



**EIA REFERENCE NUMBER:** 16/3/3/1/C3/2/0006/23  
**NEAS REFERENCE NUMBER:** WCP/EIA/0001247/2023  
**DATE OF ISSUE:** 14 AUGUST 2023

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED EXPANSION AND RELATED OPERATION OF INFRASTRUCTURE FOR THE STORAGE AND HANDLING OF A DANGEROUS GOOD ON ERF 3623, BEAUFORT WEST

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

#### 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, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the **preferred alternative**, described in the Final Basic Assessment Report ("FBAR"), dated June 2023, as prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Mr. Seoras Graham (EAPASA Ref: 2019/1883) of *Kantey & Templer Consulting Engineers*.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

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

The Senior Area Manager: Western Cape  
% Mr. Goolam Rawoot  
ENGEN PETROLEUM LIMITED  
PO Box 35  
**CAPE TOWN**  
8000

Tel: (021) 403 4253

E-mail: [Goolam.Rawoot@engenoil.com](mailto:Goolam.Rawoot@engenoil.com)

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

## B. LIST OF ACTIVITY/IES AUTHORISED

Listed Activities	Activity/Project Description
<b>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</b>	
<p>Activity Number: 31</p> <p>Activity Description:</p> <p>The closure of existing facilities, structures, or infrastructure for—</p> <ul style="list-style-type: none"> <li>(i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</li> <li>(ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</li> <li>(iii) ...</li> <li>(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</li> <li>(v) any activity regardless the time the activity was commenced with, where such activity: <ul style="list-style-type: none"> <li>(a) is similarly listed to an activity in (i) or (ii) above; and</li> <li>(b) is still in operation or development is in progress;</li> </ul> </li> </ul> <p>excluding where—</p> <ul style="list-style-type: none"> <li>(aa) ...</li> <li>(bb) the closure is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as decommissioning, in which case the National Environmental Management: Waste Act, 2008 applies; or</li> <li>(cc) such closure forms part of a mining application, in which case the requirements of the Financial Provisioning Regulations apply.</li> </ul>	<p>The closure of the existing diesel Vertical Aboveground Storage Tanks with a combined capacity of 150m<sup>3</sup>.</p>
<p>Activity Number: 51</p> <p>Activity Description:</p> <p>The expansion and related operation of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by more than 80 cubic metres.</p>	<p>The expansion of the existing 150m<sup>3</sup> storage capacity by replacing the Vertical Aboveground Storage Tanks with Horizontal Aboveground Storage Tanks with a combined capacity of 249m<sup>3</sup>. The storage capacity will therefore be expanded by 99m<sup>3</sup>.</p>

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

The Holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development:

The proposal entails the removal of the existing diesel vertical aboveground storage tanks, which consists of 1 x 80m<sup>3</sup>, 1 x 45m<sup>3</sup> and 1 x 25m<sup>3</sup> storage tanks; and replacing them with horizontal aboveground storage tanks, consisting of 3 x 83m<sup>3</sup> storage tanks. The current storage capacity of

150m<sup>3</sup> will therefore be increased to 249m<sup>3</sup>. The proposed expansion forms part of the fuel equipment maintenance and upgrade at the existing Engen Truck Stop on Erf 3623 in Beaufort West.

The proposed expansion will be implemented approximate Site Layout Plan (Drawing No: 16490P-100; Revision A) drafted by Kantey & Templer Consulting Engineers. Refer to Annexure 2 for the Site Layout Plan.

**C. SITE DESCRIPTION AND LOCATION**

The proposed expansion will take place at the existing Engen Beaufort West Truck Stop, on the corner of Konkreet and Produksie Streets (Erf 3623) in Beaufort West

Coordinates of the site:

Latitude (S)			Longitude (E)		
32°	21'	45.78"	22°	33'	39.44"

SG digit codes:

C00900010000362300000

Refer to Annexure 1 for the Locality Plan of this Environmental Authorisation.

The above is hereinafter referred to as "**the site**".

