



EIA REFERENCE NUMBER: 16/3/3/5/A1/18/3045/18
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: **2019 -01- 16**

The Director
Astron Energy (Pty) Ltd.
P. O. Box 13
MILNERTON
7435

Attention: Ms. J. St Leger

Tel: (021) 508 3631
Email: Judith.StLeger@astronenergy.co.za

Dear Madam

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") (REFERENCE NO: E12/2/3/2-A2/309-0780/09 ISSUED ON 12 JUNE 2012) AND THE AMENDMENT EA (REFERENCE NO: 16/3/3/5/A1/18/3026/17 ISSUED ON 14 JUNE 2017) FOR THE INSTALLATION OF AN UNDERGROUND PIPELINE AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 936, MILNERTON.

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

AMENDED ENVIRONMENTAL AUTHORISATION

A. DECISION

1. The Department in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations (as amended on 07 April 2017), hereby amends the EA's (Reference no: E12/2/3/2-A2/309-0780/09 issued on 12 June 2012 and Reference no: 16/3/3/5/A1/18/3026/17 issued on 14 June 2017) as follows:
 - 1.1. The holders details which is currently "*Chevron South Africa (Pty) Ltd.*" is herewith replaced with Astron Energy (Pty) Ltd.
 - 1.2. Please find herewith attached copies of the above EA's (attached as Appendix 1).
2. The holders details of the below mentioned valid decisions that only requires a notification of the change of ownership to the competent authority is confirmed as being changed from "*Chevron South Africa (Pty) Ltd.*" to Astron Energy (Pty) Ltd.

E12/2/3/1-A2/309-0468/08 (issued on 12 February 2009)
E12/2/3/6-A2/309-0625/09 (issued on 28 May 2009)
E12/2/3/1-A2/309-0478/08 (issued on 05 February 2009)

E12/2/1-220-Erf936(c), Milnerton (issued on 30 August 2004)
AN 25/4 Caltex (issued on 16 April 2002)
AN220/25/4/ Caltex Refinery (issued on 24 November 2000)
AN 220/25/4 Caltex (issued on 26 April 1999)

B. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

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

1. The information contained in the application for the amendment dated and received by this Department on 20 December 2018.
2. The fact that there is no change in the scope of the EA's as only the company name has changed.
3. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
4. The proposed development is similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended).

Listing Notice 2

Activity Number: 7
Activity Description

The development and related operation of facilities or infrastructure for the bulk transportation of dangerous goods—

- (i) *in gas form, outside an industrial complex, using pipelines, exceeding 1 000 metres in length, with a throughput capacity of more than 700 tons per day;*
 - (ii) *in liquid form, outside an industrial complex, using pipelines, exceeding 1 000 metres in length, with a throughput capacity of more than 50 cubic metres per day; or*
 - (iii) *in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons per day.*
5. The conditions of the EA's (Reference no's: 16/3/3/5/A1/18/3026/17 and E12/2/3/2-A2/309-0780/09) will remain valid.

All information presented to the Department was taken into account in the Department's consideration of the application.

C. APPEAL:

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

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 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; and

- 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.
2. 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.
3. 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
4. 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: Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za>.

Yours faithfully



ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 16/01/2019

Copies to: (1). Ms. P. Titmuss (City of Cape Town)
(2). Mr. S. Masson (SRK Consulting)

Fax: (021) 444 0605
Fax: (086) 530 7003

APPENDIX 1

Copy of the EA (Reference no: E12/2/3/2-A2/309-0780/09 issued on 12 June 2012) and the amendment EA (Reference no: 16/3/3/5/A1/18/3026/17 issued on 14 June 2017).



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: LAND MANAGEMENT
REGION 2**

EIA REFERENCE NUMBER: E12/2/3/2-A2/309-0780/09
ENQUIRIES: I. Bekko
DATE OF ISSUE: 2012 -06- 12

The Director
Chevron South Africa (Pty) Ltd.
P.O. Box 13
MILNERTON
7435

Attention: Ms. J. St Leger

Tel: (021) 508 3412
Fax: (021) 508 3214

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE PROPOSED INSTALLATION OF AN APPROXIMATELY 1.3KM LONG UNDERGROUND PIPELINE AND ASSOCIATED INFRASTRUCTURE ON ERF 936, MILNERTON.

