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OFFICE OF THE MUNICIPAL MANAGER

Enquiries: *MG Stratu*
Reference: *14/1*
Date: *17 September 2021*

The Chairperson: Mr Ronald Hacquebord
Great Brak River Ratepayer's Association
Mosselbay
6525
By Email: Great Brak RPA rpa.greatbrak@gmail.com

Dear Sir,

ROOIKAT RECYCLING (PTY) LTD APPEAL DECISION IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000

REASON FOR THE APPEAL DECISION

INTRODUCTION

1. On Thursday, 01 July 2021, you submitted an appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (hereinafter referred to as the Systems Act).

2. The appeal was lodged against the granting of a Provisional Atmospheric Emission Licence (PAEL) to Rooikat Recycling (Pty) Ltd in terms of Section 41 of

the National Environmental Management: Air Quality Act, 2004, (Act 39 of 2004) (the Act) by the Manager: Air Quality Control (Licencing Authority).

3. An appeal in terms of Section 62 of the Systems Act entails a reconsideration of the issues stipulated in your appeal letter. Section 62(1) and (3) provides as follows:

"62 (1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision."

"(3) The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision."

4. The application for atmospheric emission licences is provided for in Section 37 of the Act. Section 37(2) contains mandatory provisions regarding the documentation which must accompany an application and provides as follows:

"(2) An application for an atmospheric emission licence must be accompanied by-

(a) the prescribed processing fee; and

(b) such documentation and information as may be required by the licensing authority."

5. I afforded the Applicant an opportunity to submit representations in respect of your appeal dated, 30 June 2021.

6. In reaching my decision on the appeal, I have taken the following into consideration:

6.1.1 Relevant material information contained in application file: 18/3/5/3: Air Quality, Licencing/ Rooikat Recycling;

6.1.2 The appellant's grounds for the appeal dated, 30 June 2021;

6.1.3 The applicant's representations in respect of your appeal dated 22 July 2021.

6.1.4 The granting letter issued by the Manager: Air Quality Control dated 8 June 2021.

6.1.5 The appeal outcome of the MEC of Local Government and Environmental Affairs, Mr Anton Bredell dated 13 September 2021.

DECISION

7. After perusing the aforementioned appeal documents and the documents submitted as part of the applicant's application. I have decided to dismiss the appeal by the appellant and confirm the decision to grant the Provisional Atmospheric Emission Licence (PAEL) by the Licencing Authority.

8. In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the appeal or responding statement, and where a particular statement is not directly addressed, the absence of any response should not be interpreted to mean that I agree with or abide by the statement made.

THE REASONS FOR MY DECISION ARE AS FOLLOWS:

GROUNDS OF THE APPEAL AS PER APPEAL LETTER DATED 24 AUGUST 2020:

9. I am confident that the administrative process followed by the Manager: Air Quality was procedurally fair and compliant with the requirements of the National Environmental Management: Air Quality Act 39 of 2004.

9.1 Sequence of events in terms of the AEL application:

9.1.1 Application for the Atmospheric Emission Licence

- The application for an Atmospheric Emission Licence hard copy was submitted on the 14/10/2020 and on 21/10/2020 on the South African Atmospheric Emission Licence Inventory Portal (SAAELIP), as required by section 37 of the National Environmental Management: Air Quality Act 39 of 2004.
- The hard copy application was acknowledged on the 19/10/2020.
- An invoice for the application was issued on 19/10/2020.

9.1.2 Public Participation process

- Newspaper advert was placed in the Mossel Bay Advertiser (9 October 2020) and Die Burger (23 October 2020) and all interested and affected parties (I&AP's) was afforded 30 days to provide comments.
- Public Participation report was submitted on 2 December 2020.
- Public Participation was also conducted in terms of NEMA as part of the Basic Assessment Process and are discussed in detail in the final DBAR.

9.1.3 Specialist Air Quality Study

- Specialist air quality study was submitted in September 2020. The study was revised and amended twice due to requests by the LA. Final study dated March 2021.

