

APPLICATION FORM [REGULATION 12 (1) & (2)(A)(B)(I)(II)]



Gauteng Department of Agriculture and Rural Development

Application for authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2010 (Version1)

Kindly note that:

1. This application form is to be completed for both the Basic Assessment process and the Scoping & EIA process.
2. This application form is current as of 2 August 2010. It is the responsibility of the EAP to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
3. The application must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that can extend itself as each space is filled with typing.
4. Selected boxes must be indicated by a cross and, when the form is completed electronically, must also be highlighted.
5. Incomplete applications may be returned to the applicant for revision.
6. The use of "not applicable" in the report must be done with **circumspection** because if it is used in respect of material information that is required by the competent authority for assessing the application, it may result in the rejection of the application as provided for in the regulations.
7. Three copies of this form and the attachments must be handed in at the offices of the relevant competent authority as detailed below.
8. No faxed or e-mailed applications shall be accepted. Only hand delivered or posted applications will be accepted.
9. Unless protected by law, and clearly indicated as such, all information filled in on this application will become public information on receipt by the competent authority. The applicant/Environmental Assessment Practitioner (EAP) must provide any Interested and Affected Party (I&AP's) with the information contained in this application on request, during any stage of the application process.
10. Attachments, where applicable, to this document are to be ordered in the following prescribed manner

Annexure - A	Locality map
Annexure - B	a) Proof of notification to the Land owner b) Proof of receipt of such notice by the owner
Annexure - C	List of all organs of state and State Departments of where the draft report will be submitted, their full contact details and contact person

Annexure -D	Property description list
Annexure -E	Current land use zonings list
Addendum-A	Declaration of Independence by EAP to be submitted with the report if the application form was submitted by applicant -

DEPARTMENTAL DETAILS

Gauteng Department of Agriculture and Rural Development
Attention: Administrative Unit of the Sustainable Utilisation of the Environment (SUE) Branch
P.O. Box 8769
Johannesburg
2000

Administrative Unit of the Sustainable Utilisation of the Environment (SUE) Branch
18th floor Glen Cairn Building
73 Market Street, Johannesburg

Administrative Unit telephone number: (011) 355 1345
Department central telephone number: (011) 355 1900

APPLICATION FORM [REGULATION 12 (1) & (2)(A)(B)(I)(II)]

(For official use only)

File Reference Number:						
Application Number:						
Date Received:						

1. NATURE OF THE ACTIVITY

Installation of the additional 60% Nitric acid storage facilities

Select the appropriate box with regards to the application form submission

An application for conducting a basic assessment (as defined in the regulations)?	X	A resubmission of an application for conducting a basic assessment (as defined in the regulations)?	
An application for conducting a Scoping & EIA process (as defined in the regulations)		A resubmission of an application for conducting a SR & EIA process (as defined in the regulations)	

If this is a class application, has a copy of approval letter to undertake such an application been attached as such application may/shall not be undertaken without an approval from this Department

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Has this project or a substantial similar project which has been previously submitted by the applicant been denied authorisation by the relevant authority in the last three (3) years

	NO
	N/A

If yes will the application contain new or additional material not submitted previously
 To be noted that Regulation 68 of EIA Regulations, 2010 states that no applicant may resubmit an application which is substantially similar to an application previously denied authorisation by the relevant authority unless 3 years has lapsed since the refusal or new material is to be presented

2. PROJECT DETAILS

Project title:

Installation of additional 60% Nitric Acid storage facilities
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To be noted that the project will be registered under this title and this title must be duplicated through the application life of the project

Local authority(ies) in whose jurisdiction the proposed application will fall

Johannesburg

3. ACTIVITY POSITION

Indicate the position of the activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in decimal degrees. The degrees should have at least six decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS84 spheroid in a national or local projection.

Alternative:

Latitude (S):	Longitude (E):
26.088700°	28.172530°

In the case of linear activities:

Alternative:	Latitude (S):	Longitude (E):
• Starting point of the activity	N/A	N/A
• Middle point of the activity	N/A	N/A
• End point of the activity	N/A	N/A

APPLICATION FORM [REGULATION 12 (1) & (2)(A)(B)(I)(II)]

For route alternatives that are longer than 500m, please provide co-ordinates taken every 250 meters along the route and attached in the appropriate Appendix

Addendum of route alternatives attached

N/A

Property description:

Remainder of Modderfontein 34 IR, Title deed T109381/1995

(Farm name, portion etc.) Where a large number of properties (including alternatives) are involved (e.g. linear activities), please attach a list of the property descriptions to this application.

