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OFFICE OF THE MUNICIPAL MANAGER

Enquiries: *JP Schoeman*
Reference: *18/3/5/3*
Date: *22 June 2020*

The Principle
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Dear Madame

**COMMENTS ON PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT-
PROPOSED DEVELOPMENT OF A PILOT DEPOLYMERISATION PROCESSING
PLANT ON PORTION 21 OF THE REMAINDER OF THE FARM
RHEEBOKSFONTEIN NO. 142 IN MOSSEL BAY, WESTERN CAPE**

Thank you for the opportunity to comment on the Pre-application Draft Basic Assessment Report (Draft Pre- BAR) for the proposed Rooikat PTY (Ltd) recycling project on the Farm Rheeboekfontein Mossel Bay. It is also confirmed that the Garden Route District municipality (GRDM) is the competent authority for Licencing of Listed Activities in terms of Section 21 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) as verified by your office with DEADP Directorate Air Quality Management. The proposed activity triggers activity 34 of NEMA Listing Notice

one (R327) as well as Category 8.1 and possibly category 3.1 (carbon black production) of NEM: AQA (GN 893).

The two application processes therefore runs parallel with each other with only one public participation process. Our comments will focus specifically on Air Quality matters, as this is our competency in terms of the NEM: AQA, the National Framework for Air Quality in South Africa, 2017 and the GRDM 3rd Generation Air Quality Management Plan (AQMP), 2019. My colleagues from Municipal Health will also comment in terms of their Municipal Health competency.

When considering an application for an atmospheric emission licence (AEL), the licencing authority (LA) must take into account all relevant matters, including nine specific factors as outlined in Section 39 of NEM: AQA. For the purpose of this letter, our comments are structured, and the specialist reports be evaluated, against the nine Section 39 factors in order to verify compliance with the requirements of NEM: AQA.

It must be emphasised that this comments in terms of the sec 39 requirement is used for guidance for commenting during the EIA process and the licencing authority must still decide the application within 60 days of the date on which the decision on the application for the environmental authorisation has been made.

Table 1: Table indicating factors to seek compliance with requirements of the Air Quality Act

SECTION 39 FACTORS	COMMENTS
(a) any applicable minimum emission standards set for ambient air and point source emissions that have been determined in terms of the NEM: AQA	<p>The applicant must conduct a <u>Specialist Air Quality Impact Assessment Study</u> by a Competent Air Quality Specialist in order to guide the Licencing Authority with its decision to grant or refuse the application. The minimum emission limits of category 8.1 and 3.4 as contemplated in Section 21 of the Air Quality Act will apply to the facility.</p> <p>It is a requirement for category 8.1 to do continuous emissions monitoring by a Continuous Emissions monitoring System (CEMS). Please refer to Regulation 893 of 2013 (as amended).</p>

	<p>Prior undertaking any specialist air quality studies, the applicant and specialist must liaise with the Licencing Authority on the scope of the study. The Specialist Air Quality study must also prescribe the Best Available Technology to achieve compliance with the emission limits and ambient air quality standards.</p>
<p>(b) the pollution being or likely to be caused by the carrying out of the listed activity applied for and the effect or likely effect of that pollution on the environment, including health, social conditions, economic conditions, cultural heritage and ambient air quality.</p>	<p>A Specialist Air Quality Impact Assessment must be undertaken to guide this factor.</p> <p>A comprehensive emission inventory including area/line sources must be provided and how such emissions it will be mitigated.</p> <p>Measures must be taken to minimize dust and noise during the construction phase and it is advised that construction only take place during normal working hours from 07:30 to 17:30 on weekdays only.</p> <p>The applicant must comply with the National Dust Control Regulations for Industrial zones as indicated in the Regulation.</p> <p><u>Social conditions:</u></p> <p>The applicant must conduct a socio-impact report to guide this factor.</p> <p><u>Economic conditions:</u></p> <p>The applicant must conduct an economic -impact report to guide this factor.</p> <p><u>Health:</u></p> <p>The applicant must conduct a health impact report to guide this factor.</p> <p><u>Cultural heritage:</u></p>

	<p>The applicant must conduct a cultural heritage assessment to guide this factor.</p> <p><u>Ambient Air Quality:</u> Please refer to (a) above.</p> <p><u>Planning:</u> The proposed development must be consistent with the MBSDF (2019), the Mossel Bay IDP, the Mossel Bay Central Precinct Plan (2013), Mossel Bay Municipality's Integrated Zoning Scheme (2017).</p>
<p>(c) the best practical environmental options available that could be taken to-</p> <p>(i) prevent, control, abate or mitigate that pollution; and</p> <p>(ii) to protect the environment, including health, social conditions, economic conditions, cultural heritage and ambient air quality, from harm as a result of that pollution.</p>	<p>The specialist report must indicate what Best Available Technology (BAT) is required in order to achieve compliance with all applicable air quality ambient standards and minimum emissions limits.</p>
<p>(d) section 24 of NEMA and any other applicable environmental impact assessment done, the decision taken on the application of the environmental authorisation, and any applicable notice issued</p>	<p>The decision to grant or refuse the Atmospheric Emission Licence may only be taken after the Environmental Authorisation is granted.</p>

or regulation made pursuant for that section substituted by Section 7 of the Air Quality Amendment Act, 2014 (Act 20 of 2014)	
(e) any relevant tradable emission scheme	N.A. No such tradable emission scheme applicable in South Africa yet.
(f) whether the applicant is a fit and proper person as contemplated in Section 49 of the NEM: AQA	<p>The test for a fit and proper person in terms of Section 49 of NEM:AQA is:</p> <p><i>(a) That person has contravened or failed to comply with this Act, the APPA or any other legislation applicable to air quality; (b) that person has held a provisional or full AEL or other authority that has been suspended or revoked; (c) that person has been a director or senior manager who is or was a director or manager of a company, a juristic person or firm to whom paragraph (a) or (b) applies; or (d) the management of the listed activity which is the subject of the application will or will not be in the hands of a technically competent person.</i></p> <p>SES must test the applicant against the criteria for a fit and proper person and confirm in writing that the applicant and technically competent person, managing the listed activity complies with all the criteria.</p>
(g) the applicant's submissions	All required documents submitted during the application process including responses on comments will be assessed once it becomes available.
(h) any submissions from organs of state, interested persons and the public	Submissions from all organs of state and interested and affected parties (I&AP's) will be assessed once the public participation process is completed and a stakeholder engagement report is available.
(i) any guidelines issued by the Minister or MEC	Not applicable.

relating to the performance of the licencing authorities of their functions.	
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General aspects:

A formal atmospheric emission licence application must be lodged by the applicant accompanied by the prescribed processing fee in order for the Licencing Authority to initialise the application process. It is advised that a hard copy form of the application be submitted prior to the submission of the application on the South African Atmospheric Emission Licencing and Inventory Portal (SAAELIP).

Furthermore should the LA require any other relevant documentation and/ or information during the AEL application process such documentation or information will be requested in terms of section 37 of the NEM: AQA (ACT 39 of 2004).

Yours faithfully



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