10. Grounds of appeal as per the appeal submitted 01 July 2021.

10.1 General

- Garden Route District municipality is charged with implementing the atmospheric emission licensing system (Section 36 of the Act) in its jurisdiction. The comments provided is only in terms of the concerns and contradictions with regards to air quality related matters. Concerns and contradictions raised in respect of the environmental impact assessment process and waste management licence must be referred to the appropriate provincial authority.

- The Granting letter issued by the Manager: Air Quality dated, 8 June 2021, is not a Provisional Atmospheric Emission Licence (PAEL). The reference made to the PAEL or licence in the grounds of the appeal will be assumed to be referred to as the Granting Letter. The Licencing Authority did not issue any licences to Rooikat Recycling.

10.2 Appendix to Appeal of Provisional Atmospheric Emission Licence

Subject Referred to on Grounds of Appeal	Information contained in or referenced in the granting letter	Concerns and Contradictions	Comments by the Appeal Authority
Activity Description	**A.** On page 3, paragraph B Activity Authorised, the activity description is stated as quote: "Production of char, charcoal and the production and use of carbon black, and facilities where general and hazardous waste are treated by the	**1.** Paragraph A column B refers; The Rooikat documents and Licenses that apply to this facility are full of contradictions and misleading and confusing statements as to what is actually going to be produced. **(a)** During the first PPP virtual meeting held 23 November 2020, it was stated that waste material will be plastic, and that tyres will be avoided due to pollution issues with tyre polymerisation. In spite of this commitment by Rooikat, the flow charts and subsequent discussions, as well as license application documents, still included processing of tyres.	The Rooikat Recycling application is for a pilot plant for the depolymerisation of plastic and tyres. This is clearly communicated in the AEL application, specialist air quality study. Regardless of the raw material input i.e. plastic or tyres, the specific category triggered will remain 8.1: Thermal Treatment of General and Hazardous Waste as well as subcategory 3.4 Char, charcoal, and carbon black production. The emission limits specified under the specific categories must be complied with regardless of the type of raw material used. For reference the following were stated in the Final BAR:

	application of heat"		1) The purpose of the pilot plant is twofold. The first is to prove that the technology can efficiently produce second generation biodiesel, which is suitable to be placed in the local diesel market. The second is to scale up the technology. 2) To minimise the technical risk, the pilot plant is based on a standard pyrolysis plant, suitable for processing both plastic and tyres which has several commercial references. Pyrolysis technology has been in use successfully globally on a commercial scale (Europe, Asia, North America, South America, Australia and Africa). The pilot plant will produce commercial products.
		(b) The DBAR stated production of carbon black and HFO **(c)** The waste management license was granted for the production of Carbon Black, HFO and diesel. The production of diesel and distillation of diesel was never mentioned in Rooikat's original documents. It was later added in the FBAR of which the I&AP's did not have the privilege of seeing.	The activities triggered and applied for is subcategory 3.4: "Char, Charcoal and Carbon Black Production" and subcategory 8.1: "Thermal Treatment of General and Hazardous Waste respectively, as per the Listed Activities and Associated Minimum Emission Standards Identified in terms of Section 21 of the Act. The granting letter issued is in respect of the specific categories. The AEL application submitted by Rooikat Recycling (RR), includes the distillation of diesel. The process revolves around the thermal treatment of general

