

PhytoAmandla Biofuel Processing Plant in the Coega IDZ
FINAL SCOPING REPORT

appendix c

eia application

FINAL SCOPING REPORT





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION

	(For official use only)
File Reference Number:	
NEAS Reference Number:	
Date Received:	

Application for authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2010

PROJECT TITLE

Construction of a Biofuel Processing Plant in the Coega Industrial Development Zone (IDZ) near the Port of Ngqura, Port Elizabeth

Kindly note that:

1. This application form is current as of 2 August 2010. It is the responsibility of the applicant to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
2. The application must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing.
3. Where applicable **black out** the boxes that are not applicable in the form.
4. Incomplete applications may be returned to the applicant for revision.
5. The use of the phrase "not applicable" in the form must be done with circumspection. Should it be done in respect of material information required by the competent authority for assessing the application, it may result in the rejection of the application as provided for in the Regulations.
6. This application must be handed in at the offices of the relevant competent authority as determined by the Act and regulations.
7. No faxed or e-mailed applications will be accepted.
8. Unless protected by law, all information filled in on this application will become public information on receipt by the competent authority. Any interested and affected party should be provided with the information contained in this application on request, during any stage of the application process.

Queries must be addressed to the contact hereunder:

Departmental Details

Postal address:

Department of Environmental Affairs
Attention: Director: Environmental Impact Evaluation
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Fedsure Forum Building (corner of Pretorius and Van der Walt Streets)
2nd Floor North Tower
315 Pretorius Street
Pretoria
0002

Queries should be directed to the Directorate: Environmental Impact Evaluation at:

Tel: 012-310-3268
Fax: 012-320-7539

Please note that this form must be copied to the relevant provincial environmental department/s.

View the Department's website at <http://www.deat.gov.za/> for the latest version of the documents.

SITE IDENTIFICATION AND LINKAGE

Please indicate all the Surveyor-general 21 digit site (erf/farm/portion) reference numbers for all sites (including portions of sites) that are part of the application.

C	0	7	6	0	0	2	3	0	0	0	0	0	3	1	8	0	0	0	0	0
C	0	7	6	0	0	2	3	0	0	0	0	0	2	3	3	0	0	0	0	0
C	0	7	6	0	0	2	3	0	0	0	0	0	3	1	2	0	0	0	0	0

Amended 16 April 2012

(if there are more than 6, please attach a list with the rest of the numbers)

(These numbers will be used to link various different applications, authorisations, permits etc. that may be connected to a specific site)

PROJECT TITLE

Construction of a Biofuel Processing Plant in the Coega Industrial Development Zone (IDZ) near the Port of Ngqura, Port Elizabeth

1. BACKGROUND INFORMATION

Project applicant:	PhytoAmandla (Pty) Ltd		
Trading name (if any):			
Contact person:	Martin Middelmann		
Physical address:	2nd Floor West Tower, Nelson Mandela Square, Maude Street, Sandton		
Postal address:			
Postal code:	2196	Cell:	SA: +27 11 0838533 Germany: +49 1776115894
Telephone:	SA: +27 (11) 0838533 Germany: +49 89 42775971	Fax:	Germany: +49 8942775970
E-mail:	mmiddelmann@phytoenergy.org		

Project consultant:	Council for Scientific and Industrial Research (CSIR)		
Contact person:	Cornelius van der Westhuizen		
Postal address:	P.O. Box 320, Stellenbosch		
Postal code:	7599		083 611 7073
Telephone:	021 888 2408		021 888 2693
E-mail:	cvdwesthuizen1@csir.co.za		
Professional affiliation(s) (if any)			
Provincial Authority:	Department of Economic Development and Environmental Affairs		
Contact person:	Andries Struwig		
Postal address:	Private Bag X 5001 Greenacres		
Postal code:	6057	Cell:	079 503 1762
Telephone:	041 508 5800	Fax:	041 585 1958
E-mail:	Andries.Struwig@deaet.ecape.gov.za		

Landowner 1:	Coega Development Corporation		
Contact person:	Andrea von Holdt		
Postal address:	Coega IDZ Business Centre Corner Alcyon Road & Zibuko Street Zone 1 Coega IDZ Port Elizabeth		
Postal code:	6100	Cell:	+27 82 657 4648
Telephone:	+27 41 403 0400	Fax:	+27 41 403 0401
E-mail:	Andrea.vonHoldt@coega.co.za		

Landowner 2:	Transnet National Ports Authority		
Contact person:	Elliot Motsoahole		
Postal address:	PO Box 612054, Bluewater Bay		
Postal code:	6212		
Telephone:	+27 41- 507 8450		
E-mail:	elliott.motsoahole@transnet.net	Cell	+27 83 542 5619

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2. ACTIVITIES APPLIED FOR TO BE AUTHORISED

For an application for authorisation that involves more than one listed or specified activity that, together, make up one development proposal, all the listed activities pertaining to this application must be indicated.

