

Verwysing
Reference
Isalathiso AN 20/25/4 ERF 148986, 156868 & 1455026



Navrae
Enquiries
Imibuzo MARE-LIEZ OOSTHUIZEN

Latum
Date
Umhla 31 March 2000

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

NGK Insulators Ltd
C/o GIBB Africa
PO Box 3965
Cape Town
8001

6709
Fax: (021) 424 5671

Att: Mr Chris Dalgliesh

RE: AUTHORISATION FOR THE INSTALLATION AND OPERATION OF A CERAMICS SHUTTLE KILN AT AIRPORT INDUSTRIA, CAPE TOWN:

In terms of Sections 21, 22 and 26 and by virtue of the powers delegated by the Minister in terms of Sections 28 and 33 of the Environment Conservation Act (Act 73 of 1989), the Department of Environmental and Cultural Affairs and Sport hereby authorises the following activity:

- *The installation and operation of a ceramics shuttle kiln and associated infrastructure at the Airport Industria, Cape Town.*

Enclosed please find the record of decision and the conditions under which the application was approved. This decision should also be seen as this Department's official comment on the rezoning and consent use applications in terms of the Land Use Planning Ordinance (No. 15 of 1985).

Queries regarding the authorisation can be forwarded to the officer indicated above at the *Environmental Impact Management Unit*, Cape Nature Conservation, Tel: (021) 483-5756/3185, Fax: (021) 483-4372 or moosthui@pawc.wcape.gov.za.

Yours faithfully

HEAD OF DEPARTMENT

Copies to: (1) Osman Asmal – City of Tygerberg
(2) Martin Lloyd – DEAT
(3) Zane Erasmus – Cape Nature Conservation

Fax: (021) 918 7336
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ENVIRONMENTAL AUTHORISATION RECORD OF DECISION

Date: 31 March 2000

Reference: AN 20/25/1 ERF 148986, 156868 & 1455026

Description of Activity:

The proposed development will consist of a ceramics shuttle kiln and associated facilities, which will be installed in existing structures on the site. Associated facilities include additional office space, storage facilities, two above ground liquid petroleum gas (LPG) storage tanks, etc.

The proposed installation and operation of the ceramics shuttle kiln is a scheduled process in terms of the Atmospheric Pollution Prevention Act (No. 45 of 1965) and as such, requires authorisation in terms of the EIA Regulations promulgated in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

Location: The site is located about 15 kilometres south-east of the Cape Town centre in the Airport Industria Area. It comprises Erven 148986, 156068, 148935 and 148941. The site is bound to the north by Mobile Road, to the west by Munich Road, to the east by the XPS Warehouse and to the south by a vacant plot.

Applicant: NGK Insulators Ltd
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Consultant: GIBB Africa
PO Box 3965
Cape Town
8001
Tel: (021) 469 9222
Fax: (021) 424 5671

Meetings: A pre-scoping meeting between the environmental consultants and this Department took place on 11 January 2000. A meeting with the client, the consultant, representatives from the Local Authority and officials from this Department was held on 2 February 2000.

Decision: Approval is given for the installation and operation of a ceramics shuttle kiln and associated infrastructure on Erven 148986, 156068, 148935 and 148941, Airport Industria, Cape Town, subject to the following conditions:

Condition 1:

Adoption of the mitigation/rehabilitation measures and recommendations as detailed in chapter 5 and 6 of the scoping report compiled by GIBB Africa, dated March 2000.

Condition 2:

This authorisation is only valid for the development described in this Record of Decision. In the event of the property being sold or redeveloped, any new industry that will be operated from this site will be subject to the requirements of the environmental legislation at that time, with respect to the establishment, upgrading or operation of noxious, scheduled or similar industries, regardless of fact that the property will be zoned for noxious industries.

Condition 3:

All samples that have absorbed mercury during the inspection phase, as well as all contaminated laboratory wipes and gloves must be put in sealed containers clearly marked as "hazardous waste". These containers must be disposed of at a licensed hazardous landfill site, such as the one at Vissershok.

