



**REFERENCE NUMBER:** 16/3/3/5/A2/10/3011/19  
**ENQUIRIES:** MS. K. ADRIAANSE

**DATE:** 2019-05-31

The Director  
Astron Energy (Pty) Ltd.  
5 Century City Boulevard  
**CENTURY CITY**  
7441

**For attention: Mr. M. V. Fortuin**

Tel: (021) 508 3838  
Fax: (021) 403 7508

Dear Sir

**APPLICATION FOR AMENDMENT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) OF THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED BY THIS DEPARTMENT ON 25 APRIL 2014 (REF. NO. 16/3/1/1/A2/10/3041/13) FOR THE PROPOSED UPGRADE OF THE DUMA SERVICE STATION ON ERF 9968, GUGULETHU.**

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

### **AMENDED ENVIRONMENTAL AUTHORISATION**

#### **A. DECISION:**

With reference to the above-mentioned application, the Department, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 as amended on 07 April 2017 ("EIA Regulations, 2014"), hereby amends the EA issued by this Department on 25 April 2014 (Ref. No. 16/3/1/1/A2/10/3041/13) as follows:

1. Section A (Details of the applicant for this Environmental Authorisation) of the EA (Ref. No. 16/3/1/1/A2/10/3041/13), which reads:

*"Chevron South Africa (Pty) Ltd.  
P.O. Box 714  
**CAPE TOWN**  
8000*

*Tel: (021) 403 7497  
Fax: (021) 403 0760"*

Is herewith amended as follows:

"Astron Energy (Pty) Ltd.  
5 Century City Boulevard  
**CENTURY CITY**  
7441

Tel: (021) 508 3838  
Fax: (021) 403 7508"

2. Condition 1 in Section E (Conditions of Authorisation) of the EA (Ref. No. 16/3/1/1/A2/10/3041/13), which reads:

*"This environmental authorisation is valid for a period of **five (5) years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension."*

Is herewith amended as follows:

*"This environmental authorisation is valid for a period of **ten (10) years** from the date of issue. If the holder does not commence with the listed activities within the aforementioned period, the authorisation will lapse and a new application for environmental authorisation must be submitted to the competent authority."*

3. Please find herewith attached a copy of the EA issued by this Department on 25 April 2014 (Ref. No. 16/3/1/1/A2/10/3041/13) (attached as Annexure A).

## **B. REASONS FOR THE DECISION:**

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

1. The application is for the non-substantive amendment to Section A of the EA (Ref. No. 16/3/1/1/A2/10/3041/13) and the validity period of the EA issued by this Department on 25 April 2014 (Ref. No. 16/3/1/1/A2/10/3041/13);
2. The environment and the rights and interests of other parties are not likely to be adversely affected;
3. The proposed development is similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended):

Listing Notice 1

Activity No.: 14

Activity Description:

*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.*

Activity No.: 31

Activity Description:

*The decommissioning of existing facilities, structures or infrastructure for—*

- (i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;*
- (ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;*
- (iii) ...*
- (iv) any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice or Listing Notice 3 of 2014; or*
- (v) any activity regardless the time the activity was commenced with, where such activity:*

*(a) is similarly listed to an activity in (i) or (ii) above; and*

*(b) is still in operation or development is still in progress;*

*excluding where—*

*(aa) activity 22 of this notice applies; or*

*(bb) the decommissioning is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies.*

4. All other conditions of the original EA (Ref. No. 16/3/1/1/A2/10/3041/13) remain applicable.

### **C. CONDITIONS:**

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
  - 1.1. Notify all registered Interested and Affected Parties ("I&APs") of –
    - 1.1.1. The outcome of the application;
    - 1.1.2. The reasons for the decision as included in Annexure 1;
    - 1.1.3. The date of the decision; and
    - 1.1.4. The date of issue of the decision.
  - 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 F below;
  - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 1.4. Provide the registered I&APs with-
    - 1.4.1. The name of the holder (entity) of this environmental authorisation;
    - 1.4.2. The name of the responsible person for this environmental authorisation;
    - 1.4.3. The postal address of the holder;
    - 1.4.4. The telephonic and fax details of the holder;
    - 1.4.5. The e-mail address if any; 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. A minimum of seven (7) calendar days' notice must be given to the Competent Authority before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this environmental authorisation.
3. All other conditions contained in the EA issued by this Department on 25 April 2014 (Ref. No. 16/3/1/1/A2/10/3041/13) remain unchanged and must be implemented.

