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**Environmental Assessment Practitioners**

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**CLOSE-OUT REPORT**  
**BASED ON ACTIVITIES RELATED TO**  
**COMPLIANCE NOTICE IN TERMS OF SECTION**  
**31L OF THE NATIONAL ENVIRONMENTAL**  
**MANAGEMENT ACT, 1998**

**Compliance Notice issued to:** Mr. Billy Miller  
P.O. Box 25, Elgin, 7180

**Compliance Notice by DEA&DP** 14/1/1/E2/5/9/3/0336/17

**Date of Compliance Notice issued:** 10 October 2019

**Period of close-out activities:** 28 February 2022 – 11 March 2022

**Auditor:** Mark Gentle

**Close-out report No:** 1

**Close-out report checked by:** Bernard De Wit

**Construction contractor:** Mr. Billy Miller

## 1. Introduction

Following investigation by DEA&DP Environmental Management Inspectorate into allegations of the commencement of a listed activity in contravention of section 24F of the NEMA of portion 22 of Farm Klipfontein no. 28 Caledon, it was found that Mr. Billy Miller illegally commenced with the clearance of critically endangered vegetation known as Elgin Shale Fynbos, and conducted excavation of trenches and infilling activities within a functional wetland resulting in the drainage of water from the wetland and damage to vegetation without the necessary requisite environmental authorization.

## 2. Remedial measures instituted as per directive from DEA&DP

- Immediately cease the identified illegal activities
- Submit to the department a rehabilitation plan compiled by a suitably qualified and experienced independent environmental assessment practitioner, which must include the following;
  - Assessment and evaluation of the impact on the environment
  - Identification of proposed remedial and/or mitigation measures; and
  - Rehabilitate the entire site to its original condition; and
  - Carry out any other measures to rectify the effects of the unlawful activity

## 3. Rehabilitation measures implemented as per approved rehabilitation plan

Activity	Required action/remediation to control environmental impact	Personnel responsible	In place Yes/No	Date
Overall impact on site	Environmental Awareness Training	Contractor / ECO	In place with on-site induction – signed off per worker	1 March 2022
Method statements	Draw up method statements for each remedial action	Contractor	Approved method statements	28 February 2022
Rehabilitation of excavated channels	Trenches completely filled in (process of in-filling to be followed by backfilling trenches in chronological order to maintain the different soil horizons	Contractor / ECO	In place as per recommendations illustrated in the rehabilitation plan	28 February – 5 March 2022
Backfilling process- No vegetation outside of the rehabilitation footprint is to be disturbed	Environmental induction and awareness of personnel on site i.e. apply good site management	Contractor / ECO	In place with on-site induction – signed off per worker	28 February – 5 March 2022
Moving substrate (subsoils) and separating vegetation from subsoils	Conservation of vegetation by placing excavated vegetation outside of substrate soil	Contractor / ECO	In place. Time of year February / March is very dry and dusty with little moisture in soils.	28 February – 5 March 2022
Infilling of eroded trenches – Trench running parallel with access road to Chiltern farm	Installation of silt fences and additional measures by inserting multiple silt fences with the 150m long trench	Contractor / ECO	In place. Multiple silt fences installed to prevent further erosion from activities further up the trench, but outside of the impact footprint	28 February – 5 March 2022
Infilling of eroded trenches – Trench running parallel with access road to Chiltern farm	Installation of additional erosion measures by inserting bales of hay within this trench by placing rows of bales of hay behind every third / fourth row of silt fence.	Contractor / ECO	In place. Inserting bales of hay 4 – 5 rows of additional mitigation measures inserted to prevent further erosion within the trench.	28 February – 5 March 2022
Addressing the occurrence of alien vegetation within the working footprint	Mechanical removal of alien invasive vegetation from the impacted footprint	Contractor / ECO	In place. Removal by mechanical means the occurrence of invasive vegetation.	28 February – 5 March 2022
Removal of preferential flow paths from the remediated footprint	All flow paths have been removed / levelled off to prevent any unnecessary drainage of the wetland	Contractor / ECO	In place. Removal and levelling of all identified flow paths from the identified footprint.	28 February – 5 March 2022

