

APPENDIX F3 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE PRE-APPLICATION PHASE

Stakeholder: DEADP: Waste Management	
Date received: 13 June 2018	
COMMENT	RESPONSE
<ol style="list-style-type: none"> 1. This letter serves as an acknowledgment of receipt of the above-mentioned document dated 8 June 2018, as received by the Department of Environmental Affairs and Development Planning, Directorate: Waste Management (the 'Department') on the same day. 2. The Department will consider the pre-application BAR in accordance with the prescribed timeframes and advise you accordingly. 3. Kindly quote the abovementioned reference number in any future correspondence in respect of the application. 4. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received. 	<p>Noted with thanks.</p>
Stakeholder: DEADP: Air Quality Management	
Date received: 26 June 2018	
COMMENT	RESPONSE
<p>The Pre-Application BAR for the above-mentioned proposed development, dated 08 June 2018, which was received by the Department of Environmental Affairs and Development Planning (DEA&DP), Directorate: Air Quality Management (D: AQM), has reference.</p> <p>The D: AQM carefully reviewed the above-mentioned application and has the following comments for consideration by the facility:</p> <ol style="list-style-type: none"> 1. DUST AND NOISE CONTROL REGULATIONS <ol style="list-style-type: none"> 1.1. Dust and noise may be generated during the construction phase of the project. 1.2. In this regard, the operation must comply with the following: <ul style="list-style-type: none"> • National Environmental Management: Air Quality Act (NEM: AQA). National Dust Control Regulations (Notice 827 of 2013); • Western Cape Noise Control Regulations (PH 200/2013). 2. ODOUR EMISSION IMPACT MANAGEMENT 	<ol style="list-style-type: none"> 1. Dust and Noise Control Regulations <ol style="list-style-type: none"> 1.1. The impact of noise and dust during the construction phase of the project has been assessed in the Impact tables of Appendix J and included in the BAR. Mitigation measures for noise and dust have been included in the construction phase of the EMPr. 1.2. Noted. As above. 2. Odour Emission Impact Management <ol style="list-style-type: none"> 2.1. Best practice measures have been included under the Operational phase of the EMPr (Goal 5). 3. EMP <ol style="list-style-type: none"> 3.1. Mitigation measures to mitigate odours have been included in the operation EMPr (Goal 5). A complaints register must be kept and maintained. All complaints must be investigated and acted upon. <p>Measuring of temperature of windrows have been included in Operational Data Specification to ensure that risk of fire is reduced</p>

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<p>2.1. The D: AQM is aware that the composting process generates a certain level of odour and this could possibly lead to complaints being received regarding alleged excessive odour emissions emanating from the composting plant. The facility must investigate best practice measures to minimise or avoid offensive odours.</p> <p><i>"In terms of Section 35 (2) of the NEM: AQA (Act No. 39 of 2004), the occupier of the premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises."</i></p> <p>3. ENVIRONMENTAL MANAGEMENT PROGRAMME (EMP)</p> <p>3.1. The proposed Standard Operating Procedures (SOP's) mentioned in the Pre- Application BAR should be instituted and maintained in the daily operational production process. The EMP should include, but not be limited to the following considerations related to the abovementioned SOP's</p> <ul style="list-style-type: none"> • The composting facility lies 3.2 km away from the residential area of Klapmuts, therefore it is important to mitigate measures to reduce odours resulting in nuisance conditions. • High temperatures may pose a fire risk, therefore the windrows and bulk storage areas should be monitored for temperature spikes. • Hydrogen sulphide and ammonia ratios must be at the required level as to abate potential odour release. <p>Should you have any queries regarding the above comments, please do not hesitate to contact Peter Harmse on telephone number: (021) 4838343 or email: peter.harmse@westerncape.gov.za</p>	<p>as a result of bulk stockpiling / windrows.</p> <p>The Operational Data Specification has been included as Annexure B to the EMPr.</p>
<p>Stakeholder: DEADP: Development Management</p>	
<p>Date received: 05 July 2018</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>1. The pre-application Draft BAR and letter dated 8 June 2018, received by this Department on the same day and the acknowledgement thereof</p>	<p>4.1. Please be advised that the facility does have an existing Environmental Authorisation - please refer to Appendix K4 for a copy of the</p>

