



24G APPLICATION REF: 14/2/4/2/1/A8/80/0010/20

ENQUIRIES: Shafeeq Mallick

The Managing Director
BP Southern Africa (Pty) Ltd
199 Oxford Road
Oxford Parks
Dunkeld
JOHANNESBURG
2196

Email: Puseletso.dhlamini@za.bp.com

Tel: (079)845 7068

Attention: Mr Anthony Leon

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF ILLEGAL ACTIVITY OF FUEL VOLUME INCREASE AT SIGNATURE FLIGHT, ERF 178524, BEECHCRAFT ROAD, CAPE TOWN INTERNATIONAL AIRPORT, MATROOSFONTEIN

With reference to your application dated 7 July 2020 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the application and environmental assessment dated 7 July 2020.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

BP Southern Africa (Pty) Ltd

c/o Mr Anthony Leon

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Tel: (079) 845 7068

Email: Puseletso.dhlamini@za.bp.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<i>Government Notice No. R. 1182 of 1997 –</i> Activity Number: 1c <i>Activity Description: The construction, erection or upgrading of - (c) with regard to any substance which is dangerous or hazardous and is controlled by national legislation-</i>	Underground storage tanks were commissioned in February 1999, with a fuel storage capacity totalling 106 000 litres of fuel. This was installed on already transformed land as the site falls within

<p>(i) infrastructure, excluding road and rails, for the transportation of any such substance; and</p> <p>(ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;</p>	<p>the built-up area of the airport industria. The physical footprint of the tank/infrastructure totals 499.79m².</p>
<p>As similarly listed in Government Notice No. R327 of 7 April 2017 –</p> <p>Activity Number: 14</p> <p>Activity Description: <i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</i></p>	<p>As above.</p>

The abovementioned list is hereinafter referred to as “the listed activities”.

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Erf 178524, General Aviation Area, Cape Town.

The SG digit code is: C01600070011330300000

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 58' 43.78" South	18° 35' 54.14" East
2	33° 58' 47.80" South	18° 35' 56.25" East
3	33° 58' 48.73" South	18° 35' 51.90" East
4	33° 58' 44.10" South	18° 35' 49.76" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 58' 46.97" South	18° 35' 55.67" East
2	33° 58' 47.43" South	18° 35' 55.70" East
3	33° 58' 47.73" South	18° 35' 54.73" East
4	33° 58' 47.36" South	18° 35' 54.53" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Geo Pollution Technologies Gauteng Pty (Ltd)

c/o Mr Ryan Kynaston

P. O. Box 8442

ROGGEBAAI

8012

Tel: (021) 200 5558

Fax: (086) 743 4407

Email: ryan@gptglobal.com

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The activity entails the unlawful commencement of illegal activity of fuel volume increase at Signature Flight, Erf 178524, Beechcraft Road, Cape Town International Airport, Matroosfontein.

Underground storage tanks were commissioned in February 1999, with a fuel storage capacity totalling 106 000 litres of fuel. This was installed on already transformed land as the site falls within the built-up area of the airport industrial area. The physical footprint of the tank/infrastructure totals 499.79m².

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above as described in the application and assessment report dated 7 July 2020 on the site as described in Section D above.
2. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

4. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of the maintenance activities.
 - 4.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 4.2 The notice must also include proof of compliance with the following condition:
Condition 5

PART III

Notification and administration of an appeal

5. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 5.1 notify all registered Interested and Affected Parties (“I&APs”) of –
 - 5.1.1 the outcome of the application;
 - 5.1.2 the reasons for the decision as included in Annexure 3;
 - 5.1.3 the date of the decision; and
 - 5.1.4 the date when the decision was issued.
 - 5.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.
 - 5.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
 - 5.4 provide the registered I&APs with:
 - 5.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 5.4.2 name of the responsible person for this Environmental Authorisation;
 - 5.4.3 postal address of the holder;
 - 5.4.4 telephonic and fax details of the holder;
 - 5.4.5 e-mail address, if any, of the holder; and
 - 5.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.
6. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

7. The draft Environmental Management Programme ("EMPr") of November 2020 compiled by Geo Pollution Technologies and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
8. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

9. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of commencement of any maintenance activities to ensure compliance with the EMPr and the conditions contained herein.
10. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and must be made available to anyone on request.
11. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

12. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

13. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

14. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below -

By post: Attention: Marius Venter

Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning

Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)

Room 809, 8th floor Utilitas Building

1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully

ZAIDAH TOEFY

ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

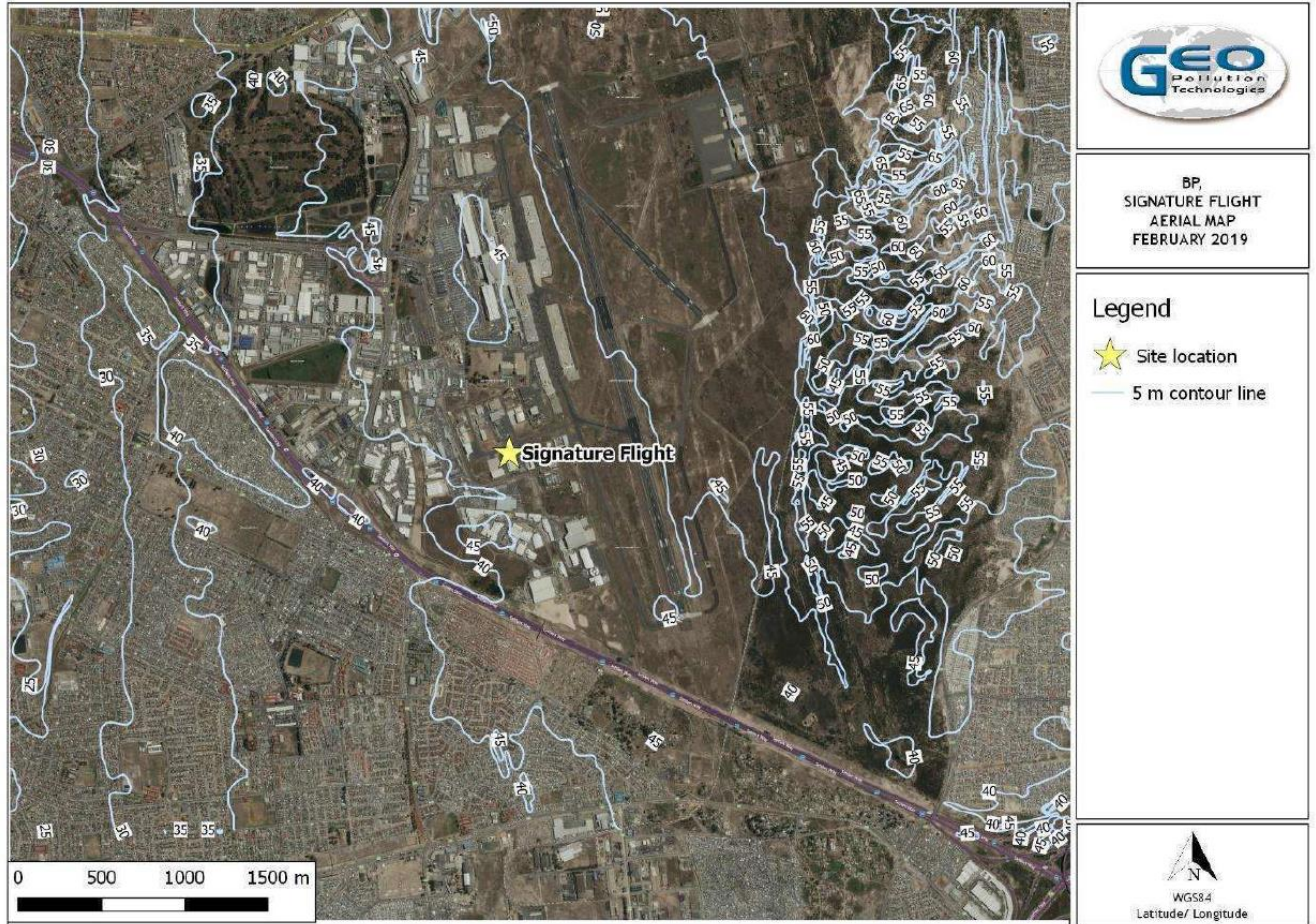
DATE OF DECISION: 22 May 2021

CC: (1) Ryan Kynaston (EAP)