Indicate the number and date of the relevant notice:	Activity No (s) (in terms of the relevant notice) :	Describe each listed activity as per project description ¹ :
Government Notice No. GNR 544 of 18 June 2010	1 (i), (ii)	An onsite biogas plant is proposed for the generation of process heat and electricity from steam turbines. The electricity generated will be used by the processing plant. The biogas plant is proposed to have a generation capacity of 10 MW or more.
	11 (xi)	The proposed pipeline route constitutes infrastructure which could cover more than 50 m ² , parts of which may occur within 32 m of the Coega River and the Port of Ngqura (Note: A development setback line has not yet been defined and therefore is not applicable).
	16 (vi)	
	18 (i), (iv)	Construction of the proposed pipeline may entail the excavation, removal and moving of more than 5 m ³ of material within the Coega River/Estuary as well as 100 m inland of the high-water mark of the sea. (Note: The development setback line has not yet been defined).
	23 (ii)	The proposed project may result in the transformation of undeveloped land (outside an urban area) for industrial use.
	24	The proposed pipeline may result in the transformation of portions of land currently zoned as conservation/open space in terms of the Coega Open Space Management Plan.
Government Notice No. GNR 545 of 18 June 2010	3	The proposed project will allow for the storage and handling of dangerous goods such as hexane and methanol.
	4	The processing plant will entail the refining of canola oil and extraction or processing of gas of more than 50 m ³ per day.
	5	In terms of the National Environmental Management: Air Quality Act, 39 of 2004, section 21, an application for an Atmospheric Emissions Licence may be required from the Nelson Mandela Bay Municipality. The project may also require a permit for the storage and release of industrial effluent. Additional permits/licenses required by the project will be identified through the Scoping and EIA process.
	15	The proposed project is approximately 25 ha in extent, and will result in the alteration of undeveloped land for industrial use.
	26	In terms of the National Environmental Management: Air Quality Act, 39 of 2004, section 21, an application for an Atmospheric Emissions Licence may be required from the Nelson Mandela Bay Municipality.
Government Notice No. GNR 546 of 18 June 2010	10 (a)(ii)(ee)(gg)(hh)(ii)	The proposed processing plant will allow for the storage and handling of dangerous goods in containers/tanks. The project is situated within the Province of the Eastern Cape, outside an urban area. The project is situated in an area identified as being a critical biodiversity area in terms of the Eastern Cape Biodiversity Conservation Plan (ECBCP) and within 10 km of Addo Elephant

¹ Please note that this description should not be a verbatim repetition of the listed activity as contained in the relevant Government Notice, but should be a brief description of activities to be undertaken as per the project description

Indicate the number and date of the relevant notice:	Activity No (s) (in terms of the relevant notice) :	Describe each listed activity as per project description ¹ :
		National Park. Possible pipelines associated with the project may be situated within 1 km of the high-water mark of the sea or within 100 m of the edge of a watercourse (i.e. the Coega River/Estuary and the Port of Ngqura). (Note: The development setback line has not yet been defined).
	12 (c)	The amount and extent of indigenous vegetation to be cleared will be determined through the Scoping and EIA process. The clearance of vegetation for the installation of the pipeline may occur within 100 m of the high-water mark or from an estuary. (Note: The development setback line has not yet been defined).
	13 (a)(c)(ii)(ff)(gg)	The amount and extent of indigenous vegetation to be cleared will be determined through the Scoping and EIA process. The project is located in the Province of the Eastern Cape within a critical biodiversity area in terms of the Eastern Cape Biodiversity Conservation Plan (ECBCP) and within 10 km of Addo Elephant National Park. The installation of the pipeline may result in vegetation being cleared within 1 km of the high-water mark of the sea and/or from and estuary. (Note: The development setback line has not yet been defined).
	14 (a)(i)	The amount and extent of indigenous vegetation to be cleared will be determined through the Scoping and EIA process. The project is located in the Eastern Cape Province outside an urban area.
	16 (iii)(a)(ii)(ff)(ii)	Alternative pipeline routes are proposed through the Coega River/Estuary and are anticipated to exceed 10 m ² in area. The project is located in the Eastern Cape Province outside an urban area, within a critical biodiversity area in terms of the Eastern Cape Biodiversity Conservation Plan (ECBCP) and within 10 km of Addo Elephant National Park.

