



Reference: 19/2/5/4/B5/14/WL0128/21

The Board of Directors
Brenn-O-Kem (Pty) Ltd
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WOLSELEY
6830

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Attention: Jacques Jonker

Dear Sir,

VARIED WASTE MANAGEMENT LICENCE GRANTED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE PROPOSED EXPANSION OF THE EXISTING BRENN-O-KEM WASTE RECOVERY PLANT ON FARM 268/38, TULBAGH

WASTE MANAGEMENT LICENCE

A. DECISION

I, Saliem Haider, 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, read with the Environmental Impact Assessment (EIA) Regulations, 2014, promulgated in Government Notice (GN) No. R. 982 of 4 December 2014, as amended, hereby, replace the Waste Management Licence with reference number 19/2/5/2/B5/14/WL0138/19 dated 25 September 2020 with this Waste Management Licence to allow Brenn-O-Kem (Pty) Ltd (hereinafter referred to as 'the Licence Holder') to increase the operational throughput of the existing Waste Recovery Plant, on Farm 268/38, Tulbagh (hereinafter referred to as 'the Facility').

B. DESCRIPTION OF THE ACTIVITY:

The activity entails the expansion of the existing waste recovery plant, that had been established in the year 2000 after the initial establishment of the business in 1960. Brenn-O-Kem uses a bio-refinery approach to extract value from a specific industry waste, such as grape pomace. The grape pomace is sourced from various wine cellars within the Western Cape, to be processed into alcohol, cream of tartar, grape seed oil, grape seed tannin and animal feed, at this Facility. Grape pomace consists of grape skins, stalks and seeds. The stalks are separated from the pomace, at the cellar before delivery to this Facility. The Licence Holder intends to increase the throughput of the Facility, from 4 600 metric tonnes per month, to 9 000 metric tonnes per month, which is the Facility's approximate capacity. Prior to the first issuance of this Waste Management Licence, the Facility processed about 2 800 metric tonnes per month.

The following listed activities, as specified in Category B of the NEM: WA, '*List of waste management activities that have, or are likely to have, a detrimental effect on the environment, 2013*' and published in Government Notice No. 921 on 29 November 2013, as amended, are hereby authorised:

Category B

- 4(3) The recovery of waste including the refining, utilisation, or co-processing of waste at a facility that processes in excess of 100 tons of general waste per day or in excess of 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.
- 4(6) The treatment of general waste in excess of 100 tons per day calculated as a monthly average, using any form of treatment.

For the storage, sorting, shredding, grinding, crushing, screening or bailing of the waste at the Facility, the following Category C listed activities in the NEM: WA, '*List of waste management activities that have, or are likely to have, a detrimental effect on the environment, 2013*', as published in Government Notice No. 921 on 29 November 2013, as amended, may be triggered if the applicable thresholds 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.
- 5(6) The sorting, shredding, grinding, crushing, screening or bailing of general waste at a waste facility that has an operational area that is 1000m² and more.

Since these thresholds will be exceeded, the Licence Holder is required to comply with the NEM: WA, '*National Norms and Standards for the Storage of Waste, 2013*', as published in Government Notice No. 926 on 29 November 2013 and the NEM: WA, '*National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening, Chipping or Bailing of General Waste, 2017*', as published in Government Notice No. 1093 on 11 October 2017.

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)

Consultancy: Enviro-EAP Environmental Consultants (Pty) Ltd

EAPs: Nicolaas Hanekom and Lauren Abrahams

Address: 2 School Street

AGULHAS

7287

Tel.: (076) 963 6450

Fax: (086) 435 4691

E-mail: admin@enviro-eap.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: | 19/2/5/4/B5/14/WL0128/21 |
| WASTE APPLICATION: | TREATMENT, RECOVERY, AND RECYCLING OF GENERAL WASTE |
| LOCATION: | FARM 268/38, TULBAGH |
| LICENCE HOLDER: | BRENN-O-KEM (PTY) LTD |
| CONTACT PERSON: | DESIGNATED WASTE MANAGEMENT CONTROL OFFICER |
| POSTAL ADDRESS: | P.O. BOX 71, WOLSELEY, 6830 |

