representative of relevant interested and affected parties and may consist of at least 3 (three) of the following representatives:
- 13.2.1 Licence Holder and/or his/her appointed consultant(s) or advisor(s);
- 13.2.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
- 13.2.3 representative(s) of this Department; and
- 13.2.4 at least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the invitation to attend the Monitoring Committee to interested and affected parties of each meeting.
- 13.3 The Monitoring Committee shall meet at a minimum frequency of once a year and no later than 3 (three) months after the finalisation of the external audit report was conducted in terms of Condition 11.2.1, and submitted in terms of Condition 11.2.4.
- 13.4 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 All records required or resulting from activities required by this Licence must:
- 14.2.1 be legible;
- 14.2.2 be made available and should form part of any audit report;
- 14.2.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
- 14.2.4 be retained in accordance with documented procedures which are approved by the Department; and
- 14.2.5 be made available upon the request of the Director and/or the Director: RPW.
- 14.3 The Licence Holder shall record all borehole data and chemical analysis in a format agreed upon in writing between the Director: RPW, the Licence Holder, and a relevant specialist if so required.
- 14.4 The Licence Holder must register and report all waste volumes or masses received, recovered, disposed of 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 a shorter period of time, if 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, 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 or duly appointed person must keep an incident report and complaints register, which must be made available to the Director and 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 The Department must be notified without delay in the case of the following:

- 15.7.1 any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
- 15.7.2 the breach of conditions of this licence; and
- 15.7.3 any significant adverse environmental and health effects.
- 15.8 Prior written notification must be given to the Director of the following events and within the specified timeframes:
 - 15.8.1 as soon as practicable prior to the permanent cessation of any operational activities;
 - 15.8.2 full or partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
 - 15.8.3 full or partial resumption of the operation of all or part of the activities after a cessation notified under 15.8.1 above.
- 15.9 All audit reports (internal and external) 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 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 Licence Holder shall remain liable to compliance with all Licence conditions.

17 **TRANSFER OF WASTE MANAGEMENT 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, 2008.
- 17.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.
- 17.3 The rights granted by this Licence are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the Licence Holder may undertake the activities authorised by the Licensing Authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 17.3.1 The applicant must submit an originally signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including:
 - 17.3.1.1 confirmation that the Licence is still in force (i.e. that the validity period has not yet expired or the listed activities were lawfully commenced with);
 - 17.3.1.2 the contact details of the person who will be the new Licence Holder;

- 17.3.1.3 the reasons for the transfer; and
- 17.3.1.4 an originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she has the ability to implement the mitigation and management measures and comply with the stipulated conditions.
- 17.4 The Licensing Authority will issue an amendment to the new Licence Holder either by way of a new Licence or an addendum to the existing Licence if the transfer is found to be appropriate.

18 **COMMENCEMENT**

- 18.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.
- 18.2 Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorised 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 5 (five) year period. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for 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 start before the date stipulated in condition 18.4, he/ she must apply and show good cause for an extension of the commencement date in this Licence 6 (six) months prior to its expiry date.

19 **GENERAL**

- 19.1 This Licence shall not be transferable unless such transfer is subject to Condition 17 above.
- 19.2 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.
- 19.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 19.4 This Licence is valid for 10 (ten) years from the date of this Licence or any period earlier as required by the Director. The Licence can be amended or withdrawn or the validity thereof extended.

- 19.5 Should the Licence Holder want to conduct the waste management activity beyond the 10 (ten) years, the Licence Holder must apply for an amendment 1 (one) year before the expiry date.
- 19.6 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.
- 19.7 In terms of section 28 and 30 of the NEMA, and section 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 environmental acceptable manner.

SECTION D: APPEAL OF LICENCE

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
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:
 - 2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 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.
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:
 - 3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 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.
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.
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, 1 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 Marius.Venter@westerncape.gov.za.

6. 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 Marius.Venter@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

SECTION 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: 29-11-2019

Cc: (1) Ms L. Abrahams (Eco Impact Legal Consulting (Pty) Ltd)
(2) Ms T. Brunings (Langeberg Municipality)
(3) Ms. N. Feni (BGCMA)
(4) Ms. A. Duffel-Canham (CapeNature)
(5) Mr. R. Roscher (Department of Agriculture)
(6) Mr. C. van der Walt (Department of Agriculture)
(7) Mr Malise Noe (DWS)

Fax: (021) 671 9976
Fax: (023) 614 1841
Fax: (023) 347 2012
Fax: (021) 866 1523
Fax: (023) 342 6779
Fax: (021) 808 5092
Email: NoeM@dws.gov.za

ANNEXURE I
REASONS FOR THE DECISION

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 Application Form for a Waste Management Licence dated 26 January 2018, compiled by Cape Environmental Assessment Practitioners (Pty) Ltd.
- (b) The Basic Assessment Report (BAR) dated 30 April 2018, compiled by Eco Impact Legal Consulting (Pty) Ltd.
- (c) 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.
- (d) The site visits conducted by the Department at the premises on 16 May 2018, 13 June 2018 and the latest on 11 November 2019.
- (e) Relevant information contained in the Departmental information database.
- (f) 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.

Alternatives

The following alternatives were considered:

(a) Property and location alternatives

No property and site location alternatives have been considered.

The location is desirable due to the rural character, topography, distance to water course, soil conditions and availability to services and infrastructure, and is also supported by the SDF.

