



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

Ref: 12/1/9/1-V328 Enq: Ms Gulwako NN Tel: (015) 293 8830 E-mail: gulwakonn@ledet.gov.za

Mr Mukwevho Thendo
P O Box 0952
MAKHADO
0952

Attention: Mr Mukwevho Thendo

E-mail: thendo@realpaints.co.za

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED DEVELOPMENT OF MUKWEVHO FILLING STATION AND ASSOCIATED INFRASTRUCTURE AT TSHINO NESENGANI VILLAGE (NDIITWANI) SITUATED ON PORTION 1 OF THE FARM SCHUYNSHOOGTE 29 LT WITHIN MAKHADO LOCAL MUNICIPALITY OF VHEMBE 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 5792
By post : Private Bag X9484, **POLOKWANE**, 0700
By hand : Evridiki Towers, 20 Hans Van Rensburg Street/ 19 Biccard Street, **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,

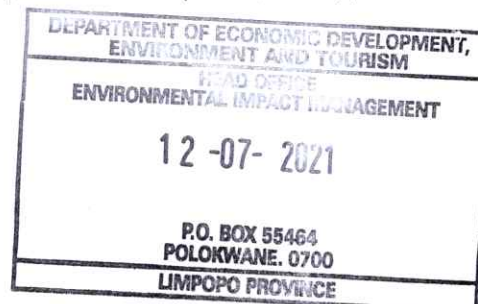
**DIRECTOR
ENVIRONMENTAL IMPACT MANAGEMENT**

DATE: 12/07/2021

Cc: TM Environmental Consultants

Attention: Sigidith Muthotho
HEAD OFFICE

E-mail: muthothos@gmail.com



20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
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DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

ENVIRONMENTAL AUTHORISATION

Authorisation reference number:	12/1/9/1-V328
Last amended:	First issue
Holder of authorisation:	Mr Mukwevho Thendo
Location of activity:	The proposed site is located at Tshino Nesengani Village (Ndiitwani), situated on portion 1 of the farm Schuynshoogte 29 LT within Makhado Local Municipality of Vhembe District.

DECISION

ACRONYMS

- NEMA:** National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- EIA:** Environmental Impact Assessment.
- Regulations:** EIA Regulations of 04 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.

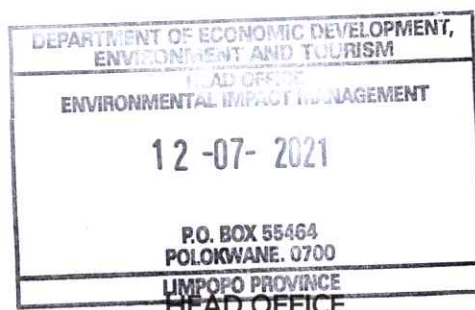
Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

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

Mr Mukwevho Thendo
P O Box 0952
MAKHADO
0952

Cell: 076 564 7253



E-mail: muthothos@gmail.com

20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
(Switchboard) Tel: +2715 293 8300 Website: www.ledet.gov.za

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to undertake the following activity (hereafter referred to as “the activity”):

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

Activity 14 – “The development 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 cubic metres or more but not exceeding 500 cubic metres”;

as described in the Basic Assessment Report (BAR) received by the Department on 06 May 2021, and is located at:

Alternative S1	Latitude	Longitude
Tshino Nesengani Village (Ndiitwani) situated on portion 1 of the farm Schuynshoogte 29 LT	23° 07' 39.95" South	30° 22' 31.48" East

The activity entails the construction of a filling station (with a combined capacity of 92 000 litres) and associated infrastructure on a site measuring 2130m² in extent, at Tshino Nesengani Village (Ndiitwani) situated on portion 1 of the farm Schuynshoogte 29 LT within Makhado Local Municipality of Vhembe District, hereafter referred to as “the property”. The proposed development will constitute the following:

- Installation of 2 X 23 000 litres of underground storage tanks (93 and 95 unleaded petrol);
- Installation of 2 X 23 000 litres of tanks underground storage tanks (50ppm and 100ppm diesel);
- A convenience shop;
- Landscaping;
- Internal roads and parking; and
- Wash bay.

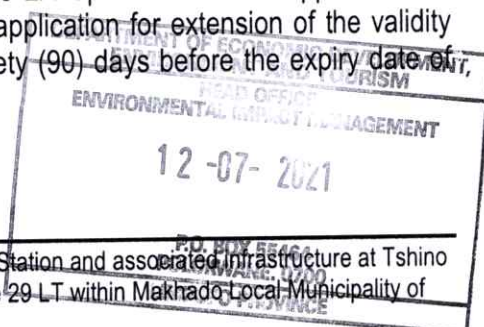
The granting of this EA is subject to the conditions set out below; in Annexure 2 (Departmental Standard Conditions) and Annexure 3 (Standard Conditions for Filling Stations).

The EMPr attached as Appendix 7 to the BAR for the above mentioned development and submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the activity.