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)**

Mr. Seoras Graham

EAPASA No: 2019/1883

KANTEY & TEMPLER CONSULTING ENGINEERS

410 Jan Smuts Drive

Craighall Park

2196

Tel: 011 501 4760

E-mail: [sgraham@jhb.kanteys.co.za](mailto:sgraham@jhb.kanteys.co.za)

**E. CONDITIONS OF AUTHORISATION**

**Scope and Validity Period of authorisation**

1. This Environmental Authorisation is granted for the period from date of issue until **31 August 2043** (validity period), during which period the Holder must ensure that the—
  - (a) the non-operational aspects (i.e., the installation of the horizontal aboveground storage tanks, and includes the closure and removal of the existing vertical aboveground storage tanks) must commence and be concluded within **three (3) years** of the date of issue of this environmental authorisation. ;
  - (b) the closure and removal of existing vertical aboveground storage tanks must be concluded within **60-days** of the commissioning of the new horizontal aboveground storage tanks;
  - (c) the operational aspects of this Environmental Authorisation are granted until 31 August 2043, during which period all operational aspects, rehabilitation and monitoring requirements as well as the final environmental auditing and reporting must be finalised;
  - (d) should the holder of the EA wish to continue with the operational aspects beyond 31 August 2043, an application for amendment must be submitted prior to the EA lapsing on 31 August 2043.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the preferred alternative described in the FBAR, dated June 2023, on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the *preferred alternative* which entails:

The closing and removal of the existing diesel vertical aboveground storage tanks, which consists of 1 x 80m<sup>3</sup>, 1 x 45m<sup>3</sup> and 1 x 25m<sup>3</sup> storage tanks; and replacing them with horizontal aboveground storage tanks, consisting of 3 x 83m<sup>3</sup> storage tanks. The current storage capacity of 150m<sup>3</sup> will be increased to 249m<sup>3</sup>. The proposed expansion forms part of the fuel equipment maintenance and upgrade at the existing Engen Truck Stop on Erf 3623 in Beaufort West. The proposed expansion will be implemented approximate to Site Layout Plan (Drawing No: 16490P-100; Revision A) drafted by Kantey & Templer Consulting Engineers.

3. This Environmental Authorisation may only be implemented in accordance with the approved Environmental Management Programme ("EMPr").
4. 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.
5. Any changes to, or deviations from the scope of the alternative described 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 information in order 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.

#### **Notification and administration of appeal**

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - (a) the decision reached on the application;
    - (b) the reasons for the decision as included in Annexure 3;
    - (c) the date of the decision; and
    - (d) the date when the decision was issued.
  - 6.2. 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 G below;
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. provide the registered I&APs with the:
    - (a) name of the Holder (entity) of this Environmental Authorisation,
    - (b) name of the responsible person for this Environmental Authorisation,

- (c) postal address of the Holder,
- (d) telephonic and fax details of the Holder,
- (e) e-mail address, if any, of the Holder,
- (f) 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 2014 National Appeals Regulations (as amended).

6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.

6.6. 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 *i.e.*, the listed activities, including site preparation, must not commence until the appeal is decided.

### **Written notice to the Competent Authority**

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.

7.1. The notice must make clear reference to the site details and EIA Reference number given above.

7.2. The notice must also include proof of compliance with the following conditions described herein:

**Condition no.: 7 and 11**

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

### **Management of activity/activities**

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith **approved**. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

10. The Holder must appoint a suitably experienced environmental control officer ("ECO") or Site Agent, for the duration of the construction and rehabilitation phases of implementation contained herein.

11. The ECO or Site Agent must–

11.1. be appointed prior to commencement of any works construction activities commencing;

11.2. ensure compliance with the EMPr and the conditions contained herein;

11.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO or Site Agent (whichever applicable);

11.4. remain employed for the duration of –

(a) all development activities being concluded, and the post construction rehabilitation and monitoring requirements are finalised; or

12. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.

13. Access to the site (referred to in Section C) 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.

### **Environmental Auditing**

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
15. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
  - 15.1. During the development phase (construction activities) the Holder must submit an Environmental Audit Report to the Competent Authority within **three (3) months** of completion of the construction phase, which includes the closure and removal of the existing vertical tanks.
  - 15.2. During the related operational phase of the facility or infrastructure for the storage and handling of a dangerous good, the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr **may not exceed intervals of 5-years.**
16. The Environmental Audit Report, must –
  - 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
  - 16.2. provide verifiable findings, in a structured and systematic manner, on–
    - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
    - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
  - 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
  - 16.4. evaluate the effectiveness of the EMPr;
  - 16.5. identify shortcomings in the EMPr;
  - 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
  - 16.9. include a photographic record of the site applicable to the audit; and
  - 16.10. be informed by the ECO reports (where relevant).

17. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

### **Specific Conditions**

18. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.

### **Amendment of Environmental Authorisation and EMPr**

2. If the Holder does not start with the listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

#### **Note:**

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
  - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, 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.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.



