

SECTION B: PERMIT HOLDER'S DETAILS

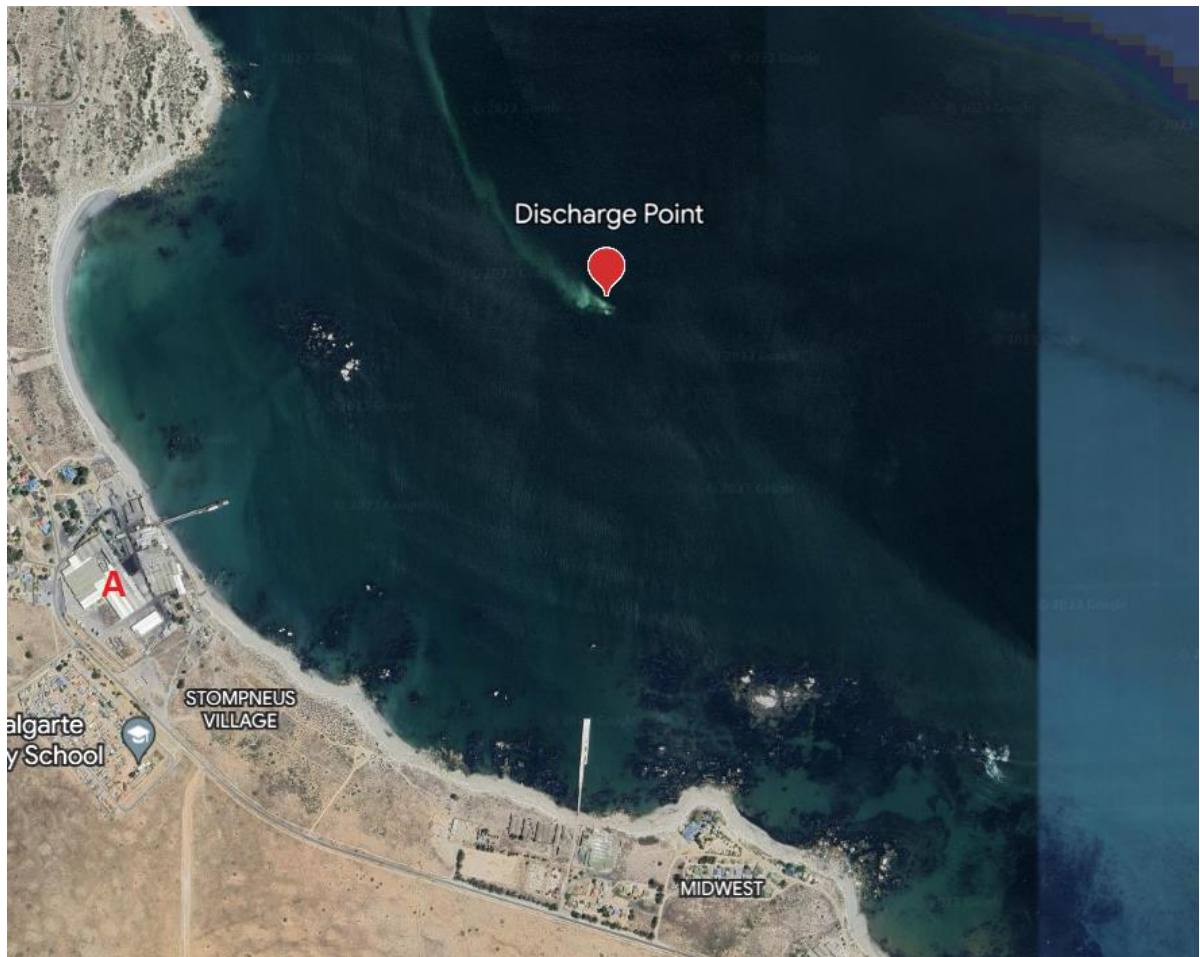
Permit Holder : Lucky Star (Pty) Ltd

SECTION C: ACTIVITY DETAILS

Effluent Classification : Cooling water, brine and fish processing effluent
Maximum daily discharge volume : 35 267 m³
Location of Discharge : Offshore
Pipeline Length : Approximately 1.3km
Co-ordinates of the end of the outfall (endcap) : 32° 43' 09.4"S, 17° 59' 17.1"E .
Mixing Zone : 300m