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 Amendment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to Alternative 1 described in the Environmental Impact Assessment Report ("EIAR") dated 04 November 2011.

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.

FILE

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Chevron South Africa (Pty) Ltd.
% Ms J St. Leger
P.O. Box 13
MILNERTON
7435

Tel: (021) 508 3412
Fax: (021) 508 3214

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R386 of 21 April 2006 being –

Activity Number: 1 (m)

Activity Description: The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams; and
- (iv) weirs;

Government Notice No. R387 of 21 April 2006 being –

Activity Number: 1 (j)

Activity Description: The construction of facilities or infrastructure, including associated structures or infrastructure, for –
(j) the bulk transportation of dangerous goods using pipelines, funiculars or conveyors with a throughput capacity of 50 tons or 50 cubic metres or more per day;

Government Notice No. R544 of 18 June 2010 (as amended) –

Activity Number: 49

Activity Description: The expansion of facilities or infrastructure for the bulk transportation of dangerous goods:

- (i) in gas form, outside an industrial complex, by an increased throughput capacity of 700 tons or more per day;
- (ii) in liquid form, outside an industrial complex or zone, by an increased throughput capacity of 50 cubic metres or more per day; or
- (iii) in solid form, outside an industrial complex or zone, by an increased throughput capacity of 50 tons or more per day.

Activity Number: 6

Activity Description: The construction of facilities or infrastructure for the bulk transportation of dangerous goods -

- (i) in gas form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity of more than 700 tons per day;
- (ii) in liquid form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity more than 50 cubic metres per day; or
- (iii) in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons day.

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

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

The installation of an approximately 1.3km long underground pipeline with a diameter of approximately 10 inches and flow capacity of approximately 700m³ per hour running from the Chevron refinery on Erf 936, Milnerton and connecting to existing pipeline infrastructure in Cape Town harbour and Montagu Gardens. The purpose of this pipeline includes increasing the flow rate of fuel to and from the refinery, the harbour and depots in Montagu Gardens through allowing simultaneous transfer of fuel products. The pipeline and associated infrastructure will exit the refinery approximately 200m north of the Platteklouf and Koeberg Roads intersection and then run along Koeberg Road in a southerly direction within the existing pipeline servitude where it will connect to the existing pipeline interchange (known as the 'Gooseneck'), which is located approximately 800m south-west from the refinery. The pipeline will cross the Duikersvlei canal approximately 300m south of the refinery.

The proposed development further includes:

- Excavation of trenches approximately 3m wide and 2m deep;
- Installation of cable from the existing power supply for the replacement of the diverter valve system;
- A radio signalling device; and
- Associated infrastructure including associated pipes, valves, pumps and fittings.

C. PROPERTY DESCRIPTION AND LOCATION

The proposed activities will be routed from the existing Chevron refinery on the remaining extent of Erf 936, exit off the refinery at the Platteklouf and Koeberg Roads intersection and will run along Koeberg Road in a southerly direction, within the existing pipeline servitude to the existing pipeline interchange on Koeberg Road. The pipeline will cross the Duikersvlei canal approximately 300m south of the refinery.

Co-ordinates:

Starting point	33° 50' 42.09"	South
	18° 31' 37.96"	East
End point	33° 51' 06.45"	South
	18° 31' 07.36"	East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

ERM Southern Africa (Pty) Ltd.
% Ms. C. Alborough
Private X12
TOKAI
7966

Tel: (021) 701 9100
Fax: (021) 701 7900

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 all 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. One week's notice, in writing, must be given to the Directorate: Land Management (Region 2), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3 and 12
4. The holder is responsible for ensuring compliance with the conditions by any person acting on his 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 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.

6. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
7. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

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.

The EMP must be included in all contract documentation for all phases of implementation.

8. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken during construction activities, thereafter it must be kept at the offices of the applicant. 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.
9. 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 9.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he 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 activities 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 has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 9.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
10. 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.
11. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
13. 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.
14. 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. No pollutants as a result of construction activities must enter the watercourse;
15. Construction areas and access routes must be clearly demarcated before construction commences and any areas outside the construction areas must be marked as 'no-go' areas.
16. The site must be rehabilitated on completion of construction activities to prevent erosion.
17. Dust suppression methods must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) must be implemented instead.
18. The following mitigation measures regarding fuel must be implemented:
 - 18.1. All fuel temporarily stored on site must be confined to specific, secured, and bunded areas; and
 - 18.2. Drip trays must be provided for all vehicles, construction equipment and generators that may require re-fuelling on site to avoid the possible spillage of fuel/oil.
19. Adequate ablution facilities must be provided on site during construction. The ratio of 15 people per ablution facility must not be exceeded.
20. All noise and sounds generated during all phases of the proposed development must comply with the relevant SANS codes and standards. The mitigation measures for noise pollution stipulated in the EMP must be implemented.
21. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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 include: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment 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;
 - 1.2. 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; and
 - 1.3. 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 –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and 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.
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 J. de Villiers
Room 305 A
3rd Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street,
CAPE TOWN, 8001)
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.de.Villiers@pgwc.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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. ZAHIR TOEFY
DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 12/06/2012
Copies to: (1) Mr. M. Theron (City of Cape Town)
(2) Mr. G. Smith (Landowner)
(3) Ms. C. Alborough (ERM Southern Africa)

Fax: (021) 550 1003
Fax: (021) 508 3214
Fax: (021) 701 7900

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: E12/2/3/2-A2/309-0780/09
NEAS EIA REFERENCE NUMBER: WCP/EIA/7713/2009

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 24 November 2009 and received by the competent authority on 25 November 2009, the Scoping Report received by the competent authority on 13 August 2010, the Environmental Impact Assessment Report (EIAR) and EMP received by the competent authority in November 2011;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives (dated October 2011);
- 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 EIAR dated November 2011;
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- f) 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 was conducted in terms of both the EIA Regulations 2006 as well as the EIA Amendment Regulations 2010 and included the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the entrance to the refinery and in two locations along the route for the period (21 January – 22 February 2010);
- 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 activities;
- the placing of a newspaper advertisement in the 'Cape Times' and 'Table Talk' on 21 January 2010;
- a community liaison meeting held on 27 January 2010; and
- the distribution of the draft and final scoping and environmental impact assessment reports;

All the concerns raised by interested and affected parties were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

The Department concurs with the environmental assessment practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this environmental authorisation and in the EMP.

2. Alternatives

Alternative 1 (Herewith authorised)

The installation of an approximately 1.3km long underground pipeline with a diameter of approximately 10 inches and flow capacity of approximately 700m³ per hour running from the Chevron refinery on Erf 936, Milnerton and connecting to existing pipeline infrastructure in Cape Town harbour and Montagu Gardens. The purpose of this pipeline includes increasing the flow rate of fuel to and from the refinery, the harbour and Montagu Gardens through allowing simultaneous transfer of fuel product. The pipeline and associated infrastructure will exit the refinery approximately 200m north of the Platteklouf and Koeberg Roads intersection and then run along Koeberg Road within the existing pipeline servitude in a southerly direction where it will connect to the existing pipeline interchange (the 'Gooseneck'), which is located approximately 800m south-west from the refinery. The pipeline will cross the Duikersvlei canal approximately 300m south of the refinery.

Alternative 2

This entails replacing one of the existing pipelines along Koeberg Road with a larger diameter pipeline in order to increase the rate of flow of fuel to either the refinery or the harbour. This option would however not allow for the simultaneous transfer of fuel products between the refinery, the harbour and Montague Gardens. This option would also result in the replaced pipeline being out of commission for several months which is not feasible. As such, Alternative 2 was not preferred.

