

REFERENCE NUMBER: 16/3/3/5/A7/4/3028/23
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000735/2023
DATE OF ISSUE: 14 JUNE 2023

The Director
FFS Refiners (Pty) Ltd.
P.O. Box 25102
ROSSBURGH
4092

For Attention: Mr. A. Canning

Tel: (031) 459 5300

Email: AndrewC@ffs.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 03 FEBRUARY 2012 (REF. NO. E12/2/4/1-A2/75-3067/10) FOR THE AUTHORISED INSTALLATION OF FIVE ADDITIONAL ABOVEGROUND STORAGE TANKS AND ASSOCIATED INFRASTRUCTURE ADJACENT TO THE EXISTING FFS REFINERS TANK FARM, NEW PORT ROAD, EASTERN MOLE, CAPE TOWN HARBOUR.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)
(2) Ms. X. Dondolo (Landowner)
(3) Mr. I. Gildenhuys (City of Cape Town: Air Quality Management)
(4) Mr. E. Roux (DEA&DP: Air Quality Management))
(5) Mr. L. Whitlow (Environmental Impact Management Services)

Email: Maurietta.stewart@capetown.gov.za

Email: Xabi.Dondolo@transnet.net

Email: Ian.Gildenhuys@capetown.gov.za

Email: Etienne.Roux@westerncape.gov.za

Email: Liam@eims.co.za

REFERENCE NUMBER: 16/3/3/5/A7/4/3028/23

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 03 FEBRUARY 2012 (REF. NO. E12/2/4/1-A2/75-3067/10) FOR THE AUTHORISED INSTALLATION OF FIVE ADDITIONAL ABOVEGROUND STORAGE TANKS AND ASSOCIATED INFRASTRUCTURE ADJACENT TO THE EXISTING FFS REFINERS TANK FARM, NEW PORT ROAD, EASTERN MOLE, CAPE TOWN HARBOUR.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation with respect to this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation ("EA") was issued by this Department on 03 February 2012 for the proposed installation of five additional aboveground storage tanks and associated infrastructure adjacent to the existing FFS Refiners tank farm, New Port Road, Eastern Mole, Cape Town Harbour (Ref. No. E12/2/4/1-A2/75-3067/10).
2. An amended EA was issued by this Directorate on 29 August 2013 (Ref. No. 16/3/1/5/A7/4/3025/13) for the change to the activity description of the authorised alternative of the EA issued by this Department on 03 February 2012 (Ref. No. E12/2/4/1-A2/75-3067/10).
3. An application for amendment of the EA (Ref. No. E12/2/4/1-A2/75-3067/10) for the change to the activity description of the EA for the inclusion of Residual Fuel Oils No. 6 (i.e. Heavy Fuel Oil, FCC Bottoms and Very Low Sulphur Fuel Oil) in addition to bitumen was received by this Department on 25 May 2023.

B. 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 Competent Authority herewith **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 03 February 2012 (Ref. No. E12/2/4/1-A2/75-3067/10) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended). The EA (Ref. No. E12/2/4/1-A2/75-3067/10) is amended as set out below:

1. Part 2, Section A (Description of the alternative authorised) of the EA (Ref. No. E12/2/4/1-A2/75-3067/10), which states:

"The proposal comprises the installation of five additional aboveground storage tanks with a total capacity of 8862m³ and associated infrastructure adjacent to the existing FFS tank farm, New Portnet Road, Eastern Mole of the Cape Town Harbour. The new storage tanks will be used to store various classes of oils which include slops, heavy furnace oils, diesel, marine diesel oils and bitumen. The proposed tanks will be designed according to the relevant SANS code for vertical welded steel tanks used in the petroleum industry. The proposed tank farm will be hard surfaced and bunded in

compliance with the relevant SANS codes. The dimensions of the proposed additional five tanks will be as follows:

- Two tanks with a volume of approximately 2500m³ each, a height of approximately 18m each and a diameter of approximately 13.3m;
- One tank with a volume of approximately 2300m³, a height of approximately 18m and a diameter of approximately 12.7m;
- One tank with a volume of approximately 1350m³, a height of approximately 10.8m and a diameter of approximately 12.7m; and
- One tank with a volume of approximately 212m³, a height of approximately 10.8m and a diameter of approximately 5m;

In addition, two fired heaters will be installed to heat the bitumen tanks. A 23m³ light fuel bunded tank will be constructed to store the fuel required for the fired heaters.