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<p>dated 15 June 2018, refer.</p> <p>2. This letter serves as comment on the aforementioned document by this Department.</p> <p>3. According to the information submitted to this Department, the following is noted:</p> <p>3.1. The proposed expansion and licensing of an existing compost facility to recycle and treat organic waste to produce compost.</p> <p>3.2. The proposed expansion of the existing storm water cut-off channels and collection dam to contain and store all storm water generated on site for reuse and recycling onto the compost rows as part of the treatment and composting process.</p> <p>3.3. Effluent that will not be sprayed on compost heaps will be marketed and sold as compost tea.</p> <p>3.4. The site will have a development footprint of approximately 14.3ha.</p> <p>3.5. The existing compost facility will be expanded by approximately 3ha; this would allow the facility to treat general waste with a capacity in excess of 10 tons but less than 100 tons.</p> <p>3.6. The expansion area is currently being used for agricultural activities.</p> <p>3.7. Indigenous vegetation is not present on the site.</p> <p>3.8. A non-perennial tributary of the Klapmuts River runs adjacent to the western boundary of the site.</p> <p>3.9. The site is located outside the urban area of Klapmuts and zoned Agriculture Zone I.</p> <p>4. This Department's comments are as follows:</p> <p>4.1. Based on Google Earth imagery the composting facility has been operational since before 2005. Please confirm when the existing facility was established and what the current footprint of the composting facility is.</p> <p>4.2. Be advised that the National Department of Environmental Affairs confirmed in a response to an enquiry that composting is not considered to fall within the ambit of an agri-industrial activity, as defined in either Activity 8 or 43 of GN No. 327 of the NEMA EIA Regulations, 2014 (as amended) and is therefore not applicable to the proposed development.</p>	<p>Authorisation. The facility is currently operating in terms of the following:</p> <ul style="list-style-type: none">• Current extent of the composting area (in hectares or m²): +/- 1.36ha currently being used• Tonnage of compost produced (per month / annum): Figures are based on sales for the period from Jan 2018 – Jan 2019<ul style="list-style-type: none">○ Chicken manure: 1,267 m³/month○ Compost: 538 m³/month○ Waste Manure: 426 m³/month <p>4.2. Noted. As such the listed activity will be excluded from the application.</p> <p>4.3. As the artificial wetland is considered a watercourse the proposed activity will trigger Listed activity 12 and 19 in Listing Notice 1.</p> <p>4.4. As listed activity 19 is triggered an MMP will be included as part of the operational EMP. This will be submitted on the DEADP template provided and submitted with the Draft BAR.</p> <p>4.5. Watercourses and buffers are clearly indicated on the map provided in Appendix D.</p> <p>4.6. Comment from the Department of Agriculture (Western cape) was received to which they have indicated that they have no objection to the expansion (their comment has been captured as part of this comments and responses report).</p> <p>Comment from the Department of Water and Sanitation has been received to which they have indicated the water uses associated with the application. An application has been lodged on eWULAA's which has been included in Appendix E2 of the BAR (their comment has been captured as part of this comments and responses report).</p> <p>4.7. The application is for the EXPANSION of an existing composting facility currently implementing composting by turned windrow (low technology). The</p>
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<p>4.3. According to the information provided, the dam in the north-western corner of the site is classified as a wetland. If the wetland is a watercourse, as defined in terms of the NEMA EIA Regulations, 2014 (as amended), the proposed alterations to the dam will trigger the listed activities indicated below. In addition to the above, it was also indicated that a cut-off drain will be constructed along the southern boundary of the site, which will intercept runoff from the adjacent properties towards the watercourse. If the drain will be located within 32m of the watercourse or within a watercourse, it <u>might</u> also trigger the following listed activities:</p> <ul style="list-style-type: none">• Activity 12 of GN No. 327 The development of-<ul style="list-style-type: none">(i) dams or weirs, where the dam or weir, including infrastructure. and water surface area, exceeds 100 square metres; or(ii) Infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs<ul style="list-style-type: none">(a) within a watercourse;(b) in front of a development setback; or(c) If no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; - excluding-<ul style="list-style-type: none">(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 20 14, in which case that activity applies;(dd) where such development occurs within an urban area;(ee) where such development occurs within existing roads, road reserves or railway lines; or	<p>facility intends to accept mixed “compostable organic waste” including but not limited to primary sewage sludge, manure, and in some cases animal waste (carcasses, abattoir waste, etc). As such the turned windrow method implemented at the EXPANDED facility would be considered to fall within both Low Technology as well as Medium Technology due to the organic waste accepted at the facility.</p> <p>Additional motivations have been added to the technology alternatives – it must be noted that alternatives are based upon the National Organic Waste Composting Strategy, 2013.</p> <p>4.8. Technology alternatives are discussed, however as this is an EXPANSION application based on the existing operation of the current activities at the facility. Changing the facilities entire operation is not reasonable or feasible in terms of this application.</p> <p>4.9. - 7. Noted.</p>
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(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

- **Activity 19 of GN No. 327**

The Infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving -

- a) will occur behind a development setback;
- b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

4.4. If Activity 19 of GN No. 327 is triggered, and future maintenance related work may be required, the Department recommends that a Maintenance Management Plan ("MMP") forms a component of the Environmental Management Programme ("EMPr"). Should the Department agree to the proposed MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking thereof. Please refer to the attached document. Please be advised that the MMP relates to the aforementioned listed activity only.

