



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

Enq: Tshikani Moyana Tel: (015) 290 7164 Fax: (015) 295 5015 E-Mail: MoyanaTL@ledet.gov.za Ref: 12/1/9/1-M123

Venbeck CC
P O Box 1614
TZANEEN
0850

Attention: Mr Hannes Venter

Fax: 086 572 1242

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF A FILLING STATION ON PORTION 52 OF THE FARM SCHALK 3 KU WITHIN BA-PHALABORWA LOCAL MUNICIPALITY OF MOPANI DISTRICT

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days, of the date of the Department's decision in respect of your application as well as the provisions regarding the lodgement of appeals as provided for in the National Appeals Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must, inter alia, submit an appeal to the MEC for Economic Development, Environment and Tourism, within 20 days from the date of this notification, by means of one of the following methods:

By facsimile : (015) 295 5015
By post : P O Box 55464, **POLOKWANE**, 0700
By hand : Environmental Affairs Offices, Corner Suid and Dorp Streets, **POLOKWANE**, 0699

Should you decide to appeal, you must serve a copy of your appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully

DIRECTOR
ENVIRONMENTAL IMPACT MANAGEMENT

DATE: 4/08/2017

Cc: Tekplan Environmental

Attention: Mr Anton von Well

Fax: 086 218 3267

HEAD OFFICE

20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
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PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM
ENVIRONMENTAL AUTHORISATION

Authorisation reference number: 12/1/9/1-M123
Last amended: First issue
Holder of authorisation: Venbeck CC
Location of activity: The proposed development is located on portion 52 of the farm Schalk 3 KU, within Ba-Phalaborwa Local Municipality of Mopani District.

DECISION

ACRONYMS

- NEMA:** The National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- EIA:** Environmental Impact Assessment.
- Regulations:** EIA Regulations of 08 December 2014 in terms of Chapter 5 of NEMA.
- Department:** Department of Economic Development, Environment and Tourism.
- EA:** Environmental Authorisation.
- EMPr:** Environmental Management Programme.

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this EA, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 the Department hereby authorises Venbeck CC (herein referred to as holder of EA) with the following contact details –

Mr Hannes Venter
P O Box 1614
TZANEEN
0850

Tel: (015) 308 0000 Ext 777



Fax: 086 572 1242

HEAD OFFICE

20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
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to undertake the following activity: (hereafter referred to as "the activity"):

Listed in the EIA Regulations R. 983 of 2014 as:-

Activity 14 – "The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres";

as described in the Basic Assessment Report (BAR) received by the Department on 08 June 2017, and is located at:

Alternative S1	Latitude	Longitude
Portion 52 of the farm Schalk 3 KU	23° 59' 07.0" South	31° 04' 15.4" East


The activity entails the construction of a filling station on portion 52 of the farm Schalk 3 KU within Ba-Phalaborwa Local Municipality of Mopani District hereafter referred to as "the property". The proposed development will consist of the following:

- 2 X 23 000 litres petrol tanks;
- 2 X 23 000 litres diesel tanks;
- A small shop already existing on site; and
- Engineering services such as sewage, water supply and electricity will be installed.

The granting of this EA is subject to the conditions set out below; and in Annexure 2 (Departmental Standard Conditions) and Annexure 3 (Standard Conditions for Filling Station).

The EMPr attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the activity.

This activity must commence within a period of ten (10) years from the date when the EA was issued. If commencement of the activity does not occur within that period, the EA lapses and a new application for EA must be made in order for the activity to be undertaken. Any application for extension of the validity period of the EA must be lodged with the Department before the expiry date of the EA.


DIRECTOR
ENVIRONMENTAL IMPACT MANAGEMENT
DATE: 4/08/2017



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

The application from Venbeck CC is for an activity listed in the EIA Regulations R. 983 of 08 December 2014 as:

Listed in the EIA Regulations R. 983 of 2014 as:-

Activity 14 – “The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres”.

The activity entails the construction of a filling station on portion 52 of the farm Schalk 3 KU within Ba-Phalaborwa Local Municipality of Mopani District.

Venbeck CC appointed Mr Anton von Well of Tekplan Environmental to undertake the Basic Assessment process as required by Regulation 12 of the EIA Regulations, 2014.

