

Mpumalanga Provincial Government

Ermelo Environmental Centre
13DE Jager Street
ERMELO
2350



P.O BOX 2777
ERMELO
2350
Tel: (017)819 1155
Fax: (017)819 1158

Department of Economic Development, Environment and Tourism ENVIRONMENTAL IMPACT MANAGEMENT

Litiko Letekutfutukiswa
KweMnqotho, Simondzawo neTekuVakasha

Umnyango WezoThuthukiswa
KoMnqotho, iBhoduluko nezemaVakatjho

Department van Ekonomiese
Ontwikkeling, Omgewings en Toerisme

FACSMILE COVER

TO : Lucy

ATT : _____

FROM : Busi

FAX No : 086 535 5281

DATE : 23.06.2014


No of Pages incl. cover page : 10

In case of difficulty with transmission, contact: 017 811 3951

SUBJECT : EA 17/2/3 es- 175

MESSAGE : _____

With Thanks

Signature : 

MPUMALANGA PROVINCIAL GOVERNMENT

Building No. 4
No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200
South Africa



Private Bag X 11215
Nelspruit, 1200
Tel: 013 766 4004
Fax: 013 766 4614
Int: +27 13 766 4004
Int: +27 13 766 4614

Department of Economic Development, Environment and Tourism

Litiko Letekutfutukiswa
Kwetemnotfo, Simondzwo notekuVakasha

Umgango WezokuThuthukiswa
KoMnotho, iBhoduluko nezamaVakatjho

Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Enquiries : Marebane Surgeon
Telephone : (017) 8114830/3951
Reference : 17/2/3 GS-175
NEAS : MPP/EIA/0000621/2013

Alison Haycock
FFS Refiners (Pty) Ltd
P.O. Box 25102
Sea View
4072

Fax : (031) 459 5326
Email : AlisonH@ffs.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED WAXY OIL PROCESSING FACILITY AND STORAGE OF OIL AND PETROLEUM PRODUCTS ON ERF 1940 EVANDER, GOVAN MBEKI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

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 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (013) 7668 445
By post: Private Bag x 11215
Nelspruit
1200

By hand: Building 4, Government Boulevard,
RiversidePark Extension 2
Nelspruit
1200

Should you decide to appeal, you must serve a copy of your notice of intention to 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 sincerely


MR. SS MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 31. 03. 2014

cc: EAP – Mr. Kerry Stanton (Kerry Seppings Environmental Management Specialists cc)
Fax :086 535 5281
Email :Kerry.seppings@telkomsa.net

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Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Environmental Authorisation

Authorisation register number : 17/2/3/GS -175

Holder of Authorisation : FFS Refiners (Pty) Ltd

Location of activity : ERF 1940 Evander Extension 3
Township, Goven Mbeki Local
Municipality-Mpumalanga
Province

1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

2. Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2010, the Department hereby authorises:

FFS Refiners (Pty) Ltd
P.O. Box 25102
Sea View
4072

Contact person: Mr. Alison Haycock
Fax no: (031) 459 5326
Email: AlisonH@ffs.co.za

To undertake the following activities (hereafter referred to as "the activity"):
The construction of waxy oil processing facility and storage of oil and petroleum products with a combined total capacity of 1940 at Evander. The process facility entails the construction of six 250m³ and seven 60m³ storage tanks for static plant with a combined total capacity of 1920m². The plant has a footprint of 25 000m². Other equipments that will be installed include:


- 4x1 Centrifugal Separators;
- Static Separators
- A distillation Plant
- Filtration Plant
- Heat exchangers
- Magnetic Separation Plant
- 2x1 Chillers;
- 2x1 Cooling Towers
- 2x1 Scrubbers
- 2x1 Oil fired heaters

The site coordinates are: 26° 29' 12" S and 29° 06' 02". Listing Notice 2 Items 3, 4, and 5 as identified in terms of Chapter 5 of the National Environmental Management Act, 1998 and Government Notice R 544 and R 545 respectively of 18 June 2010.

The granting of this environmental authorisation is subject to the conditions set out below.

3. Conditions of authorisation

Scope of Authorisation


- 3.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2 The holder of the authorisation must ensure compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation. 

- 3.3 The activity which is authorised may only be carried out at the property indicated above.
- 3.4 Any changes to, or deviations from, the project description set out in this authorisation 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 request such 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 authorisation to apply for further authorisation in terms of the regulations.
- 3.5 A copy of this authorisation must be made available on site at all times and all relevant staff, contractors and sub-contractors must be made familiar with the contents of this authorisation.
- 3.6 These activities must commence within a period of three **(3) years** from the date of issue. If commencement of the activities do not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken.
- 3.7 The Department may change or amend any of the conditions in this authorisation if, in the opinion of the Department is environmentally justified
- 3.8 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.9 This authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.
- 3.10 The holder of this authorisation is responsible for compliance with the provisions for **Duty of Care and Remediation of Environmental Damage** contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).

Appeal of authorisation

- 3.11 The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 days, of receiving notice of the Department's decision to authorise the activities.
- 3.12 The notification referred to above must:
- a) Specify the date on which the authorisation was issued;
 - b) Inform the interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - c) Advise the interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

Management and monitoring of the activities

- 3.15 The Environmental Management Programme (EMPr) submitted as part of the application for environmental authorisation is hereby approved. The Environmental Management Programme must be implemented and adhered to during the construction and operation of the activity.
- 3.16 The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMPr and ensuring compliance with the conditions of this environmental authorisation. 