4. ACTIVITIES APPLIED FOR

Describe the activity and associated infrastructure, which is being applied for, in detail

Installation of two 1500 ton 60% nitric acid storage tanks in an area where there are currently another four 90 ton Nitric Acid storage tanks. These are located within the Nitrates footprint at the Modderfontein Industrial complex.
The new tanks will be bunded together with the existing four tanks. The new tanks will be filled from the existing line used to fill the existing storage tanks. The Nitric Acid will then be delivered to the existing Nitric Acid torpedo tanks via gravity feed from the new tanks.

Which Listing Notice is the activity(ies) listed under?

Listing Notice 1

Listing Notice 2

Listing Notice 3

If "or also" listed under Listing Notice 3, describe the Geographical Area triggering the activity and its regional, provincial, national & international significance

An application may be made for more than one listed or specified activity that, together, make up one development proposal. All the listed activities that make up this application must be listed.

Indicate the number and date of the relevant Government Notice:

Activity No (s) (in terms of the relevant notice): e.g. Listing notices 1, 2 or 3

Describe each listed activity as per the wording in the relevant listing notice:

e.g. 544, 18 June 2010	1(a)	Construction of a 600 mW generator
543, 18 June 2010	42	The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic meters or more

Please note that any authorisation that may result from this application will only cover activities specifically applied for.

5. OTHER AUTHORISATIONS REQUIRED

5.1 DO YOU NEED ANY AUTHORISATIONS IN TERMS OF ANY OF THE FOLLOWING LAWS?

- | | |
|--|----|
| 4.1.1 National Environmental Management: Waste Act | No |
| 4.1.2 National Environmental Management: Air Quality Act | No |
| 4.1.3 National Environmental Management: Protected Areas Act | No |
| 4.1.4 National Environmental Management: Biodiversity Act | No |
| 4.1.5 Mineral Petroleum Development Resources Act | No |
| 4.1.6 National Water Act | No |
| 4.1.7 National Heritage Resources Act | No |
| 4.1.8 Other (please specify) | No |
| 4.2 Have such applications been lodged already? | No |

6. BACKGROUND INFORMATION

Project applicant:	AEL Mining Services Ltd (AEL)		
Trading name (if any):	AEL Mining Services Ltd (AEL)		
Contact person:	Ellen van Dongen		
Physical address:	1 Platinum Drive Longmeadow Business Estate, Longmeadow, Modderfontein		
Postal address:	P.O. Modderfontein		
Postal code:	1645	Cell:	082 813 9611
Telephone:	011 606 2846	Fax:	011 606 3598
E-mail:	Ellen.VanDongene@ael.co.za		

Project Environmental Assessment Practitioner:	Willchem cc Risk & Environmental Consultants		
Contact person:	Chris Williams		
Postal address:	P.O. Box 783, Jukskei Park		
Postal code:	2153	Cell:	082 453 3491
Telephone:	011 462 6052	Fax:	011 704 4593
E-mail:	chris@willchem.co.za		
EAP qualifications & relevant experience Professional affiliation(s) (if any)	BSc (Witwatersrand), B. Com (Hons) Unisa		
	IAIA, SACHemI, SAIMM, Pri Sci Nat (Chemistry & environmental)		

Landowner:	AECI Limited		
Contact person:	Ms. Nomini Rapoo		
Postal address:	AECI Place, 24 The Woodlands, Woodlands Drive, Woodmead, Sandton		
Postal code:	2052	Cell:	082 889 0694
Telephone:	011 806 8991	Fax:	011 806 8889
E-mail:	Nomini.Rapoo@aeci.co.za		

In instances where there is more than one landowner (including for alternative sites), please attach a list of landowners with their contact details to this application.

In instances where the landowner is not the applicant –attach proof of notification of the landowner and a proof of receipt of such notice by the owner, manager or person in control of the land.

List of the land owner is attached	<input type="text" value="N/A"/>
Landowner notification proof is attached	<input type="text"/>
Landowner proof of receipt of such notification is attached	<input type="text"/>

Local authority in whose jurisdiction the proposed activity will fall:	City of Johannesburg		
Contact person:	Tshimange Tshilidzi		
Postal address:	118 Jorissen street, Braamfontein		
Postal code:	2000	Cell:	<input type="text"/>
Telephone:	011 587 4236	Fax:	<input type="text"/>
E-mail:	Tshilidzit@joburg.org.za		

In instances where there is more than one local authority involved (including for alternative sites), please attach a list of local authorities with their contact details to this application.