4.5. Since the proposed expansion is in close proximity to a watercourse, the distance / buffer area between the watercourse and the development must be clearly indicated on a layout plan.

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<p>4.6. Comment from the following key stakeholders must be included in the Final BAR:</p> <p>4.6.1.A comment from the Department of Agriculture since the site will be expanded onto agricultural land.</p> <p>4.6.2.A comment from the Department of Water and Sanitation ("DWS"). Please be advised that in terms of the Standard Operating Procedure between this Department and the Department of Water and Sanitation, which came into effect on 1 July 2017, the Environmental Assessment Practitioner must submit a written water use application request to the Department of Water and Sanitation to determine whether or not a General Authorisation or WULA in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41 (5) and 163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations.</p> <p>4.7. It was noted that the preferred technology alternative is composting using the turned windrow method. Please indicate whether this is the Low Technology alternative or the Medium Technology alternative since both refer to the turned windrows as examples of composting methods. You are also required to provide motivations why the other technology alternatives are not preferred.</p> <p>4.8. Further to the above, although different technology alternatives were included under Section E of the Draft BAR, these were not included in the Impact Tables attached as Appendix J. The Impacts Tables must be repeated for each identified alternative to ensure a comparative assessment.</p> <p>4.9. Omission of any required information in terms of Appendices 1 and 4 of Government Notice No. 326 with regards to the final submission of the BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.</p>	
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<p>4.10. Be advised that an original signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>4.11. In addition to the above, please ensure that original signed and dated Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.</p> <p>5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>6. Please note that it is an offence in terms of Section 49A(1)(0) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>7. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.</p>	
<p>Stakeholder: DEADP: Waste Management Date received: 05 July 2018</p>	
COMMENT	RESPONSE
<p>1. The above-mentioned document (the 'Report'), dated 25 May 2018, as received by the Department of Environmental Affairs and Development Planning, Directorate: Waste Management (the 'Department') on 8 June 2018, refers.</p>	<p>1. 2. 2.1. Please be advised that the facility does have an existing Environmental Authorisation - please refer to Appendix K4 for a copy</p>