CSIR Note: A precautionary approach has been followed in completing the above Tables of Listed Activities, in that if there is any doubt at this stage of the process whether or not an activity is included in the project design, then the activity is listed. This list may be refined during the course of the EIA and listed triggers may be removed or added as applicable.

Please note that any authorisation that may result from this application will only cover activities specifically applied for.

3. OTHER AUTHORISATIONS REQUIRED

3.1 DO YOU NEED ANY AUTHORISATIONS IN TERMS OF ANY OF THE FOLLOWING LAWS?

- 3.1.1 National Environmental Management: Waste Act Yes/No
- 3.1.2 National Environmental Management: Air Quality Act Yes/No
- 3.1.3 National Environmental Management: Protected Areas Act Yes/No
- 3.1.4 National Environmental Management: Biodiversity Act Yes/No
- 3.1.5 Mineral Petroleum Development Resources Act Yes/No
- 3.1.6 National Water Act Yes/No
- 3.1.7 National Heritage Resources Act Yes/No
- 3.1.8 Other (please specify) Yes/No

3.2 Have such applications been lodged already? Yes/No

4. DECLARATIONS

4.1 The Applicant

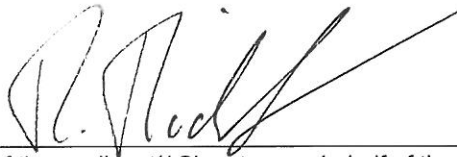
I, Martin Middelman, declare that I -

- am, or represent², the applicant in this application;
- have appointed / will appoint (delete that which is not applicable) an environmental assessment practitioner to act as the independent environmental assessment practitioner for this application / will obtain exemption from the requirement to obtain an environmental assessment practitioner³;
- will provide the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
- will be responsible for the costs incurred in complying with the Environmental Impact Assessment Regulations, 2010, including but not limited to –
 - costs incurred in connection with the appointment of the environmental assessment practitioner or any person contracted by the environmental assessment practitioner;
 - costs incurred in respect of the undertaking of any process required in terms of the Regulations;
 - costs in respect of any fee prescribed by the Minister or MEC in respect of the Regulations;
 - costs in respect of specialist reviews, if the competent authority decides to recover costs; and
 - the provision of security to ensure compliance with conditions attached to an environmental authorisation, should it be required by the competent authority;
- will ensure that the environmental assessment practitioner is competent to comply with the requirements of these Regulations and will take reasonable steps to verify whether the EAP complies with the Regulations;
- will inform all registered interested and affected parties of any suspension of the application as well as of any decisions taken by the competent authority in this regard;
- am responsible for complying with the conditions of any environmental authorisation issued by the competent authority;
- hereby indemnify the Government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action which the applicant or environmental assessment practitioner is responsible for in terms of these Regulations;
- will not hold the competent authority responsible for any costs that may be incurred by the applicant in proceeding with an activity prior to obtaining an environmental authorisation or prior to an appeal being decided in terms of these Regulations;
- will perform all other obligations as expected from an applicant in terms of the Regulations;

² If this is signed on behalf of the applicant, proof of such authority from the applicant must be attached.

³ If exemption is obtained from appointing an EAP, the responsibilities of an EAP will automatically apply to the person conducting the environmental impact assessment in terms of the Regulations.

- all the particulars furnished by me in this form are true and correct; and
- I realise that a false declaration is an offence in terms of regulation 71 and is punishable in terms of section 24F of the Act.



