



REPORT ON THE JOINT PRELIMINARY INVESTIGATION INTO THE COMPLIANCE PROFILE OF UPL SOUTH AFRICA (PTY) LIMITED and UPDATED RESPONSE TO THE UPL INCIDENT

23 November 2021

STRUCTURE OF PRESENTATION

- Report on Preliminary Investigation: UPL Compliance Profile
 - Terms of reference
 - Methodology of investigation
 - Issues investigated
 - Key findings
 - Recommendations
 - Way forward
- Status Quo / Progress made in relation to response to UPL incident
- Progress in relation to Portfolio Committee recommendations after August 2021 visit



RESPONSE BY PRIORITY

1

- **Actions by Government authorities**

- Priority 1 - Stop/ Cease any further environmental Risk (Priority)
- Priority 2 - Guide actions – Pre directives/ S30 response
- **Priority 3 - Investigations = regulatory approvals**

2

- **Ensure coordinated response**

- Feedback from specialists involved in the project
- Recommendations by government specialists/ Advice
- Remediation approvals expedited

3

- **Media and Communications**

- **Patrols by officials** – warnings to public



TERMS OF REFERENCE: COMPLIANCE PROFILE REPORT

- Investigate the incident within the ambit of the regulatory environment applicable to such a facility
- Legality of the operation of the UPL warehouse :
 - the permits/licences/authorisations that were required
 - the permits etc. that were applied for, if any
 - permits/licences/authorisations that were refused, if any
 - the permits/licences/authorisations that were issued
- Accountability for the actions leading to environmental damage
- Identify statutory offences and/or non-compliances by UPL
- Make findings and conclusions based on the available information
- Make recommendations on actions to be taken and the way forward



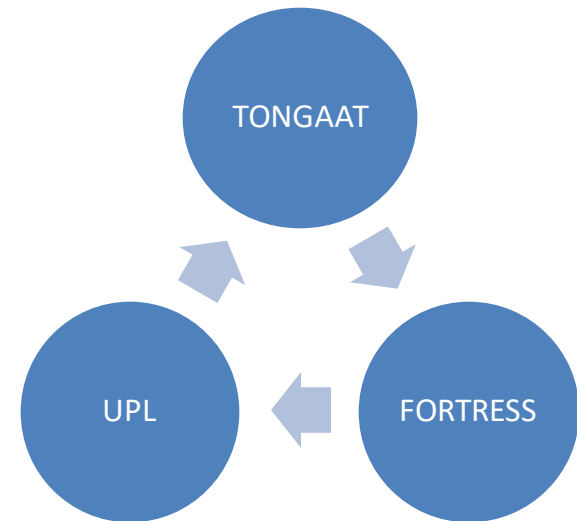
METHODOLOGY OF INVESTIGATION

- Factual assessment of the regulatory approvals that were required by UPL in order to operate at this particular warehouse
- Multi-departmental team – 7 different **environmental regulatory entities** and various pieces of national and local legislation – DTI, SARS (Customs) were consulted but did not directly form part of the core team
- **UPL operating in a highly regulated environment** - legal requirements both prior to the fire incident as well as those that were triggered after the incident
- Gaining an understanding of the extent to which the failure to obtain any required permit/licence/authorisation contributed to the severity of the environmental damage or compromised the preparedness of the authorities to deal with the incident
- Technical and legal expertise – research of legislation / review of available documentation / interviews with relevant officials / evaluation of linkages between the initial licenses that were issued (Cornubia Phase 1) and how it links with the current establishment



ISSUES INVESTIGATED

- Nature of the operations undertaken by UPL – storage volumes and types of products
- Applicable regulatory framework
- Assess legal obligations and impact on the environment – post fire
- Entities involved and relationship



Agriculture – products in store

List of products	Number of product
Validated Products	373
Products which do not require validation from Agriculture	202
Products with an unknown classification	94
Product classification which requires further investigation	45
Products in store destined for re-export (Zambia)	4
Products in store destined for re-export (Mozambique)	1
Products in store destined for re-export (Malawi)	1
Labelling products	836
Packaging Products	127



Compliance Profile – assessment

Laws involved	Government Authorities	Compliance Status
Hazardous substances Act	Department of Health	
National Water Act	Dept Water/Sanitation	
Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act	Agriculture	
Major Hazardous Installation Regulations + OHSA	Department of Employment and Labour	
EIA regulations (NEMA) obligations	EDTEA + DFFE	
NEMPAA + NEMBA	Ezemvelo KwaZulu-Natal	
Planning Laws: <ul style="list-style-type: none"> • Zoning • Building Plans • Certificates of occupation • Scheduled Activities permit (linked to MHI) • Fire 	eThekweni Metropolitan Municipality	



KEY FINDINGS

Before the fire

- UPL's operations involved the unlawful storage of chemicals classified as “a dangerous good”.
- The volumes of chemicals stored in the warehouse were significant (exceeding a volume of 500 cubic meters) therefore constituting a “Listed Activity” identified in terms of the National Environmental Management Act which may not commence without **environmental authorization**.
- An Environmental Authorisation would have been required prior to the storage operations commencing - it would have been necessary to **follow an EIA process** and submit all relevant documents / reports to the competent authority to enable it to make a decision on whether or not to issue an EA.
- The EIA process would have, among other things, assessed the readiness of the facility to respond to an emergency situation. Furthermore, any EA issued would have been subject to a number of conditions aimed at mitigating risks identified.

KEY FINDINGS

Before the fire

- UPL appears not to have undertaken the necessary assessment required in terms of the Occupational Health and Safety Act (OHSA) read with the Major Hazard Installation (MHI) Regulations. **This risk assessment process** would have determined whether or not this facility constituted an MHI as defined in the OHSA. However, and considering the **volumes and nature of the chemicals** stored at this particular location, it is reasonable to conclude (based on the information at the disposal of the investigative team) that the facility fell within the definition of a MHI and was subject to the legal requirements for such installations.
- **A Scheduled Activities Permit (SAP)** was not obtained by UPL from the EThekweni Metropolitan Municipality. This SAP would have taken into **consideration the requirements of the risk assessment** which was one of the steps to determine whether or not this facility would require MHI certification. The SAP would have also been subject to a number of conditions aimed at mitigating risks identified.

KEY FINDINGS

Before the fire

- The building plan for a proposed subdivision of the warehouse for use by two tenants and proposed flammable liquids store was recommended for approval by the eThekweni Fire Department; however, **approval for occupation** would only have been supported after the subdivision was constructed and was deemed compliant with fire requirements which was required before the business could be operated.
- The occupation of this warehouse by two different tenants was not authorised by Ethekewini.

KEY FINDINGS

After the fire

- The **unlawful establishment and operation of the UPL facility created a point source of pollution** in that particular location, close to a river system, a residential neighborhood, a sensitive protected area and the coastal environment.
- The environment in this area is considered to be significantly damaged as a result of the pollution from this incident which may have resulted in an entire ecosystem service loss.
- The National Environmental Management Act (NEMA), as well as the National Water Act, recognises that any **unlawful** and **intentional or negligent** conduct which results in serious pollution or degradation of the environment and a water resource is considered to constitute criminal conduct. Further investigation is required to determine whether UPL, as a result of its failure to comply with specific legal requirements (either in terms of NEMA or other relevant legislation), acted negligently by creating a point source of pollution which resulted in significant environmental impacts, despite the fact that the fire was started by other individuals.



RECOMMENDATIONS

- Independent team of investigators comprising of Environmental Management Inspectors from the DFFE and the EDTEA to urgently **initiate a criminal investigation** (work with other regulatory authorities).
- Criminal investigation should consider the role of the various entities, namely Tongaat, Fortress and UPL.
- Samples of the various affected media must be taken immediately in line with protocols for a criminal investigation.
- Although this report only summarises briefly the actions taken to respond to this incident, the **response of the authorities** to the incident should be **evaluated** and any failings identified for appropriate departmental action.

