

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

Stakeholder: DEADP: Development Management	
Date received: 08 March 2019	
COMMENT	RESPONSE
<ol style="list-style-type: none"> 1. The Draft BAR and letter dated 01 March 2019, as received by this Department on the same day refer. 2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department. 3. Please note that this Department will consider the draft BAR and issue a comment within the prescribed 30-day commenting period which ends on 1 April 2019. 4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application. 5. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. 6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received. 	Noted.
Stakeholder: Western Cape Department of Health: Community Based Services: Environmental Health	
Date received: 25 March 2019	
COMMENT	RESPONSE
<ol style="list-style-type: none"> 1. Your request for comment dated 01 March 2019, refers. 2. From an Environmental Health point of view this department would like to comment as follows: <ol style="list-style-type: none"> 2.1 No nuisances (odors, fly breeding, etc.) or health hazards may occur at any time during the construction phase or thereafter; 2.2 The compost facility must be designed, constructed and operated in such a way that no pollution (water, ground and air) occurs; 2.3 The transportation of material to be composted must be done in such a way that no nuisance or pollution of the environment and/or any water sources occurs; 2.4 The procedures and mitigation measures, as outlined in the EMP, must be strictly adhered to during the construction as well as the operational 	The Departments comments have been incorporated in to the EMPr for which must be adhered to strictly.

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>phase; 2.5 Any further requirements of the applicable Municipal Health Services authority (Cape Winelands District Municipality: Environmental Health section) must be adhered to.</p>	
<p>Stakeholder: DEADP: Air Quality Management Date received: 25 March 2019</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>The Draft BAR for the above-mentioned proposed development, dated 01 March 2019, which was received by the Department of Environmental Affairs and Development Planning (DEA&DP), Directorate: Air Quality Management (D: AQM) on the same day, has reference.</p> <p>The D: AQM previously reviewed the Pre-Application BAR and provided comments on 28 June 2018 for consideration by the applicant. After reviewing the above-mentioned Environmental Draft BAR and Draft Environmental Management Programme (EMPr), and the Comments and Response table, the D: AQM notes that the applicant has addressed all matters, by including it within the EMPr report.</p> <p>The proposed actions/measures mentioned in the proposed Draft EMPr should be instituted and maintained in the daily operational process.</p>	<p>Noted with thanks.</p>
<p>Stakeholder: Cape Nature Date received: 28 March 2019</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>Cape Nature comment on 6 July 2018 submitted in response to the Pre-Application BAR has been correctly reflected in this, the Draft BAR, however response to the point about the CBA status of the site is not correct.</p> <p>The Biodiversity Spatial Plan (BSP) Map status of a site (e.g., Critical Biodiversity Area, Ecological Support Area, etc.) cannot be decided on an unofficial basis, nor can it be determined on a site by site basis unless reported to Cape Nature for verification by a qualified scientist.</p>	<p><u>Email to CapeNature from EAP 03/04/19:</u> Good afternoon Philippa,</p> <p>I trust this email finds you well.</p> <p>I refer to CapeNature’s comments dated 27 March 2019 (attached for ease of reference).</p> <p>We take note of the reasons provided as to the categorization of the CBA’s on</p>

