



ENVIRO-PROTECT SOLUTIONS

ENVIRONMENTAL LEGAL AUDIT REPORT

Prepared for KDG Logistics (Pty) Ltd

December 2022

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Appendix A: Legal Compliance Audit Checklist



1. INTRODUCTION AND SCOPE OF WORK

KDG Logistics (Pty) Ltd provides specialized vehicle transporting solutions for motor vehicles, dealers, private companies and individuals throughout Southern Africa. KDG specializes in transporting large heavy trucks, equipment and abnormal loads across Southern Africa and within South Africa, with Beitbridge, Livingstone, Lusaka, Oshikango and Gabrone being our popular destinations. KDG is currently in partnership with Auto Carriers in order to expand operations.

Enviro-Protect Solution was appointed by KDG Logistics to conduct an Environmental Legal Compliance Audit. Environmental audit is a general term that can reflect various types of evaluations intended to identify environmental compliance and management system implementation gaps, along with related corrective actions. The audit is intended to review the site's/company's legal compliance status in an operational context. Compliance audits generally begin with determining the applicable compliance requirements against which the operations will be assessed.

The scope of work entailed conducting an offsite review of current practices and policies in place by KDG Logistics, conducting a legal compliance audit offsite, and a site inspection to verify practices being implemented.

The table below provides the key personnel involved in the legal compliance audit, inspection and report compilation:

Name	Role
L Dwyer	KDG Logistics SHEQ Representative
R Singh	Legal Compliance auditor

2. SITE AND ENVIRONMENTAL COMPLIANCE AUDIT

2.1 Overview of audit

The Environmental Legal Compliance was conducted for KDG Logistics, 01 Durban International Airport (Old Airport), Prospecton, Durban. During the audit an Environmental Audit Checklists based on the Environmental Legal Requirements was used as an auditing tool in order to verify legal compliance for the organization. A close out was conducted for findings from the previous audit findings, an Environmental Legal Compliance audit and virtual site walk through to identify practices that are being implemented.



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The Environmental information requested during the audit includes but are not limited to:

1. Environmental Policy;
2. Health Safety and Environmental Management Plan;
3. Toolbox talks, environmental inductions and training on MSDS;
4. Waste disposal slips;
5. Site Organogram;
6. Environmental Impact and Aspects Register;
7. Waste Classification matrix;
8. Complaints register and incident register;
9. Environmental targets and objectives;
10. COVID 19 policy

2.2 Previous Environmental Legal Compliance Audit – Status of findings

The table below provides follow-up statuses of findings noted in the previous Environmental Legal Compliance Audit.

2021 Environmental Legal Compliance audit finding	Status of Previous audit finding
1. During the inspection it was noted that an additional diesel tank has been installed since the last audit. KDG logistics currently stores 2 * 60000L of diesel on site. According to the GNR 327 activity 14 "The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres." Therefore KDG logistics currently exceeds the limit of dangerous goods stored on site.	Open.
2. At the time of the inspection the waste oil storage area located outside the workshop was considered not to be in compliance with the relevant SANS codes. As per the photos below. The drums are placed on a grid over a bunded area and not within. The maximum capacity of the bund was also not determined.	Closed. Chemicals relocated to Auto Carriers warehouse

<p>3. At the time of the audit it was noted that the workshop is shared with Volvo and all hazardous waste is removed by Volvo. No records from the workshop are available for KDG</p>	<p>Closed. Volvo servicing and all chemicals relocated to auto Carriers warehouse</p>
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2.3 Environmental Legal Compliance Audit December 2022

a. Summary of good compliance

KDG Logistics has achieved an overall average compliance in terms of the Audit conducted based on the legislation listed in the legal register. Areas of good compliance include but are not limited to:

- KDG has implemented a proper waste management practices. Waste is separated in colour coded bins across the site, with proof of disposal easily available. General waste is removed off site by Wasteplan, DICD are currently used for Septic tank waste, the waste bureau is currently used for recycling waste. No litter was observed during the audit and the site was maintained in a neat and tidy condition.
- Waste Classification matrix is maintained on file, which specifies the type of waste produced, the quantities and classification as well as the frequency and method of disposal..
- Relevant posters and signage are displayed on site.
- Fire extinguishers are strategically placed across the site, and serviced on a regular basis by a registered service provider.
- Targets and objectives to reduce CO2 emission and Diesel usage is being conducted on site. Records of CO2 emission is maintained on site. All diesel powered vehicles are regularly serviced.
- Correction Action Register is maintained on file for any complaints or non-conformances.
- Environmental Impacts and Aspects register maintained by the organization considers all activities that may cause Environmental harm.
- Fire certificated dated 31/05/2021 is available for 2* 60 000L tanks.
- Toolbox talks training has been conducted on dust and air, spill control, waste management, washing plant and machinery, and material handling and storage.
- MSDS training on the chemicals on site are regularly conducted with staff.
- Michelin fleet system implemented in all vehicles to assist drivers with safety on roads.



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Photo 1 : View of carrier ready to delivery vehicles.



Photo 2 : Emergency plans displayed at the organization



Photo 3 : Notice board with awareness posters displayed



Photo 4 : Procedures displayed at warehouse



Photo 5 : View of minor checks being conducted in warehouse.



Photo 6 : Spill kits readily available.