1. Location

- 1.1. This Licence authorises Brenn-O-Kem (Pty) Ltd to expand the existing Facility on Farm 268/38, Tulbagh.
- 1.2. The location of the property on which the Facility is situated is:

Table 1-1: Location of Facility

| Latitude | Longitude |
|-----------------|------------------|
| 33° 25' 5.54" S | 19° 14' 18.42" E |

- 1.3. The boundaries of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Additional Information Annexure submitted with the final Scoping Report dated 10 October 2019 and the final Environmental Impact Assessment Report dated 25 March 2020, submitted by the Licence Holder, which is defined as follows:

Table 1-2: Footprint of the Facility

| Corner Points | Latitude | Longitude |
|---------------|------------------|------------------|
| NW Corner | 33° 25' 3.80" S | 19° 14' 17.26" E |
| NE Corner | 33° 25' 4.98" S | 19° 14' 21.41" E |
| SW Corner | 33° 25' 12.76" S | 19° 14' 9.29" E |
| SE Corner | 33° 25' 12.96" S | 19° 14' 14.94" E |

- 1.4. The footprint of the Facility and its associated infrastructure is 50 200m².
- 1.5. The Surveyor General 21 Digit codes of the Facility are: C0750000000026800038.

2. Permissible Waste

- 2.1. Any portion of the Facility which has been constructed or developed according to condition 6 of this Licence, may be used for the authorised activities, but only waste that is classified as general waste, according to the NEM:WA, or any current and future Norms and Standards, is permitted to be managed by this Licence Holder.
- 2.2. The Licence Holder must check all waste loads at the entrance 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 the Environmental Impact Assessment Report inclusive of the Environmental Management Programme (EMPr) dated 25 March 2020, prior to any activities being undertaken at the Facility. The WMCO/ECO must:
 - 3.2.1. work towards the development and introduction of clean production technologies and practices to achieve waste minimisation;
 - 3.2.2. identify and submit potential measures in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste to the Licence Holder and the Director;
 - 3.2.3. take all reasonable steps to ensure that the Licence Holder complies with the Licence conditions and requirements and the provisions of the NEM: WA; and
 - 3.2.4. promptly report any non-compliance with any Licence conditions or requirements or provisions of the NEM: WA to the Director through the most effective means reasonably available.
- 3.3. Condition 3.2 does not affect the liability of the Licence Holder to comply with all conditions and requirements of this Licence.

4. General Management

- 4.1. The EMPr referred to in condition 3.2, submitted as part of the final Environmental Impact Assessment Report, 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 Director 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 Director.
- 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 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.

5. Facility Security and 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 manned during the hours of operation and locked outside the hours of operation.

6. Facility Management and Operations

- 6.1. The Licence Holder shall retain the responsibility for the Facility, any of its impacts arising from the operations on the environment and its monitoring and ensure that:
- 6.1.1. the presence of any nuisance conditions or health hazards, such as vectors (flies and vermin), dust, exposed waste, obnoxious odours and noise are prevented and monitored on a regular basis and monitoring results thereof are kept in terms of condition 9.
- 6.1.2. 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 Director and record it in terms of conditions 9 and 10.
- 6.2. The mass of incoming grape pomace may not exceed the Facility's capacity to manage waste, which is limited to 9 000 metric tonnes per month.
- 6.3. Waste may only be stored, in compliance with the relevant national norms and standards, in such a manner that any emissions from the processing of the pomace do not cause nuisances on neighbouring properties and that it does not result in significant adverse environmental impacts.
- 6.4. Any leachate generated at the Facility, including its storage areas, need to be contained and/or be treated to acceptable quality requirements prior to being discharged into the environment or sewage system, according to the requirements of the responsible authority.
- 6.5. Dust created by the daily operations of the Facility must be mitigated as far as possible.
- 6.6. 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).
- 6.7. Spill kits, which include hydrocarbon absorbent material, must be kept at the Facility and staff must be trained to use these spill kits.
- 6.8. An area must be demarcated for fuelling and workshop services. Any hazardous substances and fuel must be kept in storage areas that are bunded to contain 110% of the volume of the product stored.
- 6.9. The Licence Holder must ensure that the Facility is operated in accordance with Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 6.10. 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. Environmental Pollution Investigations

- 7.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring at 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.
- 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.