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<p>2. The Department has reviewed the documentation and has the following comments:</p> <p>2.1. Kindly provide a more detailed description of the current composting facilities occurring on site. Kindly include details on when the composting at the facility started, what is currently being composted, what is the current size of the operations in terms of quantities being composted, as well as the physical size of the operation.</p> <p>2.2. It is not clear from the application what types of organic waste will be composted. Kindly clarify what will be composted, the expected quantities to be composted, as well as where the materials will be sourced and how it will be transported to the Facility, in the draft BAR to be submitted.</p> <p>2.3. Page 14 states that the Facility is near a tributary of the non-perennial Klipmuts River. Page 31 states that there is a concern about the close proximity of the facility to this River and that a Water Use License would be required to authorise the expansion of this Facility. Kindly obtain comment from the Department of Water and Sanitation on this proposed development and include proof of submission of the Water Use License Application in the draft BAR.</p> <p>2.4. On page 35, it is stated that no geological investigation was carried out on site. However, on page 54, the report states that storing feedstock and compost on a bunded and hard foundation, would reduce groundwater intrusion by leachate generated by the activity. Kindly note, that the composting operation will have to take place on an impermeable surface. It will be the onus of the applicant to prove to the Department that the ground at the Facility is suitable to prevent pollution of ground water. It is recommended that a soil specialist be appointed to provide this clarity to the Department.</p> <p>2.5. According to the Waste Management License Application Additional Information Annexure, the site has a b+ climatic water balance, which means there is an increased probability leachate will be generated. Will groundwater be monitored? Should boreholes be installed, kindly indicate where the boreholes will be placed.</p>	<p>of the Authorisation. The facility is currently operating in terms of the following:</p> <ul style="list-style-type: none">• Current extent of the composting area (in hectares or m²): +/- 1.36ha currently being used• Tonnage of compost produced (per month / annum): Figures are based on sales for the period from Jan 2018 – Jan 2019<ul style="list-style-type: none">○ Chicken manure: 1,267 m³/month○ Compost: 538 m³/month○ Waste Manure: 426 m³/month <p>2.2. The Facility intends to accept mixed organic waste including but not limited to primary sewage sludge, manure, and in some cases animal waste (carcasses, abattoir waste, etc). Details regarding the organic waste intended to be accepted at the facility have been included in the WML Annexure A in Appendix I of the BAR.</p> <p>2.3. Comment from the Department of Water and Sanitation has been received, dated 23/10/2018, to which they have indicated the water uses associated with the application. An application has been lodged on eWULAAs which has been included in Appendix E2 of the BAR (their comment has been captured as part of this comments and responses report).</p> <p>2.4. Based on a desktop investigation the facility falls within an area with a land type: Db60, which is described as B horizon not red and is classed as prisma-cutanic and/or pedo-cutanic diagnostic horizons dominant. The soil is classed as soils with a strong texture contrast and are described as soils with a marked clay accumulation, strongly structured and a non-reddish colour. In addition one or more vertic, melanic and plinthic soils may be present. The soils depth ranges: >=450mm and <750mm; with a clay content of <15%. These soils have a high erodibility with an erodibility factor of 0.58.</p> <p>The appointed engineer whom designed the stormwater plan was also of the opinion that the soils are indicative of clayey consistency.</p>
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<p>2.6. On various occasions in the document it is mentioned that the existing dams will be merged and the volume of the dam will increase. Are these dams lined in any way? Are there any plans to have them lined?</p> <p>2.7. According to page 53 of the Report, there is a possibility that chipping of wood might occur on site. Kindly note, as the operational area of the facility is greater than 1000m², the chipping of wood will need to adhere to the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA) '<i>National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste</i>', as contained in Government Notice (GN) No. 1093 of 11 October 2017.</p> <p>2.8. Regarding the section on Record Keeping on page 14 of the Environmental Management Programme (EMPr), kindly include records of the amounts of incoming waste, waste processed at the Facility and waste and compost removed from Facility.</p> <p>2.9. Kindly note that empty pesticide containers might still contain residual pesticide and as such, these empty containers are considered hazardous waste. Kindly ensure that these containers are appropriately stored, prior to its disposal at a registered licenced waste management facility, capable of handling such waste.</p> <p>2.10. On page 5 of the Waste Management License Application Additional Information Annexure, two different waste quantities to be treated are mentioned. Kindly clarify the amount of waste expected to be treated at the Facility.</p> <p>2.11. Page 10 of the Waste Management License Application Additional Information Annexure refers to a Soil Study that was attached to the Report as Appendix G3. No such appendix, or Soil Study has been included in the pre-application BAR received.</p> <p>3. The Department reserves the right to revise initial comments and request further information based on the information received.</p>	<p>According to the DWS guidelines for leachate control the following is required in terms of limiting or preventing leachate: "A designed lining system, which ensures low-permeability limit the movement of leachate into groundwater. Liners are made from low-permeability soils (typical clays) or synthetic materials (e.g. plastic)." Soils with sufficient clay content would therefore be suitable lining to prevent leachate from penetrating to groundwater and causing contamination. The applicant to apply an additional clay layer to areas for composting this should render the composting areas impermeable.</p> <p>2.5. Please refer to the climatic water balance located in Appendix K3. Take note that the calculation is conservative as it ignores run-off and thus assumes that all precipitation will infiltrate. The calculation also ignores the moisture storage capacity of the waste body or the cover.</p> <p>It must also be noted that the proposed activity is for the composting of organic waste through the method of turned windrows. A stormwater management plan and cut off drains to manage runoff on the proposed development area is included in Appendix K2 of the BAR. Based on the specific site factors, including the physical geomorphological features and topography as well as the management of runoff on site it is not expected that significant leachate will be generated through the operations conducted at the facility.</p> <p>2.6. The dam will have a clay lining.</p> <p>2.7. Noted. Should an operational area exceed 1000m² the applicant will comply with the Norms and Standards applicable to the activity. This has been included in the operational EMPr.</p> <p>2.8. The section dealing with record keeping has been amended as per the Departments comments.</p> <p>2.9. Pest control containers are handled as per the requirements of NEMWA and the applicable by-law. This has been included in the relevant sections of the EMPr.</p>
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	<p>2.10. This has been amended.</p> <p>2.11. This was erroneously included in the document and has been amended.</p> <p>3. Noted.</p>
<p>Stakeholder: CapeNature Date received: 06 July 2018</p>	
COMMENT	RESPONSE
<p>CapeNature would like to thank you for the opportunity to comment on the above pre-application BAR and wish to make the following comments:</p> <ol style="list-style-type: none"> 1. According to the Western Cape Biodiversity Spatial Plan (BSP) of 2017 terrestrial Critical Biodiversity Areas (CBAs) mapped on portions 54 (north and north eastern section of the property), portion 25 (small area near the boundary with portion 54) and a thin strip along the north eastern boundary of portion 56. The desired management objective for CBAs is that they are maintained in a natural or near-natural state with no further loss of habitat. Degraded areas should be rehabilitated and only low impact biodiversity sensitive land uses are appropriate. This is correctly reflected in the report. 2. The majority of the proposed expansion area does not coincide with the mapped CBAs and thus it is not opposed. However, there is a strip of proposed expansion area which runs along the north eastern boundary of the existing development which does coincide with the CBA (as indicated in Appendix D1 in the Biodiversity Map of your report). It is recommended that this section of the proposed expansion to be omitted from the development footprint in order to allow for the CBA to remain intact. 3. The mapped vegetation for the area, if it were in a natural state, is Swartland Silcrete Renosterveld (Critically Endangered) across most of portion 56; Swartland Alluvium Fynbos (Critically Endangered) covering the north and eastern sections of portion 54 and Swartland Granite Renosterveld (Critically Endangered) which runs along the north western boundary of portion 56 and the south western boundary of portion 54. Portion 25 is mapped as a mix of these 3 Critically Endangered vegetation types. It is reflected in the report that the actual state of vegetation on 	<ol style="list-style-type: none"> 1. Noted. 2. A site visit was again conducted on 16 February 2019. This is not the correct time of the year to do a botanical survey, but taking in consideration the status of the area, the time of year is deemed appropriate to do a survey. There is no natural vegetation present on the site. The area is disturbed with heaps of soil and overgrown with (Kikuyu grass) <i>Pennisetum clandestinum</i>. It is clear in the pictures below that the area is transformed and disturbed with no remnants of natural vegetation or ecological functioning left on the mapped CBA areas. The site survey and assessment revealed that the proposed area does not qualify as a CBA area and that it was incorrectly mapped as a CBA due to current status of the area.