SECTION D: DESCRIPTION OF THE PROCESS, LOCATION OF SITE AND DISCHARGE LOCATION

1. Lucky Star Limited is located in Stompneus Bay, St Helena Bay, Western Cape.
2. The effluent discharged from Lucky Star into coastal waters consists mainly of:
 - a) Sea water scrubber & barometric condensers (i.e. water for direct cooling of vapour);
 - b) industrial fish offloading;
 - c) canning process (i.e. blood water effluent); and
 - d) brine from the reverse osmosis plant.
3. A total effluent volume of 35 267m³ per day is discharged by Lucky Star into the sea via a 1.3km offshore pipeline. However, the pipeline is not properly functional and requires repairs.



4. Figure 1: Map of the Lucky Star Fish Processing Plant (A) and the discharge point

SECTION E: GENERAL CONDITIONS

1. In this permit, a reference to the permit holder includes the entity; its directors; employees (whether permanent, full-time or part-time); and its contractors, agents, and advisers acting in the course and scope of their employment/contractual relationship.
2. This permit may not be transferred or assigned to any other person or organisation, except with prior written permission from this Department.
3. In accordance with section 74(4) of the ICM Act, an appeal against this permit does not suspend the permit, unless directed otherwise by the Minister.
4. The permit holder is liable for the annual fee if prescribed by the Minister in the Government Gazette from time to time, as contemplated in section 83 (2) and (3) of the ICM Act, for the purpose of covering the cost to the Department of monitoring compliance with permit conditions.
5. The permit holder must grant access to the facility to any authorised official representing the Department who requests access for the purposes of assessing and/ or monitoring compliance with the conditions of this permit, including to collect samples, at any reasonable time during the validity of this permit.

6. A copy of this permit must be kept at the site and must be produced to any authorised official representing the Department upon request and any employee or agent of the permit holder who works or undertakes work at the site.
7. In accordance with section 68 of the ICM Act, the Department reserves the right to revoke, cancel, suspend or amend this permit, if –
 - 7.1 the holder of the permit contravenes or fails to comply with a condition of this permit;
 - 7.2 the permitted use conflicts with a relevant coastal management programme or will significantly prejudice the attainment of a relevant coastal management objective;
 - 7.3 changes in circumstances require such revocation, suspension, cancellation, or amendment of the permit. These circumstances include, *inter alia*, where such action is necessary or desirable to prevent deterioration or further deterioration of, or adverse effect on, the coastal environment and/or if it is in the interest of the whole community; or
 - 7.4 it is necessary to meet the Republic's international obligations.
8. The permit holder must ensure compliance with the provisions of the duty of care stipulated in section 58 of the ICM Act read with section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA).
9. Non-compliance with the conditions of this permit is an offence, and may, in addition to criminal prosecution, result in the issuance of a coastal protection notice. In addition, it may be taken into consideration if and when a renewal application is submitted.
10. All reports and correspondence required to be sent to the Department relating to this permit must be submitted to: The Deputy-Director General: Oceans and Coasts, Department of Forestry, Fisheries and the Environment for the attention of: The Director: Coastal Pollution Management either by hand to: 2 East Pier Building, East Pier Road, V&A Waterfront, Cape Town, 8012 or electronically to: cwdp@dfpe.gov.za and copy Mr Rueben Molale (E-mail: rmolale@dfpe.gov.za), Ms Tandiswa Jacobs (E-mail: tjacobs@dfpe.gov.za) and Mr Bongumenzi Gumbi (E-mail: bgumbi@dfpe.gov.za quoting reference number (2014/015/WC/LUCKY STAR) in all correspondence.

SECTION F: SPECIFIC CONDITIONS

1. EFFLUENT QUANTITY

- 1.1 The permit holder must not exceed the maximum daily effluent discharge volume **35 267 m³** per day as stipulated in Section C of this permit.

2. EFFLUENT QUALITY

- 2.1 No material other than the effluent and its constituents authorised by this permit may be discharged into the coastal environment from the discharge location or at all.
- 2.2 The specific maximum limits prescribed in **Table 1** for the listed constituents of the effluent must not be exceeded in the discharge through the outfall.

