

National Environmental Compliance & Enforcement Report 2009-10



ENVIRONMENTAL
MANAGEMENT
INSPECTORATE



environmental affairs
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

“DDT”

be continuously monitored through the quarterly compliance meetings. Chevron Refinery inspected from 13-15 May 2008

The findings of the inspection are reflected in last year's National Compliance and Enforcement Report. In response to these findings, the facility made representations and commitments to implement certain measures over a specific timeframe, including the remediation of certain leaks and possible subsurface contamination. Chevron's representations also dispute the findings made in the inspection report. A follow-up inspection will be undertaken early in the 2010/11 financial year in order to compare the undertakings and statements made by the facility in its representations to the conditions on site.

Sasol Secunda

Representations were received in response to the inspection report findings which are reflected in last year's National Compliance and Enforcement Report. A follow-up inspection will also be conducted at this facility in 2010/2011 in order to check whether or not the commitments made by the facility to rectify certain of the non-compliances/issues have been met. This follow-up inspection will inform the Department's decision on whether or not to institute any enforcement action against the facility.

FERRO-ALLOY, STEEL AND IRON SECTOR

Samancor Middelburg
This facility was inspected during June 2008 and the following findings appear in the report:

- Non-compliances with conditions of the APPA permits
- Six unauthorized waste disposal sites
- Disposal of contaminated water in unlined dams
- Poor storm water management on site
- Fugitive emissions from the material stockpiles
- Non-reporting of emergency incidents

Representations were received in response to the report which included information related to the APPA certificate conversion process and the submission of applications for various waste disposal sites and Integrated Water Use Licence. The undertakings made by the facility were reviewed together with all other information provided and a follow-up inspection will be conducted in the 2010/2011 financial year in order to determine compliance with these undertakings and assess the need for enforcement action.

ArcelorMittal Saldanha Works

The inspection in March 2009 resulted in the following findings:

- Non-compliance with conditions of the APPA permits
- Non-compliance with conditions of the ECA Section 20 permit
- Operation of two waste storage areas without required authorisations

- Emissions from the Copeland Reactor and the boilers exceeding the required limits over a number of years
- Non-compliances to conditions of the EIA authorisations; ECA Section 20 permit and the Water Use License

Representations were received from Sappi in response to the Inspection Report issued by GDARD. An enforcement strategy has recently been developed, including the need for a criminal investigation in relation to the air emission contraventions. These enforcement actions will be initiated in the next reporting period.

8.1.2 Summary of findings of inspections conducted in previous financial years (inspection reports only issued during 2009/10 financial year or representations only received during 2009/10):

REFINERIES SECTOR

Sapref Refinery

The findings of the inspection conducted in August 2008 were the following:

- Non-compliances to conditions of APPA permits, including lack of records to verify compliance with the emission limits
- Storage of hazardous waste without the required authorisations
- Potential water and soil pollution from improper storage of hazardous waste

Representations received in response to these findings were reviewed and an enforcement strategy developed. The facility is currently involved in the APPA registration certificate review process. The department has requested additional information to inform the facility's state of compliance with specific issues identified in the inspection report. Based on a review of this information a follow-up inspection is likely to be conducted in order to decide on final enforcement action, if necessary.

Engen Refinery

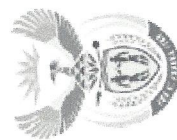
The following findings were made during the inspection of the facility in November 2008:

- Failure to submit certain reports
- Storage tanks without required permits
- Decommissioning activities without required EIA authorisation
- Storage of hazardous chemicals in unbunded areas

The representations received in response to the findings provided clarity in relation to the non-compliances identified and set out actions that had been taken to address the issues identified. No significant issues remained that justified the need for an enforcement intervention. The facility will



