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ENQUIRIES: Ms. Jessica Christie
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The Municipal Manager
PRINCE ALBERT MUNICIPALITY
Private Bag X 53
PRINCE ALBERT
6930

Attention: Ms. A. Vorster

Tel: 023 541 1320
E-mail: anneleen@pamun.gov.za

Dear Madam

RE: COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED UPGRADE OF THE PRINCE ALBERT MUNICIPALITY'S KLAARSTROOM OXIDATION POND WASTEWATER TREATMENT SYSTEM SITUATED ON REMAINDER OF PORTION 32 OF THE FARM KLAARSTROOM 178, PRINCE ALBERT, WESTERN CAPE

1. The abovementioned proposal and the Draft Basic Assessment Report dated June 2019 and received by this Directorate from your environmental assessment practitioner, *EnviroAfrica*, on 5 June 2019, refers.
2. It is noted that the proposal entails the upgrade of the Klarstroom Waste Water Treatment Works ("WWTW"). The existing WWTW comprises of two (2) ponds. One of the ponds is an aerobic pond and the other pond is a facultative pond; the latter being in a watercourse, (i.e. an instream dam). It is also proposed to construct a 160mm uPVC pipeline of approximately 500 metres in length from the effluent storage point which will terminate in a new galvanized dam at the sports field.
3. After considering the information provided in the Pre-Application Basic Assessment Report, this Directorate has the following comments on the proposal:

3.1 General Requirements for a Basic Assessment Report

The Pre-Application BAR (Pre-App BAR) as submitted to this Directorate does not comply with Regulation 19(3) of the NEMA EIA Regulations 2014 (GN No. 982 of 4 December 2014, as amended 7 April 2017) as the DBAR does not comply with Appendix 1 of said regulation. The above determination is based on *inter alia* the aspects highlighted below:

3.1.1 Alternatives / Need and Desirability

Be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that the Department may grant

authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for.

Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option) in addition to the other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed.

Alternatives must consider the mitigation hierarchy e.g. avoidance of negative impacts, mitigate unavoidable negative impacts and maximise positive impacts etc. The alternatives presented must show how the mitigation hierarchy was employed in the process to determine the preferred alternative.

3.1.2 *Implementation programme*

Please note that, in accordance with the provisions of the Environmental Impact Assessment Regulations, 2014, a period for which the environmental authorisation is required must be provided. This period must be informed by the operational aspects and the non-operational aspects of the proposed development. As such, the date on which the activity will be concluded and the post construction monitoring requirements finalised, must be determined.

This Department requests that an implementation programme be provided which sets out the construction phase (non-operational aspects) of the proposed development and specifies the period required to conclude the respective activities (a date on which the activity will be deemed to have been concluded should be derived from such a programme). If the proposed development will include operational aspects, these aspects must be identified and the period for which the environmental authorisation is required must be provided. The term "N/A" in the DBAR on page 19 and 99 is not appropriate as it appears that there will be operational aspects. If it is perceived that no operational aspects are evident, kindly discuss this with this Directorate.

3.1.3 *Synchronisation of the WULA – EIA processes / applications*

As previously stated in comments, the synchronisation between the EIA process and the Water Use License Application ("WULA") process must be evident in the report. It is further noted that the Breede Gouritz Catchment Management Agency (BGCMA) that an application for a Water Use Licence must be submitted. None of this information is evident in the report.

All aspects of the WULA application must be detailed in the FBAR. It is noted in the comments that the BGCMA required a number of different reports to be submitted to the BGCMA for the WULA to be processed i.e. Hydrological studies. However, the appointed Freshwater Specialist, WATSAN (Mr. van Driel) indicated that no more hydrological studies are required. This Directorate is concerned about this statement as no detailed study has been undertaken to assess the impact on subsurface soil and groundwater where the proposed trenches for sludge etc. will be buried. The BGCMA must confirm in writing that they are satisfied with this aspect.

You are reminded that if these processes are not aligned, the lack thereof or delay as a result thereof may prejudice the success of the outcome of this application for environmental authorisation.

3.1.4 *Methodology used in determining and ranking impacts and risks associated with the alternatives*

The section in the DBAR that requires a description of the gaps in knowledge and the uncertainties is incomplete. Therefore, the impact assessment is misleading.

3.1.5 *Specialists Reports*

The contents of the specialist reports must meet the requirements outlined in Appendix 6 of GN No. 982 of 4 December 2014. The specialist reports as included and received by this Directorate does not meet the requirements in Appendix 6 as mentioned above. The specialist reports must be revised to comply with the requirements.

Kindly be reminded that any report deemed to be considered as a specialist report must comply with Appendix 6 of the NEMA EIA Regulations 2014.

It is suggested that a table be inserted in the respective reports that indicate the requirements of Appendix 6 and which sections in the report corresponds to the different requirements of Appendix 6.

3.1.6 *Environmental Management Programme (EMPr)*

The contents of the EMPr must meet the requirements outlined in Section 24N (2) and (3) of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") and Appendix 4 of GN No. R. 982 of 4 December 2014. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr as included and received by this Directorate does not meet the requirements in Appendix 4 as mentioned above. The EMPr must be revised to comply with the requirements.

It is suggested that the requirements as set out in Appendix 4 be incorporated in a table form where reference can be made to different sections in the EMPr that corresponds to the requirements of Appendix 4.

Greater clarity is required on the impact management outcomes in the EMPr, amongst others. It is also requested that the terminology in the EMPr related to the execution of tasks be checked for consistency.

In addition to the above, the following comments and concerns relating to the EMPr:

- Frequency of ECO site visits
No frequency of site inspections made by an ECO has been included in the EMPr.
- Operational and non-operational aspects
The EMPr must (where applicable) reflect both operational and non-operational aspects and deal with these in a structured manner in separate sections of the document.
- Auditing programme
It is noted in the EMPr that there is no section dealing with audits that must be undertaken at a required frequency. The author of the EMPr must include an auditing programme which will address the requirements of the Environmental Impact Assessment Regulations, 2014.

4. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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.
5. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to:

Ms. Inge Erasmus (EAP)

E-mail: admin@enviroafrica.co.za

Ms. Anneleen Vorster (Prince Albert Municipality)

E-mail: anneleen@pamun.gov.za

Ms. Keshni Rughoobee (DEA&DP: DDF)

E-mail: Keshni.Rughoobee@westerncape.gov.za