No pronouncement on innocence/ guilt – following the criminal investigation, a decision as to whether or not to proceed with prosecution will be made by the NPA. Thereafter a court will determine guilt or innocence of the parties

RECOMMENDATIONS

- **Baseline compliance profile assessment** of the agrochemical storage and manufacturing sector – need to be identified for a national compliance and/or enforcement programme targeting the sector.
- Given the range of authorisations required by the sector, review the protocols / processes within the different relevant departments / units with the aim of **streamlining these processes and improving communication and co-ordination**
- Based on the evaluation of the authorities' response to this incident, determine the need to establish an **interdepartmental rapid emergency response team** to deal with a certain category of incidents.
- **Assessment of whether or not the environmental risk posed by the incident** should be used as a guide to assign lead competence – review of Section 30 of the NEMA.
- **The establishment of a panel of intergovernmental specialists** which could be called upon to provide expert advice.
- **The feasibility of creating a mobile command centre** which has the basic equipment which can be used to assist in a government response to these types of incidents should be considered.

WAY FORWARD

- **Criminal investigation was initiated in September due to urgency** – Green Scorpions will continue to lead this process (Verulam CAS 06/09/2021).
- **Baseline compliance profile of the agrochemical manufacturing sector** to commence early in 2022 – not a traditional compliance assessment but will evaluate efficacy of the regulatory loop / connections and make recommendations to improve on this.
- Evaluation of the response by the authorities with the view to ensure that all relevant authorities subscribe to the same **incident management procedures** – none prescribed within environmental regulation.
- MINTECH Working Group 4 to begin a review of the **guidelines on the administration of NEMA section 30 incidents (2019)** and legislation to determine the need to make revisions in relation to the mandated authority to co-ordinate an intergovernmental response to high risk emergency incidents.
- **Engage Environmental Assessment Practitioners Association of South Africa** to investigate the creation of a mechanism whereby specialists are selected and appointed by government but for which the polluter pays – **eliminate bias (Polluter Pays Principle)**.
- Identify capability shortfalls within the toxicology and chemical scientific disciplines and identify capable external individuals to serve on a panel of experts.



RESPONSE BY PRIORITY

1

- **Actions by Government authorities**

- **Priority 1 - Stop/ Cease any further environmental Risk (Priority)**
- **Priority 2 - Guide actions – Pre directives/ S30 response**
- Priority 3 - Investigations = regulatory approvals

2

- **Ensure coordinated response**

- Feedback from specialists involved in the project
- Recommendations by government specialists/ Advice
- Remediation approvals expedited

3

- **Media and Communications**
- **Patrols by officials** – warnings to public



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Vicki King – 11 October 2021

17



UPDATE ON URGENT INTERVENTIONS TAKEN

- Pollution Control Dam constructed at the lower end of the UPL site
- Waste removed from the environment:
 - Below the UPL Platform (PCD, tributary to bottom wetland):
 - **Solids: 13,039,384kg (~13 000 tonnes)**
 - Liquids: 23,544,500lt (23.5 Million Litres of liquid)
 - **Dead Fish: 3755kg**
 - Waste disposed from UPL Platform area:
 - Solids: 1 618 990kg (1 618 tonnes)
 - Liquids: 855 380l (0.8 Million Litres)

UPDATE ON URGENT INTERVENTIONS TAKEN

- Liming
- River cleaning
- Wetland desludging and removal of contaminants
- UV treatment



PRIORITY 2 – CO-ORDINATION OF GOVERNMENT RESPONSE

- Joint Operations Centre established to coordinate government interventions informed by:
 - Air Quality and Environmental Health
 - Estuarine, Marine and Coastal
 - Freshwater and Groundwater
 - Compliance and Enforcement



PROGRESS UPDATE - HEALTH

- **Notice / Directive served** on UPL to conduct a Human Health Risk Assessment to inform further mitigation measures to be taken in the impacted communities.
- Media updates were issued with regards to the fire and possible impacts and community response **during the period of the fire.**
- Worked with the commercial fraternity in the Cornubia precinct to advise in terms of the **re-opening of the retail stores**
- Active communication with Reddam school with regards to precautionary measures to be taken on reopening.
- **Health Education within the Blackburn Community** through loud hailing and pamphlet distribution including warning signage.
- **Mobile Clinic deployed into the Blackburn community** for a week , from the 16th August – 20th August. The mobile clinic continues to be available in the Blackburn community on Mondays.
- Worked with the Specialist company to **conduct door to door surveys (370)** within the Blackburn community. Data being analysed.
- **Analysed the data emanating from the active and passive air sampling** being conducted in the Cornubia precinct to identify possible impacts after the retail businesses had reopened.

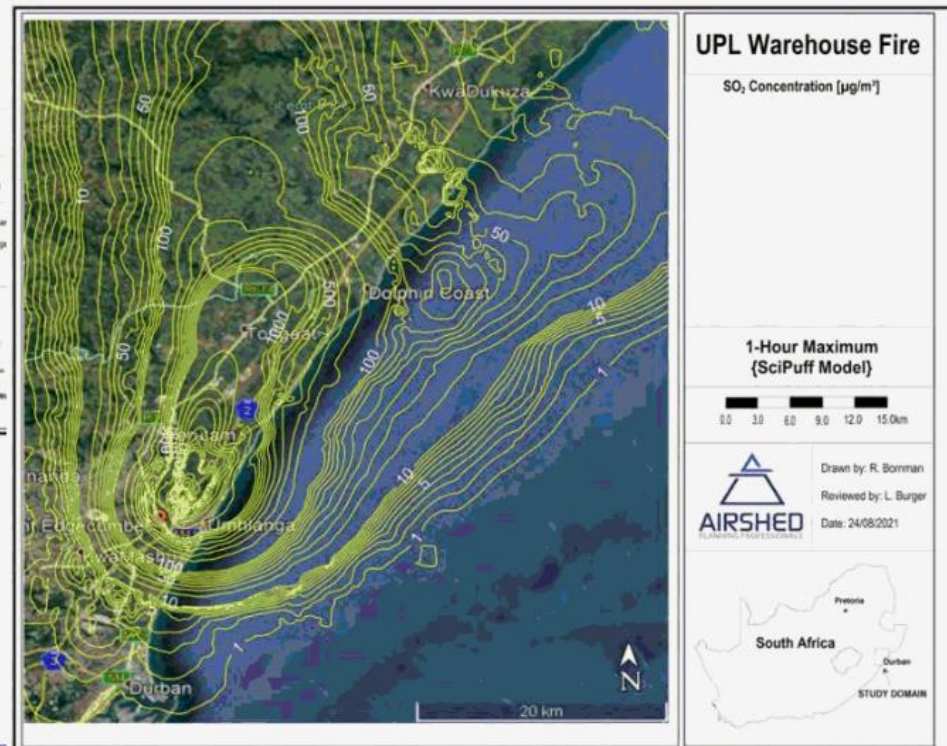
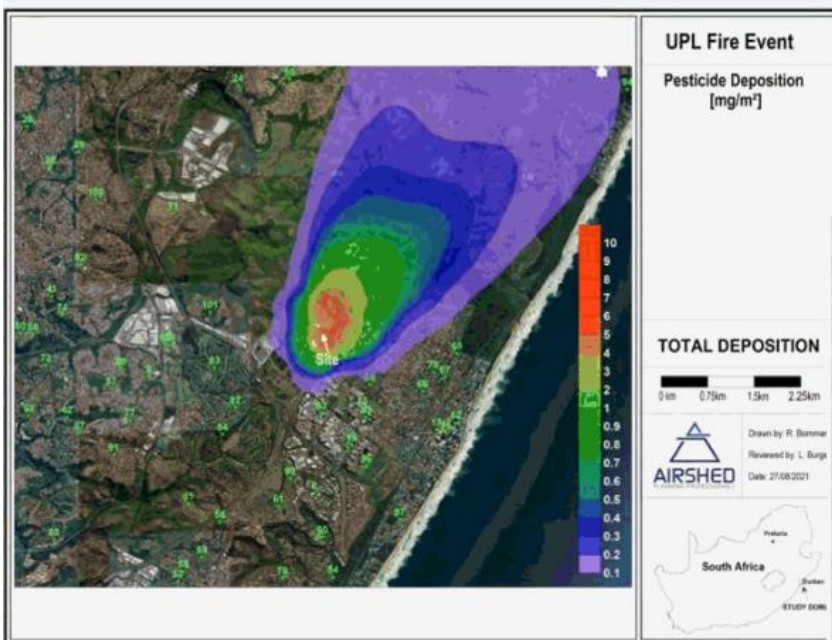
Health update - continued

