



DEPARTMENT
COMMUNITY SERVICES

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| Enquiries: | J.P. Schoeman |
| Contact No.: | 044 693 0006 |
| Reference: | 18/3/5/3 |
| Offices: | Mossel Bay |
| Date: | 8 June 2021 |

Mrs K Human
Managing Director
Rooikat Recycling (Pty) Ltd
229 Protea drive
Pinnacle Point Golf Estate
Mossel Bay
6500

By Email: krizelda@rooikatprojects.co.za
cc: jeanette@laqs.co.za

Dear Madame

GRANTING LETTER: PROVISIONAL ATMOSPHERIC EMISSION LICENCE IN TERMS OF SECTION 47 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT 39 OF 2004) ("THE ACT") FOR UNDERTAKING LISTED ACTIVITY 3.4 CHAR, CHARCOAL AND THE PRODUCTION AND THE USE OF CARBON BLACK; AND NO. 8.1 FACILITIES WHERE GENERAL AND HAZARDOUS WASTE ARE TREATED BY THE APPLICATION OF HEAT.

With reference to your Atmospheric Emission Licence (AEL) application in terms of the Act dated 21 October 2020, for undertaking a listed activity as contemplated in

section 21 of the Act, Category 8.1 (Facilities where general and hazardous waste are treated by the application of heat.) and 3.4 Char, charcoal and carbon black production, find below the decision in respect of your application.

DECISION

Your application has been considered, granted and pending issuing. In order to give effect to the Act, the licencing authority (LA) was consistent with section 40(2) and took all factors into account as contemplated in section 39 of the Act. The reasons for the decision to grant the application are provided in **Annexure B**.

By virtue of the powers conferred by section 40(1)(a) of the Act, the LA has reached the decision to approve your application with reference number **GR042(A)** and to commence with the listed activity specified in **Section C** below.

The approval is subject to compliance with the conditions set out in **Section G** and conditions that will be set out in the pending Provisional Atmospheric Emission Licence (PAEL). The PAEL shall only take effect from the date of commissioning.

The PAEL and/or this Granting Letter does not exempt the holder thereof from compliance with any other applicable legislation.

A. DETAILS OF THE APPLICANT FOR THIS PAEL

The Managing Director

Mrs Krizelda Human

Portion 21 of the remainder of the farm Rheeboksfontein No.142 (Portion of existing MobiCast Factory)

Mosselbay,

Western Cape

The abovementioned applicant will be the holder of this Granting letter and pending PAEL and is hereinafter referred to as "the holder".

B. ACTIVITY AUTHORISED

| Listed Activity | Activity Description |
|-----------------|--|
| Category 3.4 | Production of char, charcoal and the production and use of carbon black |
| Category 8.1 | Facilities where general and hazardous waste are treated by the application of heat. |

The abovementioned activity is hereinafter referred to as "the listed activity".

C. PROPERTY DESCRIPTION AND LOCATION

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| Physical Address of the Premises | Portion 21 of the remainder of the farm Rheeboksfontein No.142 |
| Description of Site (Erf) | Latitude: -34.0453982 S Longitude: 22.18580261 E |
| Extent (km²) | 2000m ² (0.002km ²) |
| Elevation Above Level (m) | 115m |
| Province | Western Cape |
| Metropolitan/District Municipality | Garden Route District Municipality |
| Local Municipality | Mossel Bay |
| Designated Priority Area | N/A |

Commencement of the proposed depolymerisation plant.

The co-ordinates for the approximate centre of the property are:

| Point | Latitude (S) | Longitude (E) |
|-------|--------------|---------------|
| 1 | -34.0453982 | 22.18580261 |

Refer to **Annexure A**: Locality Plan

Herein-after referred to as "the site".

D. DETAILS OF THE LICENCING AUTHORITY (“LA”)

The Manager: District Air Quality
J.P. Schoeman
Garden Route District Municipality
C/O Marlin and Sampson Street
Extension 13
MOSSEL BAY
6506

Tel: (044) 693 0006

Email: jschoeman@gardenroute.gov.za

E. CONDITIONS OF GRANTING THE PAEL

The following are conditions that the granting of the PAEL is subject to and must be adhered to.