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site is largely transformed by previous and currently land-use however please provide clarity as to whether a botanical survey was done; given that the indigenous vegetation that would naturally occur in this area is listed as critically endangered it is important to provide more thorough information on the current status of the vegetation on site.

4. In relation to the stormwater management component of this application, it is noted that the proposed combining of the two existing dams will create a single dam with a smaller footprint. This is not opposed.
5. In relation to water runoff and the potential for water pollution, it is noted that the design layout has provided for channels along downslope boundaries and for run off to be kept separate from the natural water course. If implemented correctly this should avoid impacts on indigenous aquatic biota in the natural water course.
6. Rehabilitation of all eroded areas and regular and ongoing control of invasive alien species is required across all properties and not just limited to the immediate area of the development footprint.

Please note that our comments pertain only to the biodiversity related impacts and not to the overall desirability of the proposed application. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.



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	<p>3. Please refer to point 2 above.</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>6. Noted, the areas for rehabilitation has been amended.</p>
<p>Stakeholder: DEADP: Pollution and Chemicals Management Date received: 11 July 2018</p>	
COMMENT	RESPONSE
<p>The Directorate: Pollution and Chemicals Management (D: PCM) acknowledges receipt of the (pre) BAR on 08 June 2018 for the proposed expansion and waste license application of the Groenfontein Klapmuts compost facility and has the following comment:</p> <ol style="list-style-type: none"> 1. The proposed mitigation measures as proposed in this application must be implemented, maintained and adhered to during construction and implementation phases to prevent soil and water contamination; 2. The following phrase is misleading and clarity is sought: <i>"The existing two dams have a combined storage capacity of ±6600m³."</i> The BAR indicates a combined storage is ±13 200m³ and not ±6600m³. Please clarify. <p>Please be informed that the D: PCM reserves the right to review comments made should additional information not revealed during the review phase become available.</p>	<ol style="list-style-type: none"> 1. Noted. 2. The current combined capacity of the dams is approximately ±6600m³. The proposed combined capacity once the dams are merged will have a capacity of ±13 800m³ (if a 3m dam wall is erected) or ±15 600m³ (if a 3.5m dam, wall is erected).
<p>Stakeholder: Department of Water and Sanitation Date received: 23 October 2018</p>	
COMMENT	RESPONSE
<p>Reference is made to the above-mentioned document dated 08 June 2018 with DEADP DM REF: 16/3/3/6/7/1/84/23/1354/17 and DEADP: WM REF: 19/2/5/7/B4/23/WL0091/17.</p> <p>This Department has perused the abovementioned document and has the following comments:</p> <ul style="list-style-type: none"> • A Section 21 (g) disposing of waste in a manner which may detrimentally impact on a water resource; water use authorisation must be obtained prior to the proposed compositing activity. 	<p>Noted. A Pre-application enquiry was lodged on the eWULAA platform on the 20 December 2018. We await further instruction / correspondence from the Department in terms of the pending enquiry.</p>

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<ul style="list-style-type: none"> • A Section 21 (e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1); water use activity must be applied for should the waste (dirty storm water) water be used on the property for irrigation purposes on the farm or on neighbouring farms. This authorisation must be approved prior to the activity going ahead. • The proposed activity will happen within the 500 m from the boundary of a wetland. It therefore triggers water uses in terms of Section 21 (c) impeding or diverting the flow of water in a watercourse AND (i) altering the bed, banks, course and characteristics of a water course of the National Water Act, 1998 (Act 36 of 1998). • The Risk Matrix (Appendix A) submitted by yourselves indicates that the impact of the activity will not be low but Medium. Therefore kindly advise your client to apply for and obtain a Water Use Authorisation from this Department prior to commencing with any of the activities, as per Government Gazette No. 40229 in Government Notice 509 dated 28 August 2016. • You are hereby advised to arrange for a water use authorisation pre-application meeting with the Department to advise on the water use authorisation process. Please note that as from January 2018, this Department ONLY accepts electronic water use applications. • Water use applications can be submitted by http://www.dwa.gov.za/projects.aspx and then click on e-wulaas. <p>Please do not hesitate to contact the above office should there be any queries.</p>	
<p>Stakeholder: Western Cape Department of Agriculture – Land Use Management Date received: 05 October 2018</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>In principal the Western Cape Department of Agriculture has no objection against the proposed application.</p>	<p>Noted.</p>