**Note:** An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
  - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
  - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

#### **Compliance with Environmental Authorisation and EMPr**

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e., 7 and 11). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
8. This Environmental Authorisation is granted for a set period from date of issue, during which period the listed activity must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example the following milestones should not be missed:

- Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
- Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.



- Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.

**Note:** It is advised that if any of the milestones as indicated above, might not be achieved, the Holder must consider extending the validity period through an amendment process.

9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

## G. APPEALS

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;
  - 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; and
  - 1.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za);  
[Zaahir.Toefy@westerncape.gov.za](mailto:Zaahir.Toefy@westerncape.gov.za); and copied to  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)
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.
  - 2.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za);  
[Zaahir.Toefy@westerncape.gov.za](mailto:Zaahir.Toefy@westerncape.gov.za); and copied to  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)
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 and the responding statement must be submitted to the Appeal Administrator at 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: Appeal Administrator  
Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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](mailto:DEADP.Appeals@westerncape.gov.za).

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

#### H. 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

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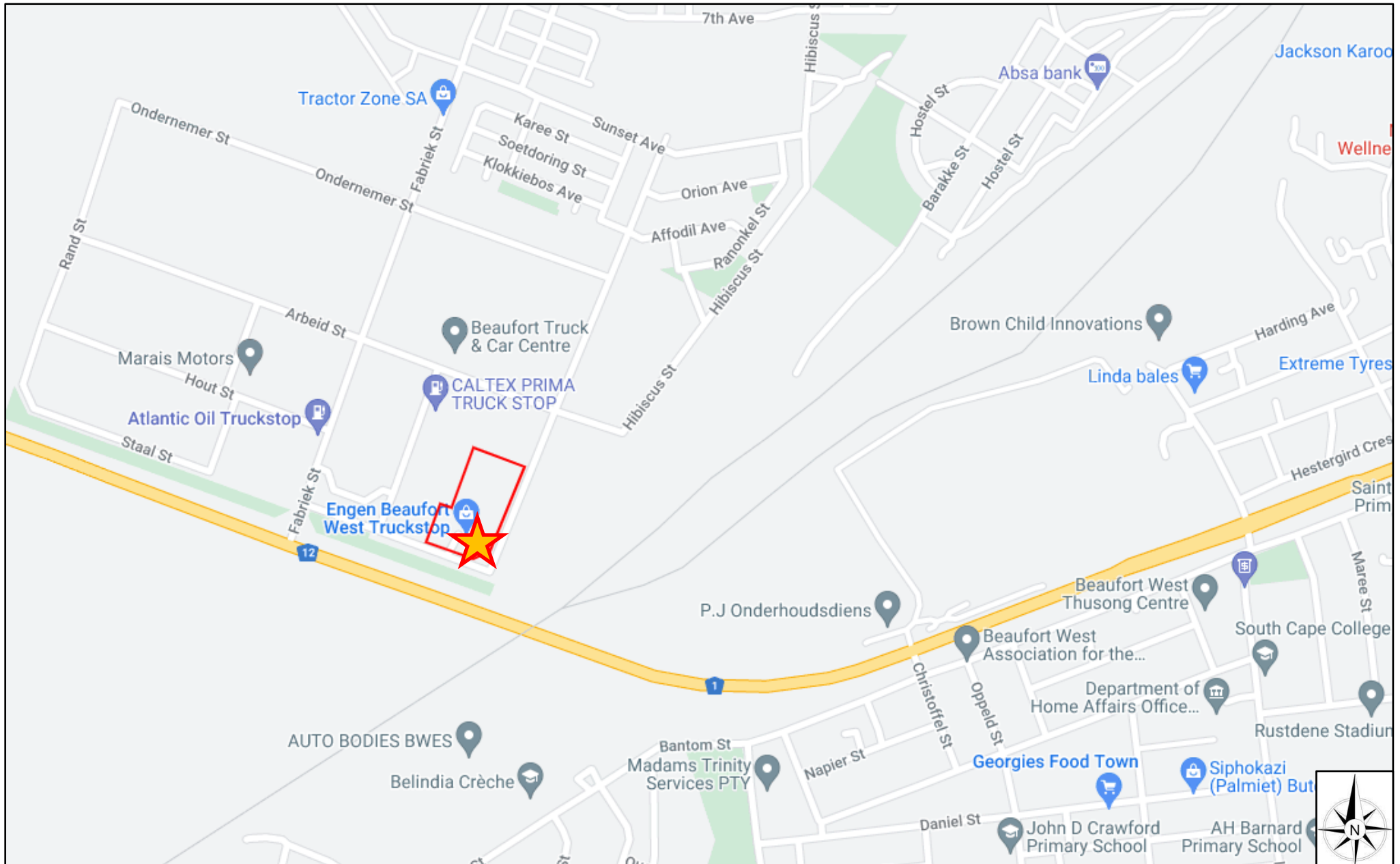
**DIRECTOR: DEVELOPMENT MANAGEMENT**

