



GAUTENG PROVINCE

ENVIRONMENT
REPUBLIC OF SOUTH AFRICA

Enquiries: Tshilidzi Masindi-Nephawe/Phindy Malaza
Office of the Chief Director: Compliance and Enforcement: GDEnv
Tel: +27 (0)11 240 2750/3021
Tshilidzi.Masindi@gauteng.gov.za
Phindy.Malaza@gauteng.gov.za
Reference: S24G/03/25-26/0726

BY ELECTRONIC MAIL

Attention: Mr. Mike Dougall

Isando Foods (Pty) Ltd

PO Box 1235

Isando

1600

Tel: (011) 923 6900

Email: mike@willowtongroup.com

Dear Sir

**DIRECTIVE IN TERMS OF SECTION 24G (1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, AS AMENDED:
PROJECT REFERENCE: S24G/03/25-26/0726: UNLAWFUL COMMENCEMENT AND CONTINUATION OF DEVELOPMENT AND RELATED OPERATION OF FACILITIES FOR THE STORAGE, AND HANDLING OF DANGEROUS GOODS ON PORTION 695 OF THE FARM WITKOPPIE (21 QUALITY RD, ISANDO) CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
INTRODUCTION**

1. Your application for authorization in terms of Section 24G of the NEMA received by this Department on 28 January 2026 ("the application"), for the continuation of the listed activities indicated below, refers.

2. Details of relevant listed activities:

Activities listed in terms of Listing Notice 1 of December 2014 of the National Environmental Management Act (No. 107 of 1998) as amended	Activity details (clear description including extent i.e. GPS coordinates)	Timeframes when physical activity commenced
Activity No. 51 The expansion and related operation of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by more than 80 cubic metres.	The unlawful activity was undertaken dated 2024 by developing an underground Hexane tank of 280m³ to a facility with existing tanks of dangerous goods of a total capacity of 181 m³ that increase the facility's overall capacity to 461 m³. The tanks are used in a process of manufacturing vegetable oils at 21 Quality Road, Isando, City of Ekurhuleni Metropolitan Municipality. Coordinates: Latitude 26° 8' 42.35" S Longitude 28°12' 28.90" E 2xDiesel tanks: 2 000L and 14 000L Light oil (LCO/LC10) tank:65 000L Caustic soda tank: 100 000L Hexane tank: 280 000L	The extension/development of the hexane tank was done 2024.

- As is evidenced by the application, Isando Foods (Pty) Ltd represented by Mr. Mike Dougall as the general manager commenced with the abovementioned activities, which were, at all relevant times, listed pursuant to section 24(2) of NEMA as activities that require an Environmental Authorisation ("EA") in terms of the Environmental Impact Assessment Regulations read with the relevant Listing Notices before it may be commenced with.
- Please note that the Department does not promote any unlawful commencement of activities listed under any Regulation promulgated in terms of Sections 24 and 44 of the NEMA, and section 19 of the National Environmental Management: Waste Act 59 of 2008 ("NEM: WA"), therefore, Applicants must understand that lodging an application in terms of section 24G of NEMA does not necessarily imply that the activity can continue or even be authorized to continue.

5. FINDINGS

The Department refers to the following:

- 5.1.** The section 24G application dated 28 January 2026 was submitted to this Department by Prism Environmental Management Services.
- 5.2.** The findings of the site inspection conducted by Environmental Management Inspectors (“EMIs”) of this Department on 26 March 2026, of which the following were observed:
- (a) The property is located within an industrial/commercial area and has a controlled entrance (access).
 - (b) The five (5) tanks were observed within the company’s premises (Isando foods (Pty) Ltd).
 - i. Two (2) diesel tanks in bunded walls.
 - ii. One light oil (LCO/LC10) and one caustic substance tanks positioned close to processing zones of the plant.
 - iii. Underground hexene tank.
 - (c) Signage and safety equipment were observed next to the tanks area.
 - (d) The whole yard consists of an extensive paved hardstand, allowing for vehicle access, circulation and safe refuelling operations.
- 5.3.** Further to the above, the Applicant/ the Environmental Assessment Practitioner (“EAP”) confirmed that:
- (a) The activity entails the storage of dangerous goods in volumes less than 500m³, including diesel, caustic substances, hexane, and LO10/LCO.
 - (b) The storage of dangerous goods commenced together with the start of plant operations, as bulk fuel and chemical storage were required to support the manufacturing processes on site. However, in 2024 the volume was increased by adding a hexane tank.
 - (c) The total volume of dangerous goods storage on the property up to date is 461m³.
 - (d) To ensure safety the gate to the hexane tanks is secured, unauthorized personnel are restricted, and that a confined space entry permit is active.
 - (e) To ensure fire safety all sources of ignition are prohibited within the hexene proximity.
 - (f) All installation and associated works have been completed. The system is fully operational, and no outstanding construction or commissioning activities remain.
 - (g) There is no environmental authorization obtained from the Department for storage of dangerous goods on site.
- 5.4.** The Department’s spatial tools and the team confirmed that the existing fuel bulk storage (tanks) and associated structures developed on site do not impact on any biodiversity features as there are no sensitive area.