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

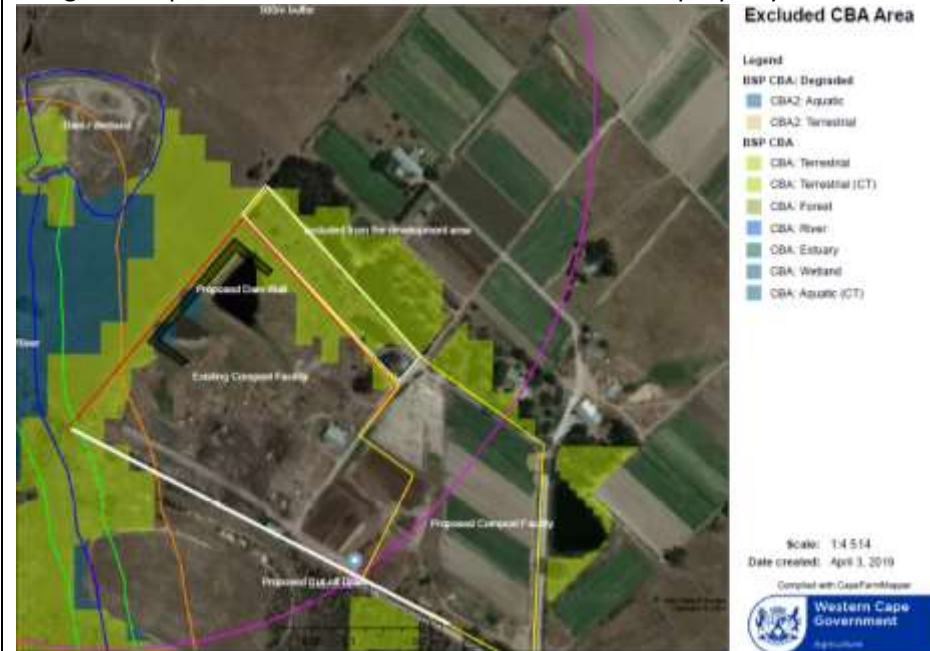
This is because the status of an area is determined using a systematic biodiversity planning methodology that considers not only the province as a whole, but the amount of each biodiversity feature that remains intact (or restorable) relative to pre-determined targets (amounts) for biodiversity representation and persistence. The change in status of one area therefore affects the status of other areas, and areas that are in degraded condition or in an isolated location may still be required for meeting targets, hence their classification as “critical”.

In addition, typically there are a number of features or reasons that inform the CBA status. It is not only vegetation cover (as indicated in the response) that informs the BSP status of an area.

In this case there are numerous reasons for the CBA status of the site including water resource protection, wetland protection as well as the protection of threatened vegetation types (as listed in detail in the comment of 6th July 2018). While it is noted that there is not natural vegetation remaining on site – as confirmed in the comments and responses table – it is important to understand that the reasons behind the CBA are not only related to vegetation but to other factors (in this case water resource protection) too. For this reason, as per our comment of 6th July 2018, it is recommended that the layout plan include alternatives that do not impact the CBA area of the site.

the property. In response to the comment please find attached map which proposes to exclude the CBA area which falls within the development area on Groenfontein Annex 54/716. Please see attached map indicating the excluded area highlighted by the white polygon.

Please advise if CapeNature is in support of the proposed layout change to mitigate the potential affect on the CBA located on the property.



Kind regards.

Response from CapeNature 04/04/19:

Dear Lauren,

Thank you for the communication below and the attached map.

I confirm that the proposed layout change which now excludes the CBA is

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

	<p>accepted.</p> <p>Kind regards.</p> <p><u>Response from EAP to CapeNature 04/04/19:</u> Dear Phillipa,</p> <p>Thank you for your email and the confirmation therein. Please note the correspondence will be reflected in the Final BAR for submission to the Department.</p> <p>Kind regards.</p> <p><u>Response form CapeNature to EAP 04/04/19:</u> Dear Lauren,</p> <p>Yes, that is fine for the correspondence below to be included along with the map indicating the CBA and the now reduced footprint that excludes the CBA.</p> <p>Kind regards.</p>
<p>Stakeholder: DEADP: Development Management Date received: 27 March 2019</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<ol style="list-style-type: none"> 1. The Draft BAR and letter dated 1 March 2019, received by this Department on the same day and the acknowledgement thereof dated 8 March 2019, refer. 2. This letter serves as comment on the aforementioned document by this Department. 3. According to the information submitted to this Department, the proposal entails the following: <ul style="list-style-type: none"> • The proposed expansion of an existing compost facility to recycle and treat organic waste to produce compost. • The proposed expansion of the existing storm water cut-off channels 	<ol style="list-style-type: none"> 1. . 2. . 3. .

