

**EXPANSION OF LIQUID OXYGEN (LOX) AND DIESEL STORAGE AT THE AIR PRODUCTS FACILITY LOCATED WITHIN THE COEGA SPECIALECONOMIC ZONE,
PORT ELIZABETH, EASTERN CAPE PROVINCE
(ECm1/C/LN1/M/03-2020)**

COMMENTS AND RESPONSES REPORT

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The Basic Assessment (BA) Process for the Air Products South Africa (Pty) Ltd (APSA) Expansion of Liquid Oxygen (LOX) and diesel storage at their facility was announced on Monday, 27 January 2020. The Background Information Document was accompanied by the announcement letter and a registration and comment form. The announcement letter served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries that they might have, and notifying the I&APs that the BA Report is available for review and comment. The BA Report was made available for review and comment from **Wednesday, 05 February 2020** until **Friday, 06 March 2020**.

All written comments received during the BA process announcement phase and the BA Report's review and comment period have been included in this comments and responses report (C&RR).

NOTE:

In terms of the EIA Regulations of December 2014 (as amended on 07 April 2017, Regulation 44(1)), please note that all comments raised, and responses provided at ELC Meeting held on the 13 February 2020 have been included in **Appendix E7** of the Final BA Report.

As some responses could not be responded to or confirmed at the meeting held with the Environmental Liaison Committee (ELC). The questions and comments in this regard are captured in this C&RR with the applicable response.

LIST OF ABBREVIATIONS /ACRONYMS

APSA	Air Products South Africa (Pty) Ltd	BA	Basic Assessment
BAR	Basic Assessment Report	CDC	Coega Development Corporation
DEA	Department of Environmental Affairs	DWS	Department of Water and Sanitation
EAP	Environmental Assessment Practitioner	EC: DEDEAT	Eastern Cape: Department of Economic Development, Environmental Affairs and Tourism
ELC	Environmental Liaison Committee	I&AP	Interested and Affected Party
KZN	KwaZulu-Natal	LOX	Liquid Oxygen
MHI	Major Hazardous Installation	NMBM	Nelson Mandela Bay Metro
NWA	National Water Act		

1. COMMENTS RECEIVED DURING BASIC ASSESSMENT PERIOD REVIEW & COMMENT PERIOD

1.1. Organs of State

No.	Comment	Raised By	Response
1.	<p>The reason for contacting Savannah Environmental by phone is that the KZN DWS' e-mail server has been down for some time now and it is not clear when it will be operation again.</p> <p>The DWS submitted written comments on the BA Report in November 2019 and to determine whether new comments need to be submitted, confirmation was requested that the only changes in the new application are the location of the diesel tanks.</p>	<p>M. Bloem DWS Telephone: 04-03-2020</p>	<p>It was confirmed that Savannah Environmental received KZN DWS' comments on the previous application's BA Report and this was received on the 18th of November 2019 after the comment period has ended and the application withdrawn. In the process of submitting these late comments to the EC: DEDEAT, Savannah Environmental received confirmation of the withdrawal of the application on 06 November 2019.</p> <p>As the KZN DWS e-mail server was still down, Savannah Environmental contacted Ms Bloem confirming the following two changes in the new application:</p> <ul style="list-style-type: none"> • new location of the diesel storage tank; and • increase in storage capacity.
2.	<p>It was confirmed that if the locality of the storage tank and increase in storage capacity are the only changes, then the KZN DWS comments submitted on 18 November 2019 stays unchanged and must be included in the new application</p>		<p>The request is acknowledged, and the comments are included in the C&RR from point 3 below.</p>
3.	<p>From a water resource management perspective, this Office has no objections to the proposed expansion of the storage capacity of the facility, provided the following is considered in the implementation of the project:-</p>	<p>Letter: 18-11-2019</p>	
3.1.	<p>A stormwater management proposal must be engineered in such a way as to accommodate the anticipated stormwater. And consideration be made on the capacity of</p>		<p>The existing stormwater management system will be used for this development as the installation of the LOX and diesel tanks are aboveground installations with minimal surface</p>