INSTRUCTIONS

- 6.** In view of your application, I, Maryjane Ramahlodi, in my capacity as a Grade 1 EMI, hereby issue the Isando Foods (Pty) Ltd represented by Mr. Mike Dougall in his capacity as the general manager, with a Directive in terms of section 24G (1) of NEMA. The Directive I am issuing will enable the

Department to make an informed decision regarding your application as well as the fine amount. You are therefore required to follow the process set out below and to submit the information requested herein to the Department within the stipulated timeframes.

7. Following the above, it must be noted that –
- a) This Department does not in any way promote the continuation of any activity commenced without an authorization as required in terms of the environmental legislation. To this effect, this Department places on record that it exonerates itself from any liability that is related to any unforeseen activities or incidents that may occur on site as a result of the development or activity undertaken.
 - b) In dealing with the consequences of the unlawful commencement of the activity, you made an application with the Department and this application is currently being processed as provided for by section 24G of the NEMA, as amended, and in submitting the application, you are aware that your application, will be subjected to an administrative fine that may not exceed R 10, 000, 000.00 (Ten Million Rand).
 - c) In voluntarily submitting the Section 24G application, you acted *bona fide* and illustrated your commitment to complying with the legal prescripts associated with the activity undertaken.
 - d) The activity is undertaken within Zone 5 (Industrial and Large-Commercial Focus Zone) and all the impacts that can arise can be mitigated, especially if environmental management measures are introduced and implemented.
 - e) Although Section 24G of NEMA provides for an opportunity to authorize the unlawfully commenced activity, it must however be noted that an application submitted in terms of S24G does not imply that the activity applied for will be authorized and allowed to continue, hence issuing of this directive does not imply that the activity will, at the end of the process, be authorized and/or allowed to continue.
8. In view of the above, I hereby, in terms of S24G (1), direct you as follows:
- 8.1. Immediately (**on receipt of this Directive**) cease with any activity or process that may cause pollution or environmental degradation which has not been authorized in terms of the law.
 - 8.2. The activity applied for **MUST NOT** be expanded in any way beyond the current scope pending the finalization of the section 24G process, as expansion of the activity may change the nature and extent of the activity as applied for in the submitted section 24G application and consequently impact on the final decision to be made by the Department.
 - 8.3. Within **thirty (30) days of the date of receipt of this Directive**, control, contain and prevent any pollution or degradation that may be occurring on site or that may have occurred as a result of the activity. To this effect, you are instructed to ensure that environmental management measures to manage any pollution or degradation that may occur/ be occurring as a result of the activity are put in place, especially with regards to –
 - (i) Surface/Storm water management.
 - (ii) Waste Management;
 - (iii) Dust management and
 - (iv) Any Ambient Air quality management if applicable.

The report on the measures implemented must be included in the final report to be submitted to the Department. All the copies of these reports must be kept on site and be available upon request by the EMLs or any relevant authority.

- 8.4.** Immediately comply with all the instructions set out in this directive. Please be advised that this directive should not be construed as an environmental authorization from the Department. Should there be any non-compliance discovered on-site during the Section 24G process, then a decision to cease with the activities will be issued and the MEC or the delegated authority may decide whether to refer the matter for criminal proceedings.
- 8.5.** Within **four (4) months** from the date of receipt of this Directive, investigate, evaluate and assess the impact of the activity on the environment and compile a report containing the information requested below.
- 8.6.** Appoint an Environmental Assessment Practitioner (“EAP”) and compile an Environmental Impact Report (“EIR”) containing the following:

8.6.1. The Appointed EAP must provide the following:

- 8.6.1.1.** In the introductory section of the report, the details of the EAP who compiled the report must be clearly indicated. The expertise of the EAP with specific reference to undertaking Public Participation Processes (“PPP”), the translation of scientific into an environmental impact report; understanding and interpretation of financial information must be included upfront within this section of the report.
- 8.6.1.2.** A sworn affidavit by the EAP that the information provided to the Department was at no stage influenced by the Applicant and that the EAP has explained the potential consequences of submitting this application.

