



agriculture, rural development,
land & environmental affairs

MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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Litiko Letekulima, Kutfutukiswa
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Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuThuthukiswa kweNdawo zemaKhaya,
iNarha neeNdaba zeBhoduluko

Enquiries : Dineo Tswai
Telephone : (013) 692 6300
Reference : 1/3/1/16/1N-234
NEAS : MPP/EIA/0000917/2021

MeronoX (Pty) Ltd
Private Bag X 7260
Witbank
1035

Attention: Mr. M.G.de Abreu
Email: mdeabreu@mweb.co.za

Dear Sir,

**ENVIRONMENTAL AUTHORISATION FOR ACTIVITIES LISTED IN GOVERNMENT
NOTICE R983 (AS AMENDED) ASSOCIATED WITH THE DEVELOPMENT AND
RELATED OPERATION OF A FILLING STATION ON A PORTION OF ERF 20 OF
PRESIDENT PARK EXTENSION 6, EMALAHLENI LOCAL MUNICIPALITY**

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, 2014 (as amended), you are instructed to notify all registered interested and affected parties in writing, and within 14 (fourteen) days of the date of this letter, of the Department's decision in respect of your application. Such notification must comply with the requirements of Regulation 4(2) and 4(3) and must draw the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014.

Your attention is drawn to the National Appeal Regulations, 2014, which regulate appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge your appeal with the MEC, within 20 days of the date of receipt of this letter, by means of one of the following methods:

By facsimile: (013) 766 8295

By post: Private Bag x 11219
Nelspruit
1200



By hand:

Samora Machel Building, No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200

Should you decide to appeal, you must also serve a copy of your appeal on all registered interested and affected parties and any organ of state with interest in the matter.

Yours faithfully,



MR. C.M. CHUNDA

**HEAD: AGRICULTURE, RURAL DEVELOPMENT,
LAND AND ENVIRONMENTAL AFFAIRS**

DATE: 25/05/21

cc: Riana Janse van Rensburg
AdiEnvironmental cc
Email: riana@adienvironmental.co.za



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Environmental Authorisation

Application number: 1/3/1/16/1N-234

Holder of Authorisation: Meronox (Pty) Ltd

NEAS reference number: MPP/EIA/0000917/2021

Location of activity: A Portion of Erf 20 of President Park
Extension 6, Witbank, Emalahleni
Local Municipality, Mpumalanga
Province

1. Decision

The Department is satisfied on the basis of 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. Activities 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 2014 (as amended), the Department hereby authorises:

Meronox (Pty) Ltd
Private Bag X 7260
Witbank
1020

Attention: Mr. M.G. de Abreu
Telephone: 082 876 4752
Email: mdeabreu@mweb.co.za

To undertake the following activity listed in Government Notice R983 (as amended) associated with the development and related operation of a filling station on a Portion of Erf 20 of President Park Extension 6, Emalahleni Local Municipality, at 25°52'57.26"S 29°15'25.50"E (hereafter referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised
GNR 983 Activity 14	The development and related operation 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 80m ³ or more but not exceeding 500m ³ .	The development and related operation of a filling station with a total combined storage capacity of 115m ³ .

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. Commencement for the purposes of all conditions of this authorisation means the start of any physical implementation in furtherance of the activity, including site preparation, clearance of vegetation, and any other action on the site.
- 3.3. The holder of the authorisation must ensure compliance with these 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.
- 3.4. The activity which is authorised may only be carried out at the property indicated above.

- 3.5. 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.
- 3.6. In the event that the impacts exceed the significance as predicted in the basic assessment report, the authorisation may be suspended and/or withdrawn after proper procedures have been followed.
- 3.7. 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.
- 3.8. The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.9. This activity must commence within a period of ten (10) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken, unless the holder of this environmental authorisation has lodged a valid application to amend the validity period of this authorisation before this authorisation lapses, in which case, this authorisation will remain valid. However, the activity, including site preparation, may not commence prior to the amendment application being decided.
- 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).
- 3.11. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity, including, inter alia, the National Forests Act, 1998 (Act 84 of 1998) and the National Water Act, 1998 (Act No. 36 of 1998), and the provisions of all relevant SABS and SANS standards.

Appeal of authorisation

- 3.12. The applicant must, in writing, within fourteen days of the date of the decision on the application ensure that-
 - a) All registered interested and affected parties are provided with access to the decision and the reasons for such decision; and
 - b) The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations 2014, if such appeal is available in the circumstances of the decision;
 - c) The decision includes the complete environmental authorisation granted or refused.

Management and monitoring of the activity

- 3.13. The Environmental Management Programme (EMPr) dated September 2021 submitted as part of the basic assessment report is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14. The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr:

- 3.14.1. The ECO must be appointed before the commencement of the activity and the Department must be notified of such an appointment for communication purposes.
- 3.14.2. The ECO must monitor the restriction of the activity to designated areas.
- 3.14.3. The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.14.4. During the construction/establishment phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. 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.
- 3.14.5. The ECO must maintain the following on site: A site diary; copies of all reports submitted to the Department; and a complaints register of all public complaints and the remedies applied to such complaints
- 3.14.6. The ECO must remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to the applicant by the contractor for operation.
- 3.15. The holder of the authorisation must submit an environmental compliance audit report to the Department within 30 days of completion of the construction phase. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this authorisation as well as the requirements of the EMPr.
- 3.16. The results of operational audits must be used to determine the need for the improvement of existing, or the installation of additional, mitigation and monitoring measures.
- 3.17. Records of audits, inspections, tests and monitoring must be maintained and kept on site.
- 3.18. The Department retains the right to monitor and/or inspect the proposed project throughout its lifecycle.