PART I

Scope of PAEL

1. The holder of the PAEL must undertake the listed activity specified in **Section B** above on the site as described in **Section C** above.
2. The PAEL will be valid for a period of one year starting from the date of commissioning of the Listed Activity. Commissioning means the commencement of a listed activity. That is when the reactor and scrubber is coming into operation. The commission date must be communicated to the Licencing Authority within 14 days from date of commencement, in order to determine the starting of the 12 months period (commencement date). The holder of the PAEL is entitled to an Atmospheric Emission Licence (AEL) when the commissioned facility has been in full compliance with the conditions and requirements of the PAEL for a period of at least 6 months. Should an AEL be issued it will be valid for a period of 5 years. A PAEL or AEL may, on application

by the holder of the licence, be renewed by the Licencing Authority (LA). The holder of a PAEL may not apply for the renewal of the PAEL more than once.

3. The licence holder is responsible for ensuring compliance with the conditions as set forth herein and in the pending PAEL by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the licence holder.
4. Any changes to, or deviations from the activity as described in **Section C** above must be accepted or approved, in writing, by the LA before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the LA may request information in order to evaluate the significance and impacts of such changes or deviations, and if it will be necessary for the licence holder to apply for further authorisation(s) in terms of the applicable legislation such as National Environmental Management Act.

PART II

Emission Monitoring

5. The propose facility triggers categories 3.4 and 8.1 respectively of the Listed Activities and Associated Minimum Emission Standards Identified (GN 687 of May 2019) in terms of Section 21 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004). The special arrangement of category 8.1, requires that continuous emission monitoring equipment should be installed and will be required prior the commissioning of the facility.
6. Emission monitoring and reporting must be undertaken as required by section 15, 16, 17 and 18 of the Listed Activities and Associated Minimum Emission Standards Identified (GN 687 of May 2019) in terms of Section 21 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004).

7. The LA may request the licence holder to submit an emission abatement plan prepared by an independent external competent person.
8. A copy of the granting letter, PAEL and compliance monitoring reports must be kept on the site of the authorised listed activity, and must be made available to any authorised official (LA, or any duly authorised representative of Garden Route District Municipality).

PART III

Auditing

9. The licence holder must submit an audit report with supporting documents to determine compliance with the conditions of the PAEL on a quarterly basis. The audit report must be prepared internally or may be on the request of the LA done by an independent person. In the event that the licence holder is requested by the LA to make use of an independent person, the licence holder must liaise with the LA to determine the scope of such a report.

F. AEL EXPIRY DATES

- 10.1 Please refer to paragraph 2 above.
- 10.2 In the event that your PAEL expires and the PAEL is not converted to a full AEL, your PAEL will be declared invalid and if you continue with undertaking the listed activity without a valid PAEL, section 22A of the Act will apply. Section 22A deals with the consequences of unlawful conduct of a listed activity resulting in atmospheric emission.

G. ACCESS TO THE SITE

- 11.1 Access to the site must be granted to the LA (or any duly authorized representative of GRDM) by the holder or any person or staff member on site in control of the site when the holder is not available. Access must also be granted to any external consultant or service provider assisting the LA with air quality matters, or any staff member from any organ of state that has jurisdiction pertaining to air quality and or enforcement activities with respect to the PAEL.
- 11.2 The holder must make documentation available on the request by any of the above mentioned persons (LA, or any staff member of Garden Route District Municipality with duly delegated authority, or any external consultant or service provider assisting the LA with air quality matters, or any staff member from any organ of state) associated with the PAEL for the purposes of assessing and/or monitoring compliance with the conditions contained herein and/or in the PAEL.

H. PAEL CONDITIONS

12. The applicant/holder of the PAEL will be afforded an opportunity to submit written comments to the LA on the conditions contained in the PAEL. The written submission must be furnished to the LA within seven (7) working days, starting on the date of receipt of the draft PAEL. If the holder does not have any comments or want to make any amendments to the conditions, the holder must inform the LA in writing within the stated period. If the holder does not respond within the stated timeframe, the PAEL will be adopted and fully binding.

I. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

13. Failure to comply with the conditions contained herein and/or conditions in your PAEL and/or relevant statutory conditions and/or written requests (notices) by the LA is an offence as contemplated in section 51 of the Act, and the

licence holder, if convicted, will be subject to those penalties as set out in section 52 of the Act.

14. The LA may impose administrative action against the holder, which may inter alia include:
 - Issuing a pre-compliance notice in terms of 31L of the *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998)* ("NEMA") and
 - Issuing a compliance notice in terms of 31L of NEMA
 - Review of the PAEL in terms of section 45(1) of NEMAQA.
 - Vary your current PAEL in terms of section 46 of NEMAQA.