Alternative 3

This entails the transfer of fuel products by road to the depots in Montague Gardens while the pipeline is being utilised to transport fuel products to Cape Town harbour. This option is currently prohibitively expensive for the short distance the fuel needs to be transferred and would result in significant increase in the number of trucks along Koeberg Road. The capacity for fuel transfer would be greatly reduced in this option as movement of fuel by road is more hazardous than by underground pipeline and also has a greater potential for accidents and fuel spills. As such, this alternative was not preferred.

"No-Go" Alternative

The "no-go" alternative will mean that the applicant would have no flexibility for the transfer of fuel in its refinery reticulation system. The applicant would therefore be unable to transfer fuel products simultaneously to Cape Town harbour and depots in Montague Gardens. This would result in no reduction of waiting time for ships in the harbour and no reduction in demurrage costs for the applicant. As the preferred alternative is designed to not result in unacceptable impacts the "no-go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

4.1. Activity Need and Desirability

The Chevron pipeline interchange (known as the "Gooseneck"), is located approximately 800m south-west of the refinery on the eastern side of Koeberg Road, and is used to direct various fuel products from the main pipeline between the refinery and Cape Town harbour into a secondary pipeline which runs to the Montague Gardens depots. The Gooseneck is a manual switch system which allows switching of fuel flow within the pipelines to the line running to the Montague Gardens depots. The additional pipeline is required in order to ensure uninterrupted flow of fuel products. The existing manually operated pipeline interchange will be replaced with an automated 3-way diverter valve. By installing the additional pipeline and automated valve system the delivery of fuel products between the refinery, the harbour and Montague Gardens depots will be improved.

4.2. Environment

The topography between the refinery and the interchange is relatively flat-lying with a gradual slope towards the sea. The area around the interchange slopes gently northwards towards two canalised tributaries of the Rietvlei, viz, the Duikersvlei canal within the grounds of the old fertilizer factory to the north-east of the interchange and the Theo Marais canal, which runs parallel to Koeberg Road on the eastern boundary of the Theo Marais sports fields. Runoff from the area immediately surrounding the interchange is directed into a short (30-40m) culvert which directs drainage in a northerly direction into a concrete storm water pipe which runs to the west under Koeberg Road and joins the Theo Marais canal.

The proposed pipeline will cross the Duikersvlei canal approximately 300m south of the refinery. The Duikersvlei canal drains into the Theo Marais canal which in turn drains into the Rietvlei wetland system which is located approximately 600m from the interchange. Although the canals that feed the Rietvlei, drains the industrial and commercial areas in the immediate vicinity, the water quality within the lake is acceptable and has not deteriorated since 2002. The reed beds filter water entering the lake, minimizing water quality impacts from upstream.

Although construction activities will be restricted within the road reserve, the proposed activity may have some impact on the environment, specifically on water quality through possible spillages. With the implementation of the conditions of this Environmental Authorisation and the EMP, all the potential environmental impacts are expected to be managed to acceptable levels.

4.3. Traffic

The excavation and installation of the underground pipeline and the use of construction vehicles along Koeberg Road, including the intersection with Platteklouf Road, is likely to cause some disturbance to traffic. However, the nature of the impact is short term and restricted to construction activities. In order to limit disturbance to traffic where the pipeline will cross the intersection between Koeberg and Platteklouf Roads, trenchless technology in the form of horizontal boring will be applied.

4.4. Noise

Noise impacts are expected to be short term and are of low significance as it will be limited to the construction phase only. Background noise levels in the area are relatively high as a result of busy roads and a number of light industrial and commercial activities in the area. Potential noise impacts will be mitigated by restricting construction activities to specific working hours as indicated in the EMP.

4.5. Dust

There is a potential for dust generation during construction activities as excavated material will be stockpiled to be used for backfilling once the pipeline is complete. Due to the prominence of strong winds in the Cape Town area, stockpiled material is susceptible to dust generation. Mitigation measures outlined in the EMP and in conditions of this Environmental Authorisation will mitigate the potential for dust generation to acceptable levels.

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:

The potential negative impacts are short term as they are mostly limited to construction activities and include impacts on traffic, noise impacts, dust impacts as well as potential impacts on water quality of the Rietvlei.