- 115 complaints collected during the incident analysed – not all health related
- Fully resourced clinic to be situated in Umdloti – Central will service Phoenix (north), Izinga (East), Prestondale (South) and Blackburn (NW).
- Biomonitoring ethics finalised together with method statement
- First layer risk assessment is due to the authorities - Apex
- Group of Doctors to be made available – Respiratory Physician, Cardiologist, Dermatologist, Neurologist, Obstetrician, and Occupational Medicine specialist
- Chronic management plan for each patient, follow up programme and reporting program for patients coming through at a later stage
- All activities will be funded by UPL and overseen by eThekweni and provincial Department of Health

AIR QUALITY: Prelim results & Atmospheric Impact Report

- The complete Atmospheric Impact Report (AIR) has not been submitted, and this has been addressed in the new integrated Directive
- However, preliminary results were available, with indications that Particulate Matter (PM) was the most problematic pollutant until the fire and smoldering was extinguished
- There were instances where PM daily limit was exceeded - 3 recorded PM exceedances during the fire.
- Elevated levels of ammonia, SO₂ and naphthalene during fire.
- SO₂, NO₂ and BTEX were reduced to background levels 10 days after fire began (22 July 2021).
- Once AIR becomes available, it will provide a broader picture.





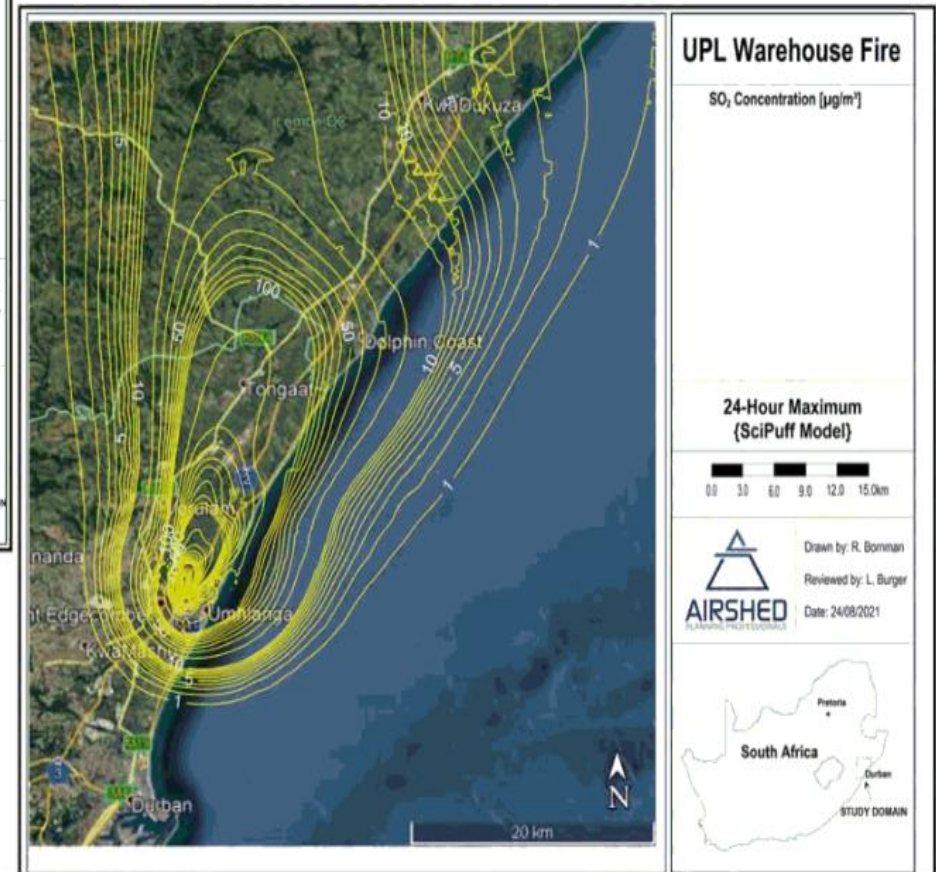
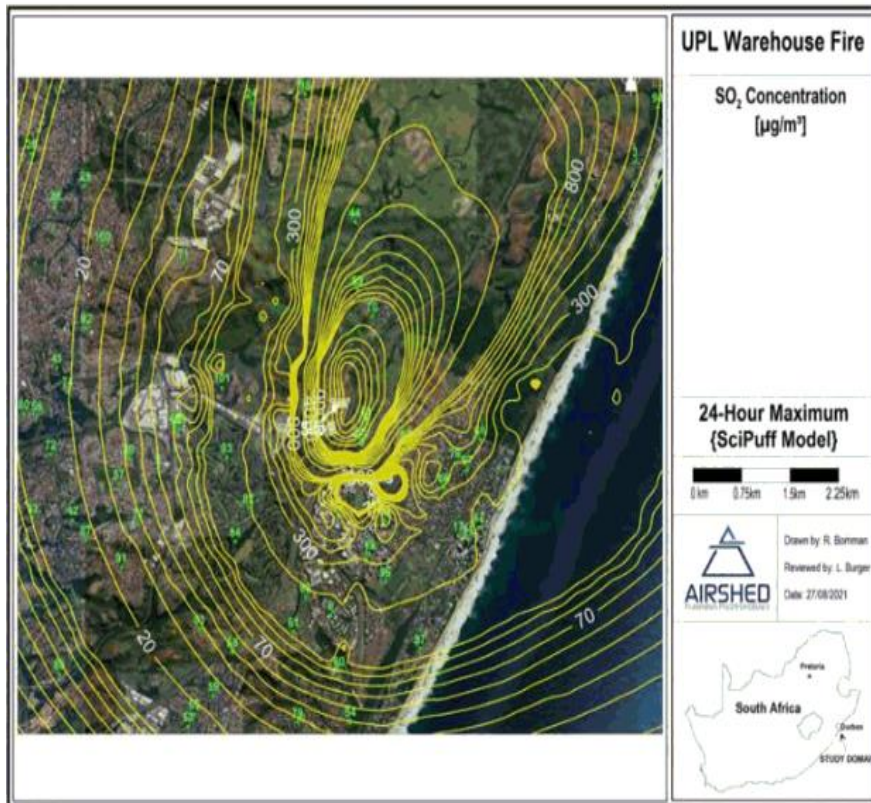
Vicki King 11 Oct 2021



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA





forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Vicki King 11 Oct 2021

25



HUMAN RISK ASSESSMENT: Surface Swabs at Reddam House

- Apex was appointed to undertake the Human Risk Assessment.
- Identification of susceptible receptors indicated Reddam House School as a potential receptor due to its proximity to UPL.
- Carbendazim was chosen as the indicator pesticide for contamination from fall out/atmospheric deposition.
- Over 26 areas were swabbed and only 2 came back with positive results.
- Carbendazim was detected at the Girls Boarding House tables and Early Learning Stage 4/5 play Storeroom.
- Based on the Minimum Residue Levels (MRLs) and Acute Reference Doses (ARfDs) no significant acute toxicity is anticipated.