	<p>the stormwater infrastructure that will be linking the stormwater from the proposed development expansion into the existing stormwater structure(s) which may have negative impacts to water resources, neighbouring properties and/ or downstream water users;</p>	<p>area. As the site is currently fitted with paving and concrete the installation of the LOX and diesel storage tanks with associated infrastructure (bund walls and separator pit) will not result in an increase in hardened area at the site.</p> <p>In order to comply with the relevant legislation, standards and guidelines the separator pit that will be fitted for the diesel storage tank will be inspected regularly by APSA and cleaned to ensure overflow or blockages are prevented. The water quality of outflow leaving the separator pit into the stormwater system will require monthly testing to be undertaken on a regular basis in order to comply with the General Limit Values of the National Water Act (No. 36 of 1998). The contents of the drain box from the separator pit will be collected by Enviroserv (the appointed service provider for the site) and disposed of at an appropriately classified landfill site and safe disposal receipts will kept on site for record keeping purposes. The risk of hydrocarbon containing outflow release into the stormwater system is very low due to the design and mechanism of the separator system. Should the Oil Separator become overloaded with contaminants, the drain box fills, and the contaminants begin to fill the Separator itself. As a result of the increased contaminant loading, wastewater is pushed out of the Separator, the float drops with the water level, and the float eventually settles on the valve seat, sealing off the stormwater outlet and protecting the storm water system from contamination. The drain feeding the Separator then backs up to alarm the operator of the installation to take appropriate action, such as emergency emptying of the drain box to the contaminant storage facility.</p>
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			<p>The Separator only allows water to flow to storm water again once the drain box has capacity accept more contaminants and there has been sufficient water flow into the separator to lift the valve off its seat.</p>
<p>3.2.</p>	<p>The bund(s) of the aboveground tank(s), must always have structural integrity if fuel, no matter how small or insignificant in volume, is still present in the storage tanks. If cracks are present the bund must be removed as this will eliminate any threat or possibility of contamination and pollution of the natural environment in the proximity of the development. Furthermore, any staining can be remediated chemically by dosing the affected areas with compounds with the ability to stabilize and neutralize the relevant hydrocarbons.</p>		<p>The aboveground storage tanks and their associated infrastructure will be maintained and inspected as part of APSA's regular inspections and annual service that is undertaken for the existing plant.</p>
<p>3.3.</p>	<p>Integrated waste management for the proposed development of the site must be dealt with in accordance with the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) — as the diesel storage and associated infrastructure may generate waste.</p>		<p>Negligible quantities of solid waste produced during the construction phase of the proposed expansion and will primarily consist of building rubble, cables and litter (e.g. plastic, glass, etc.). The contractor will collect all waste generated from construction which will then be collected by EnviroServ Waste Management and disposed at the EnviroServ waste disposal site. EnviroServ Waste Management services currently service the site and provide monthly proof of disposal receipts to APSA Coega.</p> <p>Any hazardous waste such as oils and grease will be collected and stored separately according to the specific requirements of the waste type and will be collected by EnviroServ Waste Management Services (the current service provider) and disposed of the at the EnvironServ waste disposal site</p>

			<p>Waste generation at the APSA site will remain the same, with minimal quantities of solid waste currently consisting of food waste, plastic, paper, glass and tin from day to day activities being produced. The expansion activities at the site can be considered as an add on to the existing operations at the site, it will therefore not introduce any solid waste streams to the site. Air Products has adopted a management strategy that is based on waste minimization, waste reduction, recycling, re-use and disposal where possible.</p> <p>All general waste material (e.g. non-hazardous waste) will be contained in general waste bins that are currently available on site and will be collected by EnviroServ for disposal at the waste disposal site.</p> <p>Hazardous substances (e.g. oil rags, grease, oil cans, including the contents of the oil separator drain box etc.) will be disposed of at an appropriate classified waste site (unless it is to be recycled by approved methods), as per the National Environmental Management Waste Act, 2008 (Act 59 of 2008).</p>
3.4.	<p>The relevant authorities (Client/Consultant) must provide a detailed plan of action on dealing with the hazardous and non-hazardous waste should generation of waste occur with respect to the new developments. It is thus imperative that no pollution occurs, particularly that which can result in the contamination of a water resource via any conduit or storm water catchment infrastructure. Therefore an approved or registered service provider, in disposing hazardous or toxic waste, must be appointed and must be within a reasonable proximity to the site.</p>		<p>Air Products has already adopted a management strategy that is based on waste minimization, waste reduction, recycling, re-use and disposal where possible for their currently operational plant. Waste generation at the APSA site will remain the same, with minimal quantities of solid waste currently consisting of food waste, plastic, paper, glass and tin from day to day activities being produced. The expansion activities at the site can be considered as an add on to the existing operations at the site that produce same non-hazardous and non-hazardous waste streams.</p>

