



REFERENCE NUMBER: 14/2/1/1/A8/98/0001/17

ENQUIRIES: Moe'mina Hoosain

The Managing Director
Spraypave (Pty) Ltd
P O Box 674
ALBERTON
3610

BY REGISTERED MAIL

Tel: (011) 868 5451
Fax: (011) 900 1470
Cell: (076) 755 2024
Email: danashia@spraypave.co.za

Attention: Ms D. Padyachee

Dear Madam

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL EXPANSION OF THE DAILY PROCESSING CAPACITY OF A PETROLEUM PRODUCT AND THE BITUMEN EMULSION STORAGE FACILITY ON ERF 12710 AND ERF 12711, PAROW INDUSTRIA

With reference to your application dated 13 December 2016, submitted in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed/specified activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed/specified activities in Section C below in accordance with Section A, as described in the Environmental Impact Report ("EIR") dated 14 February 2018.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed/specified activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director
Spraypave (Pty) Ltd
P O Box 674
ALBERTON
3610

Cell: (071) 518 8734
Email: danashia@spraypave.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p><u>Government Notice. No. R983 of 2014</u> Activity Description: <i>The expansion 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.</i></p> <p><u>As similarly listed in Government Notice No. R327 of 2014</u> Activity Description: <i>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.</i></p>	<p>The unlawful activity entails the installation of the latest technology bitumen converter/processor to improve the quality of bitumen, which is currently supplied by the petroleum refineries locally and abroad. Bitumen is processed by adding chemicals and/or aromatic oils (dangerous goods) to produce bitumen emulsions for the road construction industry.</p> <p>The activity also entailed the addition of the following bulk storage:</p> <p><u>Bitumen</u> 1 x 38 000L aboveground storage tank (AST); 1 x 160 000L AST; and</p>

	<p>1 x 75 000L AST</p> <p><u>Polymer modified bitumen</u></p> <p>2 x 22 000L ASTs were replaced by 2 x 35 000L ASTs</p> <p><u>Reactor end product</u></p> <p>1 x 160 000L AST</p> <p>The activity entails the expansion of the existing production facility. Spraypave Pty (Ltd) obtained environmental authorisation from this Department for bitumen modification and the storage of bitumen in 2014. The size of the facility is approximately 3406m².</p>
<p><u>Government Notice. No. R983 of 2014</u></p> <p>Activity Description:</p> <p><i>The expansion and related operation of facilities or infrastructure for the refining, extraction or processing of gas, oil or petroleum products where the installed capacity of the facility will be increased by 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.</i></p> <p><u>As similarly listed in Government Notice No. R327 of 2014</u></p> <p>Activity Description:</p> <p><i>The expansion and related operation of facilities or infrastructure for the refining, extraction or processing of gas, oil or petroleum products where the installed capacity of the facility will be increased by 50 cubic metres or more per day, excluding facilities for the refining, extraction or processing of gas from landfill sites.</i></p>	<p>The new bitumen converter has the capacity to process more than 50m³ of bitumen per day. The bitumen converter does not replace any of the existing bitumen mills.</p>

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Erf 12710 and Erf 12711, Parow Industria.

The SG digit codes for the site are C01600420001271000000 and
C01600420001271100000

The co-ordinates for the site/property boundary are:

Point	Latitude (S)	Longitude (E)
1	33 ° 56 ' 02.94" South	18° 36' 14.07" East
2	33 ° 56' 03,08" South	18° 36' 17.39" East
3	33 ° 55' 59,65" South	18° 36' 14,97" East
4	33 ° 56' 00,20"South	18° 36' 13,76" East

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.
Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Chameleon Environmental
c/o Paul Bothma
PO Box 11788
SILVERLAKES
0054

Tel: (012) 809 1393
Fax: (086) 637 7786
Email: ce.pc@mwebbiz.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

Spraypave (Pty) Ltd ("Spraypave") is located within Parow Industria and is a manufacturer of bitumen-based products primarily used in the maintenance of provincial and national roads. The activity entails the expansion of the existing production facility. Spraypave obtained environmental authorisation from this Department for bitumen modification and the storage of bitumen in 2014. The size of the facility is approximately 3406m².