Photo 7 : Waste skip available on site



Photo 8 : View of waste separation being implemented

b. Legal Compliance audit findings

During the Audit findings were categorized into the following:

- Non-Conformance - Compliance not achieved and corrective action is required;
- Audit Observation - Findings that are made in isolation requiring corrective action and are compliant in other areas of the organization.; and
- Area for Improvement – Recommendations that can be implemented for improvements.



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Environmental Legal Compliance Audit findings

No	Findings:	Category	Checklist Section	Corrective Action Required
1.	<p>As per the 2021 audit KDG logistics stores 2 * 60000L of diesel on site. According to the GNR 327 activity 14 “The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.” KDG logistics currently exceeds the limit of dangerous goods stored on site. KDG has advised that they will be moving premises within the vicinity of the old airport and therefore have opted to wait before applying</p> 	Non-Conformance	Environmental Planning, Environmental Management System; hazardous substances	KDG logistics is urged to conduct the eThekweni region of Department of Economic Development, Tourism and Environmental affairs to confirm if Environmental Authorisation is required or alternatively a way forward.

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	Photo 9			
2.	Although an emergency preparedness and response plan is available for KDG logistics and procedure has been displayed across the site, no records of emergency drills as made available at the time of the audit.	Observation	Environmental Management System, Hazardous substances.	Emergency drills must be conducted every 6 months to ensure quick efficient response in the case of an emergency



3. CONCLUSION

In general, it was found that the Environmental Compliance at the KDG Logistics has increased since the previous audit conducted in December 2021. Ongoing emphasis must be placed on hazardous substances requirements. Confirmation from the relevant EIA departments must be obtained in order to avoid any possible penalties or fines.

Audits will be conducted on a yearly basis to close out previous issues and in order to audit current practices and processes.



4. LEGAL REGISTER

National Environmental Management Act 107 Of 1998
National Building Regulations And Building Standards Act 103 Of 1977
National Environmental Management Biodiversity Act 10 of 2001
National Environmental Management Air Quality Act 39 Of 2004
National Water Act 36 Of 1998
Water Services Act 108 Of 1998
National Environmental Management Waste Act 59 Of 2008
Occupational Health And Safety Act 85 Of 1993
Hazardous Substance Act 15 Of 1973
Major Hazard Installations Regulation In Terms of OHS GN R 692
Hazardous Chemical Substances Regulations in Terms Of OHS GN R 1179
San 10231 Of 2010
Schedule Trade And Occupational By Laws
Ethekwini Municipality: Air Quality Management By-Law, 2018
Municipal Notice 96 Of 2021, Ethekwini Municipality: Stormwater Management By-Law, 2020
KZN Nature Conservation Act 29 Of 1992
KZN Health Act No 4 Of 2000
Refuse Removal Bylaws Pn 97 Of 1985
Sewage Disposal Bylaws Mn 27 Of 14/04/09
SA National Roads Agency Act 7 Of 1998
Spatial Planning And Land Use Management Act 16 Of 2013
Occupation Health And Safety Major Hazard Installation
Fire Brigade Services Act 99 Of 1987
Interim Code Relating To Fire Prevention And Flammable Liquids And Substances Mn 23 Of 2000.
The Montreal Protocol On Substances That Deplete The Ozone Layer 1987
National Road Traffic Act 93 Of 1996
Waste Classification And Management Regulation Gnr 634 Of 23 August 2013
Conservation Of Agricultural Resources Act No 40 Of 1983
National Forest Act 84 Of 1998
National Heritage Resource Act 25 Of 1999
Fertilizer Farm Feeds Agricultural Remedies And Stock Remedies Act No 36 Of 1947
Atmospheric Pollution Prevention Act 45 of 1965
Promotion of Access to Information Act no 2 of 2000
National Building Regulations GN R 2378
Management of Coronavirus or COVID-19 Health Care Waste 2020
Nema – Waste Act : Amendments To The Regulations And Notices Regarding Extended Producer Responsibility, 2020

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5. DECLARATION

I Rivani Singh declare that -

- I act as the independent environmental assessment practitioner in this matter;
- I do not have and will not have any vested interest (either business, financial, personal or other) in the undertaking of the proposed activity, other than remuneration for work performed in terms of the Environmental Impact Assessment Regulations, 2014;
- I performed the work relating to the application in an objective manner, even if it results in views and findings that are not favourable to the applicant;
- I declare that there were no circumstances that compromised my objectivity in performing such work;
- I have expertise in conducting the screening assessment relevant to this application, including knowledge of the National Environmental Management Act (Act 107 of 1998) (NEMA), regulations and any guidelines that have relevance to the proposed activity;
- I comply with the NEMA Act, regulations and all other applicable legislation; and
- I disclosed to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing any decision to be taken with respect to the application by the competent authority; and the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- All the particulars furnished by me in this report are true and correct.
- I am aware that a person is guilty of an offence in terms of Regulation 48 (1) of the EIA Regulations, 2014, if that person provides incorrect or misleading information. A person who is convicted of an offence in terms of sub-regulation 48(1) (a)-(e) is liable to the penalties as contemplated in section 49B (1) of the National Environmental Management Act, 1998 (Act 107 of 1998).

Rivani Singh

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6. APPROVAL PAGE

Prepared by : Enviro-Protect Solutions

Name : Rivani Singh (HON BA Environmental Management)

Sign :

06 December 2022

Prepared for : KDG Logistics (Pty) Ltd

Name : _____

Sign : _____

Date : _____

Appendix A : Legal compliance audit checklist