8. Auditing

8.1. Internal Audits

8.1.1. 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 8.3, to report the findings of the audits, which must be made available to the external auditor specified in condition 8.2.1 and the Director (if requested), according to condition 8.4.2.

8.2. External Audits

8.2.1. 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 8.3, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

8.2.2. 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.

8.2.3. 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.

8.2.4. Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.

8.3. Both the internal and external audit reports must be in accordance with the format as prescribed by the Director.

8.4. Departmental Audits and Inspections

8.4.1. 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.

8.4.2. 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.

8.4.3. 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.

9. Record Keeping

9.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.

9.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 9.4.

9.3. All records required or resulting from activities required by this Licence must:

9.3.1. be legible;

9.3.2. be made available and should form part of any audit report;

9.3.3. be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;

9.3.4. be retained in accordance with documented procedures which are approved by the Department; and

9.3.5. be made available upon the request of the Director.

- 9.4. 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 Director.
- 9.5. The Licence Holder must put in place a monitoring and measurement plan that must *inter alia* include:
- 9.5.1 mass (in tonnes or kilograms) received, treated, recycled, transferred,
 - 9.5.2 waste types and sources; and
 - 9.5.3 air quality monitoring.

10. Reporting

- 10.1. 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.
- 10.2. 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 10.1, 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: –
- 10.2.1. correct the impact resulting from the incident;
 - 10.2.2. prevent the incident from causing any further impact; and
 - 10.2.3. prevent a recurrence of a similar incident.
- 10.3. 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 10.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 10.4. 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.
- 10.5. 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.
- 10.6. The Department must be notified within 14 (fourteen) days of the following changes:
- 10.6.1. Licence Holder's trading name, registered name or registered office address;
 - 10.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 10.6.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 10.7. 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.
- 10.8. The Department must be notified without delay in the case of the following:
- 10.8.1. Any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission, which has caused, is causing or may cause significant pollution;
 - 10.8.2. The breach of conditions of this Licence; and
 - 10.8.3. Any significant adverse environmental and health effects.
- 10.9. Prior written notification must be given to the Director of the following events and within the specified timeframes:
- 10.9.1. As soon as practicable prior to the permanent cessation of any operational activities;

- 10.9.2. Full or partial cessation of the decommissioning activities for a period likely to exceed 3 (three) months; and
- 10.9.3. Full or partial resumption of the decommissioning of all or part of the activities after a cessation notified under (13.9.2) above.

11. Leasing and Alienation of the Facility

- 11.1. 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.

12. Transfer of Licence

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

13. Commencement

- 13.1. The activities hereby Licenced may not be commenced within 20 (twenty) days of the date of signature of this Licence.
- 13.2. 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.
- 13.3. 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.
- 13.4. This activity must commence within a period of 5 (five) years from the date of this Licence. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for a waste management licence must be made in order for the activity to be undertaken.
- 13.5. If the proponent anticipates that commencement of the activity would not occur within the 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.
- 13.6. If an appeal process causes this Licence to be regarded as null and void, then the previous Licence will remain valid.

14. General

- 14.1. This Licence shall not be transferable unless such transfer is subject to condition 12 above.
- 14.2. 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.
- 14.3. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.

- 14.4. Transgression of any condition of this Licence could result in the suspension of the Licence by the Director and may render the Licence Holder liable for criminal prosecution or other actions provided for in section 67(1) of the NEM: WA, 2008.
- 14.5. This Licence is valid for a period of 10 (ten) years from the date of this Licence. The licence may be reviewed any time before that date. 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.
- 14.6. 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.
- 14.7. In terms of sections 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

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 Licence Holder) 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 Licence Holder) 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 Licence Holder (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; or

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

Note: 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>.

