

1. BACKGROUND

The Milnerton Tank Farm is a strategic petroleum storage facility comprising 39 above-ground storage tanks that were historically utilized for crude oil storage. SANPC intends to refurbish and repurpose the facility for the storage of finished petroleum products, including diesel, petrol and jet fuel. This represents a change in the type and classification of dangerous goods to be stored at the facility.

Considering the age of the infrastructure, the proposed change in operational use, and the uncertainty surrounding historical environmental authorizations and approvals, SANPC is required to establish the complete environmental and statutory approval pathway before refurbishment can commence. The proposed works are not considered “Development” as they do not involve the construction or expansion of a new facility. The project involves refurbishing and repurposing the existing infrastructure, without increasing the facility’s capacity or physical footprint.

At present, SANPC cannot conclusively determine all environmental authorizations, licenses, permits, specialist studies and regulatory approvals that will be required. Accordingly, an experienced EAP is required to undertake an environmental due diligence assessment, identify all applicable legal requirements, develop the environmental approval strategy, manage specialist studies and obtain all required approvals.

2. SCOPE OF WORK

The appointed Environmental Assessment Practitioner (EAP) shall provide comprehensive environmental, regulatory and statutory advisory services to support the refurbishment and repurposing of the Milnerton Tank Farm from crude oil storage to finished petroleum product storage. The EAP shall be responsible for determining, managing and obtaining all environmental approvals required to enable lawful implementation of the project.

The scope of work should include, but not be limited to, the following:

1. Environmental Due Diligence

- Undertake a comprehensive environmental due diligence assessment of the Milnerton Tank Farm.

- Review all historical environmental documentation, including previous Environmental Authorisations (EA), Environmental Impact Assessments (EIA), rehabilitation reports, contamination assessments, Major Hazard Installation (MHI) studies, Atmospheric Emission Licences (AEL), environmental audits and historical environmental records.
- Determine the environmental compliance status of the facility and identify any historical environmental liabilities, gaps or outstanding statutory obligations.

2. Regulatory and Legal Compliance Assessment

- Review the historical environmental authorisation applicable to the facility and determine whether the existing authorisation permits the proposed conversion from crude oil storage to finished petroleum product storage.
- Determine all applicable legislation, permits, licences and statutory approvals required under national, provincial and local legislation.
- Prepare a comprehensive Regulatory Compliance Matrix identifying all regulatory requirements applicable to the project.
- Develop an Environmental Approval Strategy detailing the required approval pathway, sequencing of approvals and regulatory milestones.

3. Environmental Approval Determination

- Determine whether the proposed refurbishment and repurposing requires:
 - Amendment of the existing Environmental Authorisation;
 - A Basic Assessment;
 - A Scoping and Environmental Impact Assessment (S&EIA);
 - Environmental Authorisation for listed activities;
 - Amendments to Atmospheric Emission Licences;
 - Amendments to Major Hazard Installation approvals;
 - Land Use Planning approvals; or
 - Any other statutory approvals required by the competent authorities.

4. Regulatory Engagement

The Environmental Assessment Practitioner (EAP) shall identify, engage and coordinate with all relevant national, provincial and local regulatory authorities, statutory bodies and other approving agencies having jurisdiction over the proposed development.

The EAP shall undertake all required pre-application consultations, obtain written regulatory guidance and determinations where applicable, identify the environmental approval pathway and statutory requirements, prepare and submit all necessary applications, and manage all regulatory engagements and correspondence through to the successful acquisition of all required environmental approvals, permits, licences and authorisations necessary for the lawful implementation of the project

5. Specialist Studies

- Identify, procure, manage and coordinate all specialist studies required by the competent authorities,

6. Major Hazard Installation (MHI) Review

- Review the existing Major Hazard Installation (MHI) Risk Assessment.
- Determine the impact of changing from crude oil storage to finished petroleum product storage.
- Identify additional risk mitigation measures required due to surrounding residential developments that have occurred since the original facility operation.
- Prepare or update the MHI Risk Assessment and Quantitative Risk Assessment where required.

7. Public Participation

- Develop and implement a comprehensive Public Participation Process in accordance with the EIA Regulations.
- Identify and engage all Interested and Affected Parties (I&APs), including neighbouring residential communities, local authorities, government departments, emergency services and other stakeholders.
- Facilitate public meetings, consultation sessions and statutory notification processes.
- Address comments received from stakeholders and regulatory authorities.

8. Environmental Authorisation Process

- Prepare and submit all environmental applications to the relevant competent authorities.
- Respond to requests for additional information issued by authorities.
- Manage the approval process through to the successful issuance of all required Environmental Authorisations, permits and licences.

9. Environmental Management and Compliance

- Develop an Environmental Management Programme (EMPr).
- Prepare an Environmental Risk Register.
- Develop a Permit and License Register.
- Develop an Environmental Compliance Register.
- Identify environmental constraints and mitigation measures applicable during design, refurbishment, construction and operation.

10. Project Support

- Provide strategic environmental advice to SANPC throughout project development.
- Support SANPC during governance reviews, technical evaluations and regulatory decision-making.
- Present findings and recommendations to SANPC management, governance committees and regulatory authorities as required.
- Provide ongoing environmental support until all statutory approvals have been obtained and the project is authorised to proceed.

3. LEGAL AND REGULATORY CONSIDERATIONS

A preliminary legal review undertaken by SANPC has identified uncertainty regarding the environmental approval pathway applicable to the proposed refurbishment and repurposing of the Milnerton Tank Farm from crude oil storage to finished petroleum product storage. While the project primarily involves the refurbishment of existing infrastructure without increasing the facility's storage capacity or physical footprint, the applicable environmental approval requirements cannot be conclusively determined without a comprehensive environmental and regulatory assessment.