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NOTICE OF INTENT TO APPLY FOR RECTIFICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT 107 OF 1998) (NEMA)
FOR THE UNLAWFUL COMMENCEMENT OF LISTED ACTIVITIES
LESLIE CONVENIENCE CENTRE
22 JUNE 2021

**BACKGROUND INFORMATION DOCUMENT (BID)
AND INVITATION TO PARTICIPATE**

Notice is given, in terms of the Section 24(G) Regulations (Government Notice Regulation 698 of 20 July 2017) promulgated in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA), as amended, of Leslie Community Filling Station (Pty) Ltd.'s intent to submit an application for rectification in terms of Section 24(G) of the NEMA to the Department of Agriculture, Rural Development, Land & Environmental Affairs for the unlawful commencement of activities listed in GN R. 327 of the EIA Regulations of 04 December 2014, as amended, and promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA).

PURPOSE OF THIS DOCUMENT

The purpose of this document is to:

- Provide stakeholders with information about the application for rectification for the unlawful commencement of activities listed in terms of the Environmental Impact Assessment Regulations of 2014 as amended, on Erf 239, Portion 5 Leslie IR, Leandra, Govan Mbeki Local Municipality, Mpumalanga Province,
- Introduce and explain the S24G Application and Public Participation process to be followed for the proposed project,
- Invite all stakeholders to comment on any aspect related to the NEMA S24 (G) Rectification Process; and
- Notify all stakeholders that the Interested and Affected Party registration period is from **22 June 2021 to 23 July 2021.**

WHERE IS THE PROJECT LOCATED?

The subject property is located in Leandra on 36 Norda Street. Leandra is some 45 km east-south-east of Springs, comprising the former towns of Eendrag and Leslie.

The property description is Erf 239, Portion 5 Leslie IR in the Govan Mbeki Local Municipality, Gert Sibande District Municipality in Mpumalanga province.

The GPS coordinates of the study site location is 26°22'04.70"S; 28°55'29.21"E. The Surveyor General number is TOIR03880000023900005. The project is on approximately 4041.25 m² (0.404125 ha) of land.

(The project area is indicated on the Location Maps below.)