2. Information considered in making the decision

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

- a) The information contained in the application form received by the Department on 15 March 2017;
- b) The information contained in the BAR received by the Department on 08 June 2017;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA and regulation 41 of the EIA Regulations R. 982 of 2014; and
- d) The Geo-hydrological Report attached to the BAR as Appendix D;
- e) The Shallow Soil Engineering Geological Assessment Report attached to the BAR as Appendix D;
- f) The Ecological Report attached to the BAR as Appendix D;
- g) The Heritage Impact Assessment Report attached to the BAR as Appendix D;
- h) The Feasibility Study Report attached to the BAR as Appendix D; and
- i) The findings of site inspection conducted on 04 April 2017 by Ms Moyana TL, Mr Tshuketana MM and Ms Ramathavha T of the Department.



3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the Chapter 6 of the EIA Regulations GNR. 982 of 2014 for public involvement and all the issues raised by interested & affected parties were addressed to their satisfaction; and
- b) The environmental impacts associated with the proposed activity will be addressed by the implementation of proposed mitigation measures outlined in the BAR and EMPr compiled by Mr Anton von Well of Tekplan Environmental.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) All environmental issues identified and commitments to sound environmental management which are incorporated in the EMPr compiled by Mr Anton von Well of Tekplan Environmental will be used to avoid potential negative impacts.
- b) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- c) Findings of the site inspection are as follows:
 - There is an existing retail shop and old unused underground petrol tank and pump on site;
 - The development is proposed on already disturbed area previously used as a filling station;
 - The topography of the site is soft undulating landscape with mild slopes towards the drainage line on the north-eastern portion of the proposed site; and
 - The *Sclerocarya birrea* (Marula) tree species was identified on the boundary of the open site and towards the lower slope of the drainage line.
- d) The PPP undertaken confirms that the applicant has satisfied the minimum requirements as prescribed in the Chapter 6 of the EIA Regulations GNR. 982 of 2014 for the involvement of interested and affected parties for the proposed development as follows:
 - A newspaper advertisement which was placed on the "Phalaborwa Herald Newspaper" on 08 July 2016;
 - Posting of on-site notices; and
 - Notifying identified interested and affected parties about the development.

e) Findings of the specialist studies are as follows:

- The Shallow Soil Engineering Geological Assessment Report dated 21 December 2016 and compiled by DH Wessels of WSM Leshika Consulting (Pty) Ltd has identified different geological conditions and impacts of the proposed development on the geological environment and provided the required precautionary measures to be implemented;
- The Ecological Report dated April 2017 and compiled by Dr GCO de Beer of Ysterberg Enviro Veld and Game Management Services has indicated that the conservation value of the site is low and site sensitivity low to medium. The proposed development will take place in fragmented natural area and supported under the condition that the mitigation measures in the report are adhered to. Furthermore, the drainage line is regarded as sensitive and no development within 1:00 year floodline should take place;
- The Archaeological Impact Assessment Report dated January 2017 and compiled Mr Jaco van der Walt of HCAC has indicated that no significant features were identified in the study area and therefore, the development is supported from a heritage point of view; and
- The Feasibility Study Report dated May 2016 and compiled by Mr Hannes Pieterse of Dotcom Trading has concluded that the proposed development is highly likely to be viable.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the EA, the proposed activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The authorisation is accordingly granted.



ANNEXURE 2

DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1 The holder of the EA shall be responsible for ensuring compliance with the conditions contained in this EA. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the EA.
- 1.2 Any changes to, or deviations from, the project description set out in this EA must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may further request additional information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the EA to apply for further authorisation in terms of the Regulations.
- 1.3 The activity, which is authorised, may only be carried out at the property indicated in the EA.
- 1.4 The holder of the EA will be held liable for any damages to the environment and associated costs, which results from any activity related to the construction and/or operation of the proposed project.
- 1.5 Where any of the holder of the EA's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the holder of the EA must in writing notify the Department as soon as the new details become known to the holder of the EA.
- 1.6 The Department reserves the right to monitor and audit the development throughout its full life cycle.
- 1.7 This EA does not negate the holder of the EA's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

2. APPEAL OF AUTHORISATION

- 2.1 The holder of the EA must notify all registered interested and affected party, in writing and within 14 (fourteen) calendar days, of receiving notice of the Department's decision.
- 2.2 The notification referred must –
- 2.2.1 specify the date on which the EA was issued;
- 2.2.2 inform all the interested and affected party of the appeal procedure provided for in the National Appeals Regulations, 2014;

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2.2.3 advise all the interested and affected party that a copy of the EA will be furnished on request; and

2.2.4 give the reasons for the decision.