			<p>All general waste material (e.g. non-hazardous waste) will be contained in general waste bins that are currently available on site and will be collected by EnviroServ (the current waste service provider for the site) for disposal at the waste disposal site.</p> <p>Hazardous substances (e.g. oil rags, grease, oil cans, including the contents of the oil separator drain box etc.) will be collected and disposed of the EnviroServ waste disposal site (unless it is to be recycled by approved methods), as per the National Environmental Management Waste Act, 2008 (Act 59 of 2008).</p>
3.5.	All significant spills must be reported to this Department and other relevant authorities. All spillages must be contained and cleaned-up and all contaminated material must be disposed of at a permitted hazardous landfill site.		<p>In the event of a major spill or leak of contaminants, the relevant administering authority and Air Products South Africa (Pty) Ltd will be immediately notified as per the notification of emergencies/incidents as per the EMPr.</p> <p>Spill kits will be made available on-site for the clean-up of spills and leaks of contaminants and be located in appropriate areas on site and must be maintained in an operational condition to be implemented as per the EMPr for the installations.</p> <p>Hazardous waste as a result of spillage will be collected and disposed of at the EnviroServ waste disposal site by EnviroServ, the appointed waste management service provider for the site.</p>
3.6.	Storage of material, chemicals, fuels, etc. must not pose a risk to the surrounding environment and this includes surface		<p>An appropriate Hazardous Stores will be established which is in accordance with the Hazardous Substance Amendment</p>

	<p>and groundwater. Temporary bunds must also be constructed around chemical or fuel storage areas to contain possible spillages. Such storage areas must be located outside the 1:100 year flood line and must be fenced to prevent unauthorized access into the area.</p>		<p>Act, No. 53 of 1992 as per the EMPr for the installations. This will include but not be limited to:</p> <ul style="list-style-type: none"> » Designated area; » All applicable safety signage; » Firefighting equipment; » Enclosed by an impermeable bund; » Protected from the elements, » Lockable; » Ventilated; and » Has adequate capacity to contain 110% of the largest container contents. <p>The Hazardous stores and the site itself is not located within the 1:100 year floodline as indicated by the sensitivity mapping undertaken for the site.</p>
3.7.	<p>The relevant procedures used when dealing with cryogenic material must be implemented at all times particularly with respect to storage and handling. Also, weather extremes must also be accounted for when dealing with outside storage of said cryogenic material.</p>		<p>The existing procedures for handling of cryogenic material will be continued at the APSA site as the handling and storage of cryogenic LOX and LIN are currently taking place as part of APSA's existing operations at the site. The handling and storage of cryogenic substances are in line with Air Products policies and guidelines.</p>
3.8.	<p>Spillage and Incidents Management Plan must be developed and be dealt with properly in terms of reporting, containment and any other corrective actions in accordance with Section 19 and 20 of the National Water Act, 1998 (Act 36 of 1998).</p>		<p>An Emergency Plan is currently in place for the site and contains measures and actions to be undertaken in the case of a cryogenic or hazardous chemical spill. As Air Products has been in operation, the management plans to address spillage at the site are in place. (Emergency Plan, Rev4, 2019).</p>
	<p>Please note that any use of water without an authorization is a contravention as in accordance with Section 151 of the National Water Act, 1998 (Act 36 of 1998).</p>		<p>The requirement as per the NWA has been forwarded to the Applicant for their attention.</p>

1.2. Interested & Affected Parties (I&AP's)

4.	Our prior concern in relation to diesel storage location in close proximity to our boundary and product receiving has been addressed with relocation in new submission, and we therefore have no objections to expansion with new proposed locations as indicated.	Natasha Transell QA:QMS Manager (Dynamic Commodities) Email: 06-03-2020	The prior concerns referred to were noted in the written comments that were previously submitted by Dynamic Commodities dated 25 September 2019 was been addressed in the C&RR of the final BAR submitted to the EC: DEDEAT on 18 October 2019.
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ELC Meeting held on 13 February 2020 – Minutes included in **Appendix E7**.

