APPENDIX B: COMMENTS

Kaylene Moodley

From: Nabeelah Khan <[redacted]>
Sent: Tuesday, 12 October 2021 19:10
To: [redacted]
Cc: Edward Perry; Amishka Mothilal; Ziyaad Allie
Subject: 14/2/4/1/A1/37/0029/21 - To advise on the S24G application process for the unlawful storage of hydrocarbon products, petroleum and diesel, at Flamingo Square Station, 212 Blaauwberg Road, Table View
Attachments: Ackn of 24G Consultation_Flamingo Square Service Station Table View_12 Oct 2021.pdf

Importance: High

Good day Mr Hloniphizwe Mtolo

I trust you are well.

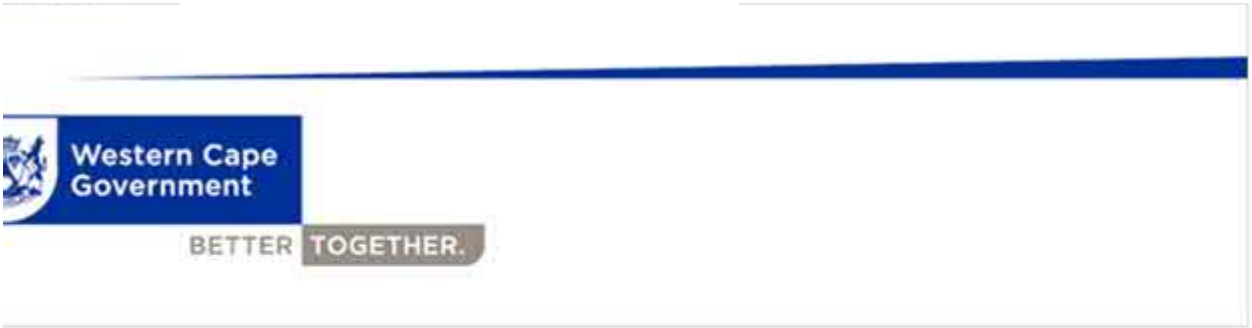
Please find the attached letter for your attention.

Kind Regards

Nabeelah Khan
Administrative Officer
Sub- Directorate: Rectification
Directorate: Environmental Governance
Department of Environmental Affairs and Development Planning

1st Floor, 1 Dorp Street, Leeusig Building, Cape Town, 8001

Telephone
Facsimile
Email
Website



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Western Cape Government
Environmental Affairs and Development Planning

Directorate: Environmental Governance
Sub-directorate: Rectification

24G CONSULTATION REF: 14/2/4/1/A1/37/0029/21

ENQUIRIES: Nabeelah Khan/Ziyaad Allie

The Managing Director
Shell Downstream South Africa
[redacted]

Email:[redacted]
Tel:[redacted]

Attention: Hloniphizwe Mtolo

Dear Sir/Madam

TO ADVISE ON THE S24G APPLICATION PROCESS FOR THE UNLAWFUL STORAGE OF HYDROCARBON PRODUCTS, PETROLEUM AND DIESEL AT FLAMINGO SQUARE STATION, 212 BLAAUWBERG ROAD, TABLE VIEW

The documentation received by this Department on the 29 September 2021, is hereby acknowledged.

1. Please be advised that the Section 24G Fine Regulations, 2017 (hereafter referred to as "the fine regulations") require that **public participation be conducted prior to the submission** of an application, as outlined in Regulation 8 of the fine regulations. A section 24G application form must also include the information as set out in **Annexure A of the fine regulations**.

2. You are reminded of the G.N. No. 960 of 5 July 2019: Notice of the Requirement to Submit a Report Generated by the National Web Based Environmental Screening Tool in terms of Section 24(5)(h) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and Regulation 16(1)(b)(v) of the Environmental Impact Assessment Regulations, 2014, as amended.

3. Please note that from 04 October 2019 the submission of a Screening Report generated from the National Web Based Environmental Screening Tool is compulsory when submitting an application for environmental authorisation.

4. The Department will consider the information herein and advise you accordingly.

5. Kindly quote the abovementioned reference number in any future correspondence in respect of the pre-application/consultation process.

