



AMENDMENT REFERENCE: 16/3/3/5/A7/4/3063/22
NEAS REFERENCE: WCP/EIA/AMEND/0000693/2022
DATE OF ISSUE: 14 DECEMBER 2022

The Board of Directors
Burgan Cape Terminals (Pty) Ltd
1st Floor Hudson House
28 Hudson Street
Cape TOWN
8001

For Attention: Ms. Pearl Madondo

Tel.: (021) 431 1000
E-mail: pem@bct.vtti.com

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 8 JUNE 2015 (REFERENCED: E12/2/4/2-A2/75-3030/11) WITH RESPECT TO THE AUTHORISED BURGAN FUEL STORAGE AND DISTRIBUTION FACILITY AND ASSOCIATED INFRASTRUCTURE ON ERF 174306, EASTERN MOLE, PORT OF CAPE TOWN

1. With reference to the above application, this Department hereby notifies you of its Decision to **grant** an amended EA, attached herewith, together with the reasons for the Decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended) you are instructed to ensure, within 14 days of the date of the amended EA, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the Decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended) which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

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

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to: (1) Mr. Khosi Dlamini (ERM Southern Africa (Pty) Ltd)
(2) Ms. Sandra Hustwick (City of Cape Town)

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AMENDMENT ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION (“EA”) ISSUED ON 8 JUNE 2015 (REFERENCED: E12/2/4/2-A2/75-3030/11) WITH RESPECT TO THE AUTHORISED BURGAN FUEL STORAGE AND DISTRIBUTION FACILITY AND ASSOCIATED INFRASTRUCTURE ON ERF 174306, EASTERN MOLE, PORT OF CAPE TOWN

With reference to your application for the abovementioned, find below the amendment to the original EA and the amendment to the amended EA with respect to this application.

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), this Department herewith **grants** the amendment to the original EA issued on 8 June 2015 (Referenced: E12/2/4/2-A2/75-3030/11).

The Amended EA is amended, as set out below.

1. The description of the authorised alternative included in the original EA, reads as follows:

“The proposed development will entail the construction of a fuel storage and distribution facility on Erf 174306, Eastern Mole, Port of Cape Town.

The proposed site is split into two Plots. Plots 1 will include the following:

- *Loading gantries;*
- *Fire/foam pump station;*
- *Fire water/foam tank;*
- *An office block;*
- *A guard house;*
- *A 2.4m high security fence with a truck entrance/exit gates and emergency exits;*
- *A Vapour Recovery Unit;*
- *An oil water separator;*
- *Associated lighting; and*

- Associated infrastructure.

Plot 2 will include the following:

- Three bunded storage areas;

Bund A:

3 x unleaded petrol ("ULP") storage tanks; and

3 x automotive gas oil ("AGO") storage tanks.

Bund B:

4 x AGO storage tanks

Bund C:

1 x ethanol storage tank; and

1 x biofame storage tank.

- A road loading pump bay;
- A 2.4m high security fence;
- An aboveground fuel pipeline with a diameter of approximately 0.25m and approximately 900m in length;
- Associated lighting; and
- Associated infrastructure.

The proposed development will also include a fuel, fire protection and electrical system.

Existing access roads will be used to gain access to the site.

The proposed facility will have a total storage capacity of approximately 118 000m³. The footprint of the proposed development and associated infrastructure will be approximately 30 452m²."

The description of the authorised alternative included in the original EA is hereby amended to read in the following manner:

"The proposed development will entail the construction of a fuel storage and distribution facility on Erf 174306, Eastern Mole, Port of Cape Town.

The proposed site is split into two Plots. Plots 1 will include the following:

- Loading gantries;
- Fire/foam pump station;
- Fire water/foam tank;
- An office block;
- A guard house;
- A 2.4m high security fence with a truck entrance/exit gates and emergency exits;
- A Vapour Recovery Unit;
- An oil water separator;

- Associated lighting; and
- Associated infrastructure.

Plot 2 will include the following:

- Three bunded storage areas;

Bund A:

3 x unleaded petrol ("ULP") storage tanks;
1 x automotive gas oil ("AGO") storage tanks; and
2 x Vittol Jet Fuel/Kerosene storage tanks.

Bund B:

4 x AGO storage tanks

Bund C:

2 x ethanol storage tank; and
1 x biofame storage tank.

- A road loading pump bay;
- A 2.4m high security fence;
- An aboveground fuel pipeline with a diameter of approximately 0.25m and approximately 900m in length;
- Associated lighting; and
- Associated infrastructure.

The proposed development will also include a fuel, fire protection and electrical system.

Existing access roads will be used to gain access to the site.

The proposed facility will have a total storage capacity of approximately 118 000m³. The footprint of the proposed development and associated infrastructure will be approximately 30 452m²."

B. REASONS FOR THE DECISION

In reaching its Decision, the Competent Authority took, *inter alia*, the following into consideration:

1. The information contained in the Application Form for a Part 1 amendment of the EA issued on 8 June 2015 (Referenced: E12/2/4/2-A2/75-3030/11), received by the Department on 4 November 2022, and the additional information received on 14 December 2022.
2. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the EA issued on 8 June 2015 (Referenced: E12/2/4/2-A2/75-3030/11).
3. The amendment is for the substitution of one of the fuel types in two of their storage tanks in Bund A (Diesel (referred to as AGO storage tanks) to Vittol Jet Fuel/Kerosene), as listed in the EA issued on 8 June 2015 (Referenced: E12/2/4/2-A2/75-3030/11). The tanks to be affected are tanks 2 and 4 in Bund A, which have a capacity of approximately 9 000m³ each (small tanks). The maximum throughput of Vittol Jet Fuel/Kerosene will be approximately 34 000m³ per year (17 000m³ per year per tank). The current total

throughput of Diesel through the small tanks is 143 016m³ per year. The existing infrastructure and operations will remain the same/unchanged.

4. The environment and the rights and interests of registered I&APs will not be adversely affected by this decision to amend the EA issued on 8 June 2015 (Referenced: E12/2/4/2-A2/75-3030/11).

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this Decision–
 - 1.1. notify all registered I&APs of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the Decision as included in Section B;
 - 1.1.3. the date of the Decision; and
 - 1.1.4. the date when the Decision was issued.
 - 1.2. 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 Appeal Regulations, 2014 (as amended) detailed in Section D below;
 - 1.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the Decision;
 - 1.4. provide the registered I&APs with:
 - 1.4.1. the name of the holder (entity) of this amended EA;
 - 1.4.2. name of the responsible person for this amended EA;
 - 1.4.3. postal address of the holder;
 - 1.4.4. telephonic and fax details of the holder;
 - 1.4.5. e-mail address, if any, of the holder; and
 - 1.4.6. 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 (as amended).
2. The remaining conditions contained in the original EA issued on 8 June 2015 (Referenced: E12/2/4/2-A2/75-3030/11, remain unchanged and in force.

D. 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 twenty (20) calendar days from the date the 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 twenty (20) calendar days from the date 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 Organ 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 Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within twenty (20) 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 at 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 Appeal Authority at: Tel.: (021) 483 3721, E-mail: DEADP.Appeals@westerncape.gov.za or URL: <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the 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 noncompliance 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

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