Condition 4:

A Major Hazard Installation Risk Assessment must be carried by a suitably qualified person to determine whether or not the installation of two 50 tonne liquid petroleum gas (LPG) tanks, or any other aspects of the development, will qualify as a major hazard installation. The results of the MHI Risk Assessment must be submitted to the City of Tygerberg **prior** to any of the tanks being filled with LPG.

Condition 5:

Environmental Guidelines for the construction phase must be submitted to the City of Tygerberg (Directorate of Planning and Economic Development – Mr. Osman Asmal) for technical comment and acceptance before commencement of construction.

Condition 6:

An Environmental Management System (EMS) must be submitted to the Directorate of Planning and Economic Development of the City of Tygerberg for technical comment and acceptance. This must be done within a year of commencement of construction, and may form the basis of a submission to obtain ISO 14001 certification.

Condition 7:

The following critical elements of the EMS must be submitted to the City of Tygerberg for technical comment and acceptance before the construction phase commences:

- Fire management plan
- Site evacuation plan
- Operational procedures

Condition 8:

Compliance with the attached Departmental standard conditions.

Key factors affecting the decision:

See motivational report

Duration and date of expiry:

The authorisation will be valid for 2 years from the date of this authorisation.

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 this authorisation, to the Minister for Environmental and Cultural Affairs, Western Cape Province, PO Box 648 Cape Town, 8000, Fax: (021) 483-3885.

MOTIVATIONAL REPORT

The National Department of Environmental Affairs and Tourism has granted Approval in Principle for the proposed development, and will issue a registration certificate in terms of the Atmospheric Pollution Prevention Act once approval has been granted by DECAS and the local authority.

The proposed site has been totally transformed by past mining activities and subsequent levelling of the land. As a result, the water table is relatively high, with areas of standing water having been reported during the winter months.

Due to previous disturbance of the site, only patches of indigenous vegetation occur on the vacant plots. The plant species present are not considered to be of conservation value.

The site is situated in the Airport Industrial area, within the City of Tygerberg. According to the scoping report, there are no known cultural or historically significant features present on the site.

According to the motivational report for the rezoning application compiled by Urban Dynamics Western Cape, "the proposed development is consistent with and positively supports all recent planning policies applicable to the study area".

Alternative sites were examined in industrial areas in Port Elizabeth, Pretoria and Cape Town. These sites were screened, using criteria such as operational costs, fuel costs, availability of land and access. Based on this screening process, the site at Cape Town International Airport was selected. Since all the potential sites were designated industrial sites, the environmental factors were mostly not considered to be significant. Furthermore, no substantial new manufacturing facilities will be constructed on the site. The project entails mainly the installation of equipment in existing structures. Most civil and structural work will entail the "remodelling and customisation of existing structures".

The public participation process followed for this project meets the requirements of this Department. Several meetings were held with key stakeholders and interested and affected parties (I&AP's). The proposed development was advertised in *The Argus* and *Die Burger*, and background information documents were circulated for comment twice.

Few concerns were raised during the public participation process. The main concerns pertain to the potential impact of emissions. Secondary concerns related to traffic, and the possibility that rezoning the property to "noxious industry" might lead to the operation of other noxious industries by other developers in the future. The latter concern is addressed by the inclusion of Condition 2.

The potential impacts of the proposed installation and operation of the ceramics shuttle kiln were assessed according to the following criteria:

- Extent, duration, intensity, probability and significance of the impact
- Positive or negative status of the impact
- Degree of confidence in predictions

The environmental costs and benefits were also stated clearly in the report.

The following comments regarding the possible impacts of the development refer:

- Based on the results of a dispersion modelling study, the impact on air quality is classified as not significant / low. This fact is supported by the "approval in principle" by the Chief Air Pollution Officer.
- The increase in traffic in the Airport Industria area is also given as "not significant".
- Since LPG is a hazardous substance, it is the opinion of this Department that the significance of the potential impact without mitigation should be rated as high. However, if all the requirements of the legislation listed in section 5.4.2 of the scoping report are met, and comprehensive environmental management measures are implemented in this regard, the impact should be low. (Please refer to conditions 4, 6 and 7 of this authorisation.)
- According to the scoping report the potential impacts relating to noise, visual impact, solid waste and water are all considered to be low or not significant, if the recommended mitigation measures are implemented.