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Stakeholder: DEADP: Development Management Date received: 01 February 2019	
COMMENT	RESPONSE
<ol style="list-style-type: none"> 1. The Notice of Intent to Develop received by this Department on the 24 October 2017, refers. 2. Please note that since an application for Basic Assessment has been lodged with the Department (DEA&DP Reference: 16/3/3/1/B4/1005/19), the pre-application file has been closed for administrative purposes. 3. The Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received. 	Noted.
Stakeholder: DEADP: Development Management Date received: 01 February 2019	
COMMENT	RESPONSE
<p>According to the information submitted to this Department. the following is noted:</p> <ul style="list-style-type: none"> • The proposed expansion and licensing of on existing compost facility to recycle and treat organic waste to produce compost. • The proposed expansion of the existing storm water cut-off channels and collection dam to contain and store all storm water generated on site for reuse and recycling onto the compost rows as part of the treatment and composting process. • Effluent that will not be sprayed on compost heaps will be marketed and sold as compost tea. • The site will have a development footprint of approximately 14.3ha. • The existing compost facility will be expanded by approximately 3ha. • The expansion area is currently being used for agricultural activities. Indigenous vegetation is not present on the site. • A non-perennial tributary of the Klappmuts River runs adjacent to the western boundary of portions 176/54 and 716/56. • The site is located outside the urban area of Klappmuts and zoned Agricultural 1. 	<p>The EAP provided to the Department on the, 06 February 2019, the following information: The Departments acknowledgement of receipt, dated 01 February 2019, refers.</p> <p>Please be advised that the existing composting facility is operating with an existing authorization, attached hereto.</p> <p>The facility is currently operating in terms of the following:</p> <ol style="list-style-type: none"> 1. Current extent of the composting area (in hectares or m²): +/- 1.36ha currently being used 2. Tonnage of compost produced (per month / annum): Figures are based on sales for the period from Jan 2018 – Jan 2019 <ul style="list-style-type: none"> - Chicken manure : 1,267 m³/month - Compost : 538 m³/month - Waste Manure : 426 m³/month <p>Please be advised that a hard copy of this correspondence together with the existing Authorisation will be delivered to the Department on Friday 08th</p>

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<p>Please note that paragraph 4.1 of this Department's comment on the pre-application draft Basic Assessment Report, indicated that based on Google Earth imagery the composting facility has been operational since before 2005. Confirmation was therefore required regarding the date the existing facility was established and what the current footprint of the composting facility was. The required information was never provided to the Department.</p> <p>If the existing composting development facility required Environmental Authorisation before development, the matter will be referred to this Department's Environmental Law Enforcement for further investigation.</p> <p>Alternatively, if the composting facility was established prior to requiring an Environmental Authorisation before commencement this Basic Assessment process may continue.</p> <p>Please provide the required information (including proof to substantiate the information provided) to determine the appropriate way forward.</p>	<p>February 2019.</p> <p>I trust the above is in order and I await the Department's response in light of the information provided.</p> <p><u>The existing EA has been attached to the BAR as Appendix K4.</u></p>
<p>Stakeholder: DEADP: Waste Management Date received: 01 February 2019</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>1. This letter serves as an acknowledgement of receipt of the aforementioned document, dated 18 January 2019, as received by the Department of Environmental Affairs and Development Planning, Directorate: Waste Management on 23 January 2019.</p> <p>2. The Sub-Directorate: Waste Management Licensing (hereafter 'the Department') has the following comments:</p> <p>2.1. Based on the aforementioned documents, the Department understands that the proposed expansion of the Groenfontein Klappmuts Compost Facility(hereafter "the Facility") will consist of the following:</p> <ul style="list-style-type: none"> • Expansion of the existing composting facility to recycle and treat organic waste with a capacity in excess of 10 tons but less than 100 	<p>Noted.</p>