L. DISCLAIMER

15. Garden Route District Municipality (GRDM) as the Licencing Authority or any staff member with duly delegated authority shall not be responsible for any damages or losses suffered by the holder, his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein and within the PAEL or any other subsequent document or legal action emanating from this decision

ANNEXURE A: LOCALITY MAP

FOR OFFICIAL USE ONLY:

GRANTING LETTER REFERENCE: GR042(A)



ANNEXURE B: REASONS FOR THE DECISION

1. In reaching its decision, the LA, inter alia, considered the following factors as contemplated in section 39 of the Act:

| SECTION 39 FACTORS | COMMENTS |
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| <p>(a) any applicable minimum emission standards set for ambient air and point source emissions that have been determined in terms of the NEM: AQA</p> | <p>For the proposed activity, the following emission limits will apply to all point sources:</p> <p><u>Reactor Emissions Stack:</u></p> <p>Compliance with the minimum emissions standards for all applicable category 8.1 and 3.4 substance or mixture of substances as contemplated in Government Notice GN687 of 22 May 2019.</p> <p>The proposed stack height must be a minimum of 10m in order to align with the input data used for the air dispersion modelling. If the specialist recommend higher stack heights, the higher height must be imposed. The visual impact of the stacks must be taken into consideration, especially taking into account black smoke emissions during plant start-up, plant upsets- and shutdown processes. The periods in the Controlled Emitter Regulations for allowable black smoke emissions will apply to all the stacks at the Rooikat recycling plant. Stack testing must be done continuously by means of a Continuous Emissions Monitoring System (CEMS).</p> <p><u>Chemical scrubber</u></p> <p>We concur with the installation and operation of a chemical scrubber as per the specialist air quality study and process description. Should the facility not comply with the minimum emission limits, the applicant will be</p> |

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| | <p>instructed to investigate and implement alternative Best Available Technology (BAT) to comply with the limits.</p> <p><u>Ambient Air Quality</u></p> <p>The Specialist Air Quality study indicated that the ambient air quality limits for the applicable pollutant will not be exceeded. Emission limits for odorous compounds may not exceed its health threshold limits.</p> |
| <p>(b) the pollution being or likely to be caused by the carrying out of the listed activity applied for and the effect or likely effect of that pollution on the environment, including health, social conditions, economic conditions, cultural heritage and ambient air quality.</p> | <p>The Listed Activities and Associated Minimum Emission Standards Identified in terms of Section 21 of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) is activities which result in atmospheric emissions which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage.</p> <p>Based on the outcome of the specialist study the activity will not have a significant 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 Standards (GN1210 of December 2009). International ambient air quality standards were used to compare the results where ambient air quality standards for specific pollutants are not included in GN1210 of December 2009.</p> |

There must be control mechanisms in place to manage critical control parameters from the offloading, storage and processing of the waste streams.

All conditions and requirements of the Waste Management Licence must be adhered to.

The production system must be safely shut-down with minimum environmental impact during scrubber unit malfunctioning. The scrubber unit must be powered by a backup power supply in the case of electricity malfunctioning or load shedding. No production without scrubber operation will be allowed.

An Environmental Management Plan (EMP) must be developed that include the construction and operational phases of the project.

Measures must be taken to minimize dust and noise. Rooikat Recycling must comply with the National Dust Control Regulations for Industrial zones as indicated in the Regulation.

The Reactor and Scrubber must be managed and maintained in accordance with a maintenance agreement with the supplier.

Proper record keeping of raw materials used, their origins, time duration between loading and offloading at the site, duration before processing and storage capacity.

Social conditions:

The impact of the activity on social conditions were assessed and the positive vs negative considered. As

GARDEN ROUTE DISTRICT MUNICIPALITY

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www.gardenroute.gov.za

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| | <p>highlighted in the Specialist Impact report, the facility's air quality impact will be low and therefore if allowed, wont negatively affect the social conditions.</p> <p><u>Economic conditions:</u></p> <p>The impact of the activity on economic conditions were assessed and the positive vs negative considered. As highlighted in the Specialist Impact report, the facility's air quality impact will be low and therefore if allowed, will have a positive impact on the local economy where the unemployment rate are being adversely affected by Covid19.</p> <p><u>Health:</u></p> <p>The installation of an appropriate control technology such as the proposed chemical scrubber is non-negotiable. The recommendations of the Air Quality impact report must be implemented and the installation of a CEMS is a legislator requirement, even for a pilot plant.</p> <p>The recommendations of all the Governmental Interested and Affected Parties must be implemented.</p> <p><u>Cultural heritage:</u></p> <p>No Heritage study was conducted, but the EMP must address all environmental impacts, as well as heritage considerations.</p> <p><u>Ambient Air Quality:</u></p> <p>Please refer to (a) above.</p> |
| (c) the best practical environmental options | The proposed facility's process flow diagramme refers to a chemical scrubber as abatement equipment. The |