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Name of Facility	Date of initial inspection	Principle findings related to environmental non-compliance	Representations received / reviewed	Date of follow-up inspection/s	Principle findings of follow-up inspection	Status of enforcement process
Sasol Secunda Refinery, Mpumalanga	March 2008	<ul style="list-style-type: none"> Environmentally harmful activities that could be prevented / rehabilitated in terms of the NEMA duty of care Excessive emissions Potential groundwater and soil contamination Significant non-compliance with conditions of numerous authorisations applicable to the facility, including APPA registration certificates; environmental authorisations and the two waste permits relating to the fine ash dump and the Charlie 1 Waste Disposal Site Environmentally harmful activities that could be prevented rehabilitated in terms of the NEMA duty of care, particularly in relation to the raw material and coal storage areas and the spillage of hazardous substances 	18 August 2009	August 2010	<ul style="list-style-type: none"> Non-compliances to authorisations still ongoing Environmentally harmful activities with regards to raw material storage, coal storage and spillages of hazardous substances still not addressed. Failure to comply with general duty of care in respect of waste management on site 	Follow-up compliance inspection report in vetting process and enforcement strategy will then be developed
Sapref Refinery, Kwa Zulu Natal	August 2008	<ul style="list-style-type: none"> Non-compliances to conditions of APPA permits, including lack of records to verify compliance with the emission limits Storage of hazardous waste without required authorisations Potential water and soil pollution from improper storage of hazardous waste 	18 December 2009	None		<p>Additional information was requested in June 2010 and once received, this information together with the representations provided clarity in relation to the non-compliances identified and set out actions that had been taken to address the issues identified.</p> <p>The Department's concerns from the 2008 inspection were therefore adequately addressed and the facility was advised that enforcement action would not be taken based on the findings of the 2008 inspection</p>

Name of Facility	Date of initial inspection	Principle findings related to environmental non-compliance	Representations received / reviewed	Date of follow-up inspection/s	Principle findings of follow-up inspection	Status of enforcement process
Engen Refinery, Kwa-Zulu Natal	November 2008	<ul style="list-style-type: none"> Failure to submit certain reports Storage tanks without required permits Decommissioning activities without required environmental authorisation Storage of hazardous chemicals in unbunded areas 	10 October 2009	None		<p>The facility will be monitored through quarterly compliance meetings</p> <p>The representations received in response to the findings of the inspection, as well as that which was received in response to the Department's letter requesting further information, provided clarity in relation to the non-compliances identified and set out actions that had been taken to address the issues identified.</p> <p>No significant issues remained that justified the need for an enforcement intervention based on the findings of the 2008 inspection.</p> <p>The facility will be continuously monitored through quarterly compliance meetings</p>
FERRO-ALLOY, IRON AND STEEL						
Samancor Middelburg, Mpumalanga	25-26 June 2008	<ul style="list-style-type: none"> Non-compliances with conditions of the APPA permits Six unauthorized waste disposal sites Disposal of contaminated water in unlined dams Poor storm water management on site Fugitive emissions from the material stockpiles Non-reporting of emergency incidents 	12 November 2009	11 August 2010	<ul style="list-style-type: none"> Disposal of contaminated water on unlined dams still continuing Groundwater pollution from historical disposal sites Unauthorized waste and listed activities on site Breach of duty of care in terms of S28 of NEMA 	<p>Enforcement strategy developed. Both administrative and criminal enforcement action to be taken.</p>

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Name of Facility	Significant dates	Principle findings related to environmental non-compliance	Principle findings of follow-up inspection	Status of enforcement process
Engen Refinery, Kwa-Zulu Natal	<p>Date of initial inspection 11 – 12 November 2008</p> <p>Representations received / reviewed 10 October 2009</p> <p>Date of follow-up inspection None</p>	<ul style="list-style-type: none"> • Failure to submit certain reports • Storage tanks without required permits • Decommissioning activities without required environmental authorisation • Storage of hazardous chemicals in unbunded areas 		<p>Although it was reported in the previous NECER that no significant issues remained that justified the need for an enforcement intervention based specifically on the findings of the 2008 inspection, through the quarterly compliance meetings, the authorities have become concerned by the ongoing Section 30 emergency incidents taking place at the facility.</p> <p>Accordingly, a pre-directive was issued to Engen Refinery by the KZN-DAEARD in November 2011.</p> <p>The authorities are currently reviewing Engen's representations as well as all other relevant information prior to making a decision on the next steps in this enforcement action.</p>