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>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> <ul style="list-style-type: none">• Effluent that will not be sprayed on compost heaps will be marketed and sold as a compost tea.• The existing compost facility will be expanded by approximately 3ha, allowing the facility to treat general waste with a capacity in excess of 10 tons but less than 100 tons.• The expansion area is currently being used for agricultural activities.• No indigenous vegetation is present on the site.• A non-perennial tributary of the Klipmuts River runs adjacent to the western boundary of the site.• The site is located outside the urban area of Klipmuts and zoned Agriculture Zone I. <p>4. This Department's comments are as follows:</p> <p>4.1. Based on the information provided the proposed development also includes the expansion of structures and/or infrastructure within 32m of a watercourse. If the following listed activity is applicable, it must be included in the list of activities applied for:</p> <p>Activity 48 of Listing Notice 1</p> <p>The expansion of:</p> <ul style="list-style-type: none">(i) infrastructure of structures where the physical footprint is expanded by 100 square metres or more; or(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; <p>where such expansion occurs –</p> <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; <p>excluding –</p>	<p>4. Responses:</p> <p>4.1. The listed activity will be added to the application and the BAR. The amended Application will be submitted with the revised BAR.</p>
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APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>(aa) the expansion of infrastructure or structures within existing ports of harbours that will not increase the development footprint of the port or harbor;</p> <p>(bb) where such expansion activities are related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which that activity applies:</p> <p>(dd) where such expansion occurs within an urban area: or</p> <p>(ee) where such expansion occurs within existing road, road reserves or railway line reserves.</p> <p>4.2. The comment from Cape Nature dated 6 July 2018 recommended that a section of the proposed development, which coincide with the Critical Biodiversity Area (“CBA”) should be omitted from the development footprint in order to allow for the CBA TO REMAIN. Based on a subsequent site survey it is motivated that the specified area does not contain any indigenous vegetation and therefor does not qualify as a CBA. A final comment from Cape Nature to confirm that the potential botanical impacts have been adequately addressed must be included in the final BAR.</p> <p>4.3. The Draft BAR includes a number of illegible images and poorly printed pages. This must be rectified in the final BAR. BAR and Environmental Management Programme, respectively to the Department application for Environmental authorisation being refused.</p> <p>4.4. 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</p>	<p>4.2. Please see correspondence in the comment above.</p> <p>4.3. My apologies for the state that the document was received by the Department.</p> <p>4.4. The signed Declarations by ALL relevant persons will be provided in the Final BAR submitted for decision. The applicant signing the Declaration is fully aware / cognisant of the contents of ALL the submitted reports and the commitment in carrying out the mitigation, management and monitoring thereof.</p>
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APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>to this application.</p> <p>4.5. In addition to the above, please ensure that original signed and dated Environmental assessment Practitioner 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)(a) 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 revised or withdraw any comments or request further information from you based on any information received.</p>	<p>4.5. The signed EAP declaration will be provided in the Final BAR for decision.</p> <p>5. - 6. Noted.</p>
<p>Stakeholder: DEADP: Waste Management Date received: 29 March 2019</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>1. This correspondence serves as an acknowledgement of receipt of the BAR dated and received by the Department of Environmental Affairs and development Planning, Sub-Directorate: Waste Management Licensing on 1 March 2019.</p> <p>2. The reference number specified in this correspondence should be specified on the BAR. Kindly note, the current BAR still refers to the pre-application phase reference number.</p> <p>3. The Sub-Directorate has the following comments on the BAR:</p> <p>3.1. The entire document was printed in black and white ink, except for a few images or layouts that were printed in colour. The black and white images were of poor quality, due to an ink problem, and therefore served no purpose, as the information being conveyed was not visible. This issue persisted in the appendices, including the</p>	<p>1. .</p> <p>2. .</p> <p>3. Responses to comments:</p> <p>3.1. I sincerely apologise for the state that the document was received I shall ensure that the Final Report submitted for decision will be in an appropriate standard to ensure that all the information contained therein in legible.</p>