		(d) The Provisional Atmospheric Emission Licence (PAEL) is granted for: "Production of char, charcoal and the production and use of carbon black". **(e)** The Waste Management License was granted maximisation of the production of diesel: Waste management license page 3 of 19, Products point 1. Quote:" An additional processing step (distillation) will be added to the process to form diesel. The ultimate intention is to maximise the production of diesel. The waste management license also refers to minimal amounts of carbon black which will be produced, page 2 of 19 paragraphs B, Description of activity 2nd paragraph Quote:" Two products would be produced, oil in the form of heavy fuel oil(HFO) or diesel and minimal amounts of carbon black." **(f)** Due to the contradictions between (d) and (e) above, The residents of Great Brak River are at a loss as to what is actually planned to take place.	waste and produces HFO, carbon black and gasses. The further processing of the products produced by means of distillation does not trigger any other section 21 listed activities. It must be noted that an Atmospheric Emission Licence (AEL) is not issued in respect of what is being produce, it is issued in respect of the category triggered, with associated emission limits. To ensure the applications were not misleading, the production of diesel was explicitly included in the FBAR to ensure clarity (pages 11,12,13,14 FBAR). The granting of a Provisional Atmospheric Emission Licence (PAEL)was for two listed activities. The first is Activity No. 3.4 Char, Charcoal and the production of carbon black. The second is Activity No. 8.1 Facilities where general and hazardous waste are treated with the application of heat. The suggested discrepancy is resolved by applying listed activity No. 8.1. Listed activity No. 8.1 covers the thermal (heating) of general waste, which includes depolymerisation of waste plastic and tyres. Listed activity No 8.1 does not specify or limit the products

		Our authorities and the authors of the documentation do not exude much confidence in what they are involved with. HFO is not carbon Black, and neither are Diesel.	which can be produced. The production of HFO and/or diesel from waste is included in the listed activity. The following were explained at the virtual meeting: Diesel: HFO contains diesel. The additional step is to remove diesel from the HFO for economic reasons. Carbon Black: Carbon Black is low value product. For economic reasons the applicant want to minimise production of carbon black.
		(g) It is well known that the outcomes and pollutants of processes depend on the inputs and processing procedures that occur. Nowhere in the licenses issued is there any unity or clarity of inputs, processes and outputs.	The emitting of pollutants by a proposed facility are provided for in section 3.3 (Emission Rates) in the Regulations Regarding Air Dispersion Modelling, No. R.533 of 11 July 2014. It is stated that "for proposed facilities, proposed emissions rates must be used, based in Section 21" and that the "maximum emission rates must be based on emissions standards as stipulated in Section 21 of the Act. The emission rates used in the Air Quality Impact Assessment are based on the pollutants and maximum emission rates as specified by the triggered activities. Sub-category 8.1 is described as the thermal treatment of general and hazardous waste which includes

			plastics and tyres. The emission limits provided for under the specific sub-category is independent of the type of general waste treated.
		(h) The environmental impact study that was performed by LAQS, did not take the production and distillation of diesel into account, because it was not in the initial documents. It seems that the different government departments are each working in a vacuum that is being supplied with documents from different organisations that do not contain uniform operationally defined information, leading to a random walk in the issuance of licenses and approvals.	The emitting of pollutants by a proposed facility are provided for in section 3.3 (Emission Rates) in the Regulations Regarding Air Dispersion Modelling, No. R.533 of 11 July 2014. It is stated that "for proposed facilities, proposed emission rates must be used, based in Section 21" and that the "maximum emission rates must be based on emission standards as stipulated in Section 21 of the Act. The emission rates used in the Air Quality Impact Assessment are based on the pollutants and maximum emission rates as specified by the triggered activities. The further processing of the products produced i.e. distillation of HFO to diesel does not trigger another section 21 listed activity. The petroleum Industry, the production of gaseous and liquid fuels as well as petrochemicals from crude oil, coal, gas or biomass is provided for in category 2 of the section 21 listed activities. Rooikat Recycling's processes in terms of the

			production and distillation of diesel does not trigger any of the activities under category 2. The production of diesel was not clearly mentioned in the DBAR as discussed in the public participation process. It was however covered in the final BAR. The air emissions study did take it into consideration as it forms part of the same process envelope. What is important is the output (emissions). Despite what is processed, the facility must still comply with the emission limits that will be set in the PAEL.
Emission Monitoring	**B.** Page 5 Part II Emission Monitoring Point 5 and 6 requires the installation of continuous emissions monitoring equipment and monitoring reporting thereof	**2.** With reference to Point B in column B we do not see any requirements for the calibration and qualification of monitoring equipment and measurement. Although calibration and analytical standards and methods are per implicated by the PAEL, it would be appreciated if this could be explicitly stated in the PAEL. Neither is there any reference in the PAEL or Waste management license to any applicable ISO system or any calibration or quality systems standards. Without capable	Conditions regarding performance verification tests and independent accredited calibration of continuous emission monitoring equipment automatically forms part of category 8.1, as it is provided for in the special arrangements that is attached to the specific category. The monitoring and reporting requirements for facilities that are required to undertake continuous emission monitoring forms part of a specific licence conditions. The implementation of an ISO management system is not required by the Act. The Licencing Authority can