Signature of the applicant⁴/ Signature on behalf of the applicant:

PhytoAmandla (Pty) Ltd

Name of company (if applicable):

22/2/2012

Date:

⁴ If the applicant is a juristic person, a signature on behalf of the applicant is required as well as proof of such authority. An EAP may not sign on behalf of an applicant.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

DETAILS OF EAP AND DECLARATION OF INTEREST

	(For official use only)
File Reference Number:	12/12/20/
NEAS Reference Number:	DEAT/EIA/
Date Received:	

Application for authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2010

PROJECT TITLE

Construction of a Biofuel Processing Plant in the Coega Industrial Development Zone (IDZ) near the Port of Ngqura, Port Elizabeth

Environmental Assessment Practitioner (EAP): ¹	Council for Scientific and Industrial Research (CSIR)		
Contact person:	Mr Paul Lochner		
Postal address:	P.O. Box 320 Stellenbosch		
Postal code:	7599	Cell:	
Telephone:	021 888 2400	Fax:	021 888 2693
E-mail:	PLochner@csir.co.za		
Professional affiliation(s) (if any)	Certified Environmental Assessment Practitioner in South Africa (EAPSA) Member of the International Association of Impact Assessors – South Africa Chapter (IAIAsa)		
Project Consultant:	Council for Scientific and Industrial Research (CSIR)		
Contact person:	Mr Cornelius van der Westhuizen		
Postal address:	P.O. Box 320 Stellenbosch		

Postal code:	7599	Cell:	083 611 7073
Telephone:	021 888 2408	Fax:	021 888 2693
E-mail:	Cvdwesthuizen1@csir.co.za		

4.2 The Environmental Assessment Practitioner

I, **Cornelius van der Westhuizen** declare that –

General declaration:

- I act as the independent environmental practitioner in this application
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, regulations and all other applicable legislation;
- I will take into account, to the extent possible, the matters listed in regulation 8 of the regulations when preparing the application and any report relating to the application;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- I will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- I will ensure that the comments of all interested and affected parties are considered and recorded in reports that are submitted to the competent authority in respect of the application, provided that comments that are made by interested and affected parties in respect of a final report that will be submitted to the competent authority may be attached to the report without further amendment to the report;
- I will keep a register of all interested and affected parties that participated in a public participation process; and
- I will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not
- all the particulars furnished by me in this form are true and correct;
- will perform all other obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I realise that a false declaration is an offence in terms of regulation 71 and is punishable in terms of section 24F of the Act.

Disclosure of Vested Interest (delete whichever is not applicable)

- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Environmental Impact Assessment Regulations, 2010;
- ~~I have a vested interest in the proposed activity proceeding, such vested interest being:~~



Signature of the environmental assessment practitioner:

CSIR

Name of company:

27 March 2012

Date:



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA - 0001- Fedsure Building - 315 Pretorius Street - PRETORIA
Tel (+ 27 12) 310 3911 - Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0001144/2012

DEA Reference: 14/12/16/3/3/2/321

Enquiries: Nyiko Nkosi

Tel: 012 395 1694 /1768 Fax: 012 320 7539 E-mail: nnkosi@environment.gov.za

Cornelius van der Westhuizen
CSIR
PO Box 320
STELLENBOSCH
7599

Fax: 021 888 2693

PER FACSIMILE / MAIL

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT AND ACCEPTANCE OF NEW APPLICATION FOR ENVIRONMENTAL AUTHORISATION (SCOPING & EIA PROCESS) FOR THE PROPOSED BIOFUEL PROCESSING PLANT IN THE COEGA INDUSTRIAL DEVELOPMENT ZONE (IDZ) NEAR PORT OF NGQURA, PORT ELIZABETH

The Department confirms having received the following documents for environmental authorisation for the abovementioned project from you: Application Form and EAP Declaration of Interest (on 29 March 2012), an original signed Application Form, the required proof in terms of regulation 12 (2) (b) (i) of the EIA Regulations, 2010 and a project schedule (on 18 April 2012) You have submitted these documents to comply with the Environmental Impact Assessment Regulations, 2010. The Application is accepted.

Please include both reference numbers (NEAS Reference and DEA Reference), as listed above, on all documents and correspondence submitted to the Department.

Please note that one hard copy and one electronic copy (saved on CD/DVD) of draft reports, and five hard copies and one electronic copy of final reports must be submitted to the Department.

In addition, please consider the following during compilation of reports for this application for environmental authorisation:

- All applicable Departmental Guidelines must be considered throughout the application process. These can be downloaded from the Department's website: www.environment.gov.za, Environmental Impact Management button, listed under "EIA Administration": Integrated Environmental Management Information Series link. These include, but are not limited to, the following topics: Scoping, Environmental Impact

Reporting, Stakeholder Engagement, Specialist Studies, Impact Significance, Cumulative Effects Assessments, Alternatives in EIA and Environmental Management Plans.


