



Verwysing
Reference
Isalathiso

AN 20/25/4 Erf 32560 Epping

Navrae
Enquiries
Imibuzo

Ayub Mohamed

Datum
Date
Umhla

of Issue:

26/07/01

Departement van Omgewing- en Kultuursake en Sport
Department of Environmental and Cultural Affairs and Sport
Isebe lemiCimbi yeNdalo esiNgqongileyo neNkcubeko nezemiDlalo

Fine Chemicals Corporation
ATT: Mr Andre van der Walt
PO Box 253
EPPININDUST
7475

Tel: (021) 531 6421
Fax: (021) 531 1458

Dear Sir/Madam

Application: The construction of underground storage tanks for solvents, effluent holding tanks and a new hazardous materials store, Erf 32560 Epping.

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed development entails the following:

- the construction of a 977m² open-roof flammable storage area;
- the installation of 3 new bulk underground solvent storage tanks; and
- an effluent recovery system on Erf 32560 Epping.

The above mentioned developments constitute an activity identified in Schedule 1 of Government Notice No R 1182 of 5 September 1997 as activity 1(c), (*viz.* the construction or upgrading of transportation routes and structures, and manufacturing, storage, handling or processing facilities for any substance which is dangerous or hazardous and is controlled by national legislation), herein after referred to as the activity.

B. LOCATION:

Erf 32560, Epping

C. APPLICANT:

Fine Chemicals Corporation
PO Box 253
EPPINGINDUST
7475
Tel: (021) 531 6421

Fax: (021) 531 1458

D. CONSULTANT:

No independent consultant was appointed.

E. SITE VISIT(S):

No site visits were conducted.

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Director: Environmental Affairs of the Department of Environmental and Cultural Affairs and Sport hereby grants authorisation for the execution of the activity described above, subject to the conditions of approval contained in this Record of Decision.

In addition to the above authorisation, exemption from compliance with the following regulation/s of Regulation No. 1183, dated 5 September 1997 is hereby granted by the Director: Environmental Affairs in terms of Section 28A and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the said Act:

Regulation 3 (1): The applicant –

- (a) **must appoint an independent consultant who must on behalf of the applicant comply with these regulations;**
- (c) must ensure that the consultant has no financial or other interest in the undertaking of the proposed activity, except with regard to the compliance with these regulations;
- (d) must ensure that the consultant, while complying with these regulations has
 - (i) expertise in the area of environmental concern being dealt with in the specific application;
 - (ii) the ability to perform all the relevant tasks contemplated in these regulations;
 - (iii) the ability to manage the public participation process contemplated in paragraph (f);
 - (iv) the ability to timeously produce thorough, readable and informative documents;
 - (v) adequate recording and reporting systems to ensure the preservation of all data gathered; and
 - (vi) a good working knowledge of all relevant policies, legislation, guidelines, norms and standards.
- (e) must ensure that the consultant* provides to the relevant authority access to, and opportunity for review of, all procedures, underlying data, reports and interviews with interested parties, whether or not such information may be reflected in a report required in terms of these regulations;
(*in so far as where no consultant is appointed, the applicant must ensure access to the above information)

Regulation 6 (1): "..., the applicant must submit a Scoping Report to the relevant authority, which must include -

- (d) **a description of all alternatives identified**

**G. CONDITIONS OF APPROVAL:
SPECIFIC:**

1. This authorisation has been granted solely for the purposes of undertaking the specified activity referred to above.
2. An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
3. Compliance with section 30 the National Environmental Management Act, 1998 (Act No. 107 of 1998);
4. The costs for remedying any pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by the applicant.
5. Within six months of the facility ceasing to be functional for the purpose for which it is now authorised, the facility must be removed at the expense of the applicant, and the site, including all associated infrastructure such as access roads, must be rehabilitated to the satisfaction of the Provincial Environmental Authority.