		calibration of measuring and monitoring equipment, the measurements results cannot be verified as true reflection of actual emissions, and what residents see and smell is not related to publish emissions data. Basically any emissions data from unqualified and uncalibrated monitoring equipment is meaningless in terms of conformance or non-conformance to regulatory standards. In the absence of capable calibration and quality systems, pollution could have an adverse effect on our elderly population who suffer from asthma and other lung conditions, while the emissions results show acceptable outcomes. In the virtual meeting held with Rooikat in November 2020, Rooikat stated clearly that they are not going to implement an ISO quality system. It is disconcerting that a hazardous plant like this will be allowed without an ISO system. The PAEL must include the implementation of an ISO system. Furthermore, with a proper ISO system, auditing, controlling documentation etc. are much more traceable	only perform and request conditions within the scope of the Act. The regulated control of dangerous safety hazards is managed by the Fuel Manufacturing License and Occupational Health and Safety Act, (page 30, Comments and Responses table, point 38).

Auditing	**C.** Page 6 Part III Auditing. Paragraph 9 Quote:" The licence holder must submit an audit report with supporting documents to determine compliance with the conditions of the PAEL.	**3.** Paragraph C column B, refers to Auditing and compliance to the conditions of the PAEL, but the PAEL is vague in terms of specifiable conditions that are auditable in terms of operational definitions and systems, see comments in 2 above. There are no Standard Operating Procedures (SOP's) provided by Rooikat. Therefore, they can do what they want. The implementation of SOP's must be part of the PAEL. Auditing therefore could become a regulatory activity with little effect on the original intention of the audit requirements, i.e. The protection of the environment and residents on the doorstep of a petrochemical type plant. Auditing, without reference to specifiable and operationally defined systems being audited, becomes an academic exercise and Burlesque.	The auditing and compliance with conditions refers to conditions that will be set in the Provisional Atmospheric Emission Licence (PAEL). Conditions set in an atmospheric emission licence (AEL) is auditable and the Licence Holder is required to demonstrate compliance with conditions as required in terms of section 42 of the Act. Please also refer to section 43 of the Act which provides for the content of a PAEL and AEL. Please also refer to the offenses and penalties as set in section 51 and 52 of the Act.
Ambient Air Quality	**D.** In the PAEL Annexure B. REASONS FOR THE DECISION, of the license, page 11 Quote:" Ambient	4. The Provisional Atmospheric Emission License (PAEL) herein appealed, refers to the Air Impact Quality Assessment, and seems to accept the Air Quality Assessment report in its entirety. Page 41 of 44 Paragraph 8.1 and 8.1.1 of the Air Impact Quality Assessment report Quote:	The requirements regarding model input - source characterisation for air dispersion modelling is provided for in section 3 of the Regulations Regarding Air Dispersion Modelling, No. R533 of 11 July 2014. Section 3.1.1 spells out the point source parameters that are normally required for point sources which are