8.6.2. Public Participation Process (“PPP”)

Please note the PPP conducted prior to the submission of the Application is considered to be a preliminary notification to the public of the intention of the Applicant to submit a section 24G application. You are therefore directed to conduct further PPP as indicated below.

- 8.6.2.1.** Interested and affected parties must be afforded a further thirty (30) day comment period from the date of notice. The EAP must ensure that the comments of I&APs are recorded in reports and the written comments, including records of meetings, are attached to the EIR referred to be submitted.
- 8.6.2.2.** A description of the subsequent PPP followed during the course of compiling the report, including all additional comments received from Interested & Affected Parties (“I&AP’s”), and an indication of the manner in which these were addressed must be submitted to the Department by the EAP.

- 8.6.2.3.** The following, amongst others, must be indicated in the notice –
- (i) the Department's reference number for the section 24G application.
 - (ii) the specific activities listed, as confirmed in paragraph 2 above must be indicated in the notice.
- 8.6.2.4.** An updated notice must be given to all potential I&APs by fixing a noticeboard at a place conspicuous to the public at the boundary or on the fence of where the activity occurred (refer to the attached advertising guideline).
- 8.6.2.5.** An updated written notice must be given to-
- (a) the owner or person in control of that land if the Applicant is not the owner or person in control of the land;
 - (b) the occupiers of the site where the activity is being undertaken, was undertaken, or is to be undertaken;
 - (c) owners and occupiers of land adjacent to the site where the activity is being undertaken, was undertaken, or is to be undertaken;
 - (d) any organization of ratepayers that represents the community in the area;
 - (e) the municipal councilor of the ward in which the site is situated and/or the municipality which has jurisdiction in the area. The Environmental Component of the relevant Municipality must be formally invited to register as I&AP and be provided with a thirty (30) day period within which to comment on the application for rectification. A copy of their comments and/or objections must be submitted along with the information requested above; and
 - (f) any organ of state having jurisdiction in respect of any aspect of an activity triggered.
- 8.6.2.6.** The updated written notice and notice board/site notice must include colour photographs of the site, each illegal activity and transgression point (Please refer to Annexure A for example of Site Notice).
- 8.6.2.7.** Proof of the placement of the updated noticeboard/site notice and distribution of the written notifications must be submitted.
- 8.6.2.8.** The updated written notice and noticeboard referred to above must include the following—
- (a) details of the application which is subjected to public participation;
 - (b) details of the Competent Authority ("CA") to whom the application has been submitted to;
 - (c) a statement that **the activities have commenced illegally and that the application is for *ex post facto* authorization in respect of the illegal activities;**
 - (d) a list of illegal activities commenced and/or undertaken without approval;
 - (e) the nature and location of the activity to which the application relates;
 - (f) where further information on the application or unlawful activity can be obtained; and
 - (g) the manner in which, and the person to whom, representations in respect of the application may be made by interested and affected persons.
- 8.6.2.9.** A description of the manner in which disadvantaged persons (e.g., instances of illiteracy, disability, etc.) were accommodated in the PPP.

- 8.6.2.10.** I&APs must be offered a thirty (30) day comment period from the date of notice. The EAP must ensure that the comments of I&APs are recorded in reports and the written comments, including records of meetings, are attached to the EIR referred to above.
- 8.6.2.11.** A register of interested and affected parties must be opened and maintained, which contains the names, contact details and addresses of—
- (a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the Applicant or EAP;
 - (b) all persons who, after completion of the public participation process have requested the Applicant or the EAP managing the application, in writing, for their names to be placed on the register; and
 - (c) all organs of state which have jurisdiction in respect of the activity to which the application relates.
- 8.6.2.12.** The EAP may give access to the register to any person who submits a request for access in writing. This may be done upon agreement with the registered I&APs.
- 8.6.2.13.** Registered I&APs must be provided with the Background Information Document (BID) in relation to the activity/ies applied for and a copy of the EIR may be provided to I&APs upon request.

The EAP should ensure that the above requirements are met and submit proof thereof.

