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Enquiries
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Datum
Date
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23 NOV 2009

Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEBE leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso

The Director
KaaP Agri
PO Box 22
Malmesbury
7299

For attention: Mr. L. Arendse

Tel: (022) 482 8000
Fax: (022) 482 8100

Dear Sir

APPLICATION: THE PROPOSED INSTALLATION OF AN ADDITIONAL 85 000L DIESEL TANK AND ASSOCIATED INFRASTRUCTURE ON ERF 3323, ABATTOIR ROAD, MOORREESBURG.

With reference to your application, find below the environmental authorisation in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposed activity entails the expansion of the existing fuel depot that is located on Erf 3323 and associated infrastructure, Abattoir Road, Moorreesburg. The proposed activity comprises the installation of one additional above ground diesel tank with a capacity of 85 000L and associated infrastructure to the southern side of the existing installation. The existing fuel depot on the proposed site comprises four 85 000L above ground diesel tanks and associated infrastructure.

The site will be accessed via the existing access road to the facility (Abattoir Road, Moorreesburg). No changes will be made to the existing access point to accommodate the proposed development. Existing electricity supply to the site will be utilised.

These are activities identified in Government Notice No. R386 of 21 April 2006 and Government Notice No. R387 of 21 April 2006, being:

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G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region B), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1 and 17
3. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of the relevant legislation.
4. No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
5. The proposed installations must be designed, installed and managed according to all relevant SANS standards and codes, Occupational Health and Safety Act No. 85 of 1993 (OHSA) requirements, Major Hazardous Installation Regulations and by-laws.
6. The Environmental Management Plan ("EMP") submitted as part of the application for environmental authorisation (and herewith authorised) must be implemented for all phases of the development. The following requirements must be included in the EMP:
 - 6.1. No water is to be used to mitigate dust during the construction phase. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) must be implemented instead.
 - 6.2. Working hours, during the construction period, must be restricted to the following times:
 - 08h00 - 17h00 Mondays to Fridays;
 - 08h30 - 14h00 Saturdays; and
 - No construction on Sundays and public holidays.
7. The holder of the authorisation must appoint a suitably experienced Environmental Control Agent (or site agent where appropriate) for the construction phase of the development before commencement of any land clearing or construction activities to ensure that the mitigation measures and conditions of the authorisation are implemented and complied with.
8. The proposed diesel storage tank must be installed on concrete hardstanding.
9. All pumping equipment must have emergency stop switches to shut off the pumps in the event of an emergency.
10. With respect to product delivery, the following must be implemented:
 - 10.1. The product delivery lines must be equipped with emergency cut off valves to mitigate the possibility of leaks.

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- 10.2. Shear off valves must be placed between the dispenser nozzle and hose to prevent product free flow in the event of a drive-away during vehicle product delivery of liquid product.
- 10.3. During tanker delivery of product at the facility, the tanker driver must be present at all times during product off loading.
11. Other vehicles must not be permitted in close proximity to tankers while off-loading of product is in progress.
12. With respect to staff training, the following must be implemented:
 - 12.1. All staff must be adequately trained to handle diesel and be informed about the safety requirements and risks associated with the installation. They must be regularly reminded of their respective roles in emergencies.
 - 12.2. Staff must be trained on the safe operation and handling of diesel with documented management and operating procedures available for inspection and review.
13. Filling procedures for the diesel replenishment, as developed by the supplier, must be displayed in the works area and must be adhered to.
14. The applicant must ensure that diesel delivery vehicles comply with safety and road transportation legislation.
15. The applicant must adhere to all relevant procedures put in place and must ensure that effective stock inventory monitoring, recording and regular auditing will take place for the early identification of possible leaks and to keep a leak history for the site. Should any leaks be discovered, remediation of the pollution must take place immediately.
16. A product-specific Emergency Procedure Plan must be implemented for the entire facility on site.
17. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision to authorise the activity -
 - 17.1. Notify all registered interested and affected parties of the outcome of the application and the reasons for the decision;
 - 17.2. Specify the date on which the authorisation was issued;
 - 17.3. Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 17.4. Advise all registered interested and affected parties that, should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By post: Provincial Minister for Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 9th Floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street

**Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)**

Cape Town
8001

- 17.5. Inform every interested and affected party that a prescribed Notice of Intention to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp>.
- 17.6. Inform all interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the Notice of Intention to Appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant; and
- 17.7. If the applicant should decide to appeal, the applicant must –
- 17.7.1. lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision;
 - 17.7.2. submit the appeal within 30 days of the lodging of the notice of intention to appeal; and
 - 17.7.3. serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.
18. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
19. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
20. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
21. A copy of this authorisation must be kept at the property where the activity (ies) will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
22. Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.
23. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
24. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
- (i) The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wish the rights and obligations

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contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activity(ies) was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.

- (ii) The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.

If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.

25. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
26. The activity which is authorised may only be carried out at the property indicated above.
27. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
28. This activity must commence **within a period of three years** from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

H. REASONS FOR THE DECISION:

All the following information that was available to the Department was taken into account in the Department's consideration of the application –

- a) The information contained in the Notice of Intent (dated June 2009 and received by the Department on 01 June 2009), the Application Form, Basic Assessment Report and EMP (dated October 2009 and received by the Department on 15 October 2009);
- b) Relevant information contained in the Departmental information database;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

The conditions of this authorisation reflect a precautionary approach by this Directorate without unnecessarily infringing on the rights of individuals or institutions to voluntarily have such facilities erected upon their property. All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

Environment

The site is located in the Moorreesburg industrial area. The current use of the site includes the storage and distribution of diesel to the surrounding farms. The pictures of the site Attached to the BAR indicated that there is no evidence of sensitive vegetation on the site. The site is surrounded by the light industries. No significant environmental impacts are

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associated with the proposed development due to the developed nature of the site and the surrounding area.

Policy: Regional/Planning context

The proposed installation is an expansion to the existing fuel depot which is zoned as Medium industrial and thus would not require rezoning. The site is located within the existing industrial area of Moorreesburg.

Activity Need and Desirability

The proposed activity entails the expansion of an existing fuel depot which currently stores and distributes diesel to the surrounding farms. The existing fuel depot does not meet the required demand. The proposed expansion will meet the consumer and production demand of diesel of the surrounding farms.

Construction Phase Impacts

During the construction, it is likely that impacts associated with noise and vibration, and odours will occur. The site is located in an existing Industrial Area in the town of Moorreesburg where noise and vibration is common throughout the day. All waste generated during the construction activity will be removed by private waste contractors. The facility will thus have minor negative impacts during the construction phase.

Cumulative impacts

The impacts associated with the above ground diesel tank installation and associated activities will lead to a cumulative negative impact. The cumulative impacts of the proposed activity will be contained due to the nature of the installation. The proposed additional diesel tank will be installed in a bunded area that will be completely watertight and should a leak occur it will be contained in the bunded area. The site is located in an industrial area where noise and vibration already occur. However, due to the nature of the site, the risk of off site contamination is minimal. The facility will have minor negative cumulative impacts.

Alternatives

Various alternatives were assessed and considered against the baseline of the no-go option in respect to the proposed extension.

Alternative 1 (Preferred Alternative – herewith authorised)

The proposed activity entails the expansion of the existing fuel depot that is located on Erf 3323 and associated infrastructure, Abattoir Road, Moorreesburg. The proposed activity comprises the installation of one additional above ground diesel tank with a capacity of 85 000L and associated infrastructure to the southern side of the existing installation. The existing fuel depot on the proposed site comprises four 85 000L above ground diesel tanks and associated infrastructure.

The site will be accessed via the existing access road to the facility (Abattoir Road, Moorreesburg). No changes will be made to the existing access point to accommodate the proposed development. Existing electricity supply to the site will be utilised. This alternative is preferred and herewith authorised.

Alternative2

The second alternative entailed the installation of an additional above ground diesel tank with a capacity of 85 000L to the eastern side of the existing installation. However, this alternative was not preferred due to the length of piping that will need to be installed.

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Alternative 3

The third alternative entailed the installation of two 45 000L of diesel tanks on the southern and eastern side of the existing installation. This alternative was not preferred due to the installation being split into two. As such, potential impacts would therefore be increased and management more difficult.

No-Go Option

The "no go" option has also been considered by the applicant. The "no go" option will mean that the existing fuel depot will remain as it is currently and this will not meet the increase in demand. With no unacceptable negative impacts associated with the preferred alternative, the consideration of the "no-go" option was not warranted.

Public Participation

The public participation process entailed:

- Identification of interested and affected parties;
- Fixing a notice board at the site where the activity is to be undertaken;
- Giving written notice to-
 - The owners and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site;
 - The owners and occupiers of land within 100 metres of the boundary of the site;
 - The Ward Councillor in which the site is situated;
 - The municipality which has jurisdiction in the area; and
 - The various organs of state having jurisdiction in respect of any aspect of the activity;
- Placing an advertisement in one local newspaper, the *Cape Argus* on 14 May 2009.

All the issues raised and comments received during the public participation process were adequately responded to by the Environmental Assessment Practitioner and adequately addressed during the process.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

I. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

Any person, who wishes to appeal against this environmental authorisation, must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of one of the following methods:

By post: Provincial Minister for Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
Cape Town
8000

***Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)***

By facsimile: (021) 483 4174; or

By hand: 9th Floor Utilitas Building
1 Dorp Street
Cape Town
8001

A prescribed Notice of Intention to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email jedevill@pgwc.gov.za or URL <http://www.capecapegateway.gov.za/eadp>.

All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant should decide to appeal, the applicant must serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



**ANTHONY BARNES
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)**

DATE OF DECISION: 23-11-2009

Copies to: (1) Mr. Kleinveld (Swartland Municipality)
(2) Mr. Thackwray (Petrostruct and Design)

Fax: (022) 487 9440
Fax: (021) 426 5884