List of local authorities is attached	<input type="text" value="N/A"/>
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List of properties is attached	<input type="text" value="N/A"/>
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APPLICATION FORM [REGULATION 12 (1) & (2)(A)(B)(I)(II)]

Town(s) or district(s): **Johannesburg**
Street/Physical address: **Standerton Avenue, Modderfontein Factory**

In instances where there is more than one town or district involved, please attach a list of towns or districts to this application.

List of towns or districts is attached **N/A**

State Departments administering a law affecting the environment:
Contact person:

Gauteng Department of Agriculture and rural Development

Directorate Sustainable Use of The Environmental (Impact Assessment)

Postal address:

P.O. Box 8769 Johannesburg

Postal code:

2000

Cell:

Telephone:

011 355 1900

Fax:

E-mail:

In instances where there is more than one State Department involved, please attach a list of all State Departments with their contact details.

Current land-use zoning:

Industrial

In instances where there is more than one current land-use zoning (including alternatives), please attach a list of current land use zonings that also indicate which portions each use pertains to , to this application.

List of current land use zonings is attached **N/A**

Locality map:

A locality map(s) (including alternatives) must be attached to the back of this document, as Annexure A. The scale of the locality map must be between 1:10 000 and 1:50 000. The scale must be indicated on the map. The map must indicate the following:

- an accurate indication of the project site position as well as the positions of the alternative sites, if any;
- road access from all major roads in the area;
- road names or numbers of all major roads as well as the roads that provide access to the site(s);
- all roads within a 1km radius of the site or alternative sites;
- all rivers within a 1km radius of the site or alternative sites; and
- A north arrow.

7. COMPLIANCE WITH CONDITIONS

Have you ever been in non-compliance with a condition of an authorisation or exemption issued by this Department or any other provincial or national environmental department in terms of the Environment Conservation Act (No 73 of 1989) or the National Environmental Management Act (No 107 of 1998) as amended?

Yes	
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If yes, indicate details of non-compliance together with reasons for non-compliance:

APPLICATION FORM [REGULATION 12 (1) & (2)(A)(B)(I)(II)]

Need and desirability of the activity

Motivate and explain the need and desirability of the activity (including demand for the activity):

The inability for AEL to supply ammonium nitrate solution and emulsion to customers for 7 days during 2011 has resulted in a review of the ANS stock levels and AEL business risk profiles. The market growth has reduced the day's cover from 8 days in 2009 to a projected 3 days in 2013. The risk of not being able to meet market requirements has therefore increased and additional ANS storage is considered necessary to reduce the risk back to 8 days cover.

It was decided that some of the ANS storage capacity could rather be replaced by Nitric Acid storage as it is easier to store than ANS and the ANS plant has the extra capacity to convert the nitric acid to ANS which can be transferred to the Central Bulk Emulsions or Prill plants.

Indicate any benefits that the activity will have for society in general:

Maintaining steady production of downstream products produced by AEL

Indicate any benefits that the activity will have for the local communities where the activity will be located: No direct benefits are foreseen for the local communities.

No direct benefits are foreseen for the local communities.

9. DECLARATIONS

The Applicant

I, **Ellen Van Dongen**, declare that I -

- am¹, the applicant in this application for **installation of the additional 60% Nitric Acid storage facilities**
- [have appointed an environmental assessment practitioner to act as the independent environmental assessment practitioner for this application.
- will provide the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
- will be responsible for the costs incurred in complying with the Environmental Impact Assessment Regulations, 2010, including but not limited to –
 - costs incurred in connection with the appointment of the environmental assessment practitioner or any person contracted by the environmental assessment practitioner;
 - costs incurred in respect of the undertaking of any process required in terms of the Regulations;
 - costs in respect of any fee prescribed by the Minister or MEC in respect of the Regulations;
 - costs in respect of specialist reviews, if the competent authority decides to recover costs; and
 - the provision of security to ensure compliance with conditions attached to an environmental authorisation, should it be required by the competent authority;
- will ensure that the environmental assessment practitioner is competent to comply with the requirements of these Regulations and will take reasonable steps to verify whether the EAP complies with the Regulations;
- will inform all registered interested and affected parties of any suspension of the application as well as of any decisions taken by the competent authority in this regard;
- am responsible for complying with the conditions of any environmental authorisation issued by the competent authority;
- hereby indemnify the Government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action which the applicant or environmental assessment practitioner is responsible for in terms of these Regulations;
- will not hold the competent authority responsible for any costs that may be incurred by the applicant in proceeding with an activity prior to obtaining an environmental authorisation or prior to an appeal being decided in terms of these Regulations;
- will perform all other obligations as expected from an applicant in terms of the Regulations;
- all the particulars furnished by me in this form are true and correct; and
- I am aware that a false declaration is an offence in terms of regulation 71 and is punishable in terms of section 24F of the Act.