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,

SALIEM HAIDER
DIRECTOR: WASTE MANAGEMENT

CC: (1) Nicolaas Hanekom (Enviro-EAP Environmental Consultants (Pty) Ltd)
(2) Lauren Abrahams (Enviro-EAP Environmental Consultants (Pty) Ltd)
(3) Admin (Enviro-EAP Environmental Consultants (Pty) Ltd)

E-mail: nicolaas@enviro-eap.co.za

E-mail: lauren@enviro-eap.co.za

E-mail: admin@enviro-eap.co.za

ANNEXURE I

A. REASONS FOR HAVING GRANTED THE VARIED WASTE MANAGEMENT LICENCE (APPEALABLE):

The reasons for having granted the varied Waste Management Licence, which include the factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below.

The following information was available for the Department's consideration of the application:

- (a) The information contained in the Application Form for a Waste Management Licence, dated 6 September 2021, compiled by Enviro-EAP Environmental Consultants (Pty) Ltd;
- (b) The Variation Impact Report, received on 3 December 2021, compiled by Enviro-EAP Environmental Consultants (Pty) Ltd;
- (c) The Waste Management Licence Application Additional Information Annexure submitted with the Variation Impact Report, received on 3 December 2021;
- (d) Comments raised by Interested and Affected Parties (I&APs) throughout the Public Participation Processes, the Applicant and the Environmental Assessment Practitioner's responses thereto; and
- (e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.

Alternatives

Since the Facility was already operational, there were only two alternatives considered: 1) No-go option which allows the Facility to continue its current operations or 2) to increase the throughput of the Facility in favour of the application. The latter alternative has more potential to conserve the environment, which made it more desirable to grant the varied Waste Management Licence.

Public Participation Process

The Public Participation Process in terms of the Environmental Impact Assessment (EIA) Regulations, 2014, published in Government Notice (GN) No. R. 982 of 4 December 2014, as amended, comprised of the following:

- (a) An advert was placed in the Worcester Standard and Die Burger newspapers on the 22 September 2021.
- (b) The notice boards were placed on site from 22 September 2021.
- (c) The two notices were emailed on the 18 September 2021, to owners and occupiers of land adjacent to the site where the activity is undertaken.
- (d) The 30-days commenting period for the Variation Impact Report that was made available to State Departments and Interested and Affected Parties and commenced on 18 September 2021.
- (e) The 30-days commenting period for the revised Variation Impact Report that was made available to State Departments and Interested and Affected Parties and commenced on 29 October 2021.

Authorities Consultation

The following authorities were consulted:

- (a) Breede-Gouritz Catchment Management Agency
- (b) Cape Winelands District Municipality
- (c) Cape Nature

- (d) DEA&DP: Air Quality Management
- (e) DEA&DP: Development Management
- (f) DEA&DP: Pollution and Chemicals Management
- (g) DEA&DP: Waste Management (Competent Authority - WML Application)
- (h) Department of Transport and Public Works: Road Network
- (i) Witzenberg Municipality

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. No authorities objected to the proposed activities. Where possible and relevant, the conditions imposed by these authorities have been included in the Licence.

B. REASONS FOR HAVING GRANTED THE WASTE MANAGEMENT LICENCE (NOT APPEALABLE):

The reasons for having granted the Waste Management Licence, which include the factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below.

The following information was available for the Department's consideration of the application:

- (f) The information contained in the Application Form for a Waste Management Licence, dated 30 August 2019, compiled by Enviro-EAP Environmental Consultants (Pty) Ltd;
- (g) The Scoping Report, dated 10 October 2019, compiled by Enviro-EAP Environmental Consultants (Pty) Ltd;
- (h) The Waste Management Licence Application Additional Information Annexure submitted with the Scoping Report, dated 10 October 2019;
- (i) The Environmental Impact Assessment Report dated 25 March 2020, compiled by Enviro-EAP Environmental Consultants (Pty) Ltd, submitted during lockdown on 18 May 2020 and confirmation that the report may be considered for the application on 9 June 2020;
- (j) Comments raised by Interested and Affected Parties (I&APs) throughout the Public Participation Processes, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (k) A site meeting held on 13 September 2018; and
- (l) 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.

Deviation

The applicant did not request any deviations for the required Public Participation Process.