The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures referred to in this EA are implemented and to ensure compliance with the provisions of the approved EMPr.

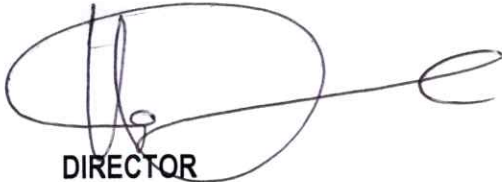
The ECO must ensure that record of all activities are kept on site, problems identified, transgressions noted and a task schedule of tasks undertaken.

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 at least ninety (90) days before the expiry date of the EA.



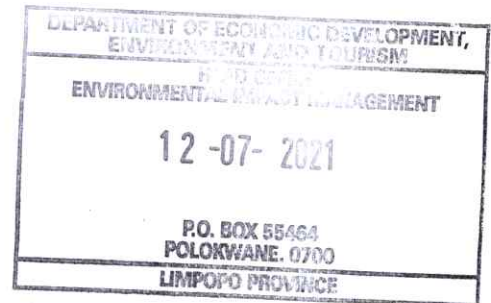
EA CONDITIONS

1. A detailed storm water management plan with effective management of storm water run-off on site to reduce the risk of pollution must be put in place.
2. Approval for the use of borehole water and septic tank must be obtained from the Department of Water and Sanitation prior establishment of such infrastructure.
3. Approval for the ingress and egress to the proposed site must be obtained from the relevant authority prior commencement of construction activities on site.
4. Land-use planning approval for rezoning from agriculture to business (filling station) must be obtained from Makhado Local Municipality prior commencement of activities on site.



DIRECTOR
ENVIRONMENTAL IMPACT MANAGEMENT

DATE: 12/07/2021



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

The application from Mr Mukwevho Thendo is for an EA for an activity listed in the EIA Regulations of 2014, as:

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

Activity 14 – “The development 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 cubic metres or more but not exceeding 500 cubic metres”.

The activity entails the construction of a filling station (with a combined capacity of 92 000 litres) and associated infrastructure on a site measuring 2130m² in extent, at Tshino Nesengani Village (Ndiitwani) situated on portion 1 of the farm Schuynshoogte 29 LT within Makhado Local Municipality of Vhembe District.

Mr Mukwevho Thendo appointed TM Environmental Consultants represented by Sigid'i Muthotho in terms of regulation 12 of the EIA Regulations of 2014 to undertake the Basic Assessment process.

2. Information considered in making the decision

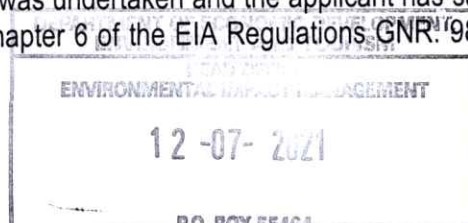
In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the application form submitted to the Department on 28 September 2020;
- b) The information contained in the BAR received by the Department on 06 May 2021;
- c) Additional information received by the Department on 25 June 2021;
- d) 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;
- e) The specialist studies (i.e. Geotechnical Investigation Report, Geohydrological Impact Assessment Report and Ecological Assessment Report attached to the BAR as Appendixes 9, 10 and 11 respectively.

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



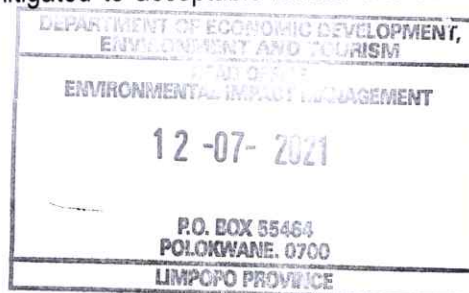
- b) The environmental impacts associated with the proposed activity will be addressed by the implementation of proposed mitigation measures outlined in the BAR and EMPr compiled by Sigidi Muthotho of TM Environmental Consultants.

4. Findings

After consideration of 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 Sigidi Muthotho of TM Environmental Consultants and all specialist reports can be used to avoid potential negative impacts.
- b) 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 was placed in the “*The Citizen*” on 22 September 2020;
 - Site notices were placed on site and the Interested and Affected Parties were consulted and no objections were received.
- c) Findings of the specialist studies are as follows:
- The Geotechnical Investigation Report dated 09 September 2020 and compiled by Vincent Tshingwala of Davhana Geotech Solutions revealed that the proposed site suitable for the proposed development. However, the report recommended that there be a confirmation that there is no significant variance to the soils and conditions encountered in the limited pits during construction;
 - The Geohydrological Investigation Report dated 07 September 2020 and compiled by Vincent Tshingwala of Davhana Geotech Solutions concluded that civil engineering works penetrating aquifers can create significant impacts on the groundwater, however, the implementation of mitigation measures will reduce the significance rating to low; and
 - The Ecological Assessment Report dated September 2019 and compiled by Mokgatla Molepo of Mora Ecological Services (Pty) Ltd concluded that the site has been exposed to high levels of disturbance especially vegetation clearance, therefore, the impact will be low on the environment.