#### **D. APPEALS:**

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

1. An appellant must –

- 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered Interested and Affected Parties ("I&APs") of this decision;
- 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
- 1.4. The applicant (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

2. The appeal form/s must be submitted by means of one of the following methods:

By post:           Attention: Jaap de Villiers  
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. J. de Villiers (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

3. The 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 [Jaap.deVilliers@westerncape.gov.za](mailto:Jaap.deVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadd>.

## E. DISCLAIMER

Western Cape 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.

Yours faithfully

  
\_\_\_\_\_  
ZAAHIR TOEFY

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 31/05/2019

Copy to: (1) Mr. A. Sillito (Sillito Environmental Consulting)  
(2) Mr. R. Samaai (City of Cape Town: Environmental Resources Management)

Fax: (021) 712 5061  
Fax: (021) 444 3802

**Annexure A**

Copy of the original EA issued by this Department on 25 April 2014 (Ref. No. 16/3/1/1/A2/10/3041/13).



**REFERENCE NUMBER:** 16/3/1/1/A2/10/3041/13  
**ENQUIRIES:** Ms. M. Engelbrecht  
**DATE OF ISSUE:**

**25 APR 2014**

The Director  
Chevron South Africa (Pty) Ltd.  
P. O. Box 714  
**CAPE TOWN**  
8000

**For attention: Ms. T. Mashinini**

Tel: (021) 403 7497  
Fax: (021) 403 0760

Dear Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION ("EA") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED UPGRADE OF THE DUMA SERVICE STATION, ERF 9968, GUGULETHU.**

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

**ENVIRONMENTAL AUTHORISATION**

**DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Alternative 1 described in the Basic Assessment Report ("BAR") dated September 2013.

The granting of this environmental authorisation (hereinafter referred to as the "environmental authorisation") is subject to compliance with the conditions set out in section E below:

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

Chevron South Africa (Pty) Ltd.  
P. O. Box 714  
**CAPE TOWN**  
8000

Tel: (021) 403 7497  
Fax: (021) 403 0760

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

**FILE**  
*29/04/2014*

## B. LISTED ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 13  
Activity Description:

*The construction 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 but not exceeding 500 cubic metres.*

Activity Number: 27  
Activity Description:

*The decommissioning of existing facilities or infrastructure, for –*

- (i) electricity generation with a threshold of more than 10MW;*
- (ii) electricity transmission and distribution with a threshold of more than 132kV;*
- (iii) nuclear reactors and storage of nuclear fuel;*
- (iv) activities, where the facility or the land on which it is located is contaminated;*
- (v) storage, or storage and handling, of dangerous goods of more than 80 cubic metres;*

*but excluding any facilities or infrastructure that commenced under an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, or Notice No. 543 of 2010.*

The abovementioned is hereinafter referred to as "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The decommissioning and removal of the existing five underground storage tanks ("UST's") and associated infrastructure and the installation of six UST's and associated infrastructure on: Erf 9968, Gugulethu. The tanks to be decommissioned comprise of four 23m<sup>3</sup> UST's and one 14m<sup>3</sup> UST that were used for the storage of fuel and paraffin. The tanks will be degassed and transported to an appropriate disposal facility. The 6 new tanks, 30m<sup>3</sup> each, will be coated with glass reinforced polyester (GRP) and used for the storage of fuel and paraffin.

The total footprint of the proposed activity and associated infrastructure will be approximately 1200m<sup>2</sup>.

## C. PROPERTY DESCRIPTION AND LOCATION

The proposed activity will take place at Chevron Duma Service Station located on Erf 9968, Gugulethu.

The SG 21 digit code is: C01600220000996800000

Co-ordinates:            33°    58'    15.94" South  
                                 18°    33'    458.55" East

hereinafter referred to as "the site".