Zaidah Toefy Digitally signed by Zaidah Toefy
Date: 2021.10.12 18:04:28 +02'00'

Mrs Z Toefy
Head of Rectification
Directorate: Environmental Governance

CC: (1) Ziyaad Allie (DEA&DP: Rectification) Email[redacted]
(2) Edward Perry (EAP) Email[redacted]

Kaylene Moodley

[redacted]

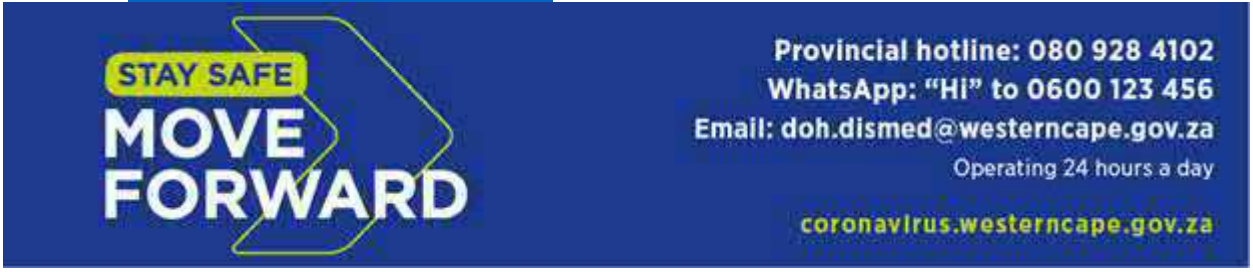
From: Ziyaad Allie <[redacted]>
Sent: Wednesday, 13 October 2021 11:05
To [redacted]
Cc: Edward Perry [redacted] Nabeelah Khan <[redacted]>
Subject: Section 24G consultation- FLAMINGO SQUARE STATION, 212 BLAAUWBERG ROAD, TABLE VIEW

> You don't often get email from ziyaad.allie@westerncape.gov.za. Learn why this is important

Kindly find the attached correspondence for your attention.

Kind regards

Ziyaad Allie
EMI Grade 2
MSc Enviro Man. BSc (Hons) Enviro Man.
Specialised Environmental Officer
Sub- Directorate: Rectification
Directorate: Environmental Governance
Department of Environmental Affairs and Development Planning
Tel: [redacted]
Email [redacted]
Website: www.westerncape.gov.za/eadp



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Western Cape Government
Environmental Affairs and Development Planning

Directorate: Environmental Governance
Sub-directorate: Rectification

24G CONSULTATION REF: 14/2/4/1/A1/37/0029/21
ENQUIRIES: Ziyaad Allie

The Managing Director
Shell Downstream South Africa
[redacted]

Email [redacted]
Tel: [redacted]

Attention: Hloniphizwe Mtolo

Dear Sir/Madam

INFORMATION REQUIREMENTS OF THE POTENTIAL SECTION 24G APPLICATION IN TERMS OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998)* ("NEMA") FOR THE UNLAWFUL COMMENCEMENT OF LISTED ACTIVITIES: UNLAWFUL STORAGE OF HYDROCARBON PRODUCTS, PETROLEUM AND DIESEL AT FLAMINGO SQUARE STATION, 212 BLAAUWBERG ROAD, TABLE VIEW

1. The abovementioned consultation form received by this Department on 29 September 2021 has reference.

2. Please be advised that the *Section 24G Fine Regulations (GN. No. 698 of 20 July 2017* (hereafter referred to as "the fine regulations") were published on 20 July 2017. The fine regulations require that public participation be conducted prior to the submission of an application and that an application must include the representations as set out in Annexure A of the fine regulations.

3. Please be advised that submission of a section 24G application shall in no way derogate from an investigation of any transgression in terms of the *National Environmental Management Act,1998 (Act 107 0F 1998)* ("NEMA") nor from the National Prosecuting Authority's legal authority to institute criminal proceedings.

Listed activities that are being applied for:

4. A section 24G application is only relevant to listed activities that have commenced without the pre-requisite environmental authorisation. Only those activities applied for will be considered for environmental authorisation.

5. The applicant is thus required to ensure that all the applicable listed activities are included in the application to be submitted. In this regard, the timeframe of commencement of the listed activity/ies and the relevant Environmental Impact Assessment legislative period/regime is of particular importance.

6. Please also ensure that the similarly listed activities in terms of the current *Environmental Impact Assessment Regulations, 2014* (as amended) are applied for should the listed activities not have commenced within this period.