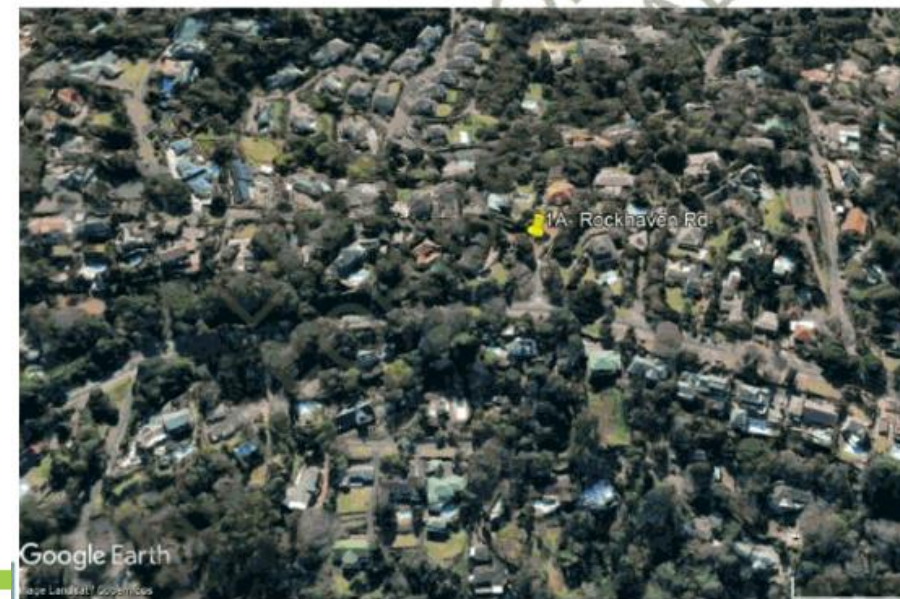


Figure 9: Map depicting Soil sampling location sites

PESTICIDE RESIDUES ON CROPS VS SA MAXIMUM RESIDUE LEVELS (MRL)

Compiled by Dr Gerhard Verdoorn

03-Sep-21

Pesticide	Crop	Concentration range	SA MRL	Concerns	Comments
		mg/kg	mg/kg		
2,4-D acid	Sugarcane	0.012 - 0.014	0.5	None, below MRL	
Glyphosate	Sugarcane	0.013 - 0.27	0.5	None, below MRL	
MCPA	Sugarcane	<0.01	0.1	None, below MRL	
Tebuthiuron	Sugarcane	0.032 - 0.048	None	None, no MRL set	EU MRL = 0.01
Triclopyr	Sugarcane	0.016 - 0.054	None	None, no MRL set	EU MRL = 0.01
Diuron	Sugarcane	0.016	0.1	None, below MRL	
Terbuthylazine	Sugarcane	<0.01	None	None, no MRL set	EU MRL = 0.05
Metolachlor	Sugarcane	0.04	0.05	None, below MRL	

- The pesticides results were observed to be below the South African (SA) & European Union (EU) Minimum Residue Levels for sugarcane for human consumption.

PESTICIDE RESIDUES ON CROPS VS SA MAXIMUM RESIDUE LEVELS (MRL)

Compiled by Dr Gerhard Verdoorn

03-Sep-21

Pesticide	Crop	Concentration range	SA MRL	Concerns	Comments
		mg/kg	mg/kg		
Glyphosate	Maize leaves	0.033	2.0	None	
Tebuthiuron	Maize leaves	0.032	None	Not registered on maize	
Glyphosate	Spinach	<0.01 - 0.067	None	Not registered on spinach	
Mancozeb	Mustard leaves	0.15	None	Not registered on mustard	
Tebuthiuron	Mustard leaves	<0.01	None	Not registered on mustard	

- The pesticides were below the SA Minimum Residue Levels for spinach, maize and mustard, therefore presenting minimal risk for human consumption.



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

ESTUARINE, COASTAL AND MARINE

- **Requested a faster turnaround time** for the testing of samples as Authorities were concerned about the time delay of 2 weeks between sampling and availability of results
- The appointment of an **Independent Toxicologist and an OHR Specialist** to analyse and interpret the sample results for the Authorities to make an informed decision on whether or not to open the beaches
- **The updating of the Method Statement and Scope of Work** for the Estuarine, Coastal and Marine with proposed mitigation measures
- Assist in the formulation of an **integrated remediation strategy (GroundTruth and MER)**
- Request **external review** of reports submitted – if required (will be confirmed on the 18th of November)



ESTUARINE, COASTAL AND MARINE

- **Estuarine Environment:** The estuary system is highly impacted - ecosystem functioning has been significantly compromised. Estuaries do however have a **capacity to "reset" and options are to be explored to see if this can be fast-tracked.** Due to the size of the impact this will however take a long time to happen.
- However, resetting requires the remnants of a previous state upon which to build. Due to the fact that this ecosystem was obliterated, we should probably take the opportunity to rebuild / redesign this estuary to **maximise ecosystem function**, there's unlikely to be natural recovery.
- A conservative approach to restore the estuarine functionality, with well managed, well co-ordinated and completely independent planning and implementation of activities is vital.
- **Continued monitoring of pollutants in selected biota & life-stages** in perpetuity; irrespective of whether these disappear from samples is crucial. The behaviour of the pesticide cocktail in sediment and future impacts on the biota is unknown at this stage.

UMHLANGA LAGOON NATURE RESERVE

EZEMVELO KZN Wildlife

- Free Access Nature Reserve
- **Prime Recreational Area** (underpins the tourism economy)
 - Key birding site (638 bird species the protected area and surrounding areas)
 - 80 bird species that may be directly impacted upon by the chemical spill
 - Key nature- and family-based tourism site (picnicking, kiteboarding. etc)
 - Fishing (recreational and subsistence)
 - Mudbanks prime source of mudprawn – prime fishing bait
- **Ecological Value**
 - Important refuge area and breeding & nursery habitats for fresh and marine species
 - Important habitat for migratory species – particular marine and avifauna
 - Breeding grounds to a host of amphibian and reptilian species
- **Prime Research area**