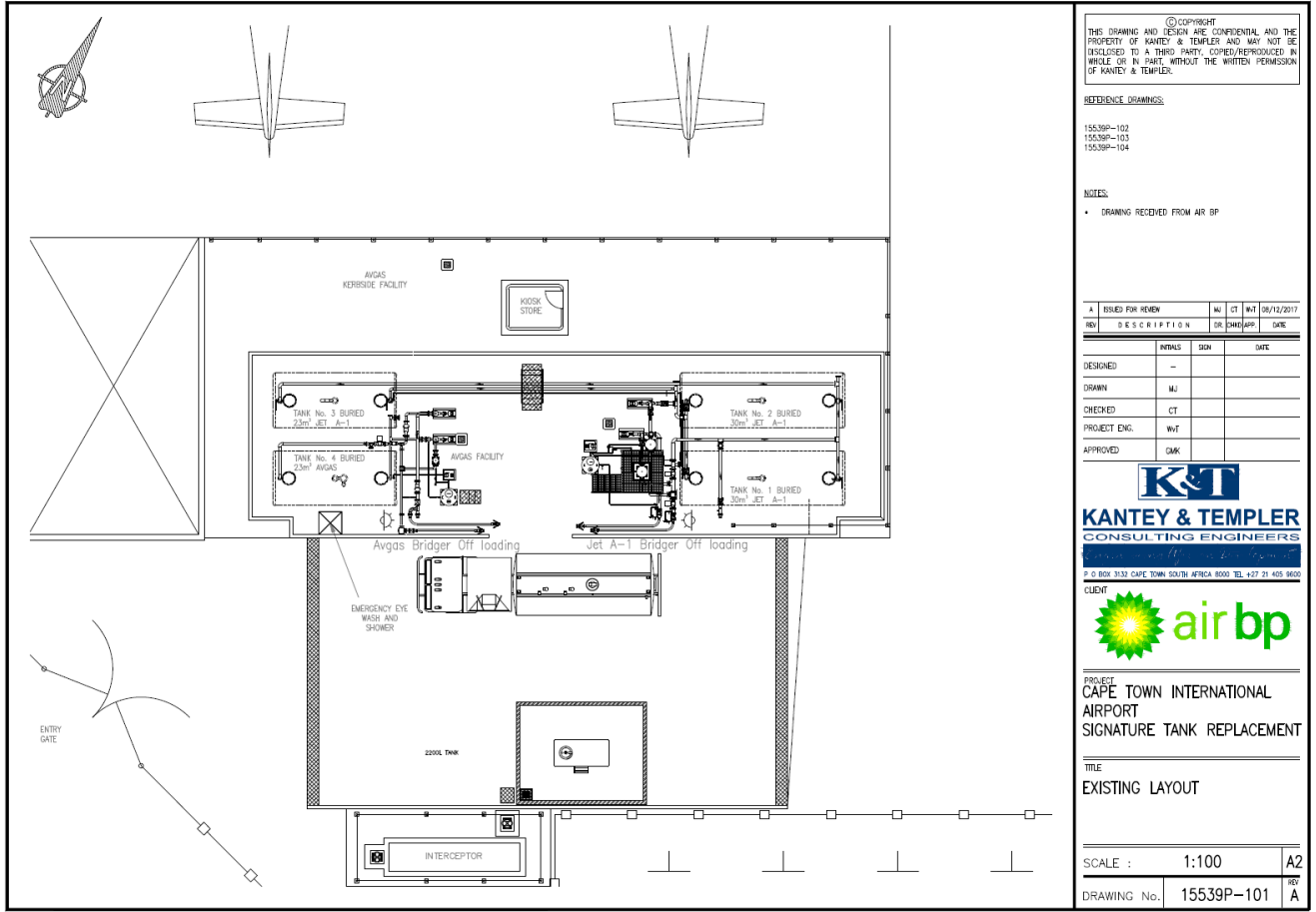
Fax: 0867434407

Email: ryan@aptglobal.com

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



Y:\[UNC-P]\15539P Signature Tank\Layout\0 Working\15539P-101 Existing Layout.dwg 08/12/2017 03:20:28 PM Meariz Jordan

FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/1/A8/80/0010/20

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R50 000 (Fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 7 July 2020 with supporting environmental impact assessment and mitigation measures.
- b) The Environmental Management Programme ("EMPr") of November 2020 submitted together with the application form.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on 14 December 2020
Attended by: Officials of this Directorate

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 12 August 2020, 14 September 2020 and 18 November 2020 respectively.
- the placing of a newspaper advertisement in the **Vukani** on 11 June 2020.

Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- This Department's Directorate: Pollution and Chemicals Management (D: PCM)
- City of Cape Town: Environmental and Heritage Management (CoCT: EHM)

The D: PCM raised various concerns regarding the infrastructure on the site. Clarity on the purpose of the 2200ℓ above-ground storage tank was raised and the EAP indicated that the diesel tank is for vehicular use on site. D: PCM requested additional details regarding the proposed groundwater monitoring system. The EAP indicated that, while not indicated on the SDP, it is indicated in the application form, along with the positions of the groundwater monitoring wells used for leak detection. The D: PCM requested that the groundwater monitoring plan is compiled and appended to the operational phase EMPr. Clarity was required on what is meant by "treated" when referring to discharge of effluent to the storm water (and not sewer) system. The EAP indicated that no treatment is done to water before entering the storm water system, however there are Spill Kits in place used to contain and remove any spilt product which is to be removed offsite.

Page 19 of the EMPr states that a storm water management plan is to be approved by the relevant authority. D: PCM requested a status update and if such a plan has been compiled and submitted to the City of Cape Town. The EAP indicated that there is no written stormwater management plan but there is a monitoring well network on site,

which will undergo regular testing to create trends to further guide on frequency of such testing and any further related recommendations.

Additional recommendations from the D: PCM include:

- Staff on-site must be trained in pollution risk abatement to prevent the risk of environmental pollution.
- Any hazardous materials stored on-site are required to have material safety data sheets (MSDS) available. All incident reporting records must be available on site for inspection.
- Written instructions regarding the procedures to be followed in the event of spills, leaks or any similar emergency situation, must be provided to the drivers of vehicles transporting hazardous substances. All hazardous substances must be transported as per the requirements in the MSDS.
- Appropriate measures should be taken to ensure that all valves, fill pipes, vent pipes etc. are readily available; this should also include monitoring wells, where installed.
- Any maintenance should be carried out in designated area with impervious surface and where any spills of hazardous liquids, e.g. oils, fuels, etc. are prevented from entering exposed soil surfaces. Storm water drainage in this area should link to the separator system.
- All maintenance work is done on a concrete slab which connects to the separator pit. These have been taken up and included in the EMPr.

The CoCT: EHM indicated that the installation appears to have no approved installation drawings, and subsequently have no City of Cape Town Fire Services approval. Additionally, the City of Cape Town's Fire Services notes that there is no Major Hazardous Installation (MHI) assessment provided. The afore-mentioned service notes that the Cape Town International Airport (CTIA) is classified as a MHI and this classification may have consequences for both facilities. The EAP indicated that these comments were noted, and that alignment would be sought out going forward between the applicant and the CoCT.

The CoCT: EHM requested that the monitoring systems be clearly situated and identified on a Site Layout Plan. The EAP indicated that the groundwater monitoring wells are installed and are indicated in the site layout plan as included within the application.

2. Alternatives

No alternatives were suggested for this application. As per the application form, *“No alternatives were considered in this installation. The installation was designed for their business purposes and done in the most practical way possible. Locations, positioning and even the decision to proceed or not was done internally and in the manner in which would best suit their needs.”*

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Socio-economic Impact

The installation was completed within the existing property, therefore no socio-economic impact to the commercial and industrial area.

3.2. Biodiversity Impact

This installation was done within the existing property, therefore no impact to biodiversity in the already built up commercial and industrial area. No biodiversity aspects remain on site or within the immediate area of the tanks.

3.3. Pollution Impact

The fuel storage tanks were installed in areas with bunded paved surfaces designed for planes and helicopters. Spill kits are available on site and SANS standards are used for all infrastructure. Additionally, the tanks are in keeping with the surrounding environment and no biodiversity aspects remain on site or within the immediate area of the tanks.

4. NEMA Principles

The National Environmental Management Principles (set out in section 2 of the NEMA), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law

concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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