DATE OF DECISION: 14 AUGUST 2023

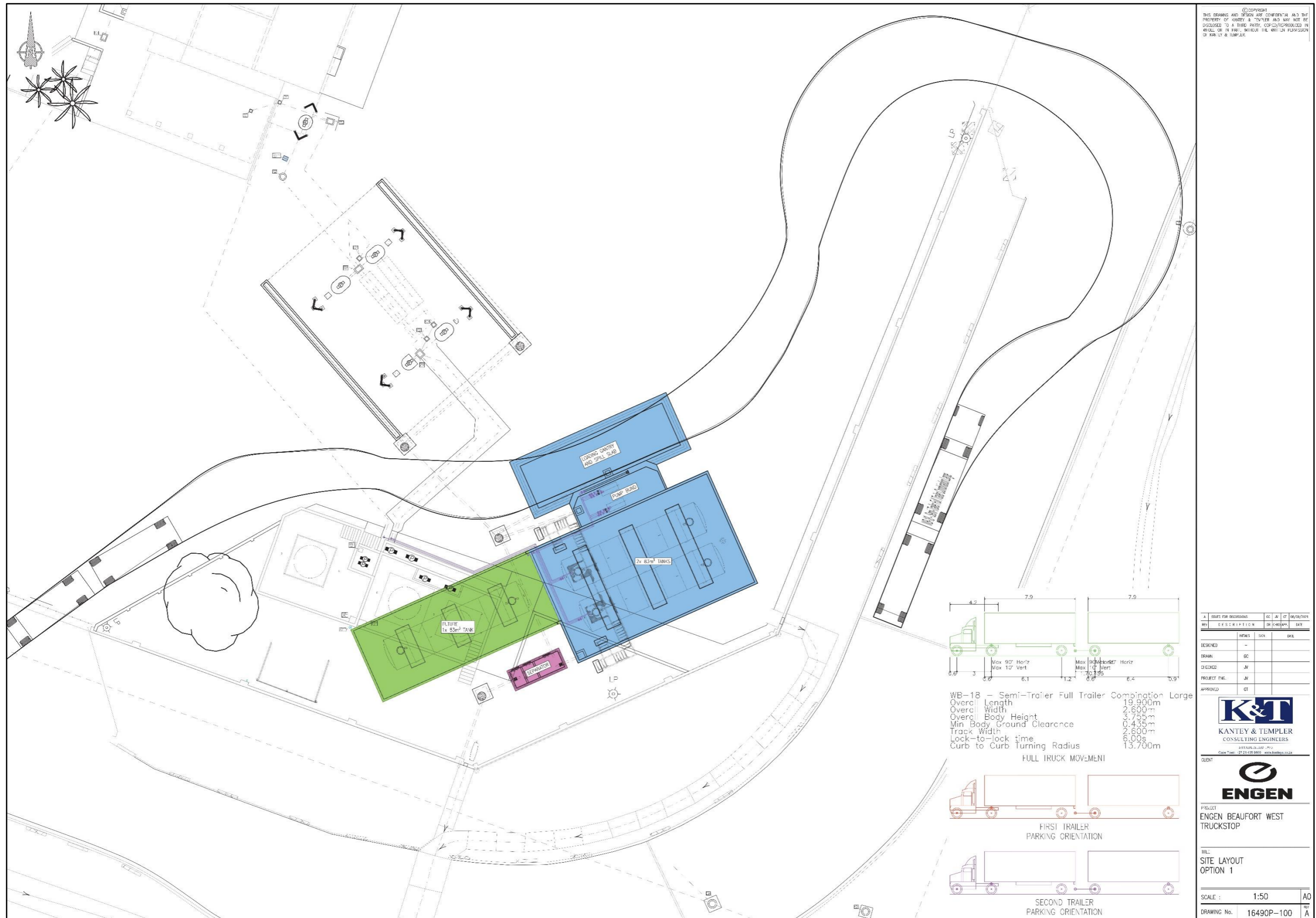
**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:** 16/3/3/1/C3/2/0006/23  
**NEAS REFERENCE NUMBER:** WCP/EIA/0001247/2023

