



EIA REFERENCE: 16/3/3/5/A7/22/1075/22
NEAS REFERENCE: WCP/EIA/AMEND/0000672/2022
DATE OF ISSUE: 17 November 2022

The Board of Directors
Engen Petroleum Ltd
P. O. Box 35
CAPE TOWN
8000

Attention: Mr/Ms Nomusa Msweli

Tel: (021) 403 4911
Email: nomusa.msweli@engenoil.com

Dear Sir/Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE RECORD OF DECISION (HEREINAFTER REFERRED TO AS THE ENVIRONMENTAL AUTHORISATION) ISSUED ON 25 SEPTEMBER 2001 (DEA&DP: AN 20/25/4 PTN ERF 15271)) FOR THE UNDERGROUND STORAGE TANK FOR DIESEL AT THE MEDITERRANEAN SHIPPING COMPANY ON ERF NO. 15271, SALT RIVER, CAPE TOWN

1. With reference to the above application, the Department hereby notifies you of its decision to grant the amendment of the Environmental Authorisation issued on 25 September 2001 (DEA&DP Ref: AN 20/25/4 Ptn Erf 15271) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms K Otten (Mills & Otten Environmental Consultants)
(2) Mr D Friedman (Mediterranean Shipping Company)
(3) Ms A van Wyk (City of Cape Town)

Email: kirstin@millsandotten.co.za
Email: deon.friedman@msc.com
Email: Azanne.vanwyk@capetown.gov.za

AMENDMENT ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE RECORD OF DECISION (HEREINAFTER REFERRED TO AS THE ENVIRONMENTAL AUTHORISATION) ISSUED ON 25 SEPTEMBER 2001 (DEA&DP: AN 20/25/4 PTN ERF 15271) FOR THE UNDERGROUND STORAGE TANK FOR DIESEL AT THE MEDITERRANEAN SHIPPING COMPANY ON ERF NO. 15271, SALT RIVER, CAPE TOWN

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the Environmental Authorisation issued on 25 September 2001 (DEA&DP Ref: AN 20/25/4 Ptn Erf 15271) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as follows:

1. SECTION J: DURATION AND DATE OF EXPIRY

This authorisation shall lapse if the activity does not commence within two years of the date of issue of this authorisation.

is amended to include the following:

The validity period of the Environmental Authorisation expires on 30 November 2022.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the Environmental Authorisation issued on 25 September 2001.
2. The listed activity authorised in the Environmental Authorisation issued on 25 September 2001 is not similarly listed in terms of the EIA Regulations.

3. The amendment does not trigger any listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
4. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
5. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

C. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2 submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs 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. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority 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 Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

D. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 17 NOVEMBER 2022

Cc: (1) Ms K Otten (Mills & Otten Environmental Consultants)
(2) Mr D Friedman (Mediterranean Shipping Company)
(3) Ms A van Wyk (City of Cape Town)

Email: kirstin@millsandotten.co.za
Email: deon.friedman@msc.com
Email: Azanne.vanwyk@capetown.gov.za

Annexure A

26-8-01:10:29

0214834372:#



Verwysing
Reference
Instansie AN 20/25/4 Pin Erf 15271

Navrter
Enquiries
Instansie Zashir Toefy

Datum
Date
Lidma of Issue: 25/09/01

Departement van Omgewing- en Kultuursake en Sport
Department of Environmental and Cultural Affairs and Sport
Isebe lemiCimbi yeNdalo esiNgqongileyo neNkcubeko nezemiDlalo

Engen Petroleum Ltd
PO Box 21
Cape Town
8000

Tel: (021) 680-5609
Fax: (021) 680-5573

Attention: Mubeen Roomaney

Dear Sir/Madam

Application: PROPOSED UNDERGROUND STORAGE TANK (UST) FOR DIESEL AT THE MEDITERRANEAN SHIPPING COMPANY ON ERF 15271, SALT RIVER, CAPE TOWN.

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposal involves the installation of a 14m³ underground storage tank (UST) for diesel at the Mediterranean Shipping Company on Erf 15271, Salt River, Cape Town – an activity identified in Schedule 1 of the Government Notice No R 1182 of 5 September 1997 as activity 1 (c) viz. the construction or upgrading of transportation routes and structures, and manufacturing, storage, handling or processing facilities for any substance which is considered as dangerous or hazardous and is controlled by national legislation, herein after referred to as the activity.

B. LOCATION:

The UST will be located at the Mediterranean Shipping Company on Erf 15271, Salt River, Cape Town.

