

Verwysing
Reference
Isalathiso

E12/2/1-204-ERF 164009, BELLVILLE



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Enquiries
Imibuzo

MEGAN EGYPT

Datum
Date
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Of Issue
20/12/2004

Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEBE leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso

The Manager
NGK Ceramics South Africa (Pty) Ltd
PO Box 26
CAPE TOWN INTERNATIONAL AIRPORT
7525

Attention: Mr. Spencer Rhoda

Tel : (021) 380-8182
Fax: (021) 386-3276

Dear Sir

APPLICATION: THE PROPOSED CONSTRUCTION OF ADDITIONAL SHUTTLE KILNS AND LIQUID PROPANE STORAGE TANK ON ERF 164009, AIRPORT INDUSTRIA, BELLVILLE.

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 activity entails the construction of two (2) additional shuttle kilns and an additional 80m³ liquid propane storage tank at an existing factory in order to optimise production of monolithic ceramic substrates for use in the auto mobile industry.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

- Item 1 (c)** The construction, erection or upgrading of - with regards to any substance which is dangerous or hazardous and is controlled by national legislation -
- (i) infrastructure, excluding road and rail, for the transportation of any such substance; and
 - (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
- Item 9** Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965),

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hereinafter referred to as “the activity”

B. LOCATION:

The proposed activity will occur at the existing NGK ceramic manufacturing facility at the corner of Munich and Mobile Roads on Erf 164009, Airport Industria,

hereinafter referred to as “the property/site.”

C. APPLICANT:

NGK Ceramics South Africa (Pty) Ltd
C/o Mr. Spencer Rhoda
PO Box 26
Cape Town International Airport
7525
Tel : (021) 380-8182
Fax: (021) 386-3276

D. CONSULTANT:

deVilliers Brownlie Associates
C/o Mr. Louis de Villiers
21 Menin Avenue
Claremont
7708
Telefax : (021) 674-4263

E. SITE VISIT(S):

No sites visits were conducted to the proposed site.

F. DECISION:

In terms of Section 28A 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 Applicant is hereby exempted by the relevant authority (as defined in GN No. R1183 of 5 September 1997, as amended), from:

- (a) Providing a description of all alternatives identified in terms of Regulation 6(1)(d) GN No. R1183, dated 5 September 1997, as amended.

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 relevant authority (as defined in GN No. R1183 of 5 September 1997, as amended) hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal being submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 11 & 14.
3. An integrated waste management approach must be used that is based on waste minimisation and must 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).
4. The applicant must comply with all the permit conditions as stipulated in the amended permit from the Department of Environmental Affairs and Tourism ("DEAT"), Directorate: Air Quality Management.
5. The existing air pollution monitoring programme must be expanded to include the emissions from the additional shuttle kilns and must be reported to the Fire Chief of the City of Cape Town.
6. The applicant must comply with the following recommendations as stipulated by the Major Hazard Installation ("MHI") Risk Assessment dated May 2004, as compiled by L.W. Burger and M.P. Oberholzer of Ilitha Riscom, which must be reported to the Fire Chief of the City of Cape Town:
 - 6.1 Project Risk: No deviations must occur from the proposed scope or codes and standards specified in the Risk Assessment Report.
 - 6.2 A Process Hazard Analysis must be completed before construction, in order to identify and militate against significant causes and reduce the consequences of likely events. (A HAZOP study is an internationally accepted approach that can be applied).
 - 6.3 The Emergency Plan must be updated to reflect the extent of exposure of individuals and communities to the end point of the propane cloud.
 - 6.4 The Risk Assessment must be reviewed and updated if any changes are made to the facility that may reduce or enlarge the site risks.
7. Air pollutants must be monitored and mitigation strategies specifically relating to particulate matter below 2.5 microns and must be put in place and must be reported to the Fire Chief of the City of Cape Town.
8. Hydrogen Sulphide (H₂S) emissions must be measured in greater accuracy and must be reported to the Fire Chief of the City of Cape Town.