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| <p>available that could be taken to-</p> <p>(i) prevent, control, abate or mitigate that pollution; and</p> <p>(ii) to protect the environment, including health, social conditions, economic conditions, cultural heritage and ambient air quality, from harm as a result of that pollution.</p> | <p>specialist air quality study's results demonstrated compliance without taking in to account the chemical scrubber. Should actual emission monitoring demonstrate any non-compliances, the Licencing Authority will request the Licence Holder to investigate and implement best available technology.</p> <p>The reactor and wet chemical scrubber are regarded as BAT that will be allowed by the Licencing Authority to abate all emissions.</p> <p>The suppliers of the scrubber must also take cognisance of the design of the extraction system. There must be back-up power supply available for the controlling of the PLC and the extraction systems and the ID fans.</p> <p>Maintenance agreement with the supplier of the reactor and scrubber is essential. This must include clauses that warrantees offensive emission and odour-free operation at all times and back-up systems during plant breaks.</p> |
| <p>(d) section 24 of NEMA and any other applicable environmental impact assessment done, the decision taken on the application of the environmental authorisation, and any applicable notice issued or regulation made pursuant for that section substituted by Section 7 of the Air Quality</p> | <p>This Provisional Atmospheric Emission Licence decision was only granted after the Environmental Authorisation (Waste Licence) was granted.</p> <p>Please refer to Waste Licence (EIA) Granting letter with reference number: 19/2/5/1/D6/29/WL0096/20 issued on 21 May 2021.</p> |

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| Amendment Act, 2014 (Act 20 of 2014) | |
| (e) any relevant tradable emission scheme | N.A. No such tradable emission scheme applicable in South Africa yet. |
| (f) whether the applicant is a fit and proper person as contemplated in Section 49 of the NEM: AQA | The Managing director of Rooikat recycling complies with the rules of a fit and proper person. The Landowner were informed of the proposed project. |
| (g) the applicant's submissions | The applicant's submissions were assessed and evaluated to find a balance between positive and negative comments and to inform our decision. |
| (h) any submissions from organs of state, interested persons and the public | The external stakeholders submissions were assessed and evaluated to find a balance between positive and negative comments and to inform our decision. |
| (i) any guidelines issued by the Minister or MEC relating to the performance of the licencing authorities of their functions. | Not applicable. |

2. The site visit conducted on:

Date/s: **3 June 2021**

Attended by: **J Schoeman/ A Andries**

Further site visits will be conducted for the compilation of the PAEL.

All information presented to the Licencing Authority was taken into account in the consideration of the application for the AEL. A summary of the issues which, according to the LA, were the most significant reasons for the decision is set out below.

3. NEMA PRINCIPLES

The National Environmental Management Principles (set out in section 2 of the NEMA), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- The effects of decisions on all aspects of the environment to be taken into account;
- The consideration, assessment and evaluation of the social, economic and environmental impacts of the, and for decisions to be appropriate in the light of such consideration;
- The co-ordination and harmonisation of policies, legislation and actions relating to the environment;

In view of the above, the NEMA principles and requirements of the Act, compliance with the conditions stipulated in this Granting Letter and pending PAEL the Licencing Authority is satisfied that the listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

4. APPEAL PROCEDURES

The Appeal Procedures in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) will apply. Any person who objects to this decision may appeal by giving written notice of the appeal and reasons to the Municipal Manager (appeal authority) of the Garden Route District municipality within 21 days of the date of the notification of the decision. The Municipal Manager (mm@gardenroute.gov.za) must commence with an appeal within six weeks and decide the appeal within a reasonable period.

In the event that an appeal is lodged with the Appeal Authority, the effect of this Granting Letter is suspended until the appeal is decided.

Yours faithfully



Signed on 8 June 2021 at Garden Route District Municipality, Mossel Bay by the Licensing Authority, JP Schoeman, Manager: District Air Quality.

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Date of decision: **8 JUNE 2021**

Copied to:

- (1) Mr Monde Stratu (GRDM Municipal Manager)
- (2) Mr. Clive Africa (GRDM Director Community Services)
- (3) Mr. Johan Compion (GRDM Senior Manager: Municipal Health and Environmental Services)
- (4) Mrs B. Ditcham (SHARPLES)

END