**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Sillito Environmental Consulting  
c/o Mr. A. Sillito  
PO Box 30143  
**TOKAI**  
7966

Tel: (021) 712 5060  
Fax: (021) 712 5061

**E. CONDITIONS OF AUTHORISATION**

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of 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 may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)–
  - 3.1 Notify all registered interested and affected parties of –
    - 3.1.1. the outcome of the application;
    - 3.1.2. the reasons for the decision as included in Annexure 1;
    - 3.1.3. the date of the decision; and
    - 3.1.4. the date of issue of the decision;
  - 3.2 Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Regulations, 2010 detailed in section F below;
  - 3.3 Draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
  - 3.4 Publish a notice in the newspapers contemplated in Regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
    - 3.4.1. informs all interested and affected parties of the decision;
    - 3.4.2. informs all interested and affected parties where the decision can be accessed; and

- 3.4.3. informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations; and
  - 3.5 Provide the registered Interested and Affected Parties with -
    - 3.5.1 The name of the holder (entity) of this Environmental Authorisation;
    - 3.5.2 The name of the responsible person for this Environmental Authorisation;
    - 3.5.3 The postal address of the holder;
    - 3.5.4 Telephonic and fax details of the holder and e-mail address if any.
4. A minimum of seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3, 13, 17 and 18.
5. The holder is 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.
6. Any changes to, or deviations from the scope of the description set out in section B 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 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 to apply for further authorisation in terms of the applicable legislation.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
  - 8.1 An application for amendment to the EMP must be submitted to the competent authority if any amendments are to be made to the EMP, and this may only be implemented once the amended EMP has been authorised by the competent authority.
  - 8.2 The EMP must be included in all contract documentation for all phases of implementation.
9. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

10. The applicant 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, save that such application for amendment shall not include the personal details of the holder of the environmental authorization. Where any of the applicant's contact details change, the physical or postal address and/ or telephonic details, the applicant must notify the competent authority in writing as soon as the new details become known to the applicant as follows:
  - 10.1. The applicant must submit an originally signed notification to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity/ies was/were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
  - 10.2. The competent authority will issue a written confirmation to confirm the transfer if the transfer is found to be appropriate.
11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced environmental control officer ("ECO"), before the commencement of the decommissioning phase to ensure compliance with the EMP and the conditions contained herein.
14. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
15. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
16. No contaminated soil must be used as fill material on site. Contaminated soil removed during the decommissioning must be disposed of at an appropriately licensed landfill site.
17. Gas-free certification must take place prior to the commencement of any tank removal activities, to ensure that the tank is free of flammable or explosive vapours and that it is safe to dismantle and to transport.
18. Thorough emptying of the tanks and the lines must be ensured prior to decommissioning of the tanks.
19. Spill kits must be on hand during the decommissioning of the tanks.

20. Within three (3) months of decommissioning of the tanks, an Environmental Audit Report that includes proof of compliance with conditions 16, 17, 18 and 19 of this environmental authorisation must be submitted to this Directorate for record purposes.
21. The proposed underground storage tank installation must comply with South African National Standards (SANS) 1535 (tank manufacture standards) and SANS 10089 (underground tanks and pipe installation standards).
22. Provision must be made for 4 monitoring wells to be positioned as specified in the SANS codes and standards with regards to the installation of the new tanks. Results obtained from the monitoring wells must be made available to the relevant authorities upon request.
23. Leak detection equipment must be installed in accordance with the relevant SANS codes.
24. Corrosion resistant tanks, non-corrosive pipes and detectors must be used and must conform to the relevant Oil Industry and SANS standards.
25. Vent and filler lines must be sloped back to the underground storage tanks so that fuel does not remain in the pipes. Delivery lines must be pressurised at all times, and leak detectors must immediately switch off the submersible pump in the tanks should a leak be detected.
26. Filler containment manholes must be installed at filler points to contain minor spillages from the delivery discharge hoses.
27. The new tanks must be fitted with an overfill protection device to prevent tank overfills during filling operations.
28. During fuel tanker delivery, the tanker driver must be present at all times during product offloading. An emergency cut-off switch must be installed to immediately stop fuel delivery should an accident occur.
29. Stock reconciliation must be undertaken regularly to ensure effective stock monitoring, recording and regular auditing for early identification of possible leaks, and maintaining a leak history for the site.
30. Firefighting equipment must be present on site and must adhere to the Oil Industry standards.
31. Adequate training of all on-site personnel must be done to ensure that the conditions of this EA and the EMP requirements are complied with.
32. Dust suppression methods must be used to mitigate dust during the decommissioning and construction activities. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens) must be implemented instead.
33. All noise and sounds generated during the decommissioning and construction phases of the proposed development must comply with the relevant SANS codes and standards.