Table 1: Effluent discharge limits for parameters in the final effluent prior to discharge into the coastal environment

PARAMETER	2023-2024 INTERIM LIMITS	2025-2026 20%	2026 – 2028 20%	FREQUENCY
pH	5.5-9.5	5.5-9.5	5.5-9.5	Weekly
Temperature (°C)	30	30	30	Weekly
Salinity	36	36	36	Weekly
Fat, Oil and Grease (mg/l)	946	757	605	Monthly
Total Suspended Solids (mg/l)	1779	1423	1138	Monthly
Chemical Oxygen Demand (mg/l)	6533	5226	4181	Monthly
Ammonia (mg/l)	115	92	72	Monthly

3. MONITORING REQUIREMENTS

3.1 Compliance with monitoring requirements

3.1.1 The Department reserves the right to instruct the permit holder to modify any monitoring programme or to implement any supplementary monitoring if the Department suspects that the monitoring programme implemented by the permit holder:

3.1.1.1 does not meet the requirements of this permit,

3.1.1.2 does not meet the environmental objectives for the receiving environment, and/ or

3.1.1.3 does not provide adequate information on which to determine the effects of the effluent on the receiving environment.

3.2 Effluent quantity (flow) monitoring

3.2.1 The quantity of effluent discharged must be continuously metered and recorded with pump capacity records.

3.2.2 Subject to condition 3.2.4 below, device calibration must be completed by a competent person at intervals prescribed in the equipment's operation manual with the first calibration to be done on issuance of this permit.

3.2.3 Records of such calibration are to be kept on site and provided upon request of an authorised official of the Department.

3.2.4 The recording equipment must be maintained in a sound state of repair and additional calibration must be effected whenever repair or maintenance work on the equipment is required.

3.3 Effluent quality monitoring

3.3.1 The quality of the effluent discharged via the outfall must be monitored by taking a grab sample as per the frequency in **Table 1** and analysed at a South African National Accreditation System (SANAS) accredited lab.

3.3.2 The date and time of submission of the grab sample as well as the monitoring point from which each sample was taken must be documented, together with the results.

4. RECEIVING ENVIRONMENT QUALITY

4.1 An updated environmental monitoring programme must be submitted to the Department for approval within 6 months of issuing of this permit and must include, as a minimum, the following:

4.1.1 Background and purpose of the discharge and monitoring including a map of the discharge point.

4.1.2 General information regarding the components of the monitoring programme.

4.1.3 Survey design including the purpose, approach used and data analysis and interpretation of the following components:

4.1.3.1 Effluent characterisation;

4.1.3.2 Whole effluent toxicity testing to understand the toxicity levels and the cumulative impact;

4.1.3.3 Water quality including a detailed map of the sampling stations where water quality will be monitored *in situ* and water samples collected for analysis; table detailing the suite of analyses, number of samples analysed and method detection limits;

4.1.3.4 Sediment (physical, organic, and inorganic chemicals monitoring) and benthic macrofauna including a detailed map of the sampling stations where sediment is collected for sediment quality and benthic macrofauna; Table detailing the suite of analyses, number of samples analysed and method detection limits;

4.1.3.5 Detailed appendices including:

4.1.3.5.1 Table with GPS coordinates of each water station sampled, water collection depths, and indicators measured *in situ* and those analysed in the laboratory;

4.1.3.5.2 Table detailing the suite of organic chemicals analysed in sediment;

4.1.3.5.3 Table with GPS coordinates of each sediment station sampled, and sediment quality indicators analysed in the laboratory.

- 4.1.4 Assessment of compliance with the environmental quality limits at the end of the mixing zone and validation of the numerical modelling results.
- 4.1.5 Assessment of historical baseline data to determine the potential long-term impacts resulting from the effluent discharge on the receiving environment.
- 4.1.6 Monitoring of trends and changes in the receiving environment related to the ecological health of important ecosystems and designated beneficial uses.
- 4.2 Once approved by the Department, the environmental monitoring programme must immediately be implemented. Thereafter, annual environmental monitoring must be conducted, preferably during the same season and month.
- 4.3 Analytical results must be compared against the South African Water Quality Guidelines for Coastal Marine Waters **Volume 1** - Natural Environment, Department of Water Affairs and Forestry (DWAF) 1995 and **Volume 2** - Recreation, Department of Environmental Affairs (DEA) 2012 or any amended/updated version thereof.