8.6.3. *Scientific Reports and Other Requirements*

- 8.6.3.1.** A detailed description of all activities undertaken so far, and to be undertaken on site in terms of this application including but not limited to:
- (a) A brief history of the processes on site, including details of its use before the current activity being undertaken and dates associated with the events.
 - (b) The relevant dates of installations of each tank or containers used on site for the storage of dangerous goods associated with activities undertaken.
 - (c) A detailed description of all existing structures and infrastructure on site.
 - (d) A site layout plan indicating the size and boundary of the property, including the location and footprint of all infrastructure and structures on site, including any structures associated with the listed activities applied for.
 - (e) Details (size, quantities and content) of all tanks or containers used on site for the storage of dangerous goods.
 - (f) Discussion with regards to the maintenance of the following:
 - i. The pollution prevention measures of the surface area around the installations and adequacy thereof (for example, paving, oil traps, oil/water separator etc.).
 - ii. Leak detection and manner of detection (automatic or manual) and frequency of monitoring.
 - iii. Details of any incident which has occurred and the manner in which this was managed.

- iv. Any complaints received from neighbours with regards to the operation of the facility.
- (g) Discussion on any other permit(s) obtained, or in the process of being obtained, regarding the activity. Copies of such permit(s) must be attached to the report.
- (h) A4 (210mm x 297mm) colour photographs of the following:
 - i. The tank area from various angles.
 - ii. Any structure/infrastructure already on site.
 - iii. Firefighting equipment, if any.
 - iv. Emergency shut of switch, if any.
 - v. Oil/water separators, if any.
 - vi. Temporary waste storage areas.
 - vii. Any other relevant areas within the facility.

In addition to the above and where the pictures of the above were submitted as part of the application, kindly re-submit the pictures, and include aerial photographs, obtainable from Google Earth, which provides information about the previous use of the site prior to the Applicant purchasing, and commencement with the activities and any changes which occurred on site after commencement of the activities to date. **Images should depict the land use/land cover changes of the development area especially in relation to natural and unnatural environments, biodiversity/biomes and watercourses, where applicable.**

- 8.6.3.2.** A detailed description of the environment that has been and may further be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects have been and may further be affected by the activity.
- 8.6.3.3.** An assessment of the nature, extent, duration, impact and significance of the consequences for or impacts on the environment of each of the activities unlawfully commenced with, and the cumulative impacts on the environment must also be discussed. An indication of the methodology used in determining the significance of actual and/or potential environmental impacts must be outlined. The effects of the activity on the affected community must be described.
- 8.6.3.4.** Information on how the local community has benefited / will benefit further from the development, including any social responsibility programmes that will be undertaken by the municipality.
- 8.6.3.5.** A Stormwater Management Plan describing the stormwater management system currently operational on site. If not, available it must be compiled by qualified engineer. The Stormwater Management Plan must also be submitted to the City of Ekurhuleni Metropolitan Municipality for approval.
- 8.6.3.6.** A site specific operational Environmental Management Programme (“EMPr”) including–
 - (a) Details of the person who prepared the EMPr.
 - (b) The expertise of the person who prepared the EMPr.

- (c) The name and contact details of the person or Environmental Control Officer ('ECO') responsible for the monitoring of compliance to the EMPr.
- (d) Identification of all the possible environmental impacts that may occur during the operation of the activity.
- (e) Information on all mitigation measures undertaken, or that will be taken to address the environmental impacts that have been identified in the EIR, including environmental impacts or objectives in respect of—
 - (i) Operation or undertaking of the activity;
 - (ii) Maintenance plan of the structures or infrastructure on-site; and
 - (iii) Closure
- (f) Proposed mechanisms and frequency for monitoring compliance with and performance assessment against the environmental management program and reporting thereon.

8.6.3.7. A Waste Management Plan ("WMP") for all waste generated during the operational phase, including but not limited to:

- (a) The type, nature, and volume of waste being generated, recycled, re-used, recovered, or treated on site.
- (b) The storage areas (containers) if any; and
- (c) Method of waste disposal.

8.6.3.8. An Emergency Response Plan ("ERP") for the operation of the activity, including an indication of training of personnel on the management of fires must be submitted as part of the report. The ERP must, but not limited, –

- (a) Highlight possible emergencies/incidents that could arise on the site.
- (b) Recommend appropriate responses to the identified emergencies/incidents; and
- (c) Provide details of emergency evacuation procedures and relevant emergency contact details.