## F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations, 2010.

### 1. An appellant must –

- 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
  - 1.1.1 If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application; within 10 days of having submitted the notice with the Minister, with—
    - (a) a copy of the notice lodged with the Minister; and
    - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.
  - 1.1.2 If the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—
    - (a) a copy of the notice lodged with the Minister; and
    - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal;
- 1.3. that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister; and
- 1.4. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
  - 1.4.1. a copy of the notice of intention to appeal form; and
  - 1.4.2. if a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.

4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

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 Jaap de Villiers (Tel: 021-483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**PLEASE NOTE:** NO appeal, responding and answering statement may be lodged by e-mail.

5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za>.

**G. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

  
\_\_\_\_\_  
**MR. ZAAHIS OELKY**  
**DIRECTOR: LAND USE MANAGEMENT (REGION 2)**

DATE OF DECISION: 25/04/2014

Copies to: (1) Ms. C. McCreadie/ Ms. K. Robinson (Sillito Environmental Consultants)  
(2) Mr. R. Samaai (City of Cape Town)

Fax: (021) 712 5061  
Fax: (021) 684 4420

**FOR OFFICIAL USE ONLY:**

EIA REFERENCE NUMBER: 16/3/1/1/A2/10/3041/13  
NEAS EIA REFERENCE NUMBER: WCP/EIA/0001453/2013

## ANNEXURE 1: REASONS FOR THE DECISION

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

- a) The information contained in the application form dated 16 August 2013 and received by the competent authority on 19 August 2013, the draft BAR received by the competent authority on 14 November 2013, the EMP submitted together with the final BAR received by the competent authority on 14 March 2014, the additional information received by this Department on 03 April 2014 and 04 April 2014 and the amended application form received by this Department on 15 April 2014, respectively;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- 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);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the final BAR dated 14 March 2014; and
- e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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

The public participation process included, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activities are to be undertaken on 15 November 2013;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 15 November 2013; and
- the placing of a newspaper advertisement in the 'City Vision' on 15 November 2013.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address significant concerns raised.

### 2. Alternatives

#### Alternative 1 – Preferred alternative (Herewith authorised)

Alternative 1 entails the decommissioning and removal of the existing five underground storage tanks ("UST's") and associated infrastructure and the installation of six UST's and associated infrastructure on Erf 9968, Gugulethu. The tanks to be decommissioned comprise of four 23m<sup>3</sup> UST's and one 14m<sup>3</sup> UST that were used for the storage of fuel, and paraffin. The tanks will be degassed and transported to an appropriate disposal facility. The 6 new tanks, 30m<sup>3</sup> each, will be coated with glass reinforced polyester (GRP) and will be used for the storage of fuel and paraffin.

The total footprint of the proposed activity and associated infrastructure will be approximately 1200m<sup>2</sup>.



### Tank size alternatives

Various tank sizes were considered, however a tank size of 30m<sup>3</sup> was preferred (herewith authorised). This tank size was preferred as it was found to be most feasible.

### Tank material and structure alternatives

Six alternative materials and structures were considered. These included mild steel tanks with no outer protection, mild steel tanks with bitumen coating for corrosion protection, mild steel tanks with glass reinforced polyester coating (GRP) and jacketed mild steel tanks with no interstitial space between the GRP layers. Glass reinforced polyester coated tanks were preferred (herewith authorised) as it is considered to be best practice in the industry currently.

### Tank layout alternatives

Various layouts were considered. However, the "tank farm" approach was preferred (herewith authorised) as the tanks will be located next to one another to allow for easier monitoring, therefore minimising potential environmental risks.

