



DEPARTMENT
COMMUNITY SERVICES

Enquiries:	J.P. Schoeman
Contact No.:	044 693 0006
Reference:	18/3/5/3
Offices:	Mossel Bay
Date:	31 July 2020

Mr Deon Van Zyl
Chief Executive Officer (CEO)
Afro Fishing (Pty) Ltd
Port of Mossel Bay
Mossel Bay
6500

By Email: deon@afrofishing.co.za

Dear Sir

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 NO. 10: ANIMAL MATTER PROCESSING- QUAY 2- PORT OF MOSSEL BAY

With reference to your Atmospheric Emission Licence (AEL) application in terms of the Act dated 11 June 2020, for undertaking a listed activity as contemplated in section 21 of the Act, Category 10 (Animal Matter Processing), 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 **WCGR041** 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). This PAEL shall only take effect from the date on which it has been issued.

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

A. DETAILS OF THE APPLICANT FOR THIS PAEL

Deon Van Zyl
Afro Fishing (Pty) Ltd
Quay 1
Port of Mossel Bay
Mossel Bay
6500

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 10	Processes for the rendering cooking, drying, dehydrating, digesting, evaporating, or protein concentrating of any animal matter not intended for human consumption.

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

C. PROPERTY DESCRIPTION AND LOCATION

Physical Address of the Premises	Quay 2, Port of Mossel Bay, Mossel Bay
Description of Site (Erf)	Erf 12459
Property Registration Number (Surveyor-General Code)	1998/016485/07
Extent (km ²)	0.0125km
Elevation Above Level (m)	3m
Province	Western Cape
Metropolitan/District Municipality	Garden Route District Municipality
Local Municipality	Mossel Bay
Designated Priority Area	N/A

Commencement for undertaking of the listed activity of **PROPOSED FISHMEAL & FISH OIL REDUCTION EXPANSION - QUAY 2- MOSSEL BAY PORT**

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

Point	Latitude (S)	Longitude (E)
1	-34.1046	22,0859

SG digit code: C05100070001245900000

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 first PAEL is valid for a period of six months from the date of commissioning of the Listed Activity. Commissioning means the commencement of a listed activity. That is when the boiler and RTO is coming into operation. The commission date must be communicated to the Licencing Authority within 14 days from date that commissioning is known, in order to determine the starting of the six-month period (commencement date). If the Licence Holder is in full compliance of its first Provisional AEL, a second and final PAEL will be issued for a period of one year. The final PAEL is only applicable if the Licence Holder can prove full compliance with its 2nd PAEL, for a period of at least six (6) months, as contemplated in section 42(1) of the National Environmental Management: Air Quality Act, 2004.

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. Emission monitoring must be undertaken as required by section 21 of the NEMAQA. Although category 10 does not specify any emission limits, the licence holder of the PAEL must comply with the emission limits that will be set in the PAEL and also Part 2 of the Listed Activities and Associated Minimum Emission Standards Identified in terms of Section 21 of the NEMAQA.
6. The LA may request the licence holder to submit an emission abatement plan prepared by an independent external competent person.
7. 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

8. 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

- 9.1 Please refer to paragraph 2 above.
- 9.2 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

- 10.1 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.
- 10.2 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

11. 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

12. 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.
13. 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

14. 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:

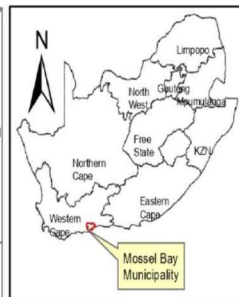
GRANTING LETTER REFERENCE: WCGR041





Site Development

Blast Freezing & Cold Store	Offices
Discharge settling tanks	Parking & Loading Area
Fish oil bundled area	RTO
Fish oil product tanks	RTO operational area
Fishmeal & Oil Processing	Raw fish tanks
Hard surfacing	Scrubbers
LSO & LP Gas tanks	Warehouse



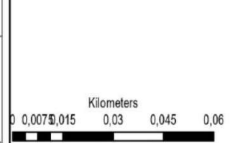
Afro Fishing Port of Mossel Bay

Legend

	AF_Development_Area
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Notes

- Map Scale is 1: 900 when printed on A3
- Aerial image courtesy of Google Earth Pro 2018
- Imagery date 11 August 2018



Map Drawn By:	Date	Reference
Melissa Mackay	2019/08/02	MOS569

Cape Environmental Assessment Practitioners (Pty) Ltd
 Telephone: +27 44 874 0062 17 Progress St
 Facsimile: +27 44 874 0637 PO Box 2078
 www.cea.co.za George 6530