8.6.3.9. A signed submission by the relevant site manager indicating that he/she understands the content of emergency response plan above and will comply with the requirements and procedures thereof.

8.6.3.10. Information on how the local community has benefited / will benefit further from the development, including any social responsibility programmes that will be undertaken by the municipality.

8.6.3.11. All specialist reports must have the following details:

- (a) the person who prepared the report;
- (b) the expertise of that person to carry out the specialist study
- (c) or specialised process;
- (d) a declaration that the person is independent in a form as may be specified by the CA;
- (e) an indication of the scope of and the purpose for which the report was prepared;

- (f) a description of the methodology adopted in preparing the report or carrying out the specialised process;
- (g) a description of any assumptions made and any uncertainties or gaps in knowledge;
- (h) a description of the findings and potential implications of such findings on the impact of the proposed activity, including identified alternatives, on the environment;
- (i) recommendations in respect of any mitigation measures that should be considered by the Applicant and the CA;
- (j) a description of any consultation process that was undertaken during the course of carrying out the study; and
- (k) a summary and copies of any comments that were received during any consultation process.

8.6.3.12. All environmental management measures introduced and implemented as instructed in paragraph 8.3 above must be reported on and submitted as part of this report.

8.6.3.13. Please be advised that if any section of the Specific Environmental Management Acts is applicable to your activity, you are requested to furnish this Department with a written comment from all relevant authority. In the event that this is not the case, the EAP managing the project must inform this Department accordingly, in writing.

8.6.4. Financial Considerations

As stated above, this application is subject to a fine not exceeding **R10 000 000.00 (Ten Million Rand)** to be determined by the CA. In order to provide the CA with a description of the financial profile of the Applicant to assist in this determination, the following is required.

8.6.4.1. A report compiled by a suitably qualified financial expert in which an assessment of the financial advantage gained, including any profits derived, by the Applicant as a result of the contravention is detailed.

8.6.4.2. Where the Applicant is a juristic person, the annual financial statements over the preceding three-year period or, for the period from the date of commencement until the submission of this application, whichever is the longer; compiled by an independent and accredited accountant/auditing firm.

8.6.4.3. Where the person is an individual, bank statements of that person for the preceding three-year period or for the period from the date of commencement until the submission of this application, whichever is the longest.

8.6.5. Professional Appraisal

8.6.5.1. After having reviewed all the information outlined above the EAP must compile a detailed motivation why this application in terms of Section 24G of the National

Environmental Management Act, as amended, should favourably be considered, with specific reference to the following information which will be assessed when determining an appropriate fine:

- (a) Social economic impact in the event that communities were negatively impacted by the activities that commenced/ was undertaken and/ or conducted unlawfully.
- (b) The extent to which the biodiversity of the area was affected by having unlawfully commenced, undertaken, conducted activities.
- (c) the extent to which the sense of place/ natural heritage was affected by having unlawfully commenced, undertaken, conducted activities.
- (d) The extent to which pollution may have occurred as a result of having unlawfully commenced, undertaken, conducted activities.

PROCEDURE

9. The information requested above must be contained in a **single report**. Please ensure that the report is complete and set out in the format above and reflects the correct Departmental reference number **[S24G/03/25-26/0726]**.
10. The application for authorisation for the continuation of activities that commenced/ was undertaken unlawfully is subject to the payment of an administrative fine that may not exceed **R10 000 000.00 (Ten Million Rand)**. The maximum fine of R 10, 000 000.00 is based on the amendment to S24G of NEMA, in the National Environmental Management Laws Amendment Act, 2022 (NEMLA, 2022), which was proclaimed by the Office of the President, as signed on 21 June 2023 and came into effect on 30 June 2023, wherein the maximum fine was increased from R 5, 000 000.00 administrative fine to R 10 000 000.00 administrative fine effective from 30 June 2023. The maximum fine of R 10 000 000.00 will therefore be applicable to all S24G applications received on or after 30 June 2023. You will be informed of the amount of the fine once the requirements in terms of the information requested in this Directive have been complied with, and information requested has been submitted to, and considered by, this Department.
11. All information required above, including proof of public participation and copies of objections/comments reach this Department within **four (4) months** of receipt of this directive. Should the Department not receive this information **within the four months' period** or at least receive a request for an extension of time within the four months period, your section 24G file will be closed and there will be no further opportunity for you to obtain authorization for the continuation of the activity that commenced/ was undertaken or conducted unlawfully (refer to table above).
12. The information required above **must be sent electronically via email to the project managers**, as indicated under enquiries above (**where the documents are too big to send, then the documents can be in a Zip File Folder**), and **hand delivered to the Department in the form of a USB and two hard copies**. The relevant project manager (as indicated under enquiries above) and the S24G Managers (as indicated in the application form) **must** be contacted for delivery arrangements before deliveries are made. It is advisable to communicate with the appropriate project managers (as mentioned in the enquiries above) regarding the submission method prior to making your submissions.