- Please be advised that in terms of the EIA Regulations and NEMA the investigation of alternatives is mandatory. Alternatives must therefore be identified, investigated to determine if they are feasible and reasonable. It is also mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option).
- Should water, solid waste removal, effluent discharge, stormwater management and electricity services be provided by the municipality, you are requested to provide this office with written proof that the municipality has sufficient capacity to provide the necessary services to the proposed development. Confirmation of the availability of services from the service providers must be provided together with the reports to be submitted.
- In the reports to be submitted it must clearly be demonstrated in which way the proposed development will meet the requirements of sustainable development. You must also consider energy efficient technologies and water saving devices and technologies for the proposed development. This could include measures such as the recycling of waste, the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, the use of dual flush toilets and low-flow shower heads and taps, the management of storm water, the capture and use of rainwater from gutters and roofs, the use of locally indigenous vegetation during landscaping and the training of staff to implement good housekeeping techniques.
- A detailed and complete EMPr must be submitted with the EIR. This EMPr must not provide recommendations but must indicate actual remediation activities which will be binding on the applicant. Without this EMPr the documents will be regarded as not meeting the requirements and will be returned to the applicant for correction.
- The applicant/EAP is required to inform this Department in writing upon submission of any draft report, of the contact details of the relevant State Departments (that administer laws relating to a matter affecting the environment) to whom copies of the draft report were submitted for comment. Upon receipt of this confirmation, this Department will in accordance with Section 240(2) & (3) of the National Environmental Management Act, 1998 (Act 107 of 1998) inform the relevant State Departments of the commencement date of the 40 day commenting period, or 60 days in the case of the Department of Water Affairs for waste management activities which also require a licence in terms of the National Water Act, 1998 (Act 36 of 1998).
- Should it be necessary to apply for a permit in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999), please submit the necessary application to SAHRA or the relevant provincial heritage agency and submit proof thereof with the Basic Assessment Report/Environmental Impact Assessment Report. The relevant heritage agency should also be involved during the public participation process and have the opportunity to comment on all the reports to be submitted to this Department.

The EAP must, in order to give effect to regulation 56 (2), before submitting the final environmental impact assessment report to the Department give registered interested and affected parties access to, and an opportunity to comment on the report in writing within 21 days.

In terms of regulation 67 of the EIA Regulations, 2010 this application will lapse if the applicant (or the EAP on behalf of the applicant) fails to comply with a requirement in terms of the Regulations for a period of six months after having submitted the application, unless the reasons for failure have been communicated to and accepted by this Department.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours sincerely



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

Letter signed by: Ms Nyiko Nkosi

Designation: Environmental Officer: Environmental Impact Evaluation

Date: 23/04/2012

CC:	Martin Middelmann	PhytoAmendla (Pty) Ltd	Fax: 011 083 8533
	Andries Struwig	DEDEA Eastern cape	Fax: 041 585 1958
	Joram Mkosana	Nelson mandela Bay Local Municipality.	Fax: 041 505 4491



environmental affairs

Department:
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REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DE/VEIA/0001144/2012

DEA Reference: 14/12/16/3/3/2/321

Enquiries: Nyiko Nkosi

Tel: 012 395 1694 /1768 **Fax:** 012 320 7539 **E-mail:** nnkosi@environment.gov.za

Cornelius van der Westhuizen
CSIR
PO Box 320
STELLENBOSCH
7599

Fax: 021 888 2693

PER FACSIMILE / MAIL

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF SCOPING REPORT FOR THE PROPOSED BIOFUEL PROCESSING PLANT IN THE COEGA INDUSTRIAL DEVELOPMENT ZONE (IDZ) NEAR PORT OF NGQURA, PORT ELIZABETH

The Department confirms having received the draft Scoping Report for the above-mentioned project on 11 June 2012.

Please note that the Department will start reviewing once the final Scoping Report is received.

You are hereby reminded that the activity may not commence prior to an environmental authorisation being granted by the Department.

Yours sincerely

Mr Ishaam Abader

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs**

Letter signed by: Ms Nyiko Nkosi

Designation: Environmental Officer: Integrated Environmental Authorisations

Date: 18/06/2012