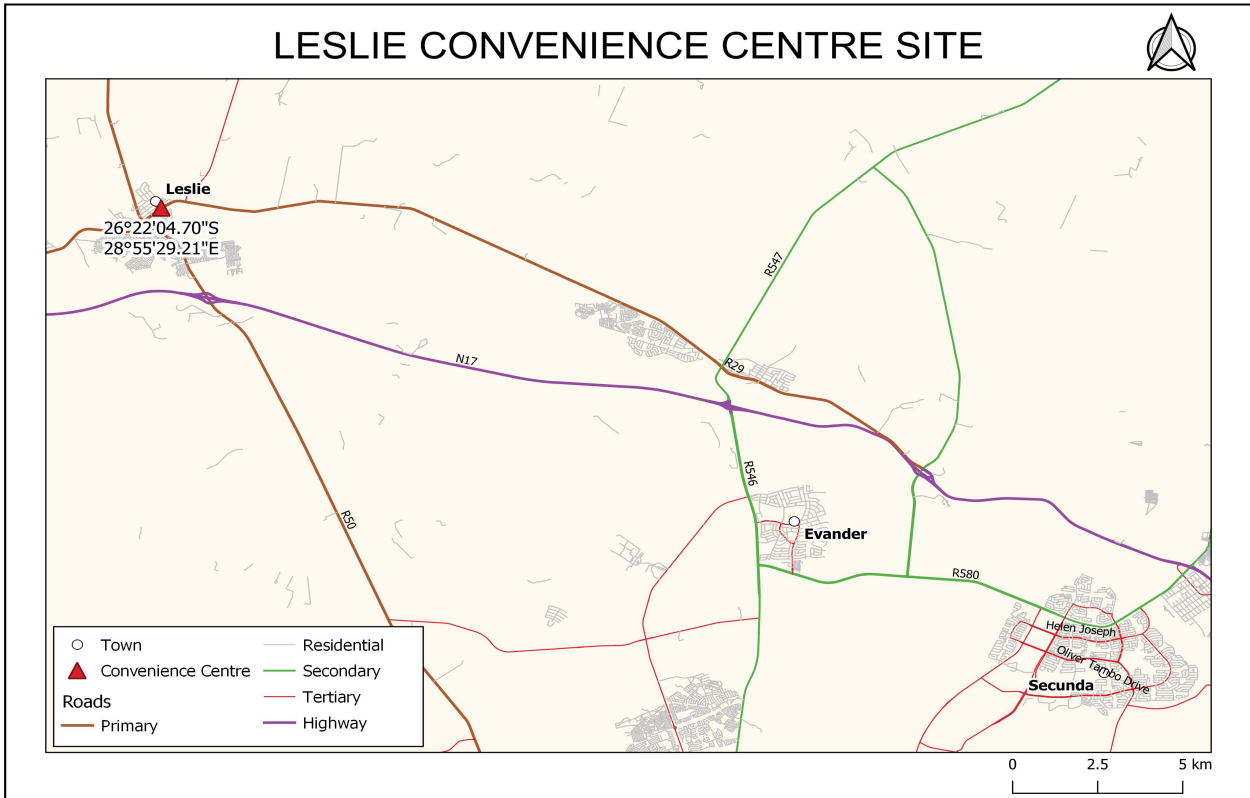


Figure 1 & 2 Locality Maps



WHAT IS THE SCOPE OF THIS PROJECT?

Leslie Community Filling Station (Pty) Ltd., previously known as Leslie MBT Station (Pty) Ltd entered into a formal lease agreement with landowner, Leslie Sentrum CC, after the initial lease agreement expired by effluxion of time, on condition to upgrade the already existing filling station and in exchange get the right to operate the already existing fuel station as a going business. The existing filling station came into operation before March 1998 and had a combined capacity of 115 000 litres = 115m³ (cubic metres) of fuel. The new owner proposed to keep the capacity of the fuel storage facility to below the threshold of 80m³ and to use the existing footprint of the old facility.

The station was revamped and the old fuel tanks replaced by new tanks that comply to the latest technology and the South African National Standards (SANS) for the Petroleum Industry: SANS 10089-3:1999* SABS 089-3:1999. The South African National Standards (SANS/SABS) Part 3, applicable to the Petroleum Industry and in particular to the installation of underground storage tanks, pumps/dispensers and pipework at service stations and consumer installations, is applicable and was complied with.

The replacement of the tanks, fuel lines and containment slab were contracted to Unitrade 549 (Pty) Ltd trading as Sihlangene Construction. The revamp was halted as a result of the Covid 19 Pandemic and in terms of the regulations relating to Covid 19 published in terms of the Disaster Management Act at the end of March 2020 and only resumed in May 2020.

The scope of work was to install tanks below the threshold of 80m³. After the revamp was completed and in preparation to activate the filling station it came to the knowledge of Leslie Community Filling Station (Pty) Ltd that the combined capacity of the underground fuel tanks exceeded the threshold capacity of 80m³ in that it is 83m³ made up by 2 x 30m³ and 1 x 23m³ tanks.

It now transpired that during the initial Covid 19 restrictions, imposed by the regulations relating to Covid 19 in terms of the Disaster Management Act, the availability of underground fuel tanks with a capacity below 20m³ were not available and the contractor was supplied with 2 x 30m³ and 1 x 23m³ underground fuel tanks by the supplier and same were installed.

This application is therefore for rectification of the unlawful expansion of the filling station. In addition, it is for authorisation of the expansion of the existing facilities for the storage of fuel and related uses. The combined capacity of the fuel tanks will not exceed 500 cubic metres. Leslie Community Filling Station (Pty) Ltd. plans to expand on the existing facilities and the existing storage tanks on site (2 x 30m³, and 1 x 23m³) by adding additional tanks up to a combined fuel storage capacity of 175m³ over a phased period. The applicant proposes to construct an additional 2 x 46m³ tanks. The total combined storage capacity on site will thus not exceed 500m³.

