



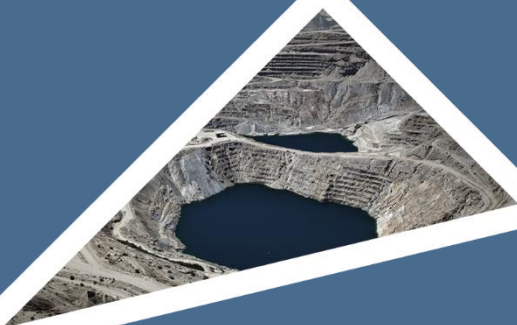
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PUBLIC PARTICIPATION REPORT

NUVEST CHEMICAL PLANT EIA

APRIL 2024





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Abbreviation List:

DFFE	Department of Forestry, Fisheries and the Environment
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
GDARD	Gauteng Department of Agriculture and Rural Development
I&AP	Interested and Affected Party
NEMA	National Environmental Management Act
NEM:AQA	National Environmental Management: Air Quality Act
PPP	Public Participation Process
PPR	Public Participation Report



1 INTRODUCTION

Nuvest Recovery Solutions (Pty) Ltd (hereafter referred to as the applicant) has appointed EcoPartners (Pty) Ltd as the Environmental Assessment Practitioner (EAP) for the undertaking of the required environmental authorisation processes. Environmental Impact Management Services (Pty) Ltd (EIMS) has been appointed by EcoPartners to assist in the compilation and submission of the required documentation in support of the following applications and for undertaking the associated statutory public participation processes:

- Environmental Authorisation (EA) in accordance with the NEMA- Listed activities:
 - GNR984 Listing Notice 2, Activities 4 and 6;
- Atmospheric Emissions Licence in accordance with the requirements of the National Environmental Management: Air Quality Act- NEM:AQA (Act 39 of 2004)- Listed activities:
 - GN 893 (as amended), Sub-category 7.1, 7.2, and 7.7.

Additional listed activities and/or water uses may be identified during the process.

The applicant intends to develop a chemical manufacturing plant in Gauteng. The plant will be designed to manufacture approximately 30 tonnes of various chemicals per day. The proposed chemical plant will specialise in the manufacture of sodium hydroxide (NaOH), chlorine (Cl₂) and hydrogen (H₂) through the chlor-alkali process. These three (3) intermediate products will then be processed further to produce hydrochloric (HCl) acid, bleach (12 – 13% sodium hypochlorite solution) and caustic lye (47% solution in water).

The proposed project is located on 110 Batoliet road, Valley Settlements, Meyerton, South Africa parallel to the R59, Midvaal Local Municipality, Gauteng. The site is approximately 7km from Meyerton. The centre point of the site is 26. 510172°S, 28. 044223° E.

2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides: *"The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement"*. This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and especially the National Environmental Management Act (Act 107 of 1998, NEMA) and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as...*"a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently"*¹. From this definition, it can be seen that the input of the public is regarded as very important indeed.

The Public Participation Process (PPP) is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

During the Environmental Impact Assessment Process:

- Verify that their issues have been recorded;
- Comment on the findings of the environmental assessments; and

¹ Greyling, T. (1999) Towards Managing Environmental Disputes: Appropriate Public Participation. Prepared for Conference on Environmental Dispute Resolution 10-11 June 1998, Fourways, Gauteng, Manyaka Greyling Meiring (Pty) Ltd, South Africa



- Provide relevant local information and knowledge to the environmental assessment.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for the necessary authorisation required for the project needs to be managed sensitively and according to best practises in order to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed project and process for the authorisation project;
- Explain the environmental authorisation;
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

This Public Participation Report (PPR) lists all verbal and written issues raised by I&APs during the call to register period and the legislated 30-day (minimum) public review and commenting period of the Scoping Report from 20 July 2023 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

2.1 LEGAL COMPLIANCE

The PPP must comply with all environmental legislation that requires public participation as part of an application for authorisation or approval; namely, the National Environmental Management Act (NEMA, Act No. 107 of 1998).

Adherence to the requirements of the above-mentioned Act will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirements for public participation referenced in the Act. The details of the Integrated PPP are provided below.