SITE PLAN

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
<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:</p> <p><u>Boiler Stacks: (Controlled emitter S23)</u></p> <p>PS1- Boiler Stack 1- (Liquid fuel fired boilers) PM- 100mg/Nm³ SO₂- 500mg/Nm³</p> <p>PS2- Boiler Stack 2 – (Liquid fuel fired boilers) PM- 100mg/Nm³ SO₂- 500mg/Nm³</p> <p>The proposed stack heights must be a minimum of 15m 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 Afro Fishing plant. Stack testing at least once per annum in terms of the Controlled Emitter regulations.</p> <p><u>PS3- RTO stack</u></p> <p>The RTO stack must comply with the requirements of S 23- Gaseous fuel-fired small boilers- using natural gas and liquefied petroleum gas</p> <p>PM- 10mg/Nm³ SO₂- 35mg/Nm³ TMA: 1mg/Nm³</p>

	<p>H₂S: 1mg/Nm³</p> <p>The RTO efficiency must be kept above 96%. The PLC must be able to record RTO (combustion) efficiency. RTO efficiency must be measured biannually. One of these two biannual measurements must be conducted when the plant runs on full capacity.</p> <p>In no instance may the odour detection threshold for H₂S of 700ng/Nm³ be exceeded by any plant activity or plant process.</p> <p>In no instance may the odour detection threshold for TMA of 800ng/Nm³ be exceeded by any plant activity or plant process.</p> <p>The installation and operation of a RTO, together with a seawater and chemical scrubber is compulsory.</p> <p><u>Ambient Air Quality</u></p> <p>Under no circumstances may the ambient air quality limits for any applicable pollutant be exceeded. No foul product may be received and strict record keeping of raw materials will be monitored. Where practically possible, all landed raw material must be processed within 24 hours. If processing within 24 hours is not possible, raw material must be kept chilled until processed. A zero tolerance odour policy will be implemented from the onset. Emission limits for odorous compounds may not exceed its odour 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</p>	<p>There must be control mechanisms in place to manage critical control parameters from the harvesting of fish, i.e. keeping at correct temperature and during transportation and offloading.</p> <p>Notwithstanding the discharge water complying with the current and future NEM: ICMA Coastal Waters</p>

health, social conditions, economic conditions, cultural heritage and ambient air quality.

Discharge Permit, it must also comply with air quality requirements in terms of offensive odours.

The building envelope must be sealed, including, but not limited to windows, doors, vents, roof structures, etc. The proposed building plans must include this requirement in the building design and be approved by the Municipal Building Department. There must be a backup system in place during extraction unit malfunctioning. The Extraction unit must be powered by a backup power supply in the case of electricity malfunctioning or load shedding.

The EMP must be updated to include the new proposed plant.

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

The RTO 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 Afro, duration before processing, freezing capacity, time duration between defrosting and production (if applicable).

Social conditions:

The recommendations of the socio-impact report must be implemented.

GARDEN ROUTE DISTRICT MUNICIPALITY

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	<p><u>Economic conditions:</u></p> <p>The recommendations of the socio-economic impact report must be implemented.</p> <p><u>Health:</u></p> <p>The installation of the Best Available Technology, namely RTO, extractions system, seawater and chemical scrubbers is non-negotiable. All the recommendations of the Air Quality impact report must be implemented.</p> <p><u>Cultural heritage:</u></p> <p>The recommendations of the cultural heritage report must be implemented.</p> <p><u>Ambient Air Quality:</u></p> <p>Please refer to (a) above.</p> <p><u>Planning:</u></p> <p>It is supported that the applicant must apply for consent use in terms of the Mossel Bay Municipality's Integrated Zoning Scheme (2017).</p>
<p>(c) the best practical environmental options available that could be taken to-</p> <p>(i) prevent, control, abate or mitigate that pollution; and</p> <p>(ii) to protect the environment, including health, social conditions, economic conditions, cultural heritage and</p>	<p>The RTO (together with seawater and chemical scrubbers) are regarded as BAT in terms of category 10 of G.N. 893 that will be allowed by the Licencing Authority to abate all offensive odours.</p> <p>The suppliers of the RTO must also take responsibility for the design of the extraction/ ventilation system. There must be back-up power supply available for the controlling of the PLC and the ventilation/ extraction systems and the ID fans.</p> <p>Maintenance agreement with the supplier of the RTO is essential. This must include clauses that warrantees</p>

ambient air quality, from harm as a result of that pollution.	offensive odour-free operation at all times and back-up systems during plant breaks.
(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 Amendment Act, 2014 (Act 20 of 2014)	This Provisional Atmospheric Emission Licence decision was only granted after the Environmental Authorisation was granted. Please refer to EIA Granting letter with reference number: 16/3/3/1/D6/28/0027/19 issued on 27 July 2020.
(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	Cape EAPRAC confirmed in writing that the CEO of Afro Fishing complies with the rules of a fit and proper person.
(g) the applicant's submissions	The applicants 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	Not applicable.

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licencing authorities of their functions.	
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2. The site visit conducted on:

Date/s: **N/A**

Attended by: **N/A**

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 31 July 2020 at Garden Route District Municipality, Mossel Bay by the Licensing Authority, JP Schoeman, Manager: District Air Quality.

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Date of decision: **31 JULY 2020**

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 M. Mackay (EAP)

END