GENERAL CONDITIONS:

The following general conditions must be complied with:

6. This Authorisation is granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other relevant legislation.
7. The authorised activity, including site preparation, may not commence before the statutory 30 day appeal period expires.
8. One week's notice, in writing, must be given to the relevant authority before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
9. The Directorate: Environmental Affairs must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
10. The Directorate: Environmental Affairs must be notified of any change of address of the owner and/or developer.
11. The applicant must, within five calendar days of receipt of this Record of Decision:
 - Inform all interested and affected parties registered during the Scoping and Impact Assessment processes, of the outcome of this application and, if requested, provide copies of this Record of Decision, including all the conditions attached thereto;

Department of Environmental and Cultural Affairs and Sport

Directorate: Environmental Affairs

- Include in such information the explicit provisions of Regulations 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R 1182 and 1183 of 5 September 1997) which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. 483 4350, URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp, or email Sesterhu@pawc.wcape.gov.za must accompany the appeal.
12. The conditions of the authorisation should be brought to the attention of all persons (employees, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures necessary to bind such persons to these conditions.
13. All outdoor advertising associated with this activity, whether on or off the property concerned, shall comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:
- The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447, Pretoria, 0001.
14. The owner and/or developer must notify the relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
15. Proof of compliance with the conditions described in the record of decision must be forwarded to the Directorate: Environmental Affairs one week prior to the commencement of construction or operation of the development (as appropriate).
16. Records relating to the compliance/non-compliance with the conditions of the authorisation must be kept in good order. Such records must be made available to the relevant authority within seven days of receipt of a written request by the relevant authority for such records.
17. If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

18. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
19. Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer 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 developer with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.

In terms of section 28A(4) of the aforesaid Act, the Minister may in writing withdraw the exemption concerned or at his discretion determine new conditions, if any condition stipulated in the exemption granted is not being complied with. Furthermore section 28A(5) states that the Minister or a competent authority, as the case may be, may from time to time review any exemption granted or condition determined, and if he deems it necessary, withdraw such exemption or delete or amend such condition.

H. RECOMMENDATIONS:

None.

I. KEY FACTORS AFFECTING THE DECISION:

Applicants' motivation – Applicant has motivated the proposed upgrades based on increasing environmental management standards and requirements. Applicant has proposed the upgrades to improve its operational standards to remain competitive and maintain adherence and compliance to the relevant environmental and regulatory standards. It is the opinion of the applicant that the proposed upgrades will reduce the risk of fire as well as prevent soil and groundwater contamination. City of Cape Town has requested the proposed upgrade. The applicant company currently implements a "Health, Safety, Environment and Quality Management Plan" that incorporates the operation phases of proposed upgrades. This system incorporates the principles of an environmental management system.

Biophysical: The site is located in a highly industrialised area with few, if any features of environmental concern. The proposed upgrade represents an improvement to the current environmental management practices.

In terms of a Major Hazard Installation study undertaken, the proposed upgrades do not constitute a Major Hazard Installation in terms of the relevant labour legislation.

Alternatives: Geographical alternatives have not been assessed. This is a result of the design and layout determination of the proposed facilities in terms of the current site layout. The proposed facilities are to be constructed according to contemporary industrial environmental standards. This represents the selection of a technological alternative by the applicant.

Public Participation: Surrounding land users have indicated they do not object to the proposed development. Similarly, no objections have been received from the landowner. It is the opinion of these parties that the proposed upgrades represent an improvement of the current status.

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two years of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals can be directed within 30 days of the date of the issuing of this Record of Decision, to:

The Minister of Environmental and Cultural Affairs
Western Cape Province
PO Box 15653, Vlaeberg, 8018
Fax: (021) 483-3885

Appeals must comply with the provisions of regulation 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997) which reads as follows:

(1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

(2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. 483 4350, URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp or email Sesterhu@pawc.wcape.gov.za must accompany the appeal.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



INGRID COETZEE
DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE OF DECISION: 24/07/01

Copies to: ()
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Fax: (02)
Fax: (02)
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