



25 04 2016

To:

Ms Kiara Worth  
Fresh Air for Hout Bay  
[kiara.worth@gmail.com](mailto:kiara.worth@gmail.com)

**RE: FINDING SOLUTIONS TO THE ODOUR POLLUTION CAUSED BY THE OCEANA FISHMEAL FACTORY IN HOUT BAY**

Thank you for your letter dated 14 April 2016 regarding the abovementioned matter.

Please find my response below each of the items you have listed:

**Monitoring by the City of Cape Town:**

We note your concerns regarding monitoring undertaken by authorities. We however wish to comment as follows:

Monitoring has not only been restricted to the one and half hours referred to in response to complaints. Both the City of Cape Town Air Quality Management Staff and the Western Cape Government Department of Environmental Affairs and Development Planning - Air Quality Staff, have been conducting observations monitoring in Hout Bay whilst fish production has been underway.

These monitoring sessions have included night time observations as well as weekend observations.

A number of planned night time observations are being scheduled for the month of May. These will include surprise visits to the factory as well as involve a team of staff who will make observations from a number of different locations in the Hout Bay area.

**City's refusal to engage with concerned residents:**

On the one hand you state that there has been no engagement with the City. Then on the other hand you state that representatives of FAHB have met with Cllr Mamkeli – MAYCO Member for Health.

Subsequent to that initial meeting, the City was informed that the Factory was commencing a Section 189 Labour Relations Act process to investigate closure and relocation.

With this matter now being moot, we would welcome the scheduling of a follow-up meeting between representatives of Fresh Air for Hout Bay with the City of Cape Town's MAYCO Member for Health; The Western Cape Government, DEADP, Air Quality Management Unit and the City's Air Quality Management Unit to discuss the latest developments regarding monitoring and regulation of the Lucky Star Factory.

### **A question of ethics/failure to conduct an EIA**

The City notes your concerns regarding conducting of an Environmental Impact Assessment.

The EIA Regulations promulgated in terms of the National Environmental Management Act (NEMA) only makes provision for operators of Listed Activities to conduct Environmental Impact Assessments of activities that are listed. These would include new listed activities, expansion to existing activities and the decommissioning of certain activities.

As Oceana has not triggered any of these activities the authorities are not in the position to call for an EIA to be conducted in terms the NEMA EIA Regulations.

We are however empowered to review the Atmospheric Emission Licence issued to Lucky Star. This process further allows the Licensing Authority to call for an atmospheric impact report in accordance with Section 30 of the National Environmental Management: Air Quality Act.

In this regard we have issued Oceana with a Notice of intention to review Lucky Stars Atmospheric Emission Licence as per Section 45 of the Air Quality Act.

This review process will take some months to conclude. It will be informed by:

1. An Atmospheric Impact Report which is to be conducted by an appointed competent, independent, air quality specialist.
2. An independent review and report of the factory operations as conducted by an independent expert appointed by Lucky Star.
3. A review of production records, complaints register, annual reports, odour management plan, and stack emissions monitoring reports.
4. Revision of conditions of authorisation.

### **Lack of centralisation**

We note your concerns regarding the lack of centralised system for logging of complaints. The reality is that various spheres of government have different competencies relating to the management of the Hout Bay harbour precinct. Complaints need to be lodged with the authority responsible for the particular competency.

Regarding the logging of complaints related to factory emissions, the competency rests with the City's Air Quality Management Unit. In this regard the community have two options.

1. To lodge the complaint with the City's Air Quality Management Unit. Complaints can be e-mailed to [Ian.Gildenhuys@capetown.gov.za](mailto:Ian.Gildenhuys@capetown.gov.za) providing full details of the complaint, the complainants physical address and contact telephone number, or alternatively,
2. Make use of the online complaints page as set up by Oceana.

### **Misinformation perpetuates social unrest**

We concur that misinformation perpetuates social unrest. We however note that the origin of much of the misinformation is published on the social media platform instigated by your organisation.

We note that residents of Hout Bay are even encouraged to bombard officials with complaints. Unfortunately this can be a detrimental approach, as in one instance a highly exaggerated complaint was lodged and investigated in the evening of the 11<sup>th</sup> of April, where it was alleged that the odour was so bad that the occupant had to evacuate his residence to a Bed and Breakfast establishment. Upon arrival at the complainant's house 20 minutes after the complaint was lodged, the official observed in the presence of the complainant, that no odours were found to be present in the area.

**Health, well-being and socio-economic impacts being ignored**

The City disagrees with the view you have expressed. The City is very concerned about the Health and wellbeing of all the residents of Hout Bay.

However maintaining a balance between job opportunities retention for the poorest of poor residents of Hangberg and sense of wellbeing of the broader community of Hout Bay is no easy task, especially in the light of the current regulatory environment.

**Finding Solutions**

Within the ambit of air quality management, the City is engaging with Oceana to appoint independent experts to:

1. Conduct a review of the Lucky Star factory operations and make recommendations for improvement.
2. Conduct an Atmospheric Impact Assessment and Report as provided for in Section 30 of the National Environmental Management Air Quality Act.

This information will inform the review of Lucky Star's Atmospheric Emission Licence with a view to amending the operating conditions contained in the Atmospheric Emission Licence where warranted.

We thus would welcome further engagement with your organisation to discuss this matter further.

Yours faithfully



Head Specialised Environmental Health