No.	Comment	Raised By	Response
5.	It was recommended that Air Products must engage with all neighbouring investors, especially Afrox, Dynamic Commodities and Coega Dairy. EAP to drive the engagement process.	Andrea Shirley Environmental Manager CDC	<p>As the public participation and consultation process is an independent process, Savannah Environmental attended to the request by contacting the adjacent landowners to the APSA development site telephonically to determine:</p> <ul style="list-style-type: none"> • whether any additional information that is not captured in the BA Report is needed; and • Whether they will be submitting written comments on the draft BA Report that was made available for review and comments. <p>A confirmation e-mail was sent to those neighbouring investors which was reached telephonically, confirming the telephone discussion. An e-mail was sent to those neighbouring investors who could not have been reached telephonically, requesting confirmation whether they will be submitting written comments on the draft BA Report and if so, reminded them of the closing date for comments.</p>

			Record of the attempts to obtain written comments on the draft BA Report and the responses received are included in Appendix E5 of the final BA Report.
6.	The inclusion of Listed Activity 14, as opposed to the inclusion of Listed Activity 51 (expansion activity) was queried. It was recommended that listed Activity 51 be included, and Listed Activity 14 be removed, in a revised Application Form and notification to IAPs.	Andries Struwig Manger EQM EC: DEDEAT	A revised Application Form will be submitted which will include Listed Activity 51 and includes Listed Activity 14. I&APs has been notified of the inclusion of Listed Activity 51 accordingly.
7.	It was asked as to what the reason for the MHI study was and how will the risk be contained within the boundary of APSA's site?		The Occupational Health and Safety Act defines a Major Hazard Installation as (a) where more than the prescribed quantity of a substance is kept or maybe kept (The listed substances are provided in General Machinery Regulations Schedule A); and (b) where the substance is processed, produced, used, handled or stored which has the potential to cause a major incident. This specifically refers to LOX and diesel that is stored and handled at the APSA site that could both potentially cause an offsite incident if ignited. The primary purpose of the MHI Risk Assessment is to characterise the risk. The MHI Assessment provides the specific risk statistics that have been derived to present, rank and evaluate the hazards that were evaluated. It also summarises what options have been evaluated and the criteria by which the statistics will be ranked. Within the MHI Assessment undertaken for the expansion of LOX and diesel at the Coega site, several recommendations and risk reduction measures are proposed such as emergency response plans, procurement of fire-fighting foam and notification to neighbouring tenants in order to reduce or mitigate offsite incidents. An emergency response procedure is currently in place, as LOX is currently

			handled and stored on site. The location of the LOX and diesel storage at the site has also been taken into consideration when assessing the offsite impacts and containment.
8.	It was asked whether the facility qualifies as an MHI and if so, why.		Because oxygen is classified as a dangerous good, the installation qualifies as an MHI.
9.	Has the MHI application been submitted yet?		The MHI Application is currently in process. The public participation and notifications have been submitted.
10.	It was asked as to what are the MHI Requirements.	Millicent Solomons DEA	Four (4) locations were proposed in the MHI study. Three (3) of these were ruled out for various reasons. APSA selected the only location left and did the MHI study on that site. Reasons: neighbouring tenants concerns and costs of having to reconfigure certain aspects of the layout of the site.
11.	It was recommended that APSA contact the NMBM's Fire Department for approval of the installation and drawings, and that the EAP must inform APSA of this recommendation.	Viwe Biyana CDC	As part of the MHI Application and public participation the MHI notification was submitted to the NMBM Fire Department, the CDC and the Nation Labour Department on the 28 February 2020.
12.	It was asked as to what the reason is for identifying soil contamination as an impact if the entire site is paved.	Dayalan Govender EC: DEDEAT	Soil contamination may occur during the construction phase of the project.
13.	An amended application is required as a result of the change in the listed activities being applied for	Andries Struwig Manger EQM EC: DEDEAT	<p>A revised application with the inclusion of Activity 51 was submitted to the DEDEAT on the 27 February 2020. A notification was submitted to all I&APs to inform them of the addition of Activity 51 to the Application on the 26 February 2020.</p> <p>Post-meeting note: This process was discussed and accepted by the EC: DEDEAT. No comment has been received from registered I&APs regarding this inclusion in the Application.</p>