Alternatives

The Facility was being operated at 60% of its capacity, without a Waste Management Licence, since it commenced in the year 2000. The Licence Holder intends to use the Facility optimally, at 100% of its capacity. The Licence Holder applied for a Waste Management Licence, to obtain prior environmental authorisation prior to increasing the throughput of the Facility. It is therefore evident that there were no other alternatives, other than the no-go alternative. Only the no-go alternative was assessed in this application.

Products are already being manufactured from grape pomace at this Facility. The no-go alternative would involve no change to the existing facility, i.e. the Facility would remain as is. This is not preferred because the Facility will be operating below its capacity and, will not be allowed to increase the throughput of the Facility. The treatment, reuse, recovery and recycling of waste is preferred to the disposal of this waste.

Environment

Witzenberg has a warm temperate climate with dry and hot summer. Witzenberg has a mean annual temperature of 16.50°C and receives a mean annual rainfall of 655mm per annum, based on data collected for the year period of 1950 - 2000.

The area is characterised by a relatively flat landscape. The Geology and Geohydrology can be described by the following:

- The site consists of land type Ia23;
- Alluvium on shale and greywacke of the Porterville Formation, Malmesbury Group;
- Soils with limited pedological development;
- Soils with negligible to weak profile development, usually occurring on recent flood plains;
- Depth: $\geq 750\text{mm}$;
- Clay: $< 15\%$; and
- Erodibility: Moderate with an erodibility factor of 0.48.

According to the Western Cape Biodiversity Spatial Plan there are Critical Biodiversity Areas and Ecological Support Areas located on the property. As according to Mucina and Rutherford (2006) the type of natural vegetation originally occurring at the site is classified as Breede Alluvium Fynbos (Endangered). However, the entire site is developed, and no natural vegetation is left on the site. No known rare or special fauna species were observed or are known to occur or breed on the site.

Ten to fifteen new permanent jobs will be created during the operational phase of this project. Employment opportunities will be allocated as according to municipal policy/guidelines which promote the employment and appointment of previously disadvantaged individuals.

Public Participation Process

The Public Participation Process in terms of the Environmental Impact Assessment (EIA) Regulations, 2014, published in Government Notice (GN) No. R. 982 of 4 December 2014, as amended, comprised of the following:

Pre-application Phase:

- (f) An advert was placed in the Worcester Standard and Die Burger newspapers on the 08 November 2018.
- (g) The notice boards were placed on site from 08 November 2018.
- (h) Four notices were hand delivered on the 09 November 2018, to owners and occupiers of land adjacent to the site where the activity is undertaken.
- (i) The 30-days commenting period for the Scoping Report that was made available to State Departments and Interested and Affected Parties, from 26 April 2019 to 29 May 2019.

Waste Management Licence Application Phase:

- (a) The 30-days commenting period for the Scoping Report that was made available to State Departments and Interested and Affected Parties, from 29 August 2019. The Final Scoping Report was submitted to the Competent Authority (DEA&DP: Waste Management) on the 10 October 2019.

- (b) The 30-days commenting period for the Environmental Impact Assessment Report that was made available to State Departments and Interested and Affected Parties, from 28 November 2019 to 20 January 2020.
- (c) The additional 30-days commenting period for the Environmental Impact Assessment Report that was made available to State Departments and Interested and Affected Parties, from 11 February 2020 to 12 March 2020. The Final Environmental Impact Assessment Report was submitted to the Competent Authority (DEA&DP: Waste Management) on the 18 May 2020, during the COVID-19 lockdown. The EAP confirmed that the contents of the Final Environmental Impact Assessment have not been changed and that it can be considered for decision making.

Authorities Consultation

The following authorities were consulted:

- (j) Breede-Gouritz Catchment Management Agency
- (k) Cape Winelands District Municipality
- (l) CapeNature
- (m) DEA&DP: Air Quality Management
- (n) DEA&DP: Development Management
- (o) DEA&DP: Pollution and Chemicals Management
- (p) DEA&DP: Waste Management (Competent Authority - WML Application)
- (q) Department of Transport and Public Works: Road Network
- (r) Witzenberg Municipality

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. No authorities objected to the proposed activities. Where possible and relevant, the conditions imposed by these authorities have been included in the Licence.

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