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9. The liquid propane gas tank must be designed and installed in accordance with relevant Oil Industry standards and SABS codes, including SABS 087 Part 3.
10. An Environmental Management Plan ("EMP") that complies with this Directorate's standard construction phase EMP must be implemented. The EMP must be included in all contract documentation for the construction phase of the development.
11. The applicant must, within five calendar days of the date of issue of this Record of Decision:
 - Inform the relevant local authority as well as all interested and affected parties, ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
 - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, 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. (021) 483 3915, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/Text/2003/eiaappeal.pdf> must accompany the appeal.
 - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
12. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer.
13. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local

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Directorate: Integrated Environmental Management (Region A)***

legislative controls, must 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 applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
15. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
16. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:

1. The new legislation, such as the Air Quality bill, should be taken into consideration for compliance monitoring purposes.

I. KEY FACTORS AFFECTING THE DECISION:

Sufficient information was submitted by the applicant for the relevant authority to deem the Scoping Checklist and additional information to fulfil the requirements of a scoping report as prescribed by Regulation 6 of GN No. R1183 of 5 September 1997, (as amended), in order to consider the application.

Applicant's motivation for exemption

Alternatives

The applicant applied for and was exempted from providing a description of all alternatives identified in terms of Regulation 6(1)(d). The site is located in an existing factory in an established commercial/industrial area. The additional shuttle kilns are "state of the art" and the best available technology, which will have less environmental impact than alternative technologies. The fuel supply to the shuttle kilns is the most efficient with less environmental impact than other alternative fuels.

Biophysical

The proposed activity will occur in an existing factory. The site is an already developed industrial site. There are no significant natural biophysical features present on the proposed site. The surrounding land uses include light and commercial industry.

Public Participation

The public participation process entailed the following:

- The proposed activity was advertised in the Cape Times and Die Burger.
- An information sharing meeting was held with the members of the Airport Industrialists Association (effectively the neighbours and adjacent property owners of NGK Ceramics).

No comments or objections were received regarding the proposed activity.

Authorities Consultation

The following authorities were consulted: The Department of Environmental Affairs and Tourism ("DEAT"), Directorate: Air Quality Management. All comments raised by DEAT and the City of Cape Town Air Pollution Control have been addressed. DEAT - Directorate: Air Quality Management has no objections to the proposed development. The Department of Environmental Affairs and Development Planning - Directorate: Pollution and Waste Management also has no objections to the proposed development.

Major Hazard Installation ("MHI") Risk Assessment

The proposed site is classified as a MHI and requires an application to the relevant local authority for permission. The MHI Risk Assessment concluded that the risks on site would be as low as is reasonably practical and that therefore the risks associated with the activity is broadly acceptable.

Air Pollution Dispersion Modelling

The Air Pollution Dispersion Modelling study report made use of the air pollution guideline limits as set by DEAT. The report showed that the projected ambient emissions levels were low and not significant and were thus within the acceptable levels of the DEAT guidelines.

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) 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 **must be directed within thirty (30) days** of the date of the issuing of this Record of Decision, to:

Provincial Minister for Environmental Affairs and Development Planning
Private Bag X 9086
Cape Town
8000
Fax: (021) 483-6081

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

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Directorate: Integrated Environmental Management (Region A)*

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/Text/2003/eiaappeal.pdf> must accompany the appeal.

In terms of section 28A(4) of the aforesaid Act, the Minister or competent authority 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.

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 is also 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.

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 authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

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

Yours faithfully



CHRIS RABIE

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 20.12.2004

Copies to: (1) Mr H. Krynauw (City of Cape Town: Tygerberg Administration)
(2) Mr R. Pillay (Department of Environmental Affairs and Tourism)
(3) Mr L. De Villiers (deVilliers Brownlie Associates)

Fax: (021) 918-2356
Fax: (021) 949-8165
Fax: (021) 674-4263