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>Environmental Management Programme (EMPr). Kindly ensure that the document, i.e. the final BAR with appendices, is properly printed so that information it contains is legible.</p> <p>3.2. The EMPr was very detailed, though it was too arbitrary and not very practical to implement. The arbitrary matters can be dealt with in the BAR, but the EMPr needs to be a document that governs the management and operation of the site where the listed activities will be undertaken. Therefore, specific measures need to be referred to in the EMPr.</p> <p>3.3. The project description in the EMPr is too brief and too arbitrary. It is noted that a more detailed project description was provided in the waste Management Licence (WML). Additional information Annexure. Kindly ensure that the EMPr is updated to include all the details of the project that was included in various section of the WML additional Information annexure.</p> <p>3.4. The Operational and Data Specifications document provided in annexure B of the EMPr is supported. However, it should be amended to address the control of vectors, such as flies and vermin, and the immediate covering of organic compostable waste. If immediate covering of such waste is not done, it could lead to suitable breeding grounds for vectors being provided and could result in scavenging birds feeding on the abattoir waste, etc.</p> <p>3.5. Please also indicate whether there will be a need to store compostable organic waste temporarily. The 200m³ compostable waste referred to in the document is quite substantial and may lead to nuisance conditions being formed.</p> <p>3.6. This Sub-Directorate kindly requests that a process flow be included in the final BAR. The process flow should indicate each step at which the waste material is interacted with, from the time that the waste is transported to the composting facility until the compost is produced and waste is disposed of. A detailed overview of the waste management strategy is required. The various waste types must be included in the process flow. The process flow must also be included in the EMPr.</p>	<p>3.2. The EMPr has been amended to incorporate site specific mitigation requirements relating to operational specification of the facility to ensure that the EMPr can be used as an implementing document for the management of the facility which covers all operations of the facility.</p> <p>3.3. The project description has been amended to include all the details included in the WML Annexure A report.</p> <p>3.4. The Operational and Data Specifications document has been updated to include the vectors as indicated in the department's comments.</p> <p>3.5. Materials as referred to in the SDP will be stored at the facility, all raw materials are stored in accordance with the Operational and Data Specifications document to reduce nuisance associated with the activity.</p> <p>3.6. A process flow has been included in the BAR (Appendix K5) and EMPr.</p>
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APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>3.7. The Site Development Plan must be presented more clearly, and the requested process flow should explain the different stages of the process according to the Site Development Plan. It is further requested that the Site Development Plan be overlaid on a map (e.g. Google Earth or ArcGIS Earth).</p> <p>3.8. It is recommended that the applicability of the following government notices be included in the EMPr:</p> <ul style="list-style-type: none">• Waste Information Regulations, 2012;• Waste Classification and Management Regulations, 2013; and• National Norms and Standards for the storage of waste, 2013. <p>3.9. The BAR does not provide the engineer's drawings for embankment and cut-off drain that will be constructed, albeit the layout plan showing the cut-off drain and the raised dam wall as provided. Please ensure that the details cross sections of the dam wall and cut off trench are appended to the BAR. The engineer must also provide guidance on the specifications of the clay layer that will be placed on the ground surface where the compost activity will be undertaken.</p> <p>3.10. It is not clear why trial pits were not done to determine immediate soil characterisation of the site where the composting activity will be undertaken. The engineer's interpretation of trial pit results in this instance is requested. The classification of the soil and its permeability is thus being requested.</p> <p>3.11. From ArcGIS Earth it was apparent that, at the south western corner of the site, the topography is sloped towards the existing dam. The engineer has proposed to raise the dam's wall, which may prevent runoff from entering the dam. The department kindly request clarity about the expected flow of storm water and contaminated runoff at this part of the site.</p> <p>3.12. In many instances in the report, an approximation of the estimated quantities was 200m³ per day, equated to 4000m³ per month. This implies an average of 20 working days per month. The EMPr specifies that the facility will be open on Saturdays, which is a slight contradiction to the above, for which clarity is sought. Please</p>	<p>3.7. The process flow and SDP have been aligned to represent operational activities at the facility. The SDP has been overlaid on a map. Please see Appendix B.</p> <p>3.8. The EMPr has been amended to include the notices as indicated in the Department's comment.</p> <p>3.9. Please refer to the diagram in Appendix B2. Please also refer to the geotechnical report included in Appendix G2.</p> <p>3.10. A geotechnical Investigation has been carried out for the facility which has been incorporated into the BAR. The report can be found in Appendix G2.</p> <p>3.11. The dam has been designed in accordance with the findings as per the stormwater management plan in Appendix D3.</p> <p>3.12. The operational times have been amended accordingly.</p>
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APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>note however, that the composting processing is lengthy, and that biological process of composting continues even when the Facility is closed. A more accurate quantification of waste managed daily is requested for the sake of clarity.</p> <p>3.13. Kindly note that there is currently a draft for Norms and Standards for Composting being compiled by the National Department of Environmental Affairs. When these Norms and Standards are gazetted, composting may possibly, no longer be a listed activity and the Norms and Standards would then need to be adhered to.</p> <p>4. The Department reserves the right to revise its initial comments and request further information from you based on the information received.</p>	<p>3.13. Noted, once these have been promulgated it shall be taken into account accordingly.</p> <p>4. Noted.</p>
<p>Stakeholder: Drakenstein Municipality Date received: 01 April 2019</p>	
<p>COMMENT</p>	<p>RESPONSE</p>
<p>The Environmental Management division would like to register as an I&AP for the BAR process of the above-mentioned application. The Draft BAR was sent to the city Manager's office, who delegated the application to the Solid Waste Division for comment. However, one to the environmental Management Division's functions is to obtain integrated comment from different line departments internally for EIAs and BARs.</p> <p>The Environmental Management division received a copy of the DBAR from Solid Waste on 28 March 2019, which was after the deadline for submission of comments. Although Solid Waste provided their comments on the DBAR, this division would like to comment on the FBAR and would like to request that a copy be sent to our office in future. Alternatively we can be notified of the next public participation period via e-mail with a link to download the FBAR.</p>	<p><u>Email from EAP to Ms. Cindy Winter [date: 01/04/2019]:</u> Good day there Cindy,</p> <p>I refer to your email below.</p> <p>Please take note that we have already conducted two rounds of commenting on the application as required by the legislation (Pre-application phase and the Draft Phase). I can afford you until the end of the week (05 April 2019) to submit your comments on the Draft BAR. The Final BAR is not subject to commenting and will be submitted to the department for decision within the legal timeframes stipulated for this application.</p> <p>Should we receive your comments after the Final BAR is submitted to the Department we will forward the comments to the Department for inclusion in the Final BAR.</p> <p>I trust the above is in order. Please feel free to contact me should you require any additional information.</p>