The unlawful activity entails the installation of the latest technology bitumen converter/processor to improve the quality of bitumen, which is currently supplied by the petroleum refineries locally and abroad. Products derived from the new converter (bitumen) and post-processing products (bitumen emulsions) will be stored in additional storage facilities. The additional storage entailed the addition of the following bulk storage facilities:

Bitumen

1 x 38 000L aboveground storage tank (AST);
1 x 160 000L AST; and
1 x 75 000L AST

Polymer modified bitumen

2 x 22 000L ASTs were replaced by
2 x 35 000L ASTs

Reactor end product

1 x 160 000L AST

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above, on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision for continuation of commencement of the listed activities.
3. 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.
4. Any changes to, or deviations from the scope of the alternative described in Section F 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.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of activities.

5.1 The notice must make clear reference to the site details and 24G Reference number given above.

5.2 The notice must also include proof of compliance with conditions of 5, 6 and 7.

PART III

Notification and administration of an 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 –

6.1.1 the outcome of the application;

6.1.2 the reasons for the decision as included in Annexure 3;

6.1.3 the date of the decision; and

6.1.4 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 Appeals Regulations, 2014* detailed in Section I 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:

6.4.1 the name of the holder (entity) of this Environmental Authorisation;

6.4.2 name of the responsible person for this Environmental Authorisation;

6.4.3 postal address of the holder;

- 6.4.4 telephonic and fax details of the holder;
- 6.4.5 e-mail address, if any, of the holder; and
- 6.4.6 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*.

7. The listed activities, including site preparation, may not re-commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. 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.

PART IV

Management of the activity/development

- 8. The draft Environmental Management Programme ("EMPr") dated February 2018, as compiled by Chameleon Environmental, submitted as part of the application for environmental authorisation, is hereby approved and must be implemented.
- 9. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

- 10. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") ensure compliance with the EMPr and the conditions contained herein.
- 11. 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 activity/ies, and must be made available to anyone on request, including a publicly accessible website (if applicable).
- 12. Access to the site referred to in Section D 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.

PART VI

Auditing

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority on a bi-annual basis and/or upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

The holder must, within 7 (seven) days of the submission of the 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).

PART VII

Activity/ Development Specific Conditions

14. The aboveground storage tanks (ASTs) must be stored in a bunded area that complies with the appropriate and relevant specifications and building standards. Written proof of compliance must be retained for compliance monitoring purposes and must be made available upon request from this Department.
15. In the event of accidental spillage or an incident, disposal of contaminated soil should be considered as a last resort after the feasibility of treatment and reuse has been assessed. Should the assessment reveal that the treatment and reuse of the recovered product is not feasible in any particular instance, the contaminated material must be disposed of at a suitable and registered waste disposal facility. Written proof of compliance must be retained for compliance monitoring purposes and must be made available upon request from this Department.
16. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to. Employees must be trained and

informed about the hazards associated with the substances they work with. Appropriate safety signage and notices must be displayed on site.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the 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.

4. The holder 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. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

6. Please be reminded that the designated Environmental Control Officer ("ECO") is responsible for ensuring compliance with the relevant legislation and current best practices for the storage of ASTs and hazardous material on site.

I. APPEALS

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

1. An appellant (if the holder) must –

- 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

- 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and 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. This appeal and responding statement must be submitted to the address listed below:

By post: Attention: Jaap de Villiers
Western Cape Ministry of Local Government, Environmental
Affairs & Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: Jaap.DeVilliers@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to Jaap.DeVilliers@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 Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

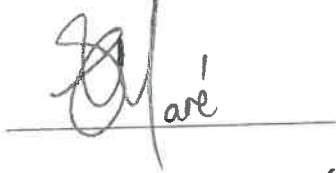
J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, the Municipality, 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



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 07 December 2018

CC: (1) P. Bothma
(2) O. Asmal

(Chameleon Environmental)
(City of Cape Town)

Fax: (086) 637 7786
Fax: (021) 424 9897

Email: Ce.pc@mwebbiz.co.za
Email: enviro@capetown.gov.za