	Air Quality. The Specialist Air Quality study indicated that the ambient air quality limits for the applicable pollutants will not be exceeded. Emission limits for odorous compounds may not exceed its health threshold limits. And in the last paragraph of this column referred to in D above quote: "Based on the outcome of the specialist study the activity will not have a significant	"The results of any computer model are only as reliable as the quality of the input data. The concentrations of all pollutants from RR's planned pilot plant included in this study were calculated from official emission limits, as stipulated in GN R.533, using design flue gas velocities. However, the actual velocities that will occur when the process is in full operation may differ which will result in different annual emissions. The Air Quality Impact Assessment was based on official emissions limits, and not any actual real process data, or benchmark data form similar depolymerisation plants, or on information about emissions provided by the supplier of the Rooikat equipment on their web site. For instance, the table on page 12 of 44 of the Air Quality Assessment was generated from official emissions limits data. This is theoretical data. That is not produced by any process, but by determining emissions specifications limits based on health and other issues. The purpose of such data should be to evaluate	dependent on the type of model used. The Regulations does not require that any real process data or benchmark data from similar plants be utilised for dispersion modelling. Section 3.3 states that "for proposed facilities, proposed emissions rates must be used, based in Section 21". The air quality impact assessment is based on worst case scenario as it make use of the maximum allowable emission rates of pollutants as per the specific categories, including the cumulative impact of the surrounding industries without taking in to account the proposed abatement equipment. The emission limits set in the List of Activities that Result in Atmospheric Emissions, as published in Government Notice 893 of November 2013, are the highest concentrations that will be allowed, regardless of the types of waste materials that will serve as feed stock. The air quality standards are safe standards determined by the National Department of Forests, Fisheries and the Environment (DFFE). Running "what if"

	detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage. The assessment made was based on the minimum emission limits as per the categories and the results demonstrated that the emissions will not exceed the limits as per the National Ambient Air Quality	conformance to requirements for actual operating processes, not as basis to model and calculate theoretical process emissions, as it was used in this report. Throughout this Air Quality Impact Assessment report, reference is made to estimated and estimate, (Raai in Afrikaans) from computer modelling of specifications i.e. emissions requirements data. This is not real process produced data, but data created with a stroke of a pen, and not by an operating process. This is similar to a physician who wants to determine the blood pressure of his patient, but has no method of measuring the patients' blood pressure; so he uses a computer program to model the patients' blood pressure by analysing published Health Care blood pressure requirements for patients similar to his patient. He then used these calculation to predict what his patients' blood pressure will be. Any such Physician will take off the roll, but using this model for approving emissions and granting a waste management license and provincial	scenarios with higher emission limits will not add any new information as the use of emissions at levels exceeding the emission limits listed are illegal and punishable according to the Air Quality Act.

	Standards (GN1210 of December 2009)	atmospheric license...no Problem...after all, who cares about the wellbeing of Great Brak residents? Certainly not our municipalities it seems, who go along with, and accept this amateur science based on bogus data. The computer modelling could simulate "what if" scenarios. This is prescribed by the conduct code of the South African Air Assessment Standards. This is especially being used where no data is required. For example, a plume simulation could be done where the SO2 concentration is 7 times higher, at 350ug.m3. The PAEL should only be granted until such "what-if" scenarios are being modelled as well.	
	E. Rooikat must prove that they comply with these standards as set out in the PAEL for at least 6 months.	**5.** With regard to E. Column B the 6 months must be better defined. How many runs will Rooikat do during these 6 months? Will it be 24/6, or only one run? If it is only 1 run (as an example) and nothing was released during this single run in 6 months, they "comply". The PAEL must specify at least a minimum amount of runs. Again another example of lack of operational definitions, due to amateur science.	A PAEL is valid for a period of one (1) year from the date of commencement of the activity and may be extended for an additional one year on good cause shown to the licensing authority. The six (6) months referred to, is provided for in section 42(1) of the Act which states that, the holder of a PAEL is entitled to an Atmospheric Emission Licence when the commissioned facility has been in full compliance

			with the conditions and requirements of the PAEL for a period of 6 months. The specified period does not refer to the number of runs allowed within a given period. The period covered must be for normal operating conditions and cannot be manipulated. The CEMS will record production rates and operating periods providing the licencing authority a good indication of normal operating conditions and production times. Any deviation from that will be easily identified. The holder of the PAEL must demonstrate full compliance with the conditions of a PAEL for 6 months within the validity period of the PAEL, which is one (1) year. In terms of section 47(4) the holder of a PAEL may not apply for the renewal of the PAEL more than once.