REGULATORY PROCESS

Texture Environmental has been appointed by Leslie Community Filling Station (Pty) Ltd. to facilitate the NEMA S24G rectification application for the unlawful expansion of the filling station.

A Basic Assessment (BA) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), read with the Environmental Impact Assessment Regulations, 2014 (EIA Regulations), as amended, is being undertaken in support of the Section 24G application. The application will be submitted to the Department of Agriculture, Rural Development, Land & Environmental Affairs: Section Environmental Impact Management.



Activities unlawfully commenced with in terms of the EIA Regulations promulgated in terms of the NEMA.

Government Notice No. Regulation 327 of EIA Regulations of 4 December 2014 as amended: Listing Notice 1, Activities 51 and 67 of the Environmental Impact Assessment (EIA) regulations.

Government Notice	Activity Number and Description
GN R. 327 of 4 December 2014	<u>Listing Notice 1 Activity 51</u> 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.
GN R. 327 of 4 December 2014	<u>Listing Notice 1 Activity 67</u> Phased activities for all activities— (i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; (ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.

WHAT DOES THE BA PROCESS ENTAIL?

Application and initial notification

An initial notification process takes place whereby the public is informed of the proposed rectification and development through inter alia, newspaper notices, notification letters and on site notices.

Public Participation Process (PPP) Phase

The purpose of this phase is:

- To identify interested and affected parties (I&APs) and relevant authorities
- The opening and maintaining of a register of all I&APs and key stakeholders on the database (on-going)
- Comments and issues raised during the Public Participation Process will be captured, evaluated and included in a Comment and Response Report.

Basic Assessment (BA) phase

This phase inter alia includes:

- Advertising the BA process and availability of the BID
- Consultation with and dissemination of information to I&APs through the BID, public open days/focus group meetings/key stakeholder workshops
- Inviting I&AP comment and input on the draft report (30-day comment period)
- Recording all comments, issues and concerns raised by I&APs in a Comment and Response Report for inclusion in the final Report.