The existing facility currently comprises of four tanks with a total capacity of 13700m³."

is hereby replaced with

The proposal comprises the installation of five additional aboveground storage tanks with a total capacity of 8862m³ and associated infrastructure adjacent to the existing FFS tank farm, New Portnet Road, Eastern Mole of the Cape Town Harbour. The new storage tanks will be used to store various classes of oils which include slops, heavy furnace oils, diesel, marine diesel oils, and bitumen. The proposed tanks will be designed according to the relevant SANS code for vertical welded steel tanks used in the petroleum industry. The proposed tank farm will be hard surfaced and bunded in compliance with the relevant SANS codes. The dimensions of the proposed additional five tanks will be as follows:

- Two tanks with a volume of approximately 2500m³ each, a height of approximately 18m each and a diameter of approximately 13.3m;
- One tank with a volume of approximately 2300m³, a height of approximately 18m and a diameter of approximately 12.7m;
- One tank with a volume of approximately 1350m³, a height of approximately 10.8m and a diameter of approximately 12.7m; and
- One tank with a volume of approximately 212m³, a height of approximately 10.8m and a diameter of approximately 5m;

In addition, two fired heaters will be installed to heat the Residual Oil No. 6 fuels tanks, which include Heavy Fuel Oil, Very Low Sulphur Fuel Oil, FCC Bottoms and bitumen. A 23m³ light fuel bunded tank will be constructed to store the fuel required for the fired heaters.

The existing facility currently comprises of four tanks with a total capacity of 13700m³.

2. Please find herewith attached copies of the following:

- 2.1. The EA issued by this Department on 03 February 2012 (Ref. No. E12/2/4/1-A2/75-3067/10) (attached as Annexure A).
- 2.2. The amended EA issued by this Directorate on 29 August 2013 (Ref. No. 16/3/1/5/A7/4/3025/13) (attached as Annexure B).

C. REASONS FOR DECISION

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

1. The information contained in the application for amendment of the EA (Ref. No. E12/2/4/1-A2/75-3067/10) in terms of the NEMA EIA Regulations, 2014 (as amended) dated and received by this Department on 25 May 2023.
2. Based on the information contained in the application form, the following was considered:
 - 2.1. The application for amendment was for the inclusion of Residual Fuel Oil No. 6, which include Heavy Fuel Oil, Very Low Sulphur Fuel Oil, FCC Bottoms in the activity description of the EA (Ref. No. E12/2/4/1-A2/75-3067/10).
 - 2.2. Residual Oil No. 6 is the generic name used to classify heavy petroleum hydrocarbon products that share common properties, but differ in name and vapour pressure. Since the Heavy Fuel Oil, FCC Bottoms, Very Low Sulphur Fuel Oil and bitumen commonly have very low vapour pressure, it is considered as a Residual Oil No. 6 products.
 - 2.3. In accordance with the air quality specialist statement (compiled by WSP and dated 10 November 2022), the potential air quality impacts associated with the inclusion of Residual Oil No. 6 in addition to bitumen will have negligible impacts on sensitive receptors, therefore will not result in an increased level or change in the nature of impact initially assessed.
 - 2.4. Although the proposed amendment will result in a change to the scope of the valid EA (Ref. No. E12/2/4/1-A2/75-3067/10), the proposed amendment will not result in an increased level or change in the nature of the impacts.
 - 2.5. The amendment does not, on its own, constitute a listed activity. The listed activities authorised in the original EA (Ref. No. E12/2/4/1-A2/75-3067/10) are similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended).
3. A Part 1 amendment process in terms of Regulation 29 of the NEMA EIA Regulations, 2014 (as amended) was therefore followed.
4. The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the EA (Ref. No. E12/2/4/1-A2/75-3067/10).
5. The conditions of the EA (Ref. No. E12/2/4/1-A2/75-3067/10) remain applicable and unchanged.

D. CONDITIONS OF AUTHORISATION

1. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 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 Section C;
 - 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 E 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 amended Environmental Authorisation;
 - 1.4.2. The name of the responsible person for this amended 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, 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 conditions stipulated in the EA (Ref. No. E12/2/4/1-A2/75-3067/10) remain unchanged and must be implemented.
 3. Proof of compliance with Condition 1 of this amended EA must be submitted within three (3) months of the date of issue of this amended EA to the Competent Authority for record-keeping purposes.

E. 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 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 20 (twenty) 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 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
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 M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: 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>.

F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this amendment to the 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 14 JUNE 2023

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)
(2) Ms. X. Dondolo (Landowner)
(3) Mr. I. Gildenhuis (City of Cape Town: Air Quality Management)
(4) Mr. E. Roux (DEA&DP: Air Quality Management))
(5) Mr. L. Whitlow (Environmental Impact Management Services)

Email: Maurietta.stewart@capetown.gov.za
Email: Xabi.Dondolo@transnet.net
Email: Ian.Gildenhuis@capetown.gov.za
Email: Etienne.Roux@westerncape.gov.za
Email: Liam@eims.co.za

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ANNEXURE A:

Copy of the EA issued by this Department on 03 February 2012 (Ref. No. E12/2/4/1-A2/75-3067/10).



ANNEXURE B:

Copy of the amended EA issued by this Department on 29 August 2013 (Ref. No. 16/3/1/5/A7/4/3025/13).