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

	Kind regards.
Stakeholder: DAFF: Land Use and Soil Management	
Date received: 01 April 2019	
COMMENT	RESPONSE
<p>The Department of Agriculture, Fisheries & Forestry Directorate: Land Use and Soil Management administer and implement the Conservation of Agricultural Resources Act, (CARA) 43 of 1983). The Act is regarded as one of the principal Acts governing the protection of agricultural natural resources. The main aim of the Act is to control the utilization of natural agricultural resources includes the protection, recovery as well as the reclamation thereof.</p> <p>The objectives of CARA are to provide for the conservation of the natural agricultural resources by the maintenance of the production potential of the land, by combating and prevention of erosion and weakening or destruction of the water resources, and by protecting the vegetation and combating weeds and invader plants.</p> <p>During the enlargement and construction phase of the compost facility, soil erosion impacts will be possible along access routes the facility. Soil erosion may also be associated with decommissioning of the smaller structures (forms part of construction phase of the project) by implementing relevant erosion and sedimentation control, top soil conservation and rehabilitation works in affected areas and immediate rehabilitation and stabilization of any observed erosion as per specifications. The land owner must protect all areas susceptible to erosion by all means.</p> <p>The compost facilities should be covered with appropriate indigenous vegetation upon completion of the proposed activity to prevent any form of erosion. Furthermore, immediate rehabilitation and stabilization of any observed erosion as per relevant specification is necessary.</p> <p>It is also stated that the area have the alien plants, such plants need to be controlled and removed annually (on going clearing programs) as they can</p>	<p>The management of soil erosion has been included in the construction EMPr please see Objective C16.</p> <p>Please refer to the mitigation measures to be implemented in the rehabilitation/ closure phase of the EMPr.</p> <p>The methods as provided has been included in the management actions of Goal 14 in the Operational EMPr.</p>