Summary	**F.** Due to the contradictions between (d) and (e) above The residents of Great Brak River are at a loss as to what actually planned to take place Our authorities and the authors of the documentation do not excude much confidence in what they are involved with. HFO is not carbon Black, and neither are Diesel.	**6.** True state of affairs: a) The PPP was not completed when the GRDM received the application. GRDM did therefor not take the objections of the public into consideration. GRDM must prove that they took notice of all objections. Otherwise, the PPP was meaningless and a waste of time and just a "tick-box" burlesque exercise.	The procedure for licence application is provided for in section 38 of the Act, which does not require that any public participation process be completed prior lodging of an application for an atmospheric emission licence. "***An applicant must, immediately after the submission of the application to the licensing authority, take appropriate steps to bring the application to the attention of relevant organs of state, interested persons and the public***." The granting letter by the Manager: Air Quality Control was issued on 8 June 2021, after the issuing of the Waste Management Licence (environmental authorisation). The public participation process conducted in terms of the atmospheric emission licence application was concluded on the 23 November 2020, and the stakeholder engagement report was submitted to the Licence Authority on 2 December 2020. The stakeholder engagement report dated 2 December 2020, was used to scrutinise the air quality impact assessment. The issues and concerns highlighted during public participation process is the reason why the initial air quality impact report dated September 2020, was revisited, and amended twice by LAQS on the request of the Licencing Authority. Version 3 of the AIR is dated March 2021.

			The fact that the initial report is dated September 2020 and final Version 3 of the AIR is dated March 2021, demonstrated all objections and concerns raised during the PPP has been accounted for.
		b) The PAEL stated that this is a pilot plant, but it is a full commercial production plant.	The triggered listed activities in terms of section 21 of the Act does not make provision for pilot plants. The applicable conditions and minimum emission limit regarding the specific categories are applicable.
		c) It is not a depolymerisation plant as per application, but a full-blown petrochemical plant, including the distillation of diesel and HFO. A Category 2 (Petrochemical Plant) should be triggered as well.	The petroleum Industry, the production of gaseous and liquid fuels as well as petrochemicals from crude oil, coal, gas or biomass is provided for in category 2 of the section 21 listed activities. Rooikat Recycling's processes in terms of the production and distillation of diesel does not trigger any of the activities under category 2. Rooikat Recycling processes is classified as sub-category 8.1, due to the feedstock (plastics and tyres) which is classified as general waste. The feedstock will be processed by the application of heat. Pyrolysis is the thermal degradation of plastic waste at different temperatures (approximately 350–500°C), in the absence of oxygen, to produced liquid and gaseous fuel. In pyrolysis, feedstock such as waste plastic is heated in the absence of oxygen or low-oxygen environment and, instead of burning, breaks down into mixture of simpler hydrocarbons. This process is simply thermal depolymerisation, hence the categorisation of the activity as sub-category 8.1.

			In its broad definition, a Petrochemical plant is defined as a plant that produces petroleum products or chemicals. In South Africa, the feedstock to Petrochemical plants is either crude oil, coal or gas. Recycled waste plastic and tyres are a new feedstock for the production of petroleum products, classified as biofuels. Depolymerisation refers to a process to convert recycled waste plastic and tyres into petroleum products (fuel oil and diesel) and carbon black as stated (pages 11,12,13,14 FBAR Submission). A depolymerisation plant is therefore also a type of petrochemical plant, producing what is categorised as a biofuel. The terms are not mutually exclusive. Distillation refers to the separation of liquids. Distillation is a process used in many applications including Petrochemical processes. All plants that use distillation are not necessarily Petrochemical plants. Because the feedstock to the depolymerisation plant is recycled waste plastics and tyres, the depolymerisation plant has been classified as a "thermal waste treatment plant", rather than a Petrochemical plant by the authorising authority. It also falls within the classification of biofuel generation,