# ANNEXURE 1: LOCALITY MAP



**ANNEXURE 2: SITE LAYOUT PLAN FOR THE PROPOSED EXPANSION AND RELATED OPERATION OF INFRASTRUCTURE FOR THE STORAGE AND HANDLING OF A DANGEROUS GOOD ON ERF 3623, BEAUFORT WEST**



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REV	DESCRIPTION	BY	CHK	DATE
A	SOBTS FOR EXCLUSIONS	OC	JW	06/09/2018

DESIGNED: -  
DRAWN: OC  
CHECKED: JW  
PROJECT ENG: JW  
APPROVED: OT

**K&T**  
KANTLEY & TEMPLER  
CONSULTING ENGINEERS  
277 BOURBON STREET, 171  
Cape Town, 8001 (P.O. Box 1000, 8001)

CLIENT: **ENGEN**

PROJECT: ENGEN BEAUFORT WEST TRUCKSTOP  
TITLE: SITE LAYOUT OPTION 1

SCALE: 1:50  
DRAWING No. 16490P-100



## ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form, received on 25 January 2023, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 12 April 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (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 I&APs and responses to these, included in the FBAR submitted on 12 April 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

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 that were considered to be the most significant for the decision is set out below.

### 1. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board for the period between 12 April and 17 May 2023;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative 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 activities on 13 January, 16 January, 28 March and 12 April 2023;
- the placing of a newspaper advertisement in the "Die Burger" on 28 March 2023; and
- making the Draft Basic Assessment Report available to I&APs for public review and comment from 12 April to 17 May 2023.

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

### 2. Alternatives

#### Preferred Alternative ("Herewith Approved")

The proposal entails the removal of the existing diesel vertical aboveground storage tanks, which consists of 1 x 80m<sup>3</sup>, 1 x 45m<sup>3</sup> and 1 x 25m<sup>3</sup> storage tanks; and replacing them with horizontal aboveground storage tanks, consisting of 3 x 83m<sup>3</sup> storage tanks. The current storage capacity of

150m<sup>3</sup> will therefore be increased to 249m<sup>3</sup>. The proposed expansion forms part of the fuel equipment maintenance and upgrade at the existing Engen Truck Stop on Erf 3623 in Beaufort West.

The proposed expansion will be implemented approximate Site Layout Plan (Drawing No: 16490P-100; Revision A) drafted by Kantey & Templer Consulting Engineers. Refer to Annexure 2 for the Site Layout Plan.

No other feasible layout alternatives were considered / assessed in the BAR.

#### "No-Go" Alternative

This alternative implies that the current vertical aboveground diesel storage tanks remain which means that physical internal inspections by a certified inspector will be required every 10 years in accordance with *American Petroleum Institute ("API") Standard 653 for Tank inspection, Repair, Alteration and Reconstruction for steel aboveground storage tanks*. Furthermore, the storage capacity at the facility will remain at 150m<sup>3</sup>. This is not the applicant's preferred alternative as the internal inspections poses a health and safety risk.

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

#### *3.1 Activity need and desirability*

The proposed expansion of the existing facility for the storage and handling of a dangerous good will be undertaken on Erf 3623 in Beaufort West. According to the information provided by the applicant the property is zoned as Industrial Zone I, with a consent use for a public garage. The facility has been operating for more than 40 years and is currently known as the Engen Beaufort West Truck Stop.

The current storage capacity at the facility is 150m<sup>3</sup> which is being done in 1 x 80m<sup>3</sup>, 1 x 45m<sup>3</sup> and 1 x 25m<sup>3</sup> vertical aboveground storage tanks. According to the applicant vertical tanks require physical internal inspections by a certified inspector every ten years in accordance with *American Petroleum Institute ("API") Standard 653 for Tank inspection, Repair, Alteration and Reconstruction for steel aboveground storage tanks*. This inspection therefore has health and safety related risks as personnel has to physically enter the tank for the inspection.

In order to reduce the risks, the applicant is proposing to replace the vertical aboveground storage tanks with horizontal aboveground storage tanks. This type of tank does not require physical internal inspections and can be inspected remotely.