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<p>tons.</p> <ul style="list-style-type: none">• The existing footprint of the composting activity is to be expanded by 3 ha, to produce compost on approximately 14.3 ha.• The two existing dams will be combined and have a capacity of 13 800 m³.• A cut-off drain will be constructed on the southern boundary of Portion 56 in order to limit runoff to the dam. <p>2.2. This Department has reviewed the Waste Management Application Form and agrees with the Category A listed activities applied for in Government Notice (GN) No. 921 of 29 November 2013 (GN No. 921), as contained in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)(NEM:WA), "List of waste management activities that have, or are likely to have, a detrimental effect on the environment", namely,</p> <ul style="list-style-type: none">• 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."• Category A 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)." <p>2.3. The following requirements must be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the NEMA Environmental Impact Assessment (EIA) Regulations, 2014 as contained in GN R 982 of 4 December 2014 (NEMA EIA Regulations), as amended:</p> <p>2.3.1.Exemption</p> <p>It is evident that you do not intend to apply for an exemption from any provisions contained in the NEMA EIA Regulations, NEMA or NEM:WA. Please note that should you fail to meet a requirement of the NEMA</p>	
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EIA Regulations or NEMA and if no exemption from that provision was applied for, your Basic Assessment Report (BAR) may be rejected.

Should you therefore still wish to apply for exemption from any provisions of the NEMA EIA Regulations, then you need to complete the separate Exemption Application form available on the Department's website (<https://www.westerncape.gov.za/eadp/content/application-form-exemption>).

Please note further that prior to completing and submitting such application for exemption you must first comply with Regulation 4(4) of GN No. R 994 of 8 December 2014. Regulation 4(4) requires that the applicant or Environmental Assessment Practitioner ("EAP") must communicate his or her intention to apply for exemption by giving notice in the manner prescribed in sub-regulation 4, to the land owner or person in control of the land and all potential or registered interested and affected parties, as the case may be. If an application for exemption is to be applied for from a provision that needs to be met prior to a waste management licence being issued, then you may not continue with the Basic Assessment Process without having received an exemption notice from the Competent Authority exempting you from having to meet that legislative requirement.

2.3.2. Alternatives

In terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. This includes the option of not proceeding with the proposed activity (the "no-go" option). All alternatives identified must first be determined to be feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it had been applied for, or grant authorisation in respect of the whole or part of the project in the application. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are reminded that it is mandatory to investigate and

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assess the option of not proceeding with the proposed activity (the "no-go" option) in addition to the other alternatives identified.

If, after identified alternatives have been investigated, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is proof of the investigations undertaken, and motivation for there being no reasonable or feasible alternatives other than the preferred option and the no-go option exist. Refer to the Department's Guideline on Alternatives available on the Department's website (<http://eadp-westerncape.gov.za/your-resource-librarv>).

2.3.3.Public Participation

When notifying Interested and Affected Parties ("I&APs") of the application, the minimum information to be provided in a notice, which includes placing an advertisement or fixing a notice board, must contain, *inter alia*, whether a Basic Assessment or Scoping and EIR process is to be followed and information on how to register as an I&AP. A register of I&APs must be opened, maintained and made available to any person requesting access to the register in writing. The register must also be submitted together with the BARs.

A copy of the draft BAR must be submitted to the Department for comment and must be made available to all relevant State Departments that administer laws relating to a matter affecting the environment, for a 30-day comment period. The applicant/ EAP must notify the Department in writing of the date the draft BAR was submitted to the relevant State Department/Organs of State and clearly indicate whether or not such State Department/Organs of State were notified of the 30-day comment period in terms of Section 240 of NEMA. It is imperative that State Departments are in possession of the draft Reports when the EAP issues them with the notice in terms of

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Section 240 of NEMA. Please note that the EAP is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 240(2) and (3) of NEMA in the BAR, where appropriate.

In terms of good environmental practice you are encouraged to engage with State Departments and other Organs of State in the pre-application phase or early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the draft BAR available to State Departments/Organs of State as stipulated above.

The practitioner must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed. This report must also be included in the public participation information to be attached to the BAR to be submitted for decision.

2.3.4.Guidelines

When undertaking the Basic Assessment process, you must take into account applicable guidelines, including the guidelines developed by this Department. These can be downloaded from the Department's website (<https://www.westerncape.gov.za/eadp/your-resource-librarv/policies-guidelines>). In particular, the guidelines that may be applicable to the proposed development include, *inter alia*, the following:

- Guideline for the Review of Specialist Input in the EIA process (June 2005)
- Guideline for Environmental Management Plans (June 2005)
- Guideline for Involving Biodiversity Specialists in the EIA process (June 2005)

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- Guideline on Alternatives (March 2013)
- Guideline on Need and Desirability (March 2013)
- Waste Management Licencing Guideline (2017)

2.3.5. Need & Desirability

In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including *inter alia*, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BARs.

2.3.6. NEMA Principles

In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

2.3.7. Basic Assessment Report Requirements

The BAR must contain all the information outlined in Appendix 1 of GN No. R. 982 of 4 December 2014 and must also include the information requested in this letter. Failure to submit any information prescribed in Appendix 1 of GN No. R. 982 may result in Environmental Authorisation being refused.