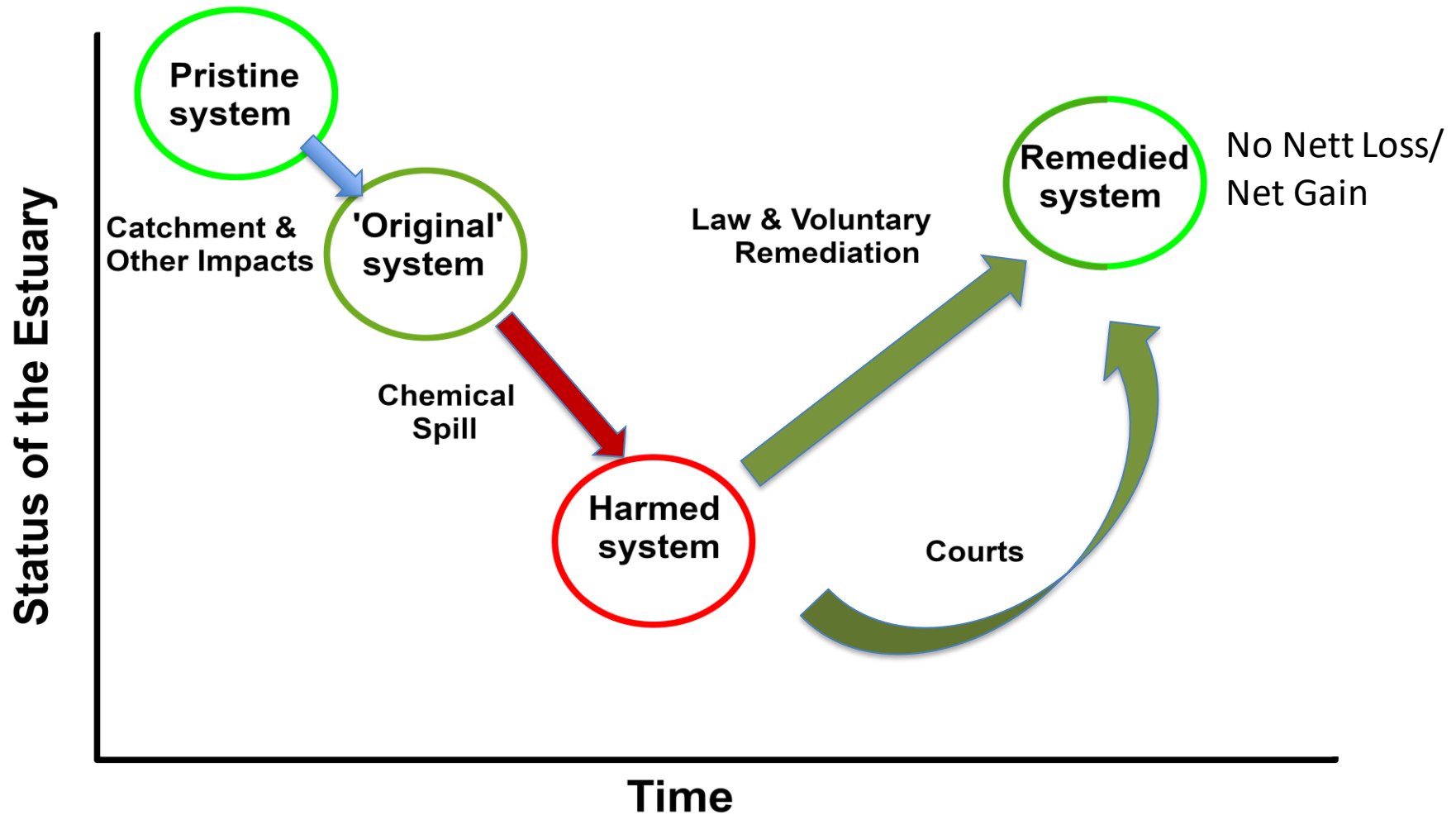
UMHLANGA LAGOON NATURE RESERVE

EZEMVELO KZN Wildlife

- Post Spill
 - Ezemvelo Rangers discovered the spill (blue water) and raised alarm
 - Massive fish die-off
 - Water body found to be highly toxic during initial investigation
 - 1 species (limited individuals) found alive
 - Chemicals compounds toxic to both plant and animal life
 - Functioning of estuary and NR collapsed
 - Extent of contamination to be determined
- Key Considerations – Post Emergency Intervention
 - Remedial actions post emergency to restore damaged biodiversity, uMhlanga Nature Reserve and other values
 - Restorative justice including compensation, offsetting, criminal liability, etc.
 - Cost recovery



RECOVERY PROCESS





WE CARE!
**BEACH
CLOSED**
CHEMICAL SPILL
AVOID CONTACT



BEACHES

- Professor Jason Weeks (based in the UK) was appointed to peer review of the specialist reports that was submitted by the UPL specialist team on the 24th of September 2021 – Give effect to the “Pre-cautionary Principle” and second opinion required – **64 documents reviewed**
- Preliminary report was submitted on the 22nd of October 2021 and final report on the 29th of October 2021. Six step assessment approach was undertaken
- Findings concur with UPL specialist team but still reported a **moderate level of confidence** which might change the strength of his recommendation with further research coming to light
 - **Beaches to be opened for recreational purposes and surfing** – took effect on the 02nd of November 2021 – 96% of beaches opened
 - **Exclusion zone** of one kilometre north and south of the uMhlanga estuary mouth, and one kilometre out to sea, in which all activities remain prohibited – instruction note to UPL + replacement of shark nets + setback lines and security
- **All fishing and harvesting of marine resources** (shore angling and the harvesting, utilisation and consumption of shellfish) between the uMgeni River mouth to Salt Rock and one kilometre out to sea, remain prohibited
- Further work being undertaken by UPL specialist team – before lifting embargo on fishing