5. MONITORING POINTS

- 5.1 The effluent samples must be collected at the sampling point at the Jetty (Coordinates: 32°43'24,84"S 17°58'39,34"E).
- 5.2 The Department may prescribe additional monitoring points in the receiving environment, if deemed necessary.
- 5.3 Monitoring points may not be changed without prior notification to, and written approval by, the Department.

6. SAMPLE ANALYSIS REQUIREMENTS

- 6.1. All sample analyses must be carried out in accordance with methods prescribed by, and obtainable from, SANAS in terms of the Standards Act, 1982 (Act No. 30 of 1982), unless another comparable method has been approved of, in writing, by the Department.
- 6.2. The permit holder must, upon request, permit access to any authorised official or representative of the Department to undertake audit sampling.
- 6.3. The Department may request the method of analysis be changed depending on new technologies, requirements or needs.

7. PIPELINE INTEGRITY AND CONDITION

- 7.1. The part of the pipeline above the high-water mark must be inspected on a **weekly basis** to check for any malfunctions. Records must be kept of such inspections and malfunctions must be reported.
- 7.2. It is noted that the pipeline is unstable and experiences persistent malfunctions. The permit holder is requested within 1 month of the issuance of this permit to:

- 7.2.1. appoint a specialist to undertake the necessary to either fix the current pipeline or instal a new one. All relevant authorisations must be obtained; or
- 7.2.2. appoint a specialist to assess whether the pipeline may be shortened without compromising the environment. Within 3 months of appointment, the specialist shall provide a report to the Department for consideration as to whether to permit the pipe length to be shortened after which all upgrades to the shortened pipeline must commence. The specialist must indicate the timeline needed for the pipeline shortening to be complete.
- 7.3. The permit holder must conduct surveys to monitor the stability of the pipeline infrastructure as well as to assist in detecting any mechanical failure which includes a survey of the integrity of the full length of the marine outfall pipeline and associated structures annually from the date of issue of this permit to ensure that maintenance is done as soon as required given the current status of the pipeline. Once upgraded, monitoring must take place annually every three years.
- 7.4. The Department reserves the right to inspect the marine outfall pipeline and associated structures and equipment independently and may appoint any person to do such an inspection.

8. MALFUNCTIONS/ABNORMAL CONDITIONS

- 8.1. In addition to complying with any other legislative requirements, such as for example section 30 of NEMA, all malfunctions must forthwith, or where that is not possible, within 5 (five) calendar days, be reported to the Department.
- 8.2. Accurate, up-to-date records of all system malfunctions resulting in the disposal of effluent not in accordance with the requirements of this permit must be kept.
- 8.3. The permit holder must conduct monitoring as normal during abnormal conditions as specified in this permit.
- 8.4. The following headings must be used for the above records, accompanied by a full explanation of all contributory circumstances and proposed/implemented mitigation measures:
 - 8.4.1. operating errors;
 - 8.4.2. mechanical failure (including design, installation, calibration, inspections, and maintenance);
 - 8.4.3. environmental factors (e.g., floods, storms, lighting, etc.);
 - 8.4.4. loss of supply services (e.g., power failure, water supply failure, etc.)
 - 8.4.5. other causes; and
 - 8.4.6. other relevant information.

9. CONTINGENCY PLANS

- 9.1 An updated Contingency Plan must be submitted to the Department within 6 months of issuing of this permit. The plan must include the following aspects:
 - 9.1.1 Clear action plan(s) on mitigating measures to protect other users of the affected coastal environment (such as site notice boards or media releases (newspapers, radio or television)

informing users (public) of the potential risks, demarcation of polluted areas, if required, notification of industrial users of seawater and marine aquaculture farms, as well as procedures to be followed in assisting with protection of such facilities against pollution), must be provided by the permit holder.

9.1.2 If an incident resulting in a discharge that exceeds the limits prescribed in this permit occurs (whether the requisite permission has been obtained from the Department or not), the permit holder must report the incident immediately to the Department, or where that is not possible, at the earliest opportunity, which must be within five calendar days, providing full details of the:

9.1.2.1 cause of the incident

9.1.2.2 the measures taken to mitigate the incident

9.1.2.3 alternatives considered other than the discharge of effluent

9.1.2.4 the volume of effluent released

9.1.2.5 the location of the effluent released and

9.1.2.6 any other information requested by the Department after reporting the emergency.