The Department awaits the submission of the BAR as prescribed by Regulation 19 of the EIA Regulations, GN No. R. 982 of 4 December 2014. In accordance with Regulation 19 of GN No. R. 982 of 4 December 2014, the Department hereby stipulates that the BAR must be submitted to this Department for decision within **90 days** from the date of receipt of the application by the Department.

If the BAR is not submitted within 90 days the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to pursue

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<p>the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid.</p> <p>2.3.8.General</p> <p>Kindly quote the above-mentioned reference number in any future correspondence in respect of the application. Please note that the activity may not commence prior to a Waste Management License being issued by the Department. It is an offence in terms of Section 20 (b) of the NEM: WA for a person to commence, undertake or conduct a waste management activity, except in accordance with a Waste Management License issued in respect of that activity, if a License is required. Failure to comply with the requirements of Section 20 (b) of the NEM: WA will result in the matter being referred to the Directorate: Environmental Governance of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R 10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>3. The Department reserves the right to revise initial comments and request further information based on the information received.</p>	
<p>Stakeholder: DEADP: Development Management Date received: 1 February 2019</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>1. The Application Form and letter dated 18 January 2019, as received by this Department on 23 January 2019, this Department's response issued on 1 February 2019 and the additional information received by the Department on 11 February 2019, refer.</p> <p>2. This letter serves as an acknowledgement of receipt additional information and acceptance of the Application Form.</p> <p>3. This application may continue and please take note of the following advice pertaining to the application:</p>	<p>Noted.</p>

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<p>3.1. You are reminded that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process.</p> <p>4. Please note the following requirements to be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998) ("NEMA") and the EIA Regulations, 2014:</p> <p>4.1. Alternatives</p> <p>Be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted, that the Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option) in addition to the other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed.</p> <p>If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives. beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department's Guideline on</p>	
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Alternatives available on the Department's website <http://leadpwesterncape.kznsshf.gov.za/your-resource-library>).

4.2. Public participation

When notifying Interested and Affected Parties ("I&APs") of the application, the minimum information to be provided in a notice, which includes placing an advertisement or fixing a notice board, must contain, inter alia, whether a Basic Assessment or Scoping and EIR process is to be followed and information on how to register as an I&AP. A register of I&APs must be opened, maintained and made available to any person requesting access to the register in writing. The register must also be submitted together with the BAR.

Please be advised that the EAP must submit a copy of the draft BAR to the Department for comment, which must also be made available to all relevant State Departments/Organs of State that administer laws relating to a matter affecting the environment, for a 30-day comment period. The Environmental Assessment Practitioner ("EAP") must notify the Department in writing of the date the draft BAR was submitted to the relevant State Departments/Organs of State and clearly indicate whether or not such State Departments/Organs of State were notified of the 30-day comment period in terms of Section 240 of NEMA. It is imperative that State Departments/Organs of State are in possession of the draft Reports when the EAP issues them with the notice in terms of Section 240 of NEMA. Please note that the EAP is responsible for such consultation. The draft BAR must also be made available to I&APs for a minimum 30 days.

In terms of good environmental practice you are encouraged to engage with State Departments and other Organs of State in the pre-application phase or early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not re piece the requirement of making the draft

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BAR available to State Departments/Organs of State as stipulated above.

The practitioner must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed. This report must also be included in the public participation information to be attached to the BAR to be submitted for decision.

4.3. Environmental Management Programme ("EMPr")

In accordance with Section 24N of NEMA and Regulation 19 of the EIA Regulations 2014, the Department hereby requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA and Appendix 4 of the EIA Regulations 2014. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted together with the BAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website <http://eadp-westerncape.kznshf.gov.za/yourresourcelibrary> must be taken into account.

4.4. Guidelines

When undertaking the EIA process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (<http://eadp-westerncape.kznshf.gov.za/yourresource-library>). In particular, the guidelines that may be applicable to the proposed development

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include, inter alia, the Following:

- Guideline for the Review of Specialist Input in the EIA process (June 2005).
- Guideline for Environmental Management Plans (June 2005).
- Guideline on Alternatives (March 2013).
- Guideline on Need and Desirability (March 2013).

4.5. Need & desirability

In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including inter alia, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).

4.6. NEMA Principles

In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

4.7. BAR Requirements

The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations 2014 and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused. The Department awaits the submission of the BAR as prescribed by Regulation 19 of the EIA Regulations. 2014. In accordance with Regulation 19 of the EIA Regulations 2014, the Department hereby stipulates that the BAR must be submitted to

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this Department for decision within 90 days from the date of receipt of the application by the Department, calculated from 23 January 2019. If however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of the EIA Regulations 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid.

Please note that two printed copies as well as two electronic copies (saved on CD/DVD) of the BAR must be submitted to the Department.

4.8. General

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49 A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49 A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this

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<p>Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R 10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>The Department reserves the right to revise initial comments and request further information based on the information received.</p>	
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