7. The appointed Environmental Assessment Practitioner is required to provide a detailed explanation as to why the unlawfully commenced activity is still similarly listed in terms of the NEMA.

Minimum requirements for every application for environmental authorisation:

8. You are reminded that section 24G is an application for environmental authorisation and thus an applicant must comply with the requirements of the NEMA in relation to the submission of an application for environmental authorisation and any other relevant information (section 24(1A)(e) of the NEMA). Section 24(4)(a) of the NEMA specifies the "procedures for the investigation, assessment and communication of the potential consequences or impacts of the activities on the environment" that every application for environmental authorisation must comply with.

9. Taking the above into consideration, together with the information requirements of Annexure A, Section C, Part 1 of the fine regulations related to the environmental impacts and representations to be completed by an Environmental Assessment Practitioner ("EAP"); and to be submitted together with the section 24G application; you are hereby advised that the application be informed by an environmental impact assessment.

10. When conducting such environmental impact assessment, the applicant/EAP must take into account the applicable guidelines developed by the Department, which may be downloaded from the Department's website (see above). In particular, the following are applicable:

    10.1. Guideline for Environmental Management Plans (June 2005);
    10.2. Guideline on Public Participation
    10.3. Guideline on Alternatives
    10.4. Guideline on Need and Desirability
    10.5. Departmental guideline series for involving specialist assessments, 2005

11. You are required to submit a Screening Report from the National Web based Environmental Screening Tool. The Screening Tool also provides site specific EIA process and review information, for example, the Screening Tool may identify if an industrial development zone, minimum information requirement, Environmental Management Framework or bio-regional plan applies to a specific area. The Screening Tool identifies related exclusions and/ or specific requirements including specialist studies applicable to the site and/or development, based on the national sector classification and the environmental sensitivity of the site.

Public Participation Process:

12. Preliminary Advertisement

    12.1. Kindly note the requirements of Regulation 8 and Annexure A, Section D of the fine regulations which stipulate that when submitting an application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

    12.2. Please note further that the advertisement must state that the applicant commenced a listed/ specified/ waste management activity(ies) without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. The advertisement **must** include (a) the date, (b) the location, (c) the applicable legislative provision contravened, (d) and the listed activity(ies) commenced with without the required authorisation.

12.3. Interested and affected parties (I&APs) must be provided with the details of where they can register as an I&AP and submit their comment. Please be advised that at least 20 days must be provided in which to do so. Proof of compliance with Regulation 8 of the fine regulations must be submitted together with your application.

12.4. Should you decide to compile a draft section 24G Application and of your own accord make it available for comment, it is recommended that the draft section 24G Application report be made available simultaneously with the Preliminary Advertisement requirement.

13. Section 24O consultation with organs of state/State departments

13.1. However, kindly note that any public participation undertaken **prior to submission of the section 24G Application** report, does not exempt from compliance with section 24O of the NEMA which obligates the competent authority when considering an application; to consult with every State department that administers a law relating to a matter affecting the environment.

13.2. You are required to submit a list of organs of state to be consulted in terms of section 24O together with the complete and signed application. The list of organs of state must be include their contact details with fax/email and the relevant contact person.

13.3. Copies of the section 24G application may be made available for comment to the relevant organs of state upon simultaneous submission of the application to the Department. **Note**: this does not qualify as the Regulation 8 public participation requirement which is required to be conducted prior to submission of an application.

13.4. Upon receipt of the complete and signed application, the Department will issue section 24O letters to the relevant organs of state for comment as per the EAPs specified timeframe for comment.

14. Two printed copies as well as two electronic copies (saved on CD/DVD) of the Application must be submitted to the Department.

15. You are reminded that it is an offence in terms of section 49A of the NEMA to commence with a listed activity unless the competent authority has granted environmental authorisation for the undertaking of the activity and it is an offence to fail to comply with a directive issued in terms of NEMA. A person convicted of an offence is liable to a fine not exceeding **R10 million** or **imprisonment for a period not exceeding 10 years**, or to both such fine and imprisonment.