3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database has been compiled from historic projects in the area and Windeed searches to obtain the contact details of the surrounding landowners. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners and surrounding landowners;
- Pre-identified and registered key stakeholders;



- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities within the vicinity of the study area and municipality. Refer to Appendix 1 for the Key Stakeholder/I&AP Database.

3.1 LIST OF ORGANS OF STATE IDENTIFIED AND NOTIFIED

The following key I&APs, but not limited to, were notified of the proposed project and invited to participate in the public participation process:

- | | |
|--|--|
| • Gauteng Department of Agriculture and Rural Development | • National Department of Rural Development and Land Reform |
| • Gauteng Provincial Government | • National Department of Social Development |
| • Gauteng Department of Mineral Resources | • National Department of Transport |
| • Gauteng Tourism Authority | • National Department of Tourism |
| • GAUTRANS | • National Department of Water and Sanitation |
| • Midvaal Local Municipality | • Sedibeng District Municipality |
| • National Department of Forestry, Fisheries and Environment | • South African Resource Heritage Agency |
| • National Department of Human Settlements | • Free State department of Health |

3.2 LIST OF OTHER KEY I&APS IDENTIFIED AND NOTIFIED

- | | |
|---|--|
| • Directly Affected and Adjacent Landowners | • SANBI |
| • Agri SA | • SANParks |
| • Agricultural Research Council | • Smae Business Services (Pty) Ltd |
| • Briel and Associates (Pty) Ltd | • South African Civil Aviation Authority |
| • Commission on restitution of land rights | • South African National Roads Agency |
| • Endangered Wildlife Trust | • Tabita Versorgingsoord |
| • Eskom Soc Ltd | • Transnet Soc Ltd |
| • Gauteng Wetland Forum | • WESSA |
| • Intrrac Trading CC | • Ward councillors |
| • Midvaal Structures | |
| • Randwater | |
| • RY Agriculture | |



4 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

This section provides details on the notifications that were distributed as part of the consultation process to date.

4.1 INITIAL NOTIFICATION OF KEY I&APS

The PPP commenced on the 20th of July 2023 with an initial call to register notification. Notification during this initial consultation was given in the manner described below.

4.1.1 FAXES AND EMAILS

Notification letters in English, Afrikaans and SeSotho were distributed to pre-identified I&APS through either faxes, and/or emails.

The notification documents included the following information:

- List of anticipated activities to be authorised;
- Sufficient detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- The purpose of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties (including a locality map);
- Details of the South African environmental legislation that must be adhered to;
- Contact details of the EAP.

Please refer to Appendix 2 for initial notification and proofs.

4.1.2 SITE NOTICE PLACEMENT

Four (4) A1 Correx site notices (in English, Afrikaans, and Sesotho) were placed at 4 locations along, and surrounding the perimeter of the proposed project study area on the 18th of July 2023. Two (2) A3 posters were placed at two locations on the 17th of July 2023. One poster was placed at the Randvaal Library and one at Library Henley on Klip. Handouts of the initial notification letters were placed at Library Henley on Klip. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 3 for proof of site notice and site notice distribution.



4.1.3 NEWSPAPER ADVERTISEMENT

Advertisements describing the proposed project and EIA process were placed in Ster North newspaper (in English) with circulation in the vicinity of the study area on the 29th of August 2023. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 4 for proof of adverts placed.

4.2 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORT AVAILABILITY

Notification regarding the availability of the Draft Scoping Report for public review was given in the following manner to all registered I&APs:

- The hardcopy report was placed at the Randvaal Library (Houtkapper Road, Witkopdorp (Daleside), Meyerton, 1961) and Meyerton Public Library (Municipal Building Complex, 25 Mitchell Street, Meyerton, 1961) on the 30th of November 2023.
- An electronic copy of the report was made available on the EIMS website: <https://www.eims.co.za/public-participation/> from the 30th of November 2023.
- Registered letters with details on where the scoping report could be obtained and/or reviewed, EIMS contact details as well as the public review comment period;
- Facsimile and SMS notifications with information similar to that in the registered letter described above; and/or
- Email notifications with a letter attachment containing the information described above.

The scoping report was made available for public review from 01 December 2023 to 23 January 2024 for a period of at least 30 days. All I&APs registered on the Project database were informed of the availability of the Draft Scoping Report for public review. I&APs will be provided with another opportunity to submit their comments during the Environmental Impact Assessment (EIA) Phase of the project.