Uitvoergebou, Departement 1
Private Bag 20066 Knopstad 8000

Uitvoers Building, 7 Darys Street
Private Bag 20066 Cape Town 8000

Tel. No.: (021) 483-2700/3186
Fax No.: (021) 483-4372
E-mail: ztoefy@pewc.wcape.gov.za
Faks:

*Department of Environmental and Cultural Affairs and Sport
Directorate: Environmental Affairs*

C. APPLICANT:

Engen Petroleum Ltd
C/o Mubeen Roomaney
PO Box 21
Cape Town, 8000
Tel: (021) 680-5609
Fax: (021) 680-5573

D. CONSULTANT:

Kantey & Templer (Pty) Ltd.
Mr. Craig Stevens
PO Box 3132
Cape Town, 8000
Tel: (021) 421-2135
Fax: (021) 419-6774

E. SITE VISIT(S):

No site visits were conducted.

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Director: Environmental Management of the Department of Environmental and Cultural Affairs and Sport hereby grants authorisation for the execution of the activity described above, subject to the conditions of approval contained in this Record of Decision.

**G. CONDITIONS OF APPROVAL:
SPECIFIC:**

1. This authorisation has been granted solely for the purposes of undertaking the specified activity referred to above.
2. An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
3. The tank is to be designed and installed in accordance with relevant SABS codes for underground storage tanks.
4. Monitoring wells must be installed in the fill surrounding the UST area and these should be to a depth of at least 1 to 2 m below the base level of the UST's.
5. The applicant is to 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.
6. Within six months of the facility ceasing to be functional for the purpose for which it is now authorised, the facility must be removed at the expense of the applicant, and the site, including all associated infrastructure such as

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access roads, must be rehabilitated to the satisfaction of the Provincial Environmental Authority.

GENERAL CONDITIONS:

The following general conditions must be complied with:

7. This Authorisation is granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other relevant legislation.
8. The authorised activity, including site preparation, may not commence before the statutory 30 day appeal period expires.
9. One week's notice, in writing, must be given to the relevant authority before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
10. The Directorate: Environmental Management must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
11. The Directorate: Environmental Management must be notified of any change of address of the owner and/or developer.
12. The applicant must, within five calendar days of receipt of this Record of Decision:
 - Inform all interested and affected parties registered during the Scoping and Impact Assessment processes, of the outcome of this application and, if requested, provide copies of this Record of Decision, including all the conditions attached thereto;
 - Include in such information the explicit provisions of Regulations 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R 1182 and 1183 of 5 September 1997) which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. 483 4350, URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp, or email Sesterhu@pawc.wcape.gov.za must accompany the appeal.

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13. The conditions of the authorisation should be brought to the attention of all persons (employees, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures necessary to bind such persons to these conditions.
14. All outdoor advertising associated with this activity, whether on or off the property concerned, shall comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:

The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447, Pretoria, 0001.
15. The owner and/or developer must notify the relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
16. Proof of compliance with the conditions described in the record of decision must be forwarded to the Directorate: Environmental Management one week prior to the commencement of construction or operation of the development (as appropriate).
17. Records relating to the compliance/non-compliance with the conditions of the authorisation must be kept in good order. Such records must be made available to the relevant authority within seven days of receipt of a written request by the relevant authority for such records.
18. If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.
19. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
20. 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 approval as set out in this document or any other subsequent document emanating from these conditions of approval.

H. RECOMMENDATIONS:
None

I. KEY FACTORS AFFECTING THE DECISION:

There site falls within an industrial/commercial area.

The fuel tanks will be designed and installed in accordance with SABS requirements for underground storage tanks.

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The proposal fulfils all the requirements of this Department's Oil Industry Policy

The neighbouring landowners were consulted and no objections against the proposed development were received.

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two years of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals can be directed within 30 days of the date of the issuing of this Record of Decision, to:

The Minister of Environmental and Cultural Affairs
Western Cape Province
PO Box 15653, Vlaeberg, 8018
Fax: (021) 483-3885

Appeals must comply with the provisions of regulation 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997) which reads as follows:

- (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. 483 4350, URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp or email Sesterhu@pawc.wcape.gov.za must accompany the appeal.

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

Yours faithfully



INGRID COETZEE
DIRECTOR: ENVIRONMENTAL MANAGEMENT

DATE OF DECISION: 25/09/01

Copies to: Craig Stevenson (Kantey and Templer)

Fax: (021) 419-6774