Removal of subsoils and infilling of trenches. Preventing unnecessary soil compaction.	Care taken not to over-compact the subsoils placed back into the trenches	Contractor / ECO	In place. Soils removed for infill not over compacted when placed in the trenches.	28 February – 5 March 2022
Revegetation of transferred soils placed as infill in the trenches	Only indigenous vegetation used to revegetate the soils transferred as infill materials	Contractor / ECO	In place. However...vegetation transferred during this dry season will take longer to revegetate relative to wet season transfers.	28 February – 5 March 2022
Removal / transfer of concrete pipes found within the trench running parallel with the access road to Chiltern Farm.	The concrete pipes were successfully removed from the trench by mechanical means.	Contractor / ECO	The Contractor used mechanical means to remove the pipes from the trench	28 February – 5 March 2022
Alien invasive plant removal from the impacted footprint	The Contractor will remain responsible for the management and removal of invasive plant species for a period of time. Vegetation will only be controlled by mechanical means.	Contractor / ECO	The Contractor will remain responsible for the management of invasive plant from the site.	Wet season period
Trenches adequately backfilled and levelled off to the level of the surrounding / adjacent areas	The berms on either side have been successfully levelled off to be coincide with the adjacent vegetation.	Contractor / ECO	In place. Materials and soils have been levelled off with the surrounding environment.	28 February – 5 March 2022
Toilets provided for all personnel on site	A portable toilet was provided for all personnel and placed within 150 meters from all activities	Contractor	In place.	28 February – 5 March 2022
Appointment of a suitably qualified ECO to oversee the project implementation	The Contractor appointed a suitably qualified ECO to oversee the rehabilitation project	Contractor	In place.	28 February – 5 March 2022
Monitoring of the rehabilitation project to be undertaken post construction and during the rehabilitation phase	The appointed ECO has maintained photographic evidence of the rehabilitation process.	Contractor / ECO	In place.	28 February – 5 March 2022
Maintaining the integrity of the 32m buffer zone which lies in close proximity of the proposed rehabilitation foot print	The 32m buffer zone was maintained and demarcated during the entire rehabilitation process. No activity took place near or within this buffer zone.	Contractor / ECO	In place.	28 February – 5 March 2022
Unnecessary clearing of vegetation from the rehabilitated footprint	No unnecessary vegetation was cleared from the rehabilitation / impacted footprint during the rehabilitation phase	Contractor / ECO	In place.	28 February – 5 March 2022
Generation of on-site waste during the rehabilitation phase	All materials / waste generated during the rehabilitation phase have been removed from site and disposed of as per the required waste stream regulations	Contractor / ECO	In place.	28 February – 5 March 2022
Erosion identified post rehabilitation	The Contractor will undertake to monitor erosion during the winter months and mitigate possible damage to trenches	Contractor / ECO	In place.	Post rehabilitation phase

#### 4. Summary of cumulative environmental observations during the rehabilitation period

- No environmental non-compliances were observed during the rehabilitation period when evaluated against the rehabilitation plan criteria
- A chemical toilet was available at all times during the project
- No littering was observed during the entire rehabilitation project
- Drinking water was available for personnel at all times during the project
- Adequate numbers of silt fences with the addition of bales of hay installed within the trench running parallel with the access road to Chiltern farm.
- The noticeable lack of infill material (sub-soil) to infill the trench running parallel with the access road to Chiltern farm, was addressed by installing multiple silt fences to curb further erosion along the trench.
- To further mitigate possible erosion along the Chiltern Farm road trench, the contractor installed additional measures by inserting rows of bales of hay behind

every 3<sup>rd</sup> row of silt fence. This measure will further contribute towards water retention and slow-down water flow, which in turn will form siltation ponds between every silt fence.

**5. Photographic monitoring of rehabilitation project**