- 13.** Upon receipt of the information requested above the Department will, within 60 (sixty) days from the date of receipt of the report, review the submitted information, and thereafter inform the applicant in writing of the rejection of the report or re-request of any outstanding information that the Department deem necessary and relevant for the processing of the application. Should there be no communication in this regard, please consider that your report has been accepted and the Department will continue with the next step of the S24G process, which in this regard will be to issue an administrative fine, as indicated in paragraph 10 above.
- 14.** An affidavit deposed to by the Applicant/a person duly authorised by the Applicant to depose thereto, explaining why the Applicant did not obtain an EA prior to commencing with the activity and a commitment that no activities listed under the sub-regulations promulgated in terms of sections 24 and 44 of the NEMA and sections 19 and 69 of the NEM: WA would be undertaken in future within the Gauteng Province without written approval from GDENV. It is acknowledged that this affidavit may not be used in any associated criminal prosecution with regards to this application. The affidavit must be submitted as part of the report.
- 15.** An Affidavit by the Applicant confirming that the Directors of the applying Company, do not have:
- 15.1.** Any previous administrative action taken against them, as applicant, or against a firm(s) on which they sit or sat board members, and/or they were directors at the relevant time when the administrative action was taken;
 - 15.2.** Any convictions in terms of section 24F (1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act;
 - 15.3.** Any previous S24G applications submitted by the applicant; and
 - 15.4.** Any previous S24G application(s) submitted by a firm(s) on whose board one or more of the directors sit or sat at the relevant time.
- 16.** Activities which result in detrimental impacts to the environment are considered in a serious light by the CA and accordingly Applicants must understand that by lodging an application for the continuation of activities that commenced/ was undertaken unlawfully does not necessarily imply that the activity will be authorised. In terms of the NEMA, the MEC may either refuse to issue an EA, conditionally authorise the activity or direct you, the Applicant, to provide further information or take further steps prior to making a decision.
- 17.** Please note that an EA obtained pursuant to an application in terms of section 24G of NEMA shall only take effect from the date on which it has been issued.
- 18.** The instructions contained herein are made in the interest of responsible environmental management and with a view to a co-operative resolution of this issue. Depending on the outcome of the representations made in this regard, the Department will decide upon a way forward on the submitted section 24G application. The submission of the requested information above does not imply that no further action would be taken against you.
- 19.** Please note that the Department complies with the legislative provisions in the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (PAIA). Hence any information provided in the report will only be utilised by the Department for the purpose of processing your S24G application. To this effect the information provided in the reports will not be made available for public consumption

without the approval of the Department's PAIA Officer and this will be done completely in compliance with the requirements of the PAIA.

20. The Department (GDENV) as a public body which processes information is compelled to adhere, promote, and enforce the provisions of Protection of Personal Information Act No 4 of 2013 (POPIA) and to always remain compliant with its provisions. Both the applicant and EAP have completed the relevant forms in this regard.

ADDITIONAL FACTORS TO BE CONSIDERED:

21. Section 24G of the NEMA, without affecting any criminal liability of a person who has acted in contravention of the above, makes provision for that person to submit an application to the relevant MEC, which, if successful, will enable that person lawfully to continue with the listed activity and/or legalise an otherwise unlawful structure.
22. In terms of Section 24G (4) of NEMA, as amended, the MEC may, before taking a decision in respect of the application, provide that the Applicant pay an appropriate administrative fine, determined by the competent authority, which may not exceed **R10 000 000.00 (Ten Million Rand)** per listed activity unlawfully commenced.
23. Further to paragraph 21 above, in a case where, the Applicant have:
- 23.1. Any previous administrative action taken against them, as applicant, or against a firm(s) on which they sit or sat board members, and/or they were directors at the relevant time when the administrative action was taken;
 - 23.2. Any convictions in terms of section 24F (1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act;
 - 23.3. Any previous S24G applications submitted by the applicant; and,
 - 23.4. Any previous S24G application(s) submitted by a firm(s) on whose board one or more of the directors sit or sat at the relevant time.

and decides to submit an application for authorisation in terms of Section 24G of the National Environmental Management Act 107 of 1998 ("NEMA, as amended"), the applicant shall be considered a repeat contravener/offender, thus Regulation 4(1)(e) read with Regulation 9 of the Section 24G Fine Regulations, 2017, shall be applied in respect of such application.