3. COMMENCEMENT OF THE DEVELOPMENT

3.1 In order to ensure their safety, all employees must be given the necessary personal protective equipment.

3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him/her.

3.3 Appropriate notification signs must be erected at the construction site, warning the public (residents, visitors etc) about the hazards around the construction site and presence of heavy vehicles and machinery.

3.4 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Further, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line/wet area.

3.5 Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of stormwater run-off.

3.6 Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.

3.7 The holder of the EA must note that in terms of the National Forests Act (Act No. 84 of 1998); protected plant species (also listed in Limpopo Environmental Management Act, 2003 (Act No. 7 of 2003) must not be cut, disturbed, damaged, destroyed, and their product must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and Fisheries.

3.8 All construction areas (e. g. material lay down area), topsoil and sub-soils must be protected from contamination or pollution and stockpiling must not take place in drainage lines or where it would impede surface water runoff.

3.9 If any soil contamination is noted during the construction and operational phase of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of this Department and Department of Water and Sanitation (DWS). The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this Department must be informed in this regard.

3.10 Should infill material be required for any purpose, the use of borrow pits must comply with the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) administered by the Department of Mineral Resources (DMR).

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- 3.11 An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, re-use and disposal where appropriate. Uncontaminated builders' rubble generated during the construction can be re-used as back filling material on site. Ensure that no refuse or builders rubble generated on the premises is placed, dumped or deposited on adjacent properties or public places and open spaces during or after construction.
- 3.12 Section 28 of the NEMA places a duty of care on the holder of the EA to ensure that reasonable measures are taken to prevent pollution or degradation of the environment from occurring, continuing or recurring. Should any environmental damage result from this development or the operation thereof, the holder of the EA , must within 14 days of the damage being caused, rectify the situation at his/her own expense.
- 3.13 Movement of construction vehicles and machinery must be restricted to areas outside of the drainage lines/wet area.
- 3.14 Construction vehicles must be serviced and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an appropriately authorised landfill site.
- 3.15 Dust and nuisance must be minimised through damping down of unsurfaced areas.
- 3.16 Residents (if any) on the property and surrounding area must be informed if any unusually noisy activities are planned. Noise impacts must be reduced over distance at a rate of 1db (decibel) per 13 metres.
- 3.17 Chemical sanitation facilities or systems such as "toilets" that do not rely on seepage of liquids must be provided with a ratio of one for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to operating instructions and the contents thereof must be disposed of at an authorised waste water treatment works.
- 3.18 Mixing of cement, concrete, paints, solvents, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflows onto soil to avoid contamination to underground water and environmental damage.
- 3.19 Construction activities must be suspended and a representative of the South African Heritage Resources Agency (SAHRA) and/ or Limpopo Heritage Resources Agency (LIHRA) be contacted immediately in the event of finding or uncovering any subterranean (middens, graves, etc.).
- 3.20 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.21 The hydraulic fluids or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing the spillage together with the polluted solid and dispose it in an authorised disposal site permitted to dispose of such waste. The Regional

Office of the DWS must be notified within 24 hours of an incident that may pollute surface and ground water.

4. MANAGEMENT OF THE ACTIVITY

- 4.1 A copy of this EA must be kept at the property / on-site office where the activity (ies) will be undertaken. The EA must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.
- 4.2 The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agents and other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.3 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times and repaired, if damaged, as directed by this Department or any other relevant authority.
- 4.4 The holder of the EA shall note that in terms of Section 19(1) of the National Water Act, 1998 (Act No. 36 of 1998), "An owner of the land, a person in control of land or a person who occupies or uses the land on which- (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which caused or is likely to cause pollution of a water source must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring". Therefore any pollution incident(s) associated with the proposed project shall be reported to the relevant Regional Office of the DWS within 24 hours.

5. REPORTING TO THE DEPARTMENT

- 5.1 The holder of the EA must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this EA may result in criminal prosecution or other actions provided for in NEMA and the Regulations.
- 5.2 Fourteen (14) days written notice must be given to the Director: Environmental Compliance and Enforcement that the activity's operational phase will commence. Commencement for the purposes of this condition includes site preparation.
- 5.3 Any complaints received from the registered interested and affected parties (I&APs) during the construction and operational phase of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned I&APs.
- 5.4 The holder of the authorisation must ensure that an up to date emergency register is kept during the construction and operation of the project. This register must be made available upon request by the Department.
- 5.5 The holder of the EA must notify the Director: Environmental Compliance and Enforcement within thirty (30) days after the completion of the construction activities.