			as per Government Notice No, 116, "South African Biofuels Regulatory Framework". Suggesting that Category 2, Petroleum industry, should also apply to Rooikat's case is contrary to the statement. The reason is that all the pollutants controlled under Category 2, are also controlled under sub-category 8.1, the important difference being that the emission limits defined in sub-category 8.1 are significantly lower than any of those listed in Category 2 (e.g. the emission limit for SO2 in sub-category 8.1 is 50 mg/Nm3, but for catalytic cracking (sub-category 2.2) it is 1 500 mg/Nm3.). The current emission limits applied through the PAEL are thus more stringent than those proposed.
		d) Black smoke releases are allowed according to the PAEL. The release of black smoke was never mentioned in any documentation. The I&AP's were never made aware of this.	The section referenced in the granting letter regarding the allowable period for black smoke emission will be removed. Rooikat Recyling must undertake continuous emission monitoring and results must be reported as daily average concentrations. All measurement results must be recorded, processed and presented in an appropriate manner in a Quarterly Emissions Monitoring Report in order to enable verification of compliance with permitted operating conditions and air emission standards. Any non-compliances in terms of emissions including black smoke will be monitored via results of the continuous emission monitoring.
		e) The visual impact of black smoke is unacceptable.	No black smoke is expected to be emitted under steady operating conditions. Should any black smoke

			be emitted, results will be recorded by the continuous emission monitoring and compliance verified.
		f) Greenhouse Gasses: The RR process will release GHG's even after scrubbing.	The competent authority in terms of the National Greenhouse Gas Emission Reporting Regulations, GN.275 of 2017 as amended, is the unit responsible for Climate Change Monitoring and Evaluation at the Department responsible for environment. The statement regarding the emitting of Greenhouse Gasses (GHGs) is correct. All combustion processes with the exception of hydrogen combustion emit GHGs.
		g) The RR plant is in close proximity to residential areas, retirement villages, tourist attractions, game farms, vegetable farms and milk farms. This is factual, despite incorrect statements by licensing authorities, that there are no Fauna and Flora in the area.	The proposed area is zoned as Industrial Zone 3. Industrial Zone 3 is the area best zoned to accommodate a plant such as the proposed facility. It is also placed within a longstanding Industrial Area, surrounded by other large industrial facilities. The nearest residential area is approximately 1.2 km north-east of the proposed site.
		h) Job creations will be much smaller than anticipated by RR. RR said that between 20 and 30 permanent jobs will be created. The supplier of this equipment stated that only 3-4 people will be needed per shift during stable operations. The social and economic impact will therefore be much smaller and the motivation based on job creation and social impact is therefore misleading and very weak.	Adequate information has been provided to show that job opportunities will be created during both the construction and operational phases of the proposed development.

		(i) All in all this plant will negatively affect tourism, income, job creation and property values. Even the supplier for the equipment states that such a plant belongs in an industrial site away from residential areas and upwind from such residences. Here we are with wind in various directions from the proposed site, and the Municipality has the nerve to state that there will no adverse effects...all based on biased and ambiguous information.	It is unclear how the facility would negatively affect the area. As highlighted by the Appellant, the facility will increase job creation and hence income in the area. The impact on tourism and property values cannot be determined as many factors influence it. It is correct that the facility should be located in an industrial site, which it is. The industrial zone 3 area is suitable for such operations. The specialist report has made it clear that some uncertainties exist in the use of process design data, but until data measured and sampled at Rooikat's plant becomes available, it can do no other than estimate mass emission from the process. This does not imply that the data used by LAQS is either biased or ambiguous.

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11. **CONCLUSION**

In view of the above, the proposed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of NEMA and any potentially detrimental impacts on air quality resulting from the activities can be mitigated to acceptable levels.

12. **DISCLAIMER**

Garden Route District Municipality shall not be responsible for any damages or losses suffered by the holder of the Provisional Atmospheric Emission Licence

I have discharged my decision-making powers making the decision, in terms of Section 62 of Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). My decision is final and your only recourse, should a person still be aggrieved by my decision, is to apply to the Western Cape High Court to review my decision.

MG STRATU
MUNICIPAL MANAGER