24. It is the responsibility of the Applicant to familiarise himself with all the possible consequences associated with the submission of this application including, but not limited to, the following:
- a. This application (including a positive decision in respect hereof) in no way affects any criminal liability that the Applicant may have incurred in respect of the activities which were commenced, undertaken and/or conducted unlawfully as listed in paragraph 1 above, and in respect of which this application relates.
 - b. The submission of an application in terms of section 24G of NEMA does not, in any way, derogate from the EMIs or the South African Police Services' authority to investigate any transgression in terms of NEMA or any Specific Environmental Management Act and the National Prosecuting Authority's legal authority to institute any criminal prosecution.

- c. This application may be deferred pending the outcome of criminal proceedings, should criminal proceedings be instituted against the Applicant in respect of the abovementioned activities; or where criminal proceedings are pending against the Applicant in respect of a similar contravention of section 24F of NEMA or section 20(b) of NEM: WA.
 - d. Before the Competent Authority may take a decision on the application, an administrative fine determined by the competent authority must be paid, in full, by the Applicant.
 - e. That neither the submission of this application, nor the payment of the administrative fine implies that authorisation will be issued for the continuation of activity/activities that commenced, undertaken and/or conducted unlawfully. The MEC or delegated authority may therefore decide to either:
 - (i) refuse an authorisation and direct the activity to cease and for the environment to be rehabilitated;
 - (ii) issue an authorization with conditions; or
 - (iii) Issue a directive requesting further information.
 - f. The decision will depend on the merits of the application itself.
- 25.** The submission of this application, nor the issuing of this Directive, must not be construed as an authorization or approval for the Applicant to continue with listed activities on site. Any unlawful listed activity(ies) or process(es) that may cause pollution or environmental degradation which has not been authorized or approved by the Department must be ceased and not be continued until such time that the decision is made on this application by the Department.
- 26.** Further, the submission of this application, nor the issuing of this Directive, should not be construed as exempting the Applicant from compliance with the provisions of any other National and Provincial Legislation, and any relevant Ordinance, Regulation, by-laws and National Norms and Standards.
- 27.** Please note that the Department:
- a) Reserves its right to withdraw or amend this Directive based on new or revised information received;
 - b) Reserves its right to take any further action against you regarding the illegal activities commenced with on site; and
 - c) Places on record that it exonerates itself from any liability that is related to any unforeseen activities or incidents that may occur as a result of the illegal development or activities.

OFFENCES AND PENALTIES

- 28.** Commencement of a listed activity without an Environmental Authorization is an offence in terms of section 49A (1)(a) read with section 24F of NEMA.
- 29.** Upon conviction for such an offence, a person is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment, in addition to any other penalty or award that may be imposed or made in terms of the National Environmental Management Act.
- 30.** Failure to comply with this Directive is an offence in terms of section 49A (1)(g) of NEMA. A person convicted of this offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine or imprisonment.

31. The Designated EMLs and the Departmental officials shall be given access to the property where the activities are undertaken for the purpose of assessing and/or monitoring compliance with the conditions contained in this Directive at all reasonable times.

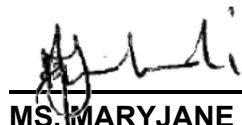
32. The information requested above must be submitted by hand and addressed to:

Gauteng Department of Environment
Attention: S24G: Enforcement - Unit Manager:
20th Floor, Umnotho House
56 Eloff Street, Marshalltown
Johannesburg
2000

N.B. please contact the official mentioned under enquiries above before submission of the requested information to make arrangements in relation to the methods of submission.

33. The Department is available to provide guidance in relation to this process. Please do not hesitate to contact the official mentioned for enquiries should you have any questions in respect of the content of this directive.

Signed on this 25th day of JUNE 2026 at JOHANNESBURG.