Spill tech 09/10 September 2021

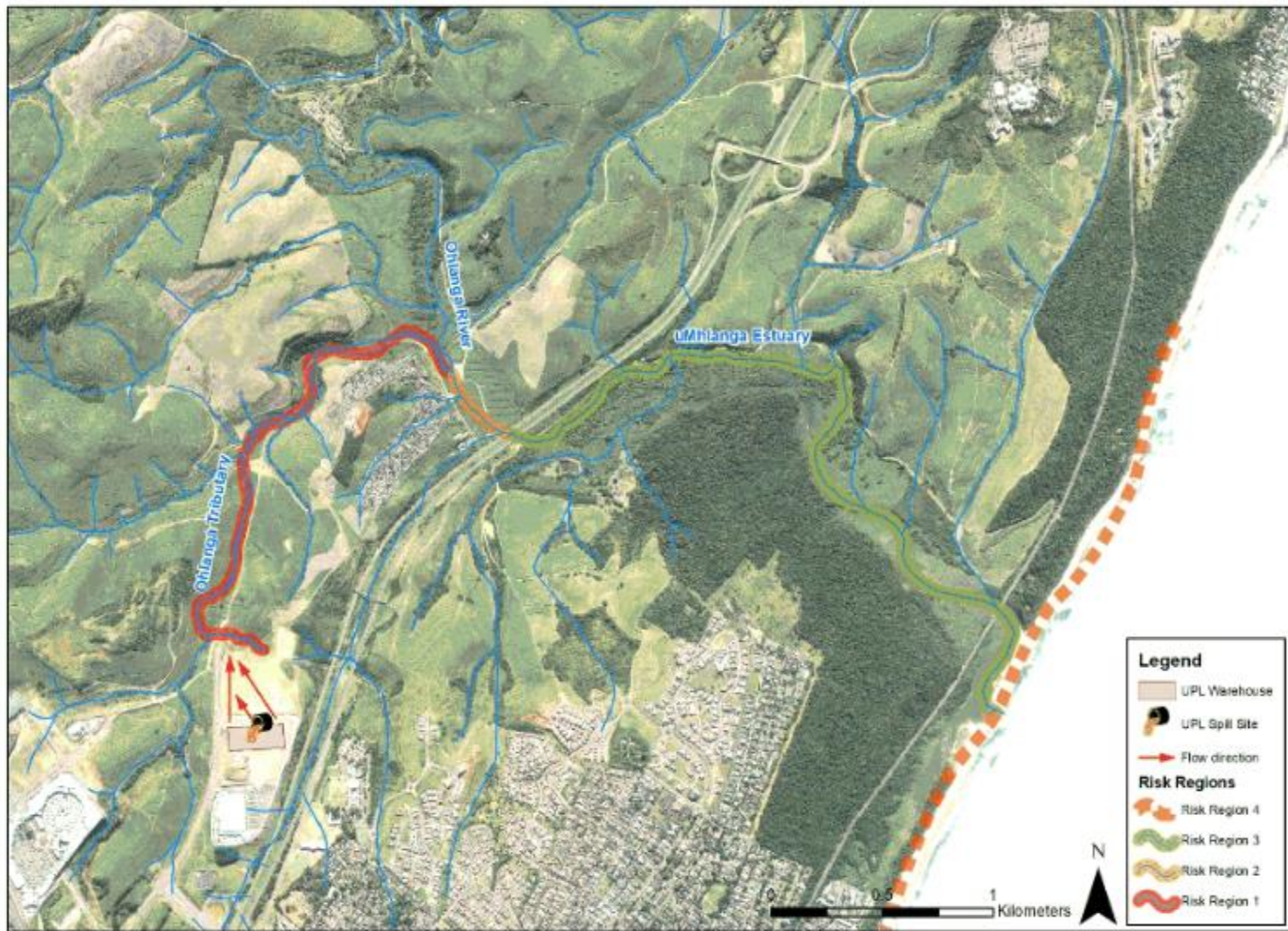


**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA



FRESH WATER – WATER RISK ZONES



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

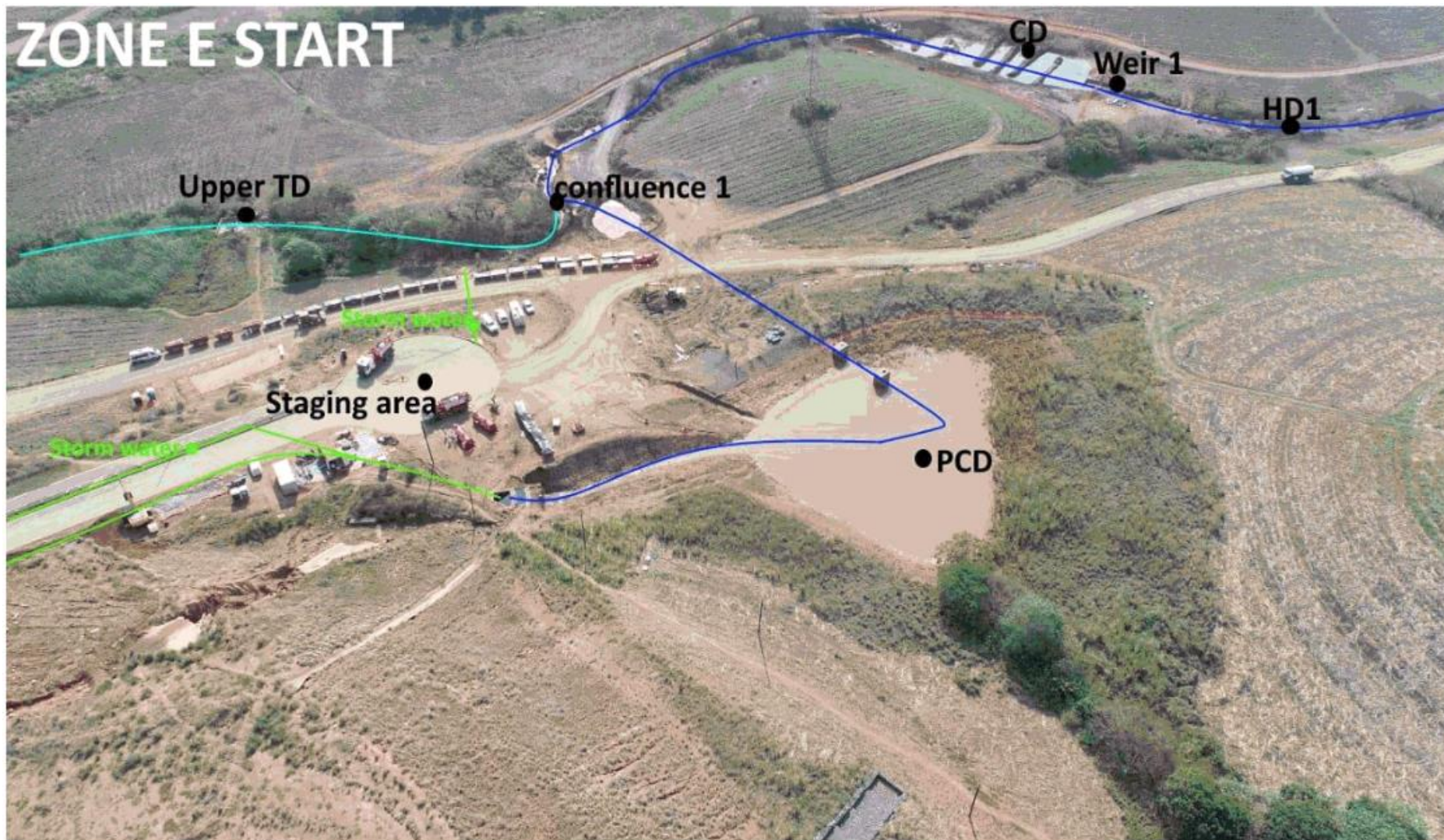
Vicki King – 11 October 2021



FRESH WATER – WATER RISK ZONES



FRESH WATER – WATER RISK ZONES



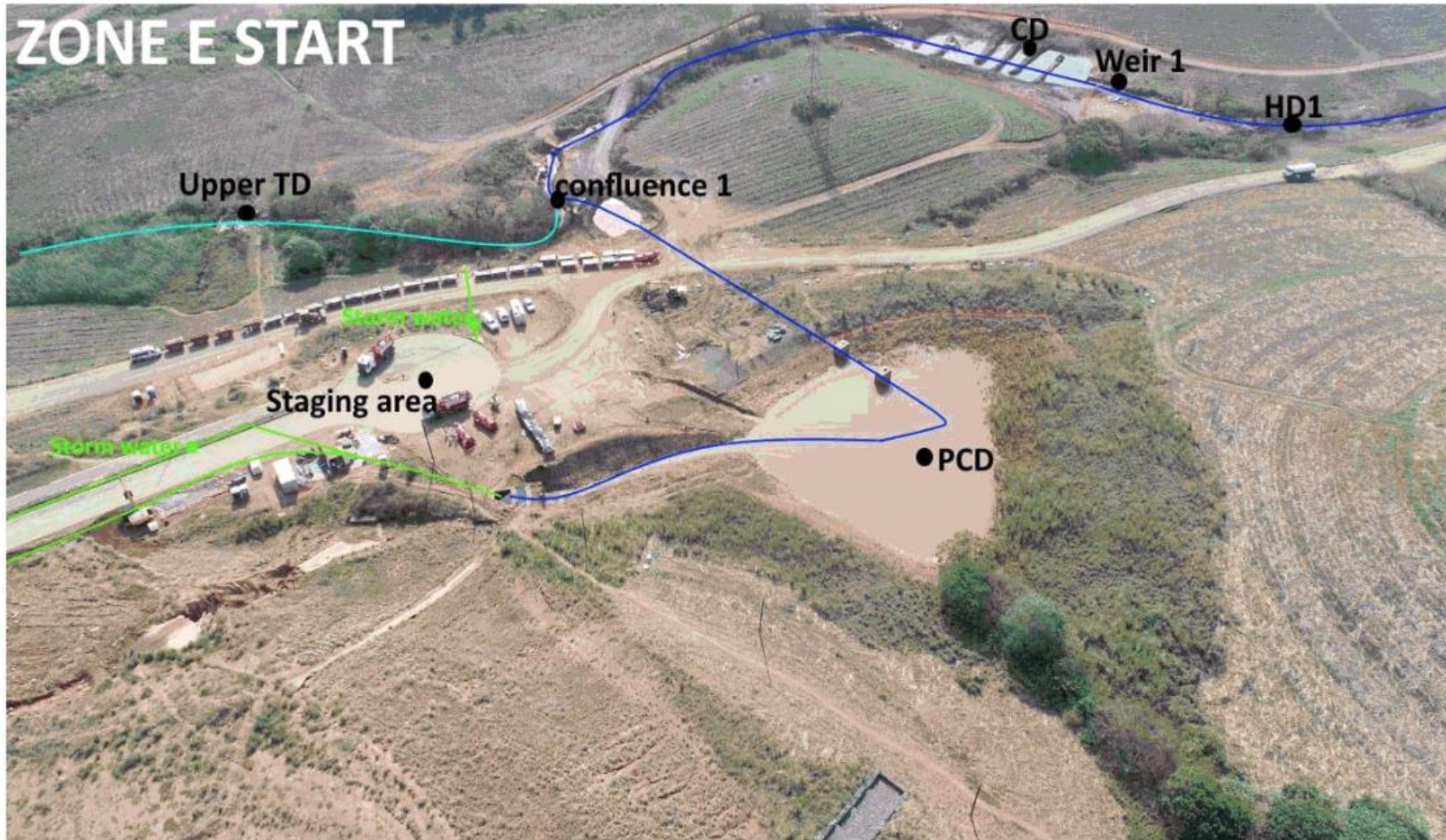
forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Vicki King – 11 October 2021



Remedial Activities



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Vicki King – 11 October 2021