During a telephone conversation with Mr Lukas Potgieter of the Department of Labour (the authority responsible for administering the MHI Regulations), the following facts were discussed:

The CEO of the company installing the LPG tanks may decide whether or not he /she wants to **register** the installation.

Registering the installation is done **after** an MHI Risk Assessment is carried out to determine if the installation qualifies as an MHI or not. An "internal plan", containing details about the fire plan, evacuation plan, etc., must then be submitted to the Local Authority. The Local Authority will compile an "external plan" detailing procedures to be followed in the event of any major incident.

It is important to note that an MHI Risk Assessment must be done for all installations that **may** qualify as an MHI as defined in the Major Hazard Installation Regulations promulgated in terms of the Occupational Health and Safety Act 1993 (Act no. 85 of 1993):

"major hazard installation" means an installation where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident".

If the MHI Risk Assessment indicates that the installation does not qualify as an MHI, the CEO may, in terms of the current MHI Regulations, chose not to register the installation. However, this Department would strongly suggest that such installations be registered, since it would be to the advantage of the company and anybody that may be affected in the event of a major incident.

STANDARD CONDITIONS FOR EIA AUTHORISATIONS

Date: 31 March 2000

Reference: AN 20/25/4 ERF 148986, 156868 & 1455026

Description of Activity:

The proposed development will consist of a ceramics shuttle kiln and associated facilities, which will be installed in existing structures on the site. Associated facilities include additional office space, storage facilities, two above ground liquid petroleum gas (LPG) storage tanks, etc.

- 1) This authorisation refers to the specified project referred to above and described in the attached Record of Decision.
- 2) *The applicant shall, within 10 days of receipt of this authorisation, inform all interested and affected parties registered during the Scoping and Impact Assessment processes, of the outcome of the application, and make copies of the Record of Decision, including all the conditions attached thereto, available on request.*
- 3) Changes in the project resulting in significant environmental impacts are only permissible if approved in writing by this Department.
- 4) The Department reserves the right to review and amend the conditions of authorisation every 3 years.
- 5) The Department must be notified, within 30 days, of change of ownership/project developer. Conditions established in the record of decision must be made known to the new owner/developer and are binding on the new owner/developer.
- 6) The Department must be notified of any change of address of the owner/developer.
- 7) Proof of compliance with the conditions described in the record of decision must be forwarded to the Department one week prior to the commencement of construction or operation of the development (as appropriate).
- 8) 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
South Africa

- 9) 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 should take such measures necessary to bind such persons to these conditions.
- 10) This Authorisation is granted only in terms of Section 26 and 28 of the Environment Conservation Act (Act No 73 of 1989) and does not exempt the holder from compliance with any other legislation.

- 11) 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 reference number given above.
- 12) The authorised activity, including site preparation, may not commence before the statutory 30 day appeal period expires.
- 13) One week's notice, in writing, must be given to the relevant authority before the commencement of operation. Such notice shall make clear reference to the reference number given above.
- 14) The owner/developer must notify the relevant authority, in writing, within 24 hours if any condition of the permit is not adhered to.
- 15) If the environmental audit(s) specified, as a condition of this permit, if any, fail to be submitted as specified then the local authority or relevant authority may have such an audit undertaken at the expense of the applicant and may authorise any person to take such steps required for that purpose.
- 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 7 days of receipt of a written request by the relevant authority for such records.
- 17) 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.
- 18) Non-compliance with, or any deviation from, the conditions set out in this authorisation constitutes a failure in compliance with the authorisation. Such failure in compliance is regarded as an offence and will be dealt with in terms of Sections 29, 30, and 31 of the Environment Conservation Act (Act No. 73 of 1989), as well as, any other appropriate legal mechanisms.