MS. MARYJANE RAMAHLodi
GRADE 1: ENVIRONMENTAL MANAGEMENT INSPECTOR
ACTING CHIEF DIRECTOR: COMPLIANCE AND ENFORCEMENT

CC: Prism Environmental Management Services **Attn:** Mr. De Wet Both
Email: dewet@prismems.co.za

ACKNOWLEDGEMENT OF RECEIPT:

Received by Mr/Ms _____

On behalf of the company _____

On this _____ day of _____ 2026, at _____

Signature: _____

ANNEXURE A
A. EXAMPLE OF PUBLIC PARTICIPATION NOTICES
GAUTENG DEPARTMENT OF
ENVIRONMENT
STANDARD ADVERTISING REQUIREMENTS FOR UNLAWFUL COMMENCEMENT OR
CONTINUATION OF ACTIVITIES IDENTIFIED IN TERMS OF THE ENVIRONMENTAL
IMPACT ASSESSMENT REGULATIONS
2026

This Department requires the proponent applying for authorization in terms of Section 24G of NEMA to place an advertisement in a local or regional newspaper for one day. The wording for such an advertisement follows although alterations to format to improve readability are acceptable. The advertisement must allow thirty (30) days for interested and affected parties to comment and to submit objections in this regard. A copy of this advert and a summary of comments and issues raised, as well as the proponent's response thereto, must be submitted to the Gauteng Department of Environment, for the attention of the Section 24G Unit: GDENV, as soon as the thirty days are over.

A site notice, A2 (594 x 420 mm) or larger in size with the same conditions must also be erected. This notice must be displayed prominently on the site and must be protected from the weather such that the notice is clearly visible for the entire public participation period. Positioning of the notice must be in accordance with the relevant Local Authority's by-laws.

Please note that in order to ensure and promote transparency:

- a. The newspaper advertisement/site notice must NOT be placed on a Public or School Holiday.
- b. The thirty days excludes school holidays but include normal weekends.
- c. The activity applied for must be written in line with the activity as listed in terms of the relevant EIA listed activity *e.g.*,

The activity is listed in terms of GN R982 as:

- o **Activity 4:** "The development and related operation of facilities or infrastructure, for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres—
- d. The Department will not consider proof of advertisements submitted before the 30-day period has lapsed.
- e. The Department would not consider a Public Participation Process that does not conform to the requirements as indicated in this advertising guideline

EXAMPLE OF A SITE NOTICE:
NOTICE OF APPLICATION FOR CONSEQUENCES OF UNLAWFUL COMMENCEMENT OF
LISTED ACTIVITY/IES
UNLAWFUL COMMENCEMENT OR CONTINUATION OF ACTIVITIES IDENTIFIED IN TERMS OF
THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS AND IN TERMS OF SECTION
24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT
(ACT NO. 107 OF 1998, AS AMENDED)

Notice is given, in terms of Section 24(G) read together with sections 24(F) of the National Environmental Management Act (as amended) that the Gauteng Department of Agriculture, Rural Development and Environment:

- a. is considering an application for authorization by (*Name of company*) in terms of Sections 24(G) and 24(F) of the National Environmental Management Amendment Act (as amended)
- b. for the unlawful commencement of activities listed under Government Notice R982 of 2014 (as amended) for:
 - ☐ *Name of project {include province's reference number, i.e. 'S24G/...'}*
 - ☐ *Project description (as listed in terms of the EIA Regulations)*
 - ☐ *Location*
 - ☐ *Date of placement of notice*
 - ☐ *Date of commencement of the listed activity).*

Queries regarding this matter must be referred to:

- ☐ *Contact name*
- ☐ *Company*
- ☐ *Telephone Number*
- ☐ *Postal details*

The draft Environmental Impact Report and other information is available for comments at the following place: **[insert address where the draft EIR will be available]** and [time]. Parties wishing to formally comment on the draft EIR are requested to register and forward their comments (*with reasons*) to (*Name of Company*) *as indicated above* no later than thirty days after the publication of this site notice. Comments must be copied to:

The Head of Department: Department of Environment

Attention: Section 24G Unit Manager: GDENV
P.O. Box 8769, Johannesburg, 2000
Tel: (011) 240 3020

E-mail: maryjane.ramahlodi@gauteng.gov.za
omolayo.ilemobade@gauteng.gov.za
phindy.malaza@gauteng.gov.za
salani.shithlangu@gauteng.gov.za

no later than thirty days after the publication of this site notice (date of publication).