Positive impacts:

The installation of the additional pipeline and automated valve system will improve the delivery of fuel products between the refinery, the harbour and Montague Gardens depots by ensuring uninterrupted flow of fuel products.

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 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 -



Western Cape
Government

Environmental Affairs and
Development Planning

Directorate: Development Management
Region 1

EIA REFERENCE NUMBER: 16/3/3/5/A1/18/3026/17
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 14 JUN 2017

The Director
Chevron South Africa (Pty) Ltd.
P.O. Box 13
MILNERTON
7435

For attention: K. J. Mathiba (c/o Mr. N. Salie)

Tel: (021) 508 3631
email: nsalie@chevron.com

Dear Sir

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 12 JUNE 2012 (REF. NO. E12/2/3/2-A2/309-0780/09) FOR THE INSTALLATION OF AN APPROXIMATELY 1.3KM LONG UNDERGROUND PIPELINE AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 936, MILNERTON.

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

AMENDED ENVIRONMENTAL AUTHORISATION

A. DECISION

The Environmental Authorisation ("EA") issued by this Directorate on 12 June 2012 (Ref. no. E12/2/3/2-A2/309-0780/09) and the application for the amendment thereof dated 12 May 2017 and received by this Department on 02 June 2017, refer.

On 07 April 2017, the Minister of Environmental Affairs made amendments to the Environmental Impact Assessment Regulations, 2014 published under Government Notice No. 982 in Gazette No. 3822 of December 2014, in terms of sections 24(2), 24(5), 24D and 44 read with section 47A (1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). Please note that the amendments came into effect on **07 April 2017**.

The Department in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended on 07 April 2017), hereby amends the validity period of the EA approved on 12 June 2012 (Reference Number: E12/2/3/2-A2/309-0780/09) as follows:

The listed activities must commence within a period of **Five (5) years** from the date of issue of this amended environmental authorisation. If commencement of the listed activities does not occur within

15/06/17
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this period, the authorisation lapses and a new application for environmental authorisation must be made in order for the listed activities to be undertaken.

B. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

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

1. The information contained in the application for the amendment dated 12 May 2017 and received by this Department on 02 June 2017.
2. The fact that there is no change in the scope of the development and the associated environmental impacts have already been assessed.
3. The fact that the original EA is still valid and the listed activities authorised therein, are still similarly listed in the NEMA EIA Regulations, 2014 (as amended on 07 April 2017) as follows:

Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended)

Activity Number: 60
Activity Description:

The expansion and related operation of facilities or infrastructure for the bulk transportation of dangerous goods—

- (i) *in gas form, outside an industrial complex, by an increased throughput capacity of 700 tons or more per day;*
- (ii) *in liquid form, outside an industrial complex or zone, by an increased throughput capacity of 50 cubic metres or more per day; or*
- (iii) *in solid form, outside an industrial complex or zone, by an increased throughput capacity of 50 tons or more per day.*

Listing Notice 2 of the NEMA EIA Regulations, 2014 (as amended)

Activity Number: 7
Activity Description:

The development and related operation of facilities or infrastructure for the bulk transportation of dangerous goods—

- (i) *in gas form, outside an industrial complex, using pipelines, exceeding 1 000 metres in length, with a throughput capacity of more than 700 tons per day;*
- (ii) *in liquid form, outside an industrial complex, using pipelines, exceeding 1 000 metres in length, with a throughput capacity of more than 50 cubic metres per day; or*
- (iii) *in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons per day.*

4. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
5. The conditions of the EA issued on 12 June 2012 will remain valid.

All information presented to the Department was taken into account in the Department's consideration of the application.

C. APPEAL:

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

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 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; and
 - 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.
2. The applicant (if not the appellant), the decision-maker, I&APs and Organs 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.

3. 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

4. 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: Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za>.

D. DISCLAIMER

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

Yours faithfully



ZAAHIR JOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 14/06/2017

Copies to: (1) Ms. C. Alborough (Environmental Resource Management)
(2) Ms. P. Titmuss (City of Cape Town)

email: Claire.alborough@erm.com
Fax: (021) 444 0605