



DATE:

22 January 2018

REF:

AEL Reference Number: WCCT059

RESPONSE TO THE COMMENT RECEIVED ON THE 'COMMENT AND RESPONSES TABLE' FOR THE RENEWAL AND VARIATION OF ATMOSPHERIC EMISSION LICENCE FOR LUCKY STAR LIMITED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT 39 OF 2004)

- On 20 December 2017, comment was received from Ms. Kiara Worth on the 'Comments and Responses Table' for the abovementioned application.
- Please note that further communication will not be accepted. Further note that all information will be available to the City of Cape Town.
- Please see below the comments received and responses thereto. Responses were placed in blue next to the comment made, for ease of read.

Comment received from Kiara Worth:

Dear Mische and Ian,

Many thanks for sending through the comments and response table regarding the licence renewal for the Oceana fishmeal factory in Hout Bay.

Ian, are you able to provide an update on the status of this process? My understanding was that the City had 60 days to issue a response - this time has passed and we are not aware of any decision being made. Any updates, and indication of the process moving forward, would be greatly appreciated.

Mische, regarding the comments and response table, FAHB has gone through the document quite thoroughly and we have some comments and concerns I hope you can address. Please be aware that the document has not been distributed to any IAPs nor is it, or any other information, available on the PBP website. The website provided (<http://www.pbpscon.co.za/>) in your advert is clearly defunct. - It is not required to distribute to all I&APs, however it will be provided if requested. The document has also been made available on the website.

In general, we note that the responses in the document do not really relate to the comments being made - **We do not agree** – affected people have gone into detail explaining how Oceana's emissions impact their well-being, yet the responses provided are simply an explanation of Oceana's production process and other technical remarks. While we appreciate the information provided, no effort has been made to either acknowledge or address well-being concerns -**Please note health aspects have been addressed**. The only response provided is on Page 24 that reads "Concerns regarding health and well-being is noted and should be taken into consideration" yet no detail is provided on what this means, how this will be 'considered', or what action will be taken -**A new chemical scrubber was installed to further mitigate the emissions**. As such, the comment has not been responded to. In addition, a number of people comment on the impact the emissions have on tourism and business development, yet there is no response pertaining to this or any other information provided. The document needs to be

amended to include actual responses and not simply prepared answers - [The emissions are within permitted limits.](#)

We are also concerned about the due diligence followed in compiling this report. It is my understanding that the EAP acts as an independent consultant, gathering information from various sources - in this case Oceana and the City - to adequately respond to the comments raised. While it is clear that information has been gathered from Oceana, responses provided for any issues relating to the City simply say comments "must be taken up with the City itself" (Page 2) - [The City of Cape Town is the licencing authority and does not provide comments during the process.](#) Again, this is not a sufficient response. As a whole, it is our opinion that the responses reflect support for Oceana's operations and are somewhat biased in this regard - the issue of well-being is not addressed, information outside of Oceana has not been obtained, and numerous comments have simply not been responded to - [Independent Health Risk Impact Assessment as well as an independent Formalin Atmospheric Impact report were used in the responses.](#)

More specifically, I have the following questions:

- On Page 1 it is implied that emissions are in compliance with WHO standards for well-being – what standards are being referred to? I have the understanding that the WHO sets emissions levels for health in terms of H2S, but not for well-being. Please clarify. - [It is not implied that WHO sets standards for well-being. The response relates to emission standards.](#)
- On Page 1 reference is made to an "independent analysis conducted by Department of Environmental Affairs (DEA) and CSIR". Please can you provide further information including document name, date and reference. – [Human Health Risk Assessment for Contaminants in Air Associated with Fish Processing Plants in St Helena Bay, dated February 2011, conducted by Infotox on behalf of Department of Environmental Affairs. An assessment of Community Exposure and Potential Health effects of emissions from SA Sea Products in Hout Bay, June 1996 conducted by the CSIR. Note the Lucky Star factory was previously named SA Sea Products.](#)
- On Page 2 reference is made to the 2016 Health Risk Assessment conducted by Infotox and the response states that the assessment concluded there would be "no significant odour annoyance." This is **entirely inaccurate** and the conclusions of the report (specifically on Pg 10) state the exact opposite: "It is likely that odour detection... will be rated as unacceptable most of the time," and "It should not be a surprise that some people might find the odour sufficiently offensive over the long term to lodge formal complaints." The HRA clearly indicates a problem with odour annoyance, yet the response says the opposite. The information contained in the response needs to be amended accordingly. - [No reference to "It is likely that odour detection... will be rated as unacceptable most of the time," is found in the Toxicology report by Infotox dated 2016.](#)
- On Page 11 the response reads, "Further note that no formalin will not be released into the bay". Please clarify what this means. - [Terminology consistent with I&AP comment. Formalin will not be released into the seawater or air.](#)
- What is the source of information regarding the Section 189 process (Page 12)? - [The Section 189 process, which was facilitated by the Commission for Conciliation, Mediation and Arbitration \(CCMA\), and stakeholders meeting with press release issued by Oceana.](#) Specifically:
 - The response reads that "relocation was not favoured by the wider Hout Bay community" – how was this determined and what further information about this can be provided? - [The Section 189 process, which was facilitated by the Commission for Conciliation, Mediation and Arbitration \(CCMA\), and stakeholders meeting with press release issued by Oceana.](#)
 - The response reads that "Oceana was overwhelmed by community support." Reference is only made to the petition – what other factors were used to determine 'overwhelming community support'? Where can this information be sourced? - [The Section 189 process,](#)

which was facilitated by the Commission for Conciliation, Mediation and Arbitration (CCMA), and stakeholders meeting with press release issued by Oceana.

- On Page 18 the response states that it was the Company's intention to hold a public meeting in 2017. Is there any information to support this? During the course of 2017, no information was provided to the community regarding a meeting, an intention, or otherwise and there is no update on Oceana's website. Is there information about whether this meeting has been rescheduled or what the further intentions are? FAHB raised extensive concerns in our comment document regarding the lack of communication on the part of Oceana and the City, yet this has not been addressed anywhere in the document. - [The process for the renewal of an Atmospheric Emission Licence does not require a public meeting.](#)
- On Page 30 a response indicates that a public participation meeting was held in 2002 – can you confirm that this was in fact that last public meeting held regarding the fish factory, and that no further public meetings have taken place in the past 15 years? - [Yes, it was the last public participation meeting held as per then legal requirements. Since then no public participation meeting has been legally required.](#)
- In terms of the structure of the document, it is clearly divided into three sections, 'objections', 'accept' and 'neutral'. There are, however, some discrepancies:
 - Respondent 12 in "Accept" does not indicate favour of the license renewal and instead comments on the negative impact of the odour and the preference for fresh air. It is our opinion this would imply an opposition to the license and should be moved in the table accordingly – [this has been amended and the comment has been moved to the objections column.](#) In addition, the comment that "The renewal and variation of the AEL will provide Lucky Star more opportunities to improve the facility" is very subjective, particularly in the absence of any information in the document pertaining to future advancements in odour abatement technologies on the part of Oceana. This comment clearly reflects the bias contained throughout the document – [we disagree to this comment made.](#)
 - The submission from the Hout Bay Civic Association has been included twice - respondent 9 and 29 are identical. - [Retained because I&AP sent comments on two different dates.](#)
 - While we appreciate the attempt to have a 'neutral' section and the comments contained are not overtly expressed, the concerns very strongly object to the odour of Oceana's emissions. It is our opinion that this objection, in the absence of any indication of support for Oceana, should be contained in the 'objections' section. - [Comment classification amended.](#)

Lastly, will there be an analysis of this table in terms of understanding the overall community response to the licence renewal? – [No.](#) It would be helpful to understand how this information will be used in the decision-making process. - [The comment and responses will be used by the City of Cape Town.](#)

Please do let me know that you have received this email and if you need any further information.

Many thanks and wishing you all the best for the festive season.

Regards,
Kiara