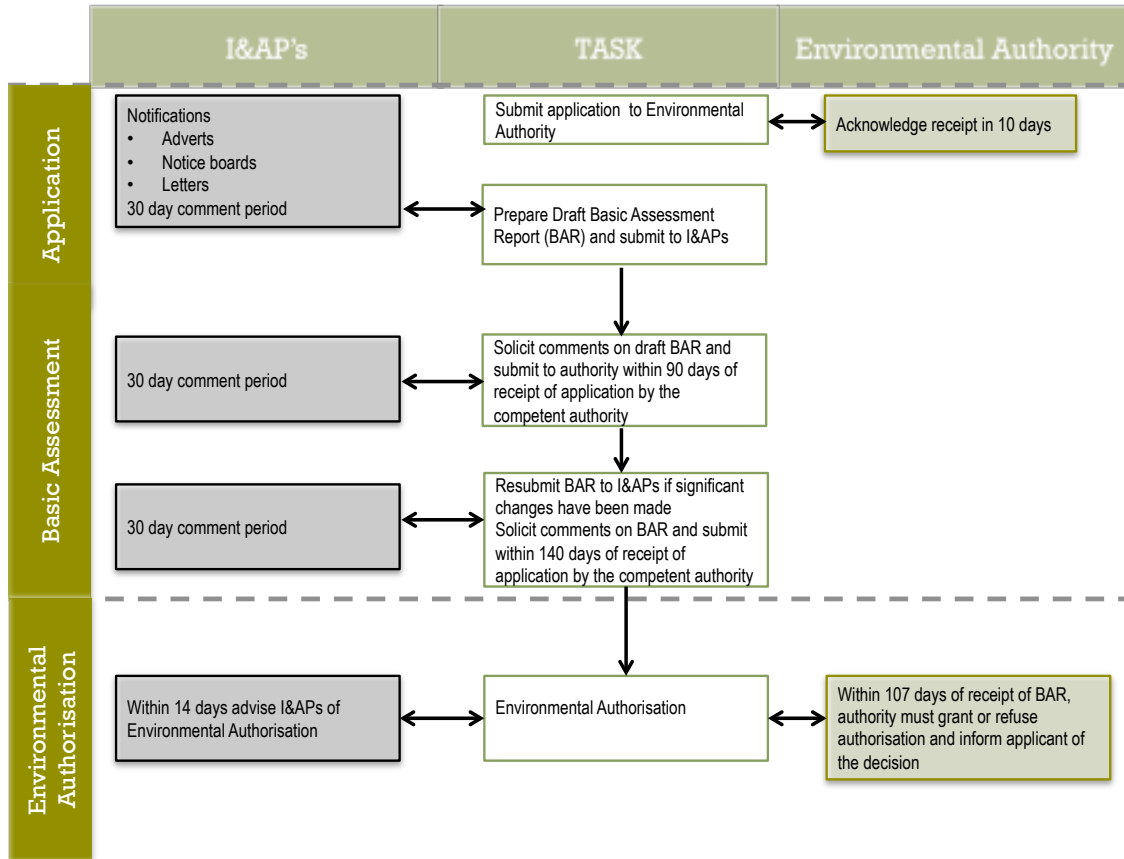
The above will be assimilated into a final Section 24G report to the competent authority, the Department of Agriculture, Rural Development, Land & Environmental Affairs (DARDLEA). The DARDLEA has to reach a decision as to whether, and under what conditions, Environmental Authorisation will be granted, based on environmental considerations.

Environmental Authorisation

An Environmental Authorisation (EA) may be issued based on the information provided in the S24G Application. Interested and Affected Parties (I&APs) who have registered will be notified of the Environmental Authorisation (EA).



The BA process is represented diagrammatically in the Schedule below:



WHAT IS THE PROGRAMME FOR THE BA PROCESS?

The following preliminary programme is envisaged for the BA:

Public Participation Phase	DARDLEA review and Decision making	Environmental Authorisation
June 2021 to August 2021	September 2021 to December 2021	December 2021



INVITATION TO PARTICIPATE

The public participation process (PPP) provides opportunities for I&APs to be involved right from the outset of the BA.

The PPP includes the following steps to ensure effective public participation:

- Step 1: Register I&APs and key stakeholders on a database (on-going)
- Step 2: Advertise the BA process and availability of the BID (local press, on-site and letters)
- Step 3: Consultation with and dissemination of information to I&APs through the BID, one-on-one consultation, public meetings/public open days /key stakeholder workshops during the BA phase
- Step 4: Invite I&AP comment and input on the draft report (30-day comment period)
- Step 5: Record all comments, issues and concerns raised by I&APs in a Comment and Response Report for inclusion in the final report.

GETTING INVOLVED

You can get involved by:

- Registering as an I&AP using the attached Comment and Registration Form and returning it to the public participation consultant by post, fax or email using the details provided below;
- Attending any meetings that will be held during the BA so that you can obtain further information, interact with the project team members and raise issues and concerns. Should you register as an I&AP you will be invited to attend these meetings;
- Contacting the public participation consultant by email or fax should you have a query, wish to make a comment or require further information; and
- Reviewing and commenting on the draft report within the 30-day review periods provided. If you register as an I&AP, you will automatically receive any further information that is distributed as part of this BA and be invited to public meetings. Should you wish to comment on the draft report that will be made available for public review it is important that you take note of the 30-day review period and the deadlines for submission of comment. Comment can be submitted in writing via fax, email or post, using either the Comment Form provided or your own format.(Email is recommended).

Please complete and submit the registration sheet together with any comments to Texture Environmental by no later than: **23 July 2021**.

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