- 3.17 The ECO must submit quarterly compliance reports to the Department in writing and copy the applicant with such reports. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
- 3.18 The ECO must maintain the following on site:
- a) A site diary
 - b) Copies of all reports submitted to the Department
 - c) A complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints.
- 3.19 The holder of the authorization must submit a post-construction environmental audit report to the Department within **30 (thirty) days** after completion of construction activities. The audit report must be compiled by an independent auditor.
- 3.20 Air Quality Monitoring Plan which is a composite of the revised existing Air Quality Plan and the proposed new Plant must be compiled and submitted to this department for approval prior to the commissioning of the Plant.
- 3.21 Stack and ambient air monitoring must be undertaken on quarterly basis.
- 3.22 Fire protection system must be installed on-site and emergency plans must be revised to ensure sustainable systems are in place. Such revised plans must be incorporated into the entire building layout and subjected for scrutiny by the respective authorities prior to commissioning.
- 3.23 The Department retains the right to monitor and/ or inspect the proposed project during both construction and operational phases.

Commissioning and operation of the activities.

- 3.24 **Fourteen (14) days** written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.25 The conditions stipulated in this environmental authorisation, mitigation measures and recommendations contained in an Environmental Management Programme are legally binding components of any contract and are therefore legally enforceable.
- 3.26 All the chemical material involved in the process must be stored, transported and disposed of in the manner that any applicable statutory requirement is met.
- 3.27 Effective measures must be implemented to ensure that the fugitive emissions from the storage tanks are managed to prevent or minimize air pollution.
- 3.28 Spillage of chemicals and hydrocarbon must be managed in the manner that prevents contamination of water and soil.
- 3.29 Raw materials must be sourced from registered and sustainable sources.
- 3.30 All hazardous waste on site must be removed and disposed of as per the applicable legislative requirements.

- 3.31 The Atmospheric Emission License must be obtained prior to the commencement of the activities.
- 3.32 The storage tanks must be located within bunded areas with sufficient capacity to contain leaks and spillages.
- 3.33 Off-loading or any loading of waxy oil must be carried out in a manner that prevents contamination of soil and water.
- 3.34 Effluent discharge must comply with all applicable legislative requirement or standards.

Site closure and Decommissioning

- 3.35 In case of decommissioning, a detailed Rehabilitation Plan must be submitted to this Department for approval at least six (6) months prior to the decommissioning phase.

General

- 3.36 A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation 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 authorisation who works or undertakes work at the property.
- 3.37 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details; the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.38 The holder of this authorisation must notify the Department, in writing, within **twenty-four (24) hours** if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.39 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 3.40 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

ENVIRONMENTAL AUTHORISATION APPROVED BY:


MR. SS MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 31.03.2014

ANNEXURE1: REASONS FOR THE DECISION

1. Background

The applicant FFS Refiners (Pty) Ltd applied for Environmental Authorisation for the following:

The construction of waxy oil processing facility and storage of oil and petroleum products with a combined total capacity of 1940 at Evander. The plant has a footprint of 25 000m². The site coordinates are: 26° 29' 12" S and 29° 06' 02". **Listing Notice 2 Items 3, 4, and 5 as identified in terms of Chapter 5 of the National Environmental Management Act, 1998 and Government Notice R 544 and R 545 respectively of 18 June 2010.**

Activity description

The process facility entails the construction of six 250m³ and seven 60m³ storage tanks for static plant with a combined total capacity of 1920m². Other equipment that will be installed includes:

- 4x1 Centrifugal Separators;
- Static Separators;
- A distillation Plant;
- Filtration Plant;
- Heat exchangers;
- Magnetic Separation Plant;
- 2x1 Chillers;
- 2x1 Cooling Towers;
- 2x1 Scrubbers;
- 2x1 Oil fired heaters.

2. The applicant appointed the following Environmental Assessment Practitioner to undertake the Environmental Assessment process:

Consultant Name: Kerry Seppings Environment Management

Address: P.O. Box 25102
Gillitts
3603

Contact Person: Mr. Kerry Stanton/ Stephanie Williams
Cell 079 520 1583
Fax number: 086 535 5281
Email: kerry.seppings@telkomsa.net

3. Information considered in making a decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the final Basic Assessment Report.
- b) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- c) The outcome of the public participation process as included in the Basic Assessment report;
- d) The findings of the site visit conducted on 04 December 2013

4. 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 that, in the Department's views, were of the most significance is set out below:

- a) Need and Desirability of the project
- b) Alternatives considered;
- c) The ecological value of the site where the development will take place;
- d) Public Participation

5. Findings

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

- a) Waxy oil is a residue which remains after the valuable petroleum distillate fraction is removed for further processing into petrol, diesel and other petroleum chemicals. This residue is suitable for re-refining into heavy furnace oil. The facility is required in order to process the residue to produce other essential products.
- b) Negative environmental impacts associated with the project can be mitigated for provided all mitigation measures contained in Environmental Management Programme Report and the conditions contained in Environmental Authorisation are implemented and adhered to.
- c) Interested and Affected Parties were provided a chance to comment.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. Authorisation is accordingly granted. 