### Tank storage alternatives

This alternative entails installing the tanks underground as opposed to aboveground. The below ground option was preferred (herewith authorised) due to the limited size of the refuelling area.

Furthermore, this arrangement would minimise potential environmental risks and adequately increase the capacity of the proposed service station to supply for the increasing demand for fuel.

### "No-Go" Alternative

This entails leaving the tanks and associated infrastructure intact, and not upgrading the existing facility. Therefore the existing service station will remain operating as is. As the preferred alternative will not result in unacceptable impacts, the 'no-go' alternative is not deemed as the preferred alternative.

## **3. Impact Assessment and Mitigation measures**

### **3.1. Activity Need and Desirability**

The applicant has identified a need to meet the increasing fuel demand. The proposed development will increase the capacity of the service station to supply this increasing fuel demand. Tanks and infrastructure, which are considered to be best practice in the industry currently, will be installed to minimise potential environmental risks.

### **3.2. Environment**

The general gradient of the proposed site is relatively flat. The surrounding area comprises of a commercial & warehousing area, a school, a high density residential area and light industry. The site does not possess any potential sensitive botanical features since it is already transformed, due to the existing service station. With the implementation of the conditions of the EA and the EMP, potential significant environmental impacts will be managed to acceptable levels.

### **3.3 Dust and Noise Impacts**

3.3.1 Potential dust impacts generated during the decommissioning and construction phases will be mitigated by the implementation of the conditions of this Environmental Authorisation and in the EMP. No potable water will be used to

mitigate dust in this regard. Alternative dust suppression methods (such as shade netting screens) will be implemented instead.

- 3.3.2 All noise and sounds generated during all phases of the proposed development will comply with the relevant SANS codes and standards. Furthermore, potential noise impacts will be mitigated by the implementation of the conditions of this Environmental Authorisation and in the EMP.

### 3.4 Impact Assessment and significance

- 3.4.1. The contamination of soil and groundwater as a result of leakages of the tanks and pipes during the decommissioning phase has been identified in the BAR as being of low significance as the residual product will be removed from the UST's and associated infrastructure and will be degassed prior to dismantling and removal.

The contamination of soil and groundwater as a result of leaks during dispensing and road tanker fuel deliveries during the operational phase has been identified in the BAR as being of low significance as the best available technology in the industry at present (which includes mechanisms to detect potential leaks) will be installed and mitigation measures as included in the EMP will be implemented. This will therefore reduce potential environmental risks.

The contamination of soil and groundwater as a result of tank failure and line leak during the operational phase has been identified in the BAR as being of low significance as the best available technology in the industry at present (which includes mechanisms to detect potential leaks, etc.) will be installed and proposed mitigation measures will be implemented. This will therefore reduce potential environmental risks.

- 3.4.2. The noise impact as a result of the proposed decommissioning and construction activities has been identified in the BAR as being of low significance as decommissioning and construction activities will take place during working hours only and all noise and sounds generated will comply with the relevant SANS codes and standards. These mitigation measures have been included as conditions of this Environmental Authorisation and in the EMP.
- 3.4.3. The generation of dust as a result of the proposed decommissioning and construction activities has been identified in the BAR as being of low significance as appropriate dust suppression methods will be implemented. This has been included as a condition of this environmental authorisation and in the EMP.

### **National Environmental Management Act 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.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The proposed removal of the existing tanks and infrastructure and replacement with new tanks and associated infrastructure could potentially result in the contamination of soil and groundwater as a result of fuel spillages and system leaks;
- A temporary increase in traffic at the site during decommissioning and construction activities; and
- The generation of noise and dust as a result of the proposed decommissioning and construction activities.

The Department is satisfied that the significant negative impacts will be addressed by the conditions contained in the EA and the mitigation measures contained in the EMP.

Positive impacts include:

- The proposed decommissioning will minimise the potential environmental risk at the site through removing the existing underground fuel tanks and replacing it with new underground fuel tanks;
- Maximisation of economic opportunities for the owner;
- Creation of temporary employment opportunities;
- Increased capacity to supply for the increasing demand for fuel; and
- The use of updated technology.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, the competent authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated 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 listed activity can be mitigated to acceptable levels.

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