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

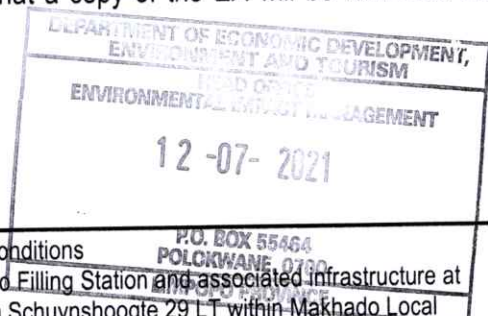
DEPARTMENTAL STANDARD CONDITIONS

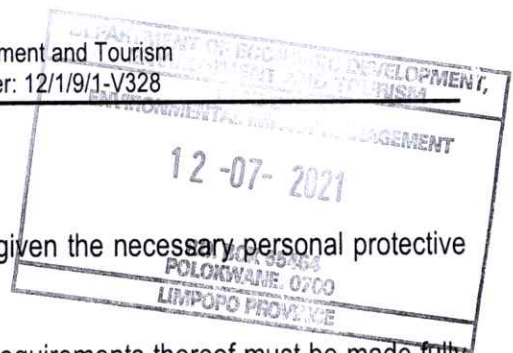
1. SCOPE OF AUTHORISATION

- 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 The Department reserves the right to monitor and audit the development throughout its full life cycle.
- 1.6 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;
 - 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.



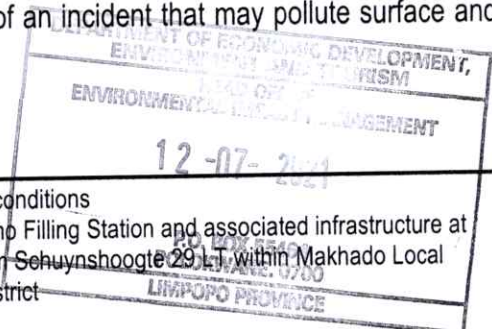


3. COMMENCEMENT OF THE DEVELOPMENT

- 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 Forest 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 and Energy (DMRE).
- 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.

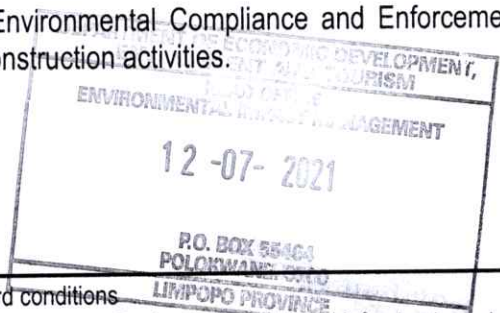


4. MANAGEMENT OF THE ACTIVITY

- 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.

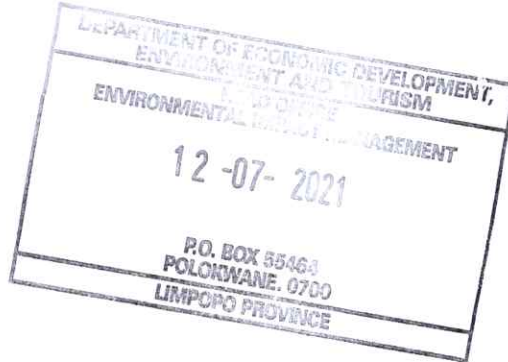
5. REPORTING TO THE DEPARTMENT

- 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.



6. SITE CLOSURE AND DECOMMISSIONING

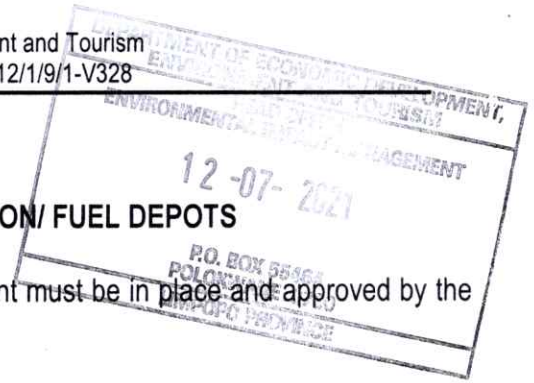
- 6.1 Should the activity ever cease or become redundant, the holder of EA shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.



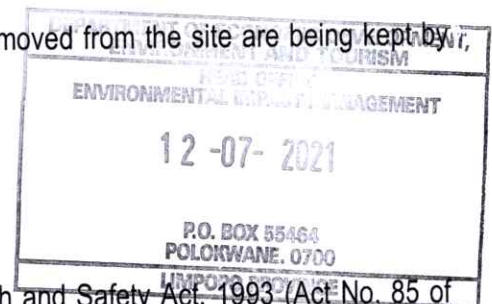
ANNEXURE 3

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.



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.