16. Kindly quote the abovementioned reference number in any future correspondence in respect of this consultation form.

Zaidah Toefy Digitally signed by Zaidah Toefy
Date: 2021.10.13 10:08:27 +02'00'

Mrs Z Toefy
Head of Rectification
Directorate: Environmental Governance

CC: (1) Edward Perry (EAP) Email[redacted]

Kaylene Moodley

From: Van der Walt, Cor[redacted]
Sent: Monday, 15 November 2021 08:25
To: Kaylene Moodley
Cc: Layman, Brandon
Subject: RE: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa
Attachments: image003.wmz

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Please ensure that this office receives a hard copy. We do not have an electronic filing system and cannot print applications. We are in consultation to develop an electronic filing system.
Due to us not fully electronically yet, a hard copy will suit us better. We hope to be able to go electronically in the near future.

Groete/Kind regards

Cor van der Walt (Pr.Sci.Nat)
Land Use Management
Department of Agriculture
Western Cape Government
Private Bag X 1
ELSENBURG
7607
GPS Co-ordinates Elsenburg Head Office -33.845259 18.834722

3rd Floor, Main Building, Elsenburg, Muldersvlei Road
Telephone: [redacted]
Contact Persons: Cor vd Walt/Brandon Layman
Email[redacted]
Departmental Website: www.elsenburg.com
Provincial Website: www.westerncape.gov.za

From: Kaylene Moodley <kmoodley@slrconsulting.com>
Sent: Friday, 12 November 2021 16:50
To: Amishka Mothilal <amothilal@slrconsulting.com>
Subject: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa

Dear Stakeholder,

Please find attached notification letter in respect of the Shell Section 24G Application for the Flamingo Square Service Station in Western Cape, South Africa. Further details regarding the project are included in the attached notification letter.

Notice is hereby given, in terms of the National Environmental Management Act (No. 107 of 1998; NEMA) and the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended), that the draft Section 24G Report prepared for the aforementioned project has been made available for a 30-day public and authority review and comment period from 15 November 2021 to 14 December 2021. The draft Report will be accessible on www.slrconsulting.com/public-documents.

For more information, to register as an I&AP and/or submit comments, concerns or queries, please contact SLR at the contact details listed below. By providing your personal information as an I&AP for this Project, you consent to SLR Consulting keeping and using your personal information in accordance with the Protection of Personal Information Act 4 of 2013. Please contact SLR for more details.

SLR Consulting (South Africa) (Pty) Ltd
Attention: Ms Amishka Mothilal
Tel: (011) 467 0945
E-mail: amothilal@slrconsulting.com
SLR website: www.slrconsulting.com/public-documents

Kind Regards,

Kaylene Moodley
EMPA Intern

+27 11 467 0945
kmoodley@slrconsulting.com

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Kaylene Moodley

From: Roxanne Moses [redacted]
Sent: Monday, 15 November 2021 08:52
To: Cllr Joy McCarthy (DA); Cllr Nicky Rheeder (DA)
Cc: Kaylene Moodley; Amishka Mothilal; Deidre Julia Prinsloo; Elize Jacobs; Kyla Miller; Lindokuhle Portia Skafungana; Yolande Louwrens
Subject: FW: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa
Attachments: image003.wmz; image001.wmz; Shell S24G I&AP Notification - Flamingo Square 2021.11.12.pdf

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Dear Stakeholder,

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SLR Consulting (South Africa) (Pty) Ltd
Attention: Ms Amishka Mothilal
Tel: (011) 467 0945
E-mail: amothilal@slrconsulting.com
SLR website: www.slrconsulting.com/public-documents

Kind Regards,

Kaylene Moodley
EMPA Intern
+27 11 467 0945

kmoodley@slrconsulting.com

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Kaylene Moodley

From: Keagan-leigh Adriaanse [redacted]
Sent: Tuesday, 16 November 2021 10:04
To: Kaylene Moodley; Amishka Mothilal
Cc: Eldon van Boom; Zaidah Toefy
Subject: RE: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa
Attachments: image004.wmz

Good day Ms Moodley,

Please note that this Directorate will not be providing a comment at this stage.