40



FRESHWATER

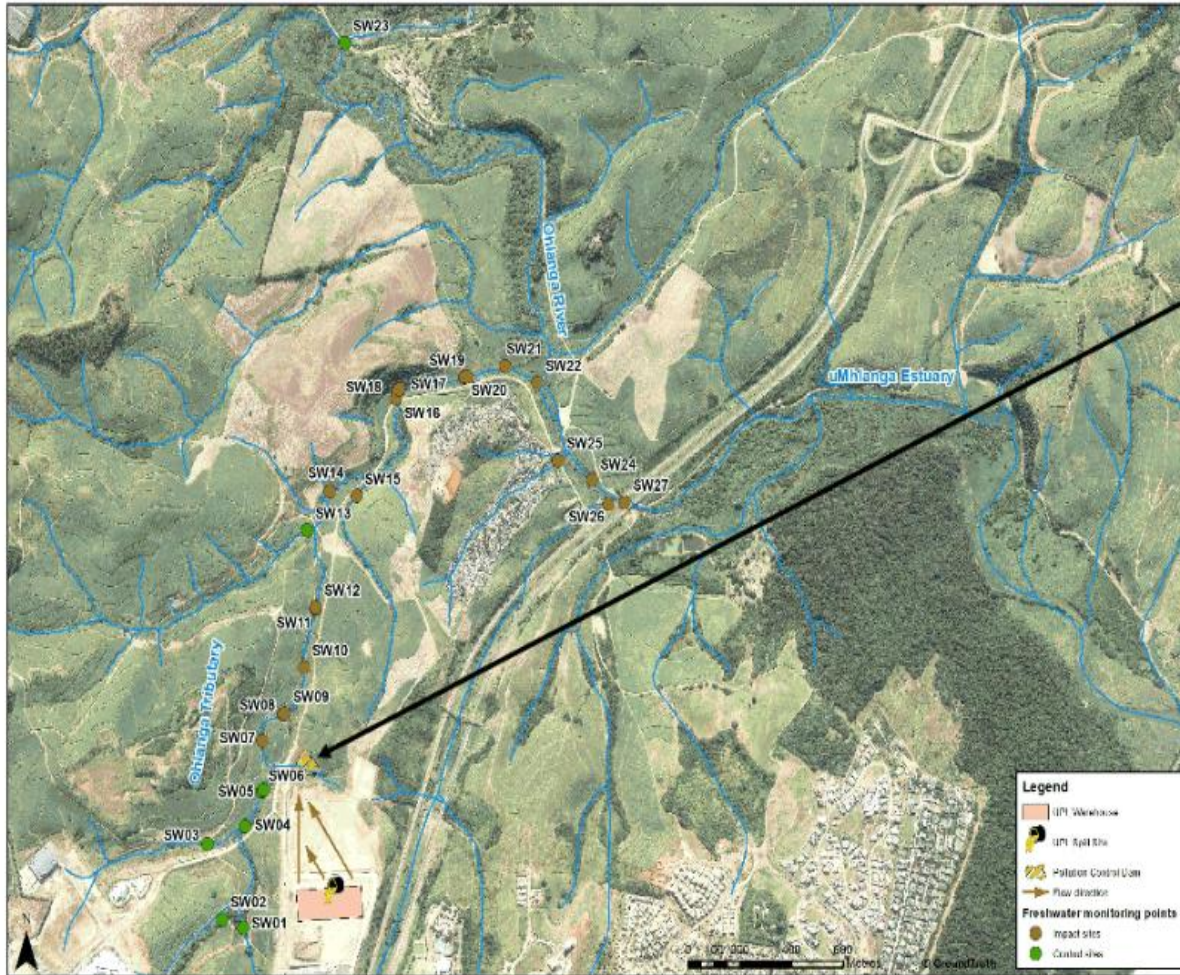
- Regular site visits – inspecting on site progress and briefing meetings with specialists
- Issued (via DWS) operational instruction in terms of compliance on site
- Review of reports, analyses and SOP's (also of other environments)
- Provide technical input into SOPs
- Reviewed and recommended revised SOP on contaminated sediment removal
- Initiate discussions and provide technical input on medium and long term interventions with specialists
- Crosscutting impact with estuarine/marine

FRESHWATER – WORK TO BE FINALISED

- Discussion on overarching future rehabilitation plan strategy
- Meet with other cohorts to discuss integrated approach
- Continue with site inspections
- Continue to review reports analyses and SOP
- Continue engagement with relevant specialist teams
- Promote integrated and adaptive management approach



GROUNDWATER



Groundwater monitoring wells

WORKSHOP 09 AND 10 SEPTEMBER 2021



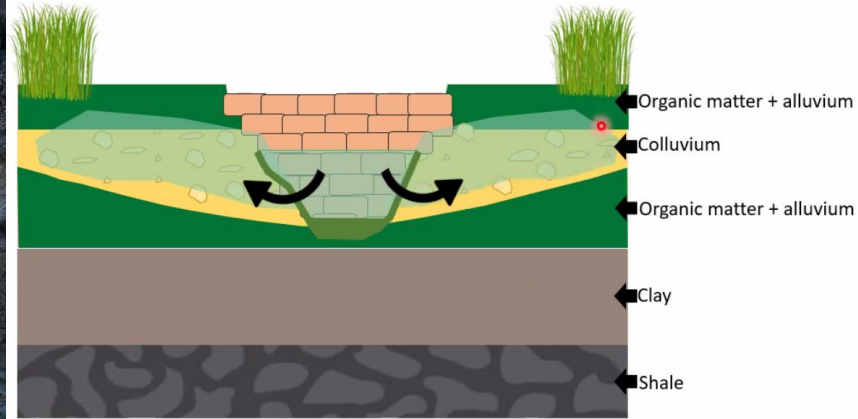
forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

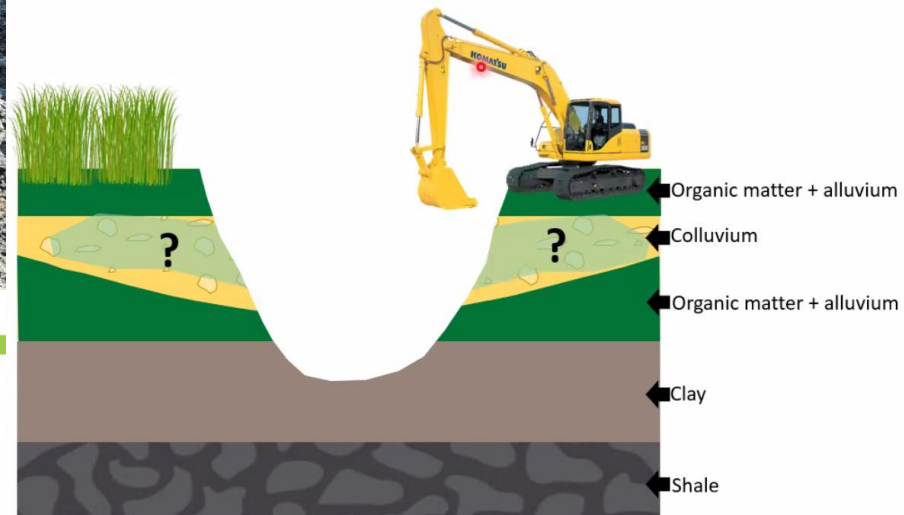
IN-FIELD SUPPORT 13 – 17 SEPTEMBER 2021



lateral migration of contamination



Excavation of channel



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

DECISIONS FOLLOWING THE WORKSHOP

- New method statement developed with in-field assistance from government specialists
- Directive process augmented in order to include:
 - Additional requirements from government specialist team
 - Additional requirements in order to develop the health impact assessment which must take into account clarity in terms of the Human Health Risk Assessment outputs – informed by dispersion modelling, complaints registered, deposition sampling and any other referenced sources that will add value to the study
 - Peer review of the reports submitted to the authorities
 - Frequency of sampling reduced from weekly to monthly basis



WAY FORWARD

- Consideration of the uplifting of restrictions placed on the fishing embargo – waiting for one more round of sampling to be returned (samples taken on 04 November 2021)
- Appeal was submitted to the Directive issued on the 27th of October 2021 – engagements with UPL specialist team continuing
- Reports are currently being submitted and authority / UPL specialist team engagement proposed to take place on the 18/19 November
- Biological monitoring data being assessed – Drizit and Spilltech
- Ongoing interventions taking place in relation to the upper catchment (below the UPL footprint) – according to Prof Weeks proving to be effective
- Sampling continuing on a weekly basis – trend over time



Multi STAKEHOLDER FORUM

- Action item following the Portfolio committee oversight visit to KwaZulu-Natal on the 10/11th of August 2021
- Function of the forum and broad structure of the Terms of Reference:
 - **Act as a conduit for the dissemination of information** to communities affected by this incident (repository already in place)
 - Create an environment for interested and affected parties to **engage meaningfully** with each other, the authorities and UPL
 - **Make coordinated input into all relevant processes**, studies and investigations being undertaken on all aspects of the pollution incident.