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>cause damage to the surrounding natural vegetation. According to Conservation of Agricultural Resources Act, (Act 43 of 1983) methods of controlling alien plants are as follow:</p> <ul style="list-style-type: none"> • Uprooting, felling, cutting or burning • Treatment with a weed killer that is registered for use in connection with such plants in accordance with the directions for the use of such • Biological control carried out in accordance with the stipulations of the Agricultural Pests Act, (Act no 36 of 1983) • Any other method of treatment recognized by the executive officer that has its object the control of plants concerned • Combination of one or more methods mentioned above, and any action taken to control alien plants shall be executed with caution and in a manner that will cause least possible damage to the environment. <p>Therefore, this Department encourages the applicant to take responsibility that the above mentioned conditions are adhered to. However, the Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.</p>	<p>Noted with thanks.</p>
<p>Stakeholder: DEADP: Waste Date received: 18 April 2019</p>	
COMMENT	RESPONSE
<ol style="list-style-type: none"> 1. This correspondence serves to inform the Applicant of further comments on the BAR dated and received by the Department of Environmental Affairs and Development Planning, Sub-Directorate: Waste Management Licensing on 1 March 2019. 2. Based on the review of the BAR, the following comments about the listed activities applied for are applicable: <ol style="list-style-type: none"> 2.1 The Category A waste listed activity No. 3(3) which states: “the recycling that takes place as an integral part of an internal manufacturing process within the same premises”, must be 	<p>The listed activity has been added to the BAR as well as to the WML Application.</p>

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

<p>included in the list of activities applied for.</p> <p>2.2 The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) defines “recycle” as a process where waste is reclaimed for further use and the processing of that separated material as a product or raw material.</p> <p>The impacts for this listed activity has been identified and have already been assessed in the BAR. Therefore, only minor changes to the BAR are required.</p> <p>3. The Department reserves the right to revise its initial comments and request further information from you based on the information received.</p>	
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A request for extension was submitted to the directorates: DEADP: Development Management and DEADP: Waste Management on the 23 April 2019 (hand delivered on the 26 April 2019)

Stakeholder: DEADP: Waste
Date received: 26 April 2019
RESPONSE TO REQUEST FOR EXTENSION
<p>1. This correspondence serves to inform the Applicant of the request for an extension for the date of submission of the Basic Assessment Report, received by the Department of Environmental Affairs and Development Planning, Sub-Directorate: Waste Management Licensing on 23 April 2019.</p> <p>2. The Sub-Directorate: Waste Management Licensing has the following comments:</p> <p>2.1 Please refer to regulation 19(1) of the Environmental Impact Assessment Regulations, 2014 which states:</p> <p>"19(1) Where basic assessment must be applied to on application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority- (a) a basic assessment report, inclusive of specialist reports, an EMPr and where applicable a closure pion, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority; or</p> <p>(b) a notification in writing that the basic assessment report, inclusive of specialist reports, on EMPr, and where applicable, a closure pion, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not</p>

APPENDIX F4 - COMMENTS AND RESPONSES REPORT

COMMENTS RECEIVED DURING THE DRAFT BAR PHASE

contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days.

(2) In the event where subregulation (1)(b) applies, the basic assessment report inclusive of specialist reports, an EMPr and where applicable, the closure pion, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority."

2.2 If the EIA Regulation ore to be adhered to, then the Basic Assessment Report must be submitted in accordance with regulation 19 of the Environmental Impact Assessment Regulations, 2014.

2.3 However, given the that the scope of work has been expanded upon, this Sub-Directorate refers the Applicant to regulation 3(7) of the Environmental Impact Assessment Regulations, 2014, which states: "*(7) In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or in the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension*", and grants the extension of 80 days.

3. The Department reserves the right to revise its initial comments and request further information from you based on the information received.