Commissioning and operation of the activity

- 3.19. At least fourteen (14) days written notice must be given to the Department that the activity 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, and must include the name and contact details of the appointed ECO.
- 3.20. Topsoil must be stockpiled at a height not exceeding 1.5m at a pre-designated location for use during rehabilitation.
- 3.21. Topsoil stockpiles must not have slopes steeper than 1 vertical 2,5 horizontal, and must not be compacted in any way or stockpiled for a period longer than 3 months.
- 3.22. Storm water management must adhere to the following:
 - 3.22.1. No surface storm water generated as a result of the activity to be channeled directly into any wetland or watercourse.
 - 3.22.2. Storm water attenuation and control works must be constructed at the inception of the construction phase, and must be operated and maintained in a sustainable manner throughout the project.
 - 3.22.3. An efficient storm water drainage system must be installed around all structures and parking bays to effectively catch and drain surface water.


- 3.22.4. Waste traps must be included at strategic points in the storm water design to trap litter picked up by surface runoff. These traps must be cleaned regularly to ensure their efficient functioning and prevention of downstream pollution.
- 3.22.5. All surface areas where vehicle movement will take place must be sealed by means of bitumen, concrete paving or a concrete slab to prevent the infiltration of liquids into the underlying soil. The soil material underlying this layer must be adequately compacted to prevent ingress of liquids through zones of weakness within the surface seal.
- 3.23. Storm water attenuation and control works must be cleaned regularly and maintained to ensure efficient functioning.
- 3.24. Increased runoff due to vegetation clearance and/or soil compaction and/or any hardened surfaces must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering watercourses or wetlands.
- 3.25. Landscaping and re-vegetation of areas not occupied by buildings and paving must proceed immediately after the completion of building works.
- 3.26. Where ablution facilities for construction personnel are required, dry chemical toilet facilities or e-loos must be provided on site at a ratio of 1:10 for construction staff.
- 3.27. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.28. The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.29. Construction vehicles and equipment must be checked and maintained regularly to ensure that there is no environmental contamination as a result of oil, fuel or hydraulic fluid leakages.
- 3.30. Pollution due to improper storage of construction materials or any hazardous substances is prohibited.
- 3.31. Submersible pump dispensers and pumps must be fitted with leak detectors and emergency shut-off valves. Each dispensing pump or dispenser must be so located that when the hose is fully extended in the direction of any ramp leading down to the basement, no fuel can flow from the nozzle down to the ramp.
- 3.32. The driveway area around the dispensers / pumps, where spillage may occur during the refueling operation, must be so graded that any effluent run-off will not flow to any street, or into any watercourse or storm water system without first passing through a gravity separator. If this effluent cannot be separated from fuels by the gravity separator, then it must exit to a foul sewer or treatment system.
- 3.33. It is the responsibility of the holder of the authorisation to rectify any source of pollution from their undertaking and to take appropriate measures to prevent any pollution of surface as well as underground water.
- 3.34. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.35. All general waste generated on the site must be disposed of in a registered landfill site or as directed by any other relevant authority.
- 3.36. All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.37. Construction personnel must be sensitized to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during construction, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.

- 3.38. Complaints received from the public during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned.

General

- 3.39. 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.
- 3.40. 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; an application for amendment must be submitted to the Department as soon as the new details become known to the applicant.
- 3.41. 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.
- 3.42. 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. C.M. CHUNDA

**HEAD: AGRICULTURE, RURAL DEVELOPMENT,
LAND AND ENVIRONMENTAL AFFAIRS**

DATE: 05/11/21

Annexure 1: Reasons for the Decision

1. Background

- 1.1 The applicant, Meronox (Pty) Ltd, applied for authorisation to carry out the following activity listed in Government Notice R983 (as amended) associated with the development and related operation of a filling station on a Portion of Erf 20 of President Park Extension 6, Emalahleni Local Municipality, at 25°52'57.26"S 29°15'25.50"E:

Activity number	Activity Description	Extent to which Activity is Authorised
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- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

AdiEnvironmental cc
P.O. Box 647
Witbank
1035

Contact Person: Riana Janse van Rensburg
Cell phone: 083 271 8260
Email: riana@adienvironmental.co.za

2. Information considered in making the decision.

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

- The information contained in the application form received by the Department on 30 June 2021 and acknowledged on 07 July 2021.
- The information contained in the basic assessment report and the environmental management programme received by the Department on 14 September 2021 and acknowledged on 23 September 2021.
- The findings of the site visit conducted by Ms. Dineo Tswai from the Department and Riana Janse van Rensburg and Adie Erasmus from AdiEnvironmental cc on 09 September 2021.
- 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).

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) Biophysical impact
- b) Need and desirability
- c) Sustainability

4. Findings

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

- a) According to the basic assessment report, the development proposal is considered to be environmentally, economically and socially sustainable.
- b) According to the basic assessment report, there is provision for access and egress to and from the site.
- c) According to the basic assessment report, no threats to species or habitat were identified, and no critical limitations to the development could be identified that are of ecological significance. The presumed bullfrog habitat was analysed by the ecological specialist and it was determined that the bullfrogs will not be able to forage in the identified spot sustainably. No presence of bullfrogs was identified during the site inspection by the Department.
- d) According to the basic assessment report, adequate mitigation can be implemented to reduce potential impacts to acceptable levels.

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 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 to acceptable levels. The application is accordingly granted.