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6. SITE CLOSURE AND DECOMMISSIONING

- 6.1 Should the activity ever cease or become redundant, the holder of EA shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.



ANNEXURE 3

STANDARD CONDITIONS FOR FILLING STATION/ FUEL DEPOTS

1. An Emergency Response Plan for the proposed development must be in place and approved by the relevant district/ local municipality.
2. The holder of the EA must implement water pollution management measures that are aligned with the Department of Water and Sanitation (DWS) Best Practice Guidelines series.
3. The installation of the tanks including all secondary containment equipment and the mitigation measures must be done by an experienced professional in accordance with relevant SANS codes.
4. The tank pit, which will house the fuel storage tanks, must be lined with an impermeable layer.
5. A SANS compliant oil/water separator must be installed on site in order to capture surface run-off from all areas of the site, where hydrocarbon spillages may occur.
6. The tanks must be fitted with an appropriate over-fill shut off valve to prevent spillage during the filling of the tanks.
7. The pumps, separator and associated structures must be maintained according to a maintenance register.
8. Any petroleum product from the separator must be placed in a dedicated container for disposal at a registered hazardous landfill site; the holder of the EA must maintain records of Safe Disposal Certificates for all wastes leaving the site. These records must be made available on request.
9. The forecourt must be sealed in accordance with the appropriate SANS code in order to prevent soil contamination during fuelling of vehicles. The slope of that area must be in direction of the drainage, which is connected to SANS compliant separator before discharge into the sewerage system. No contaminated water and storm water must be discharged into the storm water drain.
10. Co-ordination of the Spill Response Procedure must be undertaken by the holder of the EA as well as the site manager. For major spills, an emergency response company must be used to remove and remediate spillage.
11. Daily stock reconciliation must be conducted and records must be maintained.
12. Annual pressure testing must be undertaken on the tanks installed on site. Pressure testing of all tanks must also be conducted when a leak is suspected.
13. Monitoring wells must be installed for the proposed tanks to serve as an avenue for leak detection and leak monitoring must be conducted weekly.
14. Groundwater monitoring, which must include amongst others, hydrocarbon detection, must take place quarterly during the first year of operation of the filling station and on an annual basis in subsequent years.

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15. Volatile organic compounds (VOC's) that may be released during the loading and off-loading of the tanks on site must be monitored on quarterly basis. A comprehensive monitoring plan for the entire site must be submitted to this Department within thirty (30) day prior to the first monitoring campaign, indicating the scope, methodology and technology to be employed. The results of the monitoring must be assessed against national and international ambient air and occupational health and safety standards.
16. An environmental Control Officer/s (ECO) must be appointed or designated to ensure that daily inspections are performed during construction for the implementation of mitigation and management measures. Furthermore, an ECO must monitor the holder of the EA's compliance with all the conditions of this EA.
17. The appointed ECO must prepare compliance monitoring/ environmental audit reports every six (6) months from the date of commencement. These reports must indicate the holder of the EA's compliance status with regards to the conditions of the Environmental Authorisation and the reasons for non-compliance as well as the proposed remedial steps. These reports must be submitted to the Department within fourteen (14) days after the lapse of six (6) months. This report must be kept on record and made available to the Department on request. The audit must include but not be limited to the following:
 - 17.1 Monthly fuel volume accepted and consumed, including a discussion on any discrepancies;
 - 17.2 Confirmation that:
 - a. maintenance of pumps, separator and associated equipments have been undertaken according to a maintenance register;
 - b. A SANS compliant oil separator has been installed on site;
 - c. there is conformance of operation to industry standards and SANS codes; and
 - d. Records of waste and effluent disposed /removed from the site are being kept by the holder of the EA.
 - 17.3 Compliance with:
 - a. the conditions of this authorisation;
 - b. the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and
 - c. the EMPr and Emergency Response Plan.
 - 17.4 Update of emergency procedures and fire drills;
 - 17.5 Proof that an Emergency Response Plan was approved by the relevant district/ local municipality; and
 - 17.6 Results of annual and any other pressure testing exercises.



18. The first audit report must also verify the following:
- 18.1 conformance of the installation and the tanks manufacture with the relevant SANS standards. This must include a discussion on the pollution prevention measures implemented;
 - 18.2 the oil/water separator is working correctly and is appropriately maintained;
 - 18.3 the certificate of tank manufacture issued by the tank manufacturer/supplier; and
 - 18.4 the personnel have been trained in spills response skills by a representative of the holder of the EA.