Multi STAKEHOLDER FORUM

- Draft Terms of Reference circulated to stakeholders on the 04th of October 2021 (73 groupings – individuals/NGO's)
- Allowed for 7 days to comment (2 x organisations provided comment – process related)
- Launched the forum on the 23rd of October 2021 which was attended by approximately 40 members (combination of private citizens and community representatives).
- 8 x members were selected. Forum to be facilitated by Mr. Jeremy Ridl (wide grouping – Blackburn community, fisherman organised NGO's, attorneys and business).
- Forum members to meet within the next 7 days and Terms of Reference to be finalised in the next 30 days (end of November 2021)



REPORTS AVAILABLE ON THE REPOSITORY

- <http://www.cornubiaenviroinfo.co.za/CornubiaEnviro/>
- Approximately 126 documents uploaded – weekly reports, Admin enforcement notices, presentations, scientific reports, sampling and lab reports
- Investigating uploading graphs based on analysis as it is received – trend graphs – public can follow situation on a real time basis

CORNUBIA ENVIRONMENTAL DOCUMENTS

As at 09/11/2021

Acts & Gov. Guidelines

Nema-107-Of-1998.Pdf	Size: 724kb
Nemwa-Latest.Pdf	Size: 687kb
South African Water Quality Guidelines For Coastal Marine Waters_Vol 1_1996.Pdf	Size: 4506kb
South African Water Quality Guidelines For Coastal Marine Waters_Vol 1_Natural Env & Mariculture Use_2018.Pdf	Size: 6848kb

General

General_Specialist Environmental Team AppointedSize: 64kb
By UpL.Pdf

Site Images

30-Jul-2021	General_Site Images_Pollutant Point Source Site_Zoomed In.Pdf	Size: 407kb
30-Jul-2021	General_Site Images_Pollutant Point Source Site_Zoomed Out_1.Pdf	Size: 640kb
30-Jul-2021	General_Site Images_Pollutant Point Source Site_Zoomed Out_2.Pdf	Size: 722kb

Media Releases

Press Release

20-Oct-2021	Media Release_Ethekwini_20.10.2021.Pdf	Size: 105kb
20-Oct-2021	Media Release_Upl_Cornubia Warehouse Arson Attack_20.10.2021.Pdf	Size: 286kb
24-Aug-2021	Press Release_Edtea Slams Misleading Reports On Upl Fire Incident_24.08.2021.Pdf	Size: 99kb
18-Aug-2021	Press Release_National Portfolio Committee On Environment_18.08.2021.Pdf	Size: 389kb
16-Aug-2021	Press Release_Public Alert_Deft To Kzn Fishing Sectors & Marian Living Resource Users_16.08.2021.Pdf	Size: 174kb
19-Jul-2021	Press Release_Corporate Communications Sa Update_19.07.2021.Pdf	Size: 182kb
17-Jul-2021	Press Release_Corporate Image On Behalf Of Upl_17.07.2021.Pdf	Size: 280kb

Meeting Minutes

Official Documents

27-Jul-2021	Complaint Reporting Procedure & Form_Upl.Pdf	Size: 107kb
27-Jul-2021	Upl Section 30 Emergency Incident Report_27.07.2021.Pdf	Size: 4602kb

Correspondence

Directives / Notices Issued

27-Oct-2021	Directive In Terms Of Section 30(6) Of Nema - 27Size: 3268kb Oct 21.Pdf	
29-Sep-2021	Kznedtea_NoI_Augmented Directive S30(6) To Upl_29.09.2021.Pdf	Size: 774kb
20-Aug-2021	Kznedtea_S30 Directive Erratum Letter_20.08.2021.Pdf	Size: 370kb



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

PORTFOLIO COMMITTEE (PC) OVERSIGHT VISIT 10 / 11 AUGUST 2021

	Recommendations	Progress to date (03 November 2021)	
1.	<p>The national, provincial departments, as well as the eThekweni Municipality, furnish the Committee with a report on the company's standing in relation to</p> <ul style="list-style-type: none"> Legislative and regulatory compliance at various levels as overseen by each of these authorities. This is especially urgent in light of the submission of Non-compliance by the health and safety inspectorate at the Department of Labour 	Compliance Profile report released by the Minister on 3 October 2021 and Criminal case registered with the SAPS Verulam CAS 06/09/2021	
2.	All departments, as well as UPL, must furnish the Committee with all assessments and investigation reports by no later than 30 September 2021	<p>Repository of information created and updated on a regular basis. Information contains <u>specialist reports from UPL and authority:</u></p> <p>http://www.cornubiaenviroinfo.co.za/CornubiaEnviro/</p>	
3.	That a multi-stakeholder forum be set up that can work alongside the Joint Operations Committee to ensure the inclusion of all the relevant stakeholders, including the community representatives, academia, researchers in the health fraternity and the NGOs	Please see slide 49	
4.	The Committee received responses from UPL at the time of consideration of this Oversight Report and undertakes to engage the contents of the submission in due course	For noting – Portfolio Committee to undertake this particular task	



PORTFOLIO COMMITTEE (PC) OVERSIGHT VISIT 10 / 11 AUGUST 2021

5.	The SAPS and related authorities ensure the criminal elements of the investigations are completed timeously, so the consequent management procedures may take their course as per the laws of the Republic;	Compliance Profile report released by the Minister on 3 October 2021 and Criminal case registered with the SAPS Verulam CAS 06/09/2021	
6.	The Department should submit a report on progress made towards sending investigation reports from Engen before 30 September 2021;	Not related to UPL incident. Challenge in relation to this matter is that the matter is being dealt with by the Department of Labour who has instituted their own criminal investigation. Suggest DFFE and Labour portfolio committees request a joint update on this matter from the Department of Labour	
7.	The eThekweni Municipality and the Department of Health should furnish the Committee with a thorough report of complaints and occupational health assessment from the communities, including the number of complaints, their status, completion and continuous monitoring;	Still awaiting report from eThekweni / Department of Health. eThekweni confirmed that the report was finalised and will be sent to the Department for onward forwarding to the portfolio committee	
8.	The Department, South African Weather Service and eThekweni Municipality should furnish the Committee with a report detailing the number and location of air quality monitoring stations and weather stations for meteorological data within the Metro, their operational status, and why some stations were not working during the week of the incident;	SAWS report was sent to the PC as part of the update – waiting for feedback from PC in terms of the suitability of information provided	

PORTFOLIO COMMITTEE (PC) OVERSIGHT VISIT 10 / 11 AUGUST 2021

9	The Department of Health and the Department of Agriculture, Land Reform and Rural Development should conduct an analysis and legislative review of the Hazardous Substances Act 15 of 1973 as well as the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 to identify gaps and areas that need urgent updating	The DFFE will follow up with both the Department of Health as well as the Department of Agriculture. The main issue which emanated from the Compliance Profile Report; however, relates to when interaction/communication between officials from different Departments takes place when carrying out their regulatory mandates – see recommendation in the report.	
10.	The eThekweni municipality, Provincial Departments of Environment, Labour and Health to conduct inspection on UPL facilities and submit the compliance report by 30 September 2021	There are two facilities owned by UPL. The one in Cornubia and another which is a processing facility in Verulam KZN. Department of Labour and eThekweni conducted inspections at the Verulam facility. Follow up joint inspection scheduled for 18 th November.	
11.	The Department must submit the Report on the conducted EIA and exemptions in the special economic zone where the UPL warehouse is located	Aspects related to the EIA that was conducted and authorisation issued for Greater Cornubia development are covered in the Compliance Profile Report see pages 28-30.	
12.	The eThekweni Municipality with support from the specialists in the Department should submit a plan on how the team plans to handle the waste and settled chemicals in and around people's homes and including continuous monitoring.	Outfall response strategy was finalised in conjunction with the eThekweni Municipality. This document is still to be submitted to the Portfolio Committee.	



THANK YOU!

Thank You



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