9.2 The permit holder must, in addition to the condition above, comply with the requirements of section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), where applicable.

9.3 The permit holder must ensure that the contingency plan, once approved by this Department, is immediately implemented at the facility mentioned in Section B.

10 INVESTIGATIONS

10.1 The permit holder must investigate methods for continuous improvement of the effluent quality to meet the limits in Table 1.

10.2 Within 2 months of the issuance of this permit, the permit holder must identify a suitable specialist to undertake such investigations and submit the relevant CV to the Department for approval.

10.3 Within 4 months of approval, the specialist must compile a report detailing the outcome of the investigations and mechanisms for effluent improvement.

10.4 The Department reserves the right to instruct the permit holder to implement any improvements identified in the report or as may otherwise be required..

11 DECOMMISSIONING

11.1 The permit holder must provide a decommissioning plan for the pipeline to the Department one year prior to the planned date of the decommissioning of the pipeline.

12 PERMIT ADVISORY FORUM

- 12.1 The permit holder must establish or join Permit Advisory Forum (or equivalent body) operational within the areas where the discharge takes place (Forum).
- 12.2 The Forum must, at a minimum, meet once every **quarter**, to discuss compliance with the permit conditions by the permit holder, current and future monitoring initiatives, continuous improvement initiatives, contingency plans, incidents, and reporting requirements as well as general effluent issues.
- 12.3 The Forum should, as far as possible, comprise of the permit holder (or a representative), interested, and affected parties (such as NGO's, local interested groups, etc.) and relevant government institutions.
- 12.4 The Forum may be established for either a single pipeline (i.e., one permit holder) or a receiving environment (i.e., several permit holders).
- 12.5 The Forum may be facilitated by an independent facilitator.
- 12.6 The Forum must make efforts to advertise the meetings widely to ensure a well-represented stakeholder attendance at meetings. At least one meeting per year must be advertised in a local or provincial newspaper widely distributed in the area of operations. Proof of such advertisement must be sent to the Department.
- 12.7 The Forum must record detailed minutes of the meetings which must be submitted to the Department.
- 12.8 In the final year of the permit validity, the Forum must inform relevant stakeholders of the intention to renew the permit (if applicable) and must publish notification of such in a relevant provincial or local newspaper widely circulated in the area in both English and any other language widely spoken in the affected area. Stakeholders must be provided with an opportunity to comment on the proposed renewal at the meeting and/ or to send written comments within 30 days of the meeting or advertisement. The comments must be considered and captured in a comments and responses table which must be provided to the Department together with the renewal application.

13 REPORTING REQUIREMENTS

- 13.1 All reporting to the Department must be in writing as per Table 2:

Table 2 : Reporting requirements and frequency

REPORT TYPE	FREQUENCY OF REPORTING
Incidents that have occurred during an emergency (section 30 report as per NEMA), malfunctions or upset conditions	Immediately, or where that is not possible, within 7 (seven) calendar days
Minutes of Permit Advisory Forum meetings	Within one month of the meeting
The daily (quantity) in cubic meters and Weekly (quality) and Monthly (quality) discharged values	Quarterly

Environmental Monitoring Survey	Annually
Pipeline integrity	Annually
The calibration certificates for flow meters, recording and integrating devices as per the manufacturer's requirements for each piece of equipment	Annually

13.2 Any defects or deficiencies in terms of the coastal outfall pipeline must be reported to the Department **immediately**, or where that is not possible, within **5 (five) calendar days** together with an explanation as to why immediate reporting was not possible. Where necessary, repairs must be carried out on the pipeline immediately.

14 PERMIT VALIDITY

14.1 This permit is valid for a period of **5 (five) years** from the date of issue, subject to a compliance review as deemed necessary by the Department during the validity period of this permit.

14.2 The permit holder must submit a renewal application at least 6 (six) months before the expiry of this permit to the Department.

14.3 Where a renewal application has been submitted to the Department before the lapsing of the validity period, the validity of this permit will automatically be extended ("the period of administrative extension") from the day before this permit would otherwise have lapsed, until the renewal application has been decided.