Kind regards
Keagan-Leigh Adriaanse
Control Environmental Officer
Directorate: Development Management (Region 1)
Department of Environmental Affairs and Development Planning
Western Cape Government

7th Floor, Utilitas Building, 1 Dorp Street, Cape Town, South Africa

Telephone: [redacted]
Facsimile: [redacted]
Email: [redacted]
Website: www.westerncape.gov.za

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From: Kaylene Moodley <kmoodley@slrconsulting.com>
Sent: Friday, November 12, 2021 4:50 PM
To: Amishka Mothilal <amothilal@slrconsulting.com>
Subject: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa

Dear Stakeholder,

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SLR Consulting (South Africa) (Pty) Ltd
Attention: Ms Amishka Mothilal
Tel: (011) 467 0945
E-mail: amothilal@slrconsulting.com
SLR website: www.slrconsulting.com/public-documents

Kind Regards,

Kaylene Moodley
EMPA Intern

+27 11 467 0945
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Kaylene Moodley

From: Kaylene Moodley
Sent: Tuesday, 16 November 2021 16:23
To: Ismat Adams
Cc: Amishka Mothilal
Subject: RE: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa

Dear Stakeholder,

Thank you for your correspondence. You have been registered as an I&AP and will receive updates throughout the project.

Kind regards,

Kaylene Moodley
EMPA Intern
4009
+27 11 467 0945
kmoodley@slrconsulting.com

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SLR Consulting (Durban office)
Unit 14, Braehead Office Park
1 Old Main Road, Kloof
Durban, 3640

From: Ismat Adams <[redacted]>
Sent: Tuesday, 16 November 2021 16:03
To: Kaylene Moodley <kmoodley@slrconsulting.com>
Subject: FW: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa

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Good day

Please register me as I&AP.

Name: Ismat Adams
Organisation: CapeNature
Capacity: Land-Use Scientist – Landscape West
Email[redacted]
Contact no.:[redacted]

For future reference, please use the attached contact details for notifications. See also attached our application document requirements.

Kind regards,

Ismat Adams
Land-Use Scientist | Landscape West

Conservation Operations
t: [redacted]

CapeNature

From: Rhett Smart [redacted]
Sent: Friday, 12 November 2021 16:59
To: Ismat Adams < [redacted]
Subject: FW: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa

From: Kaylene Moodley <kmoodley@slrconsulting.com>
Sent: Friday, 12 November 2021 16:50
To: Amishka Mothilal <amothilal@slrconsulting.com>
Subject: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa

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Kind Regards,

Kaylene Moodley
EMPA Intern

+27 11 467 0945
kmoodley@slrconsulting.com

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Kaylene Moodley

From: Arabel McClelland[redacted]
Sent: Monday, 13 December 2021 22:05
To: Kaylene Moodley; Amishka Mothilal
Cc: Gunther Frantz; RABIA REYNOLDS; Ziyaad Allie
Subject: Re: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa
Attachments: PMIM093-21 - S24G_Shell Flamingo Square SS, Milnerton - PCM Comment_ 13-12-21.pdf

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Dear Amishka and Kaylene

Please find attached comment from the Directorate: Pollution and Chemicals Management on the abovementioned Section 24G application.

Should you have any queries, please do not hesitate to contact Gunther Frantz.

Regards,

Arabel McClelland
Directorate: Pollution and Chemicals Management
Department of Environmental Affairs and Development Planning
Western Cape Government
2nd Floor, Property Centre, 1 Dorp Street, Cape Town, 8000
Tel:[redacted]
Email[redacted]
Website: www.westerncape.gov.za/eadp

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From: Kaylene Moodley <kmoodley@slrconsulting.com>
Sent: Friday, November 12, 2021 4:50 PM
To: Amishka Mothilal <amothilal@slrconsulting.com>
Subject: Shell Downstream South Africa (Pty) Ltd – Section 24 G Application For The Rectification Of Unlawful Construction Of Shell Flamingo Square Fuel Service Station In Cape Town, Western Cape, South Africa

Dear Stakeholder,

Please find attached notification letter in respect of the Shell Section 24G Application for the Flamingo Square Service Station in Western Cape, South Africa. Further details regarding the project are included in the attached notification letter.

Notice is hereby given, in terms of the National Environmental Management Act (No. 107 of 1998; NEMA) and the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended), that the draft Section 24G Report prepared for the aforementioned project has been made available for a 30-day public and authority review and comment period from 15 November 2021 to 14 December 2021. The draft Report will be accessible on www.slrconsulting.com/public-documents.

For more information, to register as an I&AP and/or submit comments, concerns or queries, please contact SLR at the contact details listed below. By providing your personal information as an I&AP for this Project, you consent to SLR Consulting keeping and using your personal information in accordance with the Protection of Personal Information Act 4 of 2013. Please contact SLR for more details.