Signature of the applicant²/ Signature on behalf of the applicant:

AEL Mining Services Ltd (AEL)

Name of company (if applicable):

Date:

Signature of the Commissioner of Oaths:

Date:

Designation:

Commissioner of Oaths Official stamp (below)

¹ If this is signed on behalf of the applicant, proof of such authority from the applicant must be attached.

² If the applicant is a juristic person, a signature on behalf of the applicant is required as well as proof of such authority.

ADDENDUM A

10. DECLARATIONS

The Environmental Assessment Practitioner;

I, **Christopher Brian Thomas Williams**

- I act as the independent environmental practitioner for this application **installation of the additional 60% Nitric Acid storage facilities.**
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, regulations and all other applicable legislation;
- I will take into account, to the extent possible, the matters listed in regulation 8 of the regulations when preparing the application and any report relating to the application;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- I will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- I will ensure that the comments of all interested and affected parties are considered and recorded in reports that are submitted to the competent authority in respect of the application, provided that comments that are made by interested and affected parties in respect of a final report that will be submitted to the competent authority may be attached to the report without further amendment to the report;
- I will keep a register of all interested and affected parties that participated in a public participation process; and
- I will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not
- all the particulars furnished by me in this form are true and correct;
- will perform all other obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I realise that a false declaration is an offence in terms of regulation 71 and is punishable in terms of section 24F of the Act.

For Basic Assessment applications I further declare under oath that

- I will fix the site notice(s) in a conspicuous place, on the property(ies) where it is intended to undertake the activity(ies)
- I will place a notice in the required newspaper(s)
- I will provide the following with all the project information and give I&AP's an opportunity to register as an I&AP
 - landowners and occupiers of adjacent land
 - landowners and occupiers of land within 100 metres of the boundary of the property
 - the ward councillor
 - any organisation that represents the community in the area of the application
 - the municipality which has jurisdiction over the area in which the proposed activity will be undertaken
 - any organ of state that may have jurisdiction over any aspect of the activity of the applicant's intention to submit an application to the competent authority; and
- I will include on the register all persons as required per Regulation 55 (1) (c)
- The Reports as submitted will contain the same information (including layout, project design and mitigation) as provided to the registered I&APs for comment
- All issues raised by the I&APs during the public participation process will be included in the Comments and Response Report as attached
- I will fix the site notice(s) in a conspicuous place, on the property(ies) where it is intended to undertake the activity(ies)
- I will place a notice in the required newspaper(s)
- I will provide the following with all the project information and give I&AP's an opportunity to register as an I&AP
 - landowners and occupiers of adjacent land
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 - the ward councillor
 - any organisation that represents the community in the area of the application
 - the municipality which has jurisdiction over the area in which the proposed activity will be undertaken

APPLICATION FORM [REGULATION 12 (1) & (2)(A)(B)(I)(II)]

- any organ of state that may have jurisdiction over any aspect of the activity of the applicant's intention to submit an application to the competent authority; and
- I will include on the register all persons as required per Regulation 55 (1) (c)
- The Reports as submitted will contain the same information (including layout, project design and mitigation) as provided to the registered I&APs for comment
- All issues raised by the I&APs during the public participation process will be included in the Comments and Response Report as attached

Signature of the Environmental Assessment Practitioner:

Willchem cc

Name of company:

Date:

Signature of the Commissioner of Oaths:

Date:

Designation:

Commissioner of Oaths Official stamp (below)

11. CHECKLIST

To ensure that all information that the Department needs to be able to process this application, please check that:

- Where requested, supporting documentation has been attached;
- All relevant sections of the form have been completed; and
- The form has been signed by the applicant, by the EAP or both.