Please refer to Appendix 5 for the Notification of Scoping Report Availability and Proof.

4.3 SUMMARY OF PUBLIC PARTICIPATION OPPORTUNITIES

The table below provides a summary of the opportunities provided to I&APs for participation in the public participation process to date.



Table 1: Opportunities Provided for Public Participation

PUBLIC PARTICIPATION PHASE			
ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Call to Register	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	20 July 2023
	Placement of posters and handouts.	Two (2) A3 posters (English, Afrikaans and Setswana) were placed at two libraries (one at Randvaal Library and one at Library Henley on Klip). Handouts of the initial notification letter were placed at Library Henley on Klip.	17 July 2023
	Placement of site notices.	Four (4) A1 site notices (English, Afrikaans and Setswana) around the study area (13 placement locations).	18 July 2023
	Newspaper advertisement	Notice was placed in the Ster North newspaper	29 August 2023
Scoping Report Availability for Public Review and Comment	Notification of landowners, occupiers and other key I&APs.	Affected landowners and key I&APs were notified via email, SMS, and/or fax. Hard copies of the Scoping Report were placed at the Randvaal Library and the Meyerton Public Library.	01 December 2023

5 RECORD OF ISSUES RAISED

Comments on the proposed project were solicited from pre-identified and registered I&APs and key stakeholders. To date the following comments/concerns have been received:

- Comments/concerns from an I&AP communicated telephonically:
 - Concern around activities within the affected area
 - Concern around emissions emanating from the affected area;
 - Emissions have affected material goods around the area, such as bricks;
- A follow-up telephone call was made to the above-mentioned I&AP. The I&AP raised concerns that the applicant had already commenced construction and requested further information to be sent to their email address. The I&AP was advised that the applicant is currently undertaking construction of the site offices and not for the chemical plant as the applicant is still in the application phase for the chemical plant and was referred to the draft scoping report that had been placed for public review.



- The above-mentioned I&AP enquired about the risk factor for humans staying in the surrounding area and stated that they would be objecting the proposed development should there be any hazardous harm to humans. The I&AP was referred to the specialist studies that had been initiated that would address their concerns and would be available for public review in the Draft EIA phase. The I&AP was assured that it is highly unlikely that there will be any hazardous harm to the community and mitigation measures have been incorporated in the specialist reports and EMPr.
- Comment from Rand Water that the project does not affect Rand Water's services;
- Requests for locality map and shapefiles relating to the project;
- DFFE Biodiversity Directorate request for shapefiles, and provided confirmation that cas officers had been allocated to review the Draft Scoping Report.
- Request for photograph of the site notice;
- Enquiry on how Transnet railway lines would be affected by the project;
- Comment on past land claims in and around the affected area;
- Confirmation from the Office of the Regional Land Claims Commissioner: Gauteng that no land claims appear on the affected property;
- Comment from SAHRIS requesting that an application be made for further comment on the project;
- Acknowledgement of receipt of invitation to review and comment on the project from the DFFE Directorate: Biodiversity Conservation;
- Request for shapefiles to be sent to DFFE Directorate: Biodiversity Conservation Case Officers;
- Requests from SANRAL for a motivational memorandum describing what is planned with the application and requests for Locality maps, GPS co-ordinates and an application – the I&AP was directed to the Scoping Report, clarification was given regarding the intent of notification of SANRAL for public review and comment and that there is no intention of creating an application for anything from SANRAL. The I&AP was provided with the Locality map, KML of the site and GPS co-ordinates of the site. No response has been received as of 29 January 2024 from the I&AP;
- Requests for deregistration from the I&AP Database.
- Acknowledgement of receipt of the Scoping Application and Draft Scoping Report for environmental authorisation from the Gauteng Department of Agriculture and Rural Development (GDARD).
- Comments were provided by GDARD on the Draft Scoping Report.

Please refer to Appendix 6 and Appendix 7 for comments or issues received.

6 CONCLUSIONS AND RECOMENDATIONS

The comments received during the initial call to register period and the Scoping Report comment and review period were used to inform the compilation of this PPR. This report has been updated for submission to the competent authority, Gauteng Department of Agriculture and Rural Development