SLR Consulting (South Africa) (Pty) Ltd
Attention: Ms Amishka Mothilal
Tel: (011) 467 0945
E-mail: amothilal@slrconsulting.com
SLR website: www.slrconsulting.com/public-documents

Kind Regards,

Kaylene Moodley
EMPA Intern
+27 11 467 0945
kmoodley@slrconsulting.com
SLR Consulting

SLR Consulting (Durban office)
Unit 14, Braehead Office Park
1 Old Main Road, Kloof
Durban, 3640

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Western Cape Government

Department of Environmental Affairs and Development Planning
Gunther Frantz
Directorate: Pollution and Chemicals Management
[redacted]

D: PCM REFERENCE NUMBER: 19/3/2/4/A8/82/PMIM093/21
ENQUIRIES: Gunther Frantz

DATE: 13 December 2021

The Director
SLR Consulting
P.O. Box 1596
CRAMERVIEW
2060

For Attention: Ms Amishka Mothilal

Tel: 011 467 0945
Email : amothilal@slrconsulting.com

PER EMAIL

Dear Madam

COMMENT ON THE SECTION 24G APPLICATION (S24G) FOR THE RECTIFICATION OF THE UNLAWFUL CONSTRUCTION, UPGRADES AND EXPANSION OF SHELL FLAMINGO SQUARE SERVICE STATION, MILNERTON

The Directorate: Pollution and Chemicals Management (D: PCM) acknowledges receipt of the S24G on 12 November 2021. Please find comment from the D: PCM as follows:

1. The site of the Shell Flamingo Square service station overlies an intergranular aquifer, which is classified as a major aquifer of 'most' vulnerability and 'high' susceptibility with high permeability rates, which makes it vulnerable to contamination from leaking underground storage tanks (UST). The ongoing monitoring of conditions on site through the existing monitoring wells, as indicated on the site layout plan, around the entire tank farm (and potentially at strategic locations across the site and/or off-site) is recommended for leak detection. The compilation and implementation of a groundwater monitoring programme, as detailed in Section 5.1.5 of the Environmental Management Programme (EMPr), is supported.
2. Further to the above, the undertaking of hydrocensus (section 5.3.4 of the EMPr, page 57) is supported, however, not only in the case of a spill. It is essential that potential users of groundwater down gradient are timeously notified of contamination incidents. It is recommended that a hydrocensus is undertaken and records kept in the event of a spill, which may be further updated in future.

3. The D: PCM notes that effective management, protection and monitoring are required on site in order to avoid and mitigate contamination risk and any potential water, soil and groundwater impacts. The following general recommendations are provided to prevent and manage the potential contamination emanating from the site during the operational, and any future decommissioning, phase:
   3.1. Stock reconciliation must be undertaken regularly to ensure effective stock monitoring, recording and regular auditing for early identification of possible leaks, and such records must be produced on demand.
   3.2. Early warning leak detection systems must be continually checked and maintained to prevent any malfunctions.
   3.3. Maintenance and cleaning of the existing oil/water separator should be carried out on a regular basis.
   3.4. Appropriate management (handling, storage, transportation and disposal) of waste and chemicals must be implemented. All hazardous wastes must be stored in an enclosed, surfaced and bunded area prior to disposal at a registered licensed waste management facility. Frequent and appropriate disposal of both general and hazardous waste, to prevent pollution of soil and groundwater, must be implemented at all times.
   3.5. In respect to any possible decommissioning of the development, should any contamination be found, you are advised to notify this Department's D: PCM in terms of Part 8 of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008).
4. As stipulated in the EMPr (page 42), it is imperative that the relevant authorities, including the D: PCM, be notified should there be any accidental release of a hazardous substance, in terms of Section 30 of the National Environmental Management Act, 1998 (as amended).
5. Page 59 of the EMPr refers to a geohydrological site assessment, however, there is no inclusion of this with the documentation provided. Please clarify if input has been obtained from a suitably qualified and experienced geohydrologist, as indicated in the EMPr, and include where relevant.

Please direct any enquiries to Gunther Frantz should you require clarity on any of the comments provided.