The applicant's proposed replacement of the existing storage tanks, with 150m<sup>3</sup> capacity, with 3 x 83m<sup>3</sup> horizontal storage tanks will increase the storage capacity at the facility to 249m<sup>3</sup>. This is an increase of 99m<sup>3</sup> of storage capacity at the facility. According to the applicant this increase is required due to steadily increasing volumes of fuel sold within the past five years, from approximately 16 million litres a year to 21 million litres, Furthermore, the applicant indicates that supply from the Voorbaai depot is unreliable; therefore, necessitating the increased storage capacity to create a storage buffer when delivery is delayed.

In considering the above, the view is held that the applicant has adequately considered the need and desirability of the proposal.

#### *3.2 Socio-Economic aspects*

No significant negative socio-economic impacts were identified. It has been reported that the operation of the Truck Stop is a key supplier of fuel and employment. Approximately 20-25 people are employed by the truck stop. The expansion of the facility's storage capacity is not expected to increase the employment opportunities as the handling of the product (forecourt) is not being

expanded as well. Similarly, the expansion is not expected to influence the economy of other nearby facilities negatively.

### 3.3 Aquatic Biodiversity: Contamination Report and Geohydrological assessment

A desktop Geohydrological Assessment was undertaken by the applicant to inform the BAR. According to the assessment the surface lithology is generally characterised by soils with minimal pedological development (usually shallow on hard or weathering rock, with or without intermittent diverse soils). The underlying aquifer is classified as a fractured aquifer with a median borehole yield potential of greater than 5.0l/s. It is therefore considered to be a high-yielding aquifer.

The assessment also considered the site's vulnerability to surface contaminants. According to the information the site has a moderate vulnerability, which is associated with the confined nature of the fractured aquifer. Furthermore, the information indicates that the site is underlain by mudstone which weathers to clay forming a low permeability layer above the fractured mudstone and sandstone that likely provide sufficient protection against point and non-point sources of contamination.

Due to the nature of the facility and the activities proposed to be undertaken, a Phase 2 Contamination Assessment was commissioned by the applicant to determine whether any pollution has taken place due to the operation of the storage tanks. In this regard, three monitoring wells were drilled to a depth of 20m below ground level (bgl). According to the information, the wells were dry, grey competent mudrock and the water strike encountered between 10mbgl and 12mbgl. Analysis of the groundwater at the monitoring wells revealed that relevant contaminants were below the detectable limit of the instruments used. According to the report water from nearby groundwater boreholes was also sampled, which also did not contain any of the relevant contaminants at detectable levels.

Considering the above, the Department is satisfied that the geohydrological aspects of the site and the current and future risks to groundwater contamination have been adequately considered by the applicant.

### 3.4 Terrestrial Biodiversity aspects

The site is located within the existing Engen Beaufort West Truck Stop and has been completely transformed as the surface area has been completely covered by concrete.

### 3.5 Other impacts

No other significant visual dust, noise and odour impacts have been identified.

## 4. Scope and Validity of the Environmental Authorisation

This environmental authorisation defines specific operational aspects. Although the applicant has indicated that the period for construction should be 10 years; however, the implementation programme has reported that the construction activities (non-operational aspects) could be completed within a period of approximately 137-days. The need for a 10-year construction period was however not demonstrated in the application. A period of 3-years to conclude the non-operational aspects for this scale of development is regarded to be adequate.

The applicant indicated that the period for which the operational aspects of the activity be approved, should not be a prescribed lifespan for operating the facility as if maintained well it could be used for over 60 years. The latter period has not been substantiated in the application and a period of 20-years is regarded to provide a sufficient period to demonstrate the need for the continued operation of the facility (*i.e.*, by means of monitoring and environmental auditing). Notwithstanding this, where the activity has been commenced with, the EIA Regulations, 2014 allow



that (upon application) the period for the non-operational as well as the operational aspects specified in the environmental authorisation, may be extended.

Based on the above validity period of the environmental authorisation is described as follows:

- (a) the non-operational aspects (i.e.,; the installation of the horizontal aboveground storage tanks must commence and be concluded within **three (3) years** from the date of issue of this environmental authorisation;
- (b) the closure and removal of existing vertical aboveground storage tanks must be concluded within 60 days of the commissioning of the new horizontal aboveground storage tanks;
- (c) the operational aspects of this Environmental Authorisation are granted until 31 August 2043, during which period all operational aspects, rehabilitation and monitoring requirements as well as the final environmental auditing and reporting must be finalised;
- (d) should the holder of the EA wish to continue with the operational aspects beyond 31 August 2043, an application for amendment must be submitted prior to the EA lapsing on 31 August 2043.

## 5. 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.

## 6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities 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 activities can be mitigated to acceptable levels.

----- **END** -----