(b) Activity Alternatives

The following activity alternatives were considered:

- *The use of a service provider to dispose of the by-products from the abattoir.*
This was dismissed mainly due to the fact that SAFAM could be held accountable for any issues caused by their by-products, even if it was handed over to a licensed operator.
- *The use of a biogas plant*
The biogas plant was not investigated further because after consultation with existing abattoirs using a biogas system, it was found that operational and reliability problems were experienced by them.
- *Alkaline hydrolysis*
This option was dismissed because of a lack of local knowledge and experience with this method.
- *Developing and Operating a compost facility*
This option was preferred because it is more sustainable, cost effective and provides for the ongoing in-house management and control of abattoir by-products.

(c) Design or Lay-out alternatives

Alternative 1

The proposed layout alternative LA1 and stormwater run off plan is favourable for the following reasons:

- Two entrances with gates, one to the existing composting facility and one to the proposed feedlot and remainder of the farm.
- The most southern access road will be used by the honey sucker trucks (Blood trucks) (two-way); the skip trucks with the by-products and condemned carcasses will use the road to the western side of the windrows (two-way).
- The last mentioned road will also be used by trucks off-loading wood chips (already chipped) in the north-eastern corner of the application site, as well as the end product (compost) from the windrow to the storing area on the lowest level, or near the gate, for easy distribution.
- Internal Roads indicated on the site plan were created informally and might change if and when the proposed feedlot is in operation based on best practices/logistics between the two facilities.
- Several windrows and bulk pile/s (for whole carcasses) of approximate 1.5m high and 2m wide will be located alongside the south-eastern boundary of the farm and 235m away from the Middelstekloof River. These windrows will rotate/move in the 3.6ha area allocated as and when the compost is ready and removed.

- Two dams were constructed on the lowest point of the terrain. The north-eastern dam is constructed to catch run-off storm water emanating from the lands and area above the dam, whilst the smaller dam is for effluent from the windrows and the proposed feedlot. Run off water from the windrows will be caught by the cut-off weir/barrier on the western side from where it will flow with gravity in a channel to the lowest dam. Compacted drainage channels around the feedlot will direct runoff water also to the lowest dam. This water will be re-used when required to wet the windrows on top of the rows.

Alternative 2

Although proposed layout LA2 has taken into account the natural landscape, sensitive environments and topography of the site, which has highlighted a number of constraints that would determine and influence the layout of the proposed development. The proposed layout 2 is not the preferred alternative because the application area has a larger impact on the receiving environment, which would create a larger potential impact on the surrounding environment.

(d) Technology alternatives

Technology alternatives considered include:

1. Passively Aerated Static Piles/ Windrows/ Bins
2. Turned windrow composting
3. Forced Aeration
4. In Vessel Composting
5. Bins
6. Rotating Drums

Most of the above require a significant investment and a significant amount of building work.

Passively aerated windrows followed by turned windrows was the preferred method.

(e) Operational Activities

No operational activities have been assessed.

(f) No-Go alternatives

The No-Go option will result in the site remaining as is presently, underutilized Agricultural land.

The uses applicable in this application are both needed and desirable in this location.

Environment

The proposed development is situated at Middelburg Farm, located approximately 14km northwest of Robertson, east of the R60. The area is rural with mainly vineyards, orchards, grazing and natural veld. The site is located at the foot of a mountain ridge, adjacent to a tributary of the Vink River. The gradient is uneven with small hills at the foothills of the Langeberg Mountain. The application site itself is already disturbed with a fall of 3.2%.

Portion 6 of the farm Middelburg No 10 belongs to the Reben Trust and is 758,0308 hectares in extent according to Title Deed No T12255/2013.

The farm consists of the following:

- Store/shed built on a previous foundation near the Middelstekloof River (within 32m from the river).
- Workers House (+/- 70m²).
- Several dams within the Middelstekloof River that were constructed by previous owners. During the last floods most of the embankments of these dams have been damaged or destroyed. The two top dams are registered with BGCMA for 50 000m³ or 7ha water, as well as a borehole.
- Kraal and weight station for individual live stock.
- 8.6ha already transformed, application area consisting of bulk pile/s, windrows, two effluent dams (This area was previously ploughed and planted with pastures and used for grazing purposes).
- The closest residential building is a farmhouse across the road, situated approximately 550m south-west of the application site. The Buitenstekloof Guest Cottage is located approximately 2.36km to the north east of the site.
- The nearest cultivated lands on the neighbouring farm are approximately 550m away.

Public Participation Process (PPP):

The PPP in terms of the 2014 NEMA (EIA) Regulations contained in Government Notice No R. 982 of 4 December 2014 (GN R. 982) comprised of the following:

- Newspaper advertisements notifying the public about the environmental application for the proposed project were placed in Die Burger on 3 March 2017 and the Langeberg Bullitin on the same day.

- An A2-sized site notice was erected in the project area on 16 March 2017. The site notices were placed at the farm.
- Six (6) notices were sent via registered mail on 23 February 2017 and as additional six (6) notices were sent on 13 July 2017 to owners and occupiers of land adjacent to the site where the activity is undertaken.
- A pre-application BAR was made available for review to registered I&APs, as well as to the public from 15 June 2017 – 18 July 2017.
- The draft BAR has been made available for review to registered I&APs, as well as to the public from 14 March 2018 to 16 April 2018.

Authorities Consultation:

The authorities consulted include the following:

- Department of Water and Sanitation
- Breede Gouritz Catchment Management Agency
- Department of Agriculture: Western Cape
- Department of Health: Western Cape
- Cape Nature
- Western Cape: Department of Environmental Affairs and Development Planning
- Langeberg Local Municipality
- Heritage Western Cape
- Western Cape: Transport and Public Works – Road Network Management
- ESKOM: Land Development

The Department has visited the site on at least three occasions and no obnoxious odours or excessive fly activity was noted during any of the inspections. Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. No authorities objected to the commencement of the activity. Where possible and relevant, the conditions imposed by these authorities have been included in the Waste Management Licence.

=====END=====