The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully,

Arabel McClelland
Digitally signed by Arabel McClelland
Date: 2021.12.13 20:23:16 +02'00'

pp.

MS. WILNA KLOPPERS
DIRECTOR: POLLUTION AND CHEMICALS MANAGEMENT

Copied to: Mr. Ziyaad Allie (DEA&DP – Directorate: Environmental Governance)
Email [redacted]

Kaylene Moodley

[redacted]

[redacted]

From: Ziyaad Allie [redacted]
Sent: Thursday, December 30, 2021 10:12:52 AM
To [redacted]
Cc: Amishka Mothilal <amothilal@slrconsulting.com>; Nabeelah Khan [redacted]
Zaidah Toefy [redacted] Edward Perry [redacted]
Subject: FLAMINGO SQUARE STATION, 212 BLAAUWBERG ROAD

Good day

Kindly find the attached correspondence for your attention.

Kind regards

Ziyaad Allie (Specialised Environmental Officer - Rectification)
EMI Grade 2
BSc (Hons & MSc) Environmental Management
Directorate: Environmental Governance
Department of Environmental Affairs and Development Planning
Tel: [redacted]
Email [redacted]
Website: www.westerncape.gov.za/eadp

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Department of Environmental Affairs and Development Planning
Ziyaad Allie
Rectification
[redacted]

24G Application: 14/2/4/2/1/A1/37/0044/21

SECTION 24G PRE-DIRECTIVE

The Managing Director
[redacted]

Email [redacted]
Tel [redacted]

Attention: Hloniphizwe Mtolo

PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998 ("NEMA"): UNLAWFUL STORAGE OF HYDROCARBON PRODUCTS, PETROLEUM AND DIESEL AT FLAMINGO SQUARE STATION, 212 BLAAUWBERG ROAD, TABLE VIEW

1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environmental Management: Waste Act, 59 of 2008 ("NEM: WA").

2. The Department has received your application on 24 November 2021 regarding unlawful storage of hydrocarbon products, petroleum and diesel at Flamingo Square station, 212 Blaauwberg Road, Table View. Having considered the information in respect of your application, you are hereby given notice of the delegated authority's intention to issue you with a Directive in terms of section 24G(1) of the NEMA, which will direct you to:

(vii) Compile a report containing-

(dd)a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed."

3. Kindly be reminded of the NEMA public participation requirements for applications for environmental authorisation:
   (i) Section 24(1A) and 24(4)(a) of the NEMA stipulate the minimum requirements for applications for environmental authorisation and includes the requirement for public participation to be undertaken.
   (ii) Please refer to Chapter 6 of the *Environmental Impact Assessment Regulations, 2014* (as amended G.N. No 326 of 7 April 2017) for detail on the public participation process to be followed for applications for environmental authorisation.
   (iii) In terms of section 24O of the NEMA, the relevant competent authority must consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.
   (iv) The applicant/Environmental Assessment Practitioner ("EAP") is required to inform this Department, in writing, upon submission of the application to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with section 24O(2) & (3) of NEMA, inform the relevant State Departments of the commencement date of the 30 day commenting period.

4. In terms of the public participation process ("PPP") to be undertaken, kindly be advised that you/the EAP must record and respond to all comments received during the public participation process. The comments and responses must be captured in a Comment and Response Report and must also include a description of the PPP followed. The Comments and Responses Report must be made available to registered Interested and Affected Parties for review and/or comment, if any, before it is submitted to the Department for consideration.

5. Together with a public participation process, that comprises of comments and responses, the section 24G application process includes the issuing and payment of an administrative fine, prior to deciding on the application.

6. You are afforded a period of 7 (seven) calendar days from the date of receipt of this Pre-directive to make written representations to the Department as to why a Directive in terms of paragraph 2 above should not be issued. Furthermore, you are required to confirm whether or not you intend to submit the requested information as detailed above and provide the Department with a timeframe of the proposed submission date.

7. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA.

8. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine not exceeding R10 million, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.

9. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

Adv Charmaine Mare Digitally signed by Adv Charmaine Mare
Date: 2021.12.30 09:47:14 +02'00'

ADV. CHARMAINE MARÉ
DIRECTOR: ENVIRONMENTAL GOVERNANCE

CC: (1) Edward Perry (EAP) Email: [redacted]
(2) Amishka Mothilal (EAP) Email: [redacted]