



# Community News

Newsletter of the South Durban Community Environmental Alliance

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## SDCEA WINS MONDI COMBUSTER INTERDICT

*KZN Department and Anglo-American company's violation of environmental procedures uncovered and challenged*



SDCEA claimed victory on Tuesday, 6 May by winning the Durban High Court order halting Mondi's multi-million Rand multifuel boiler. The Environmental Impact Assessment (EIA) by Biotrace, the company selected to build the combuster, did not comply with the requirements of the Environmental Conservation Act.

The Legal Resources Centre (LRC) lodged an administrative appeal on behalf of SDCEA against the authorization by MEC for Agricultural and Environmental Affairs (KZN) on 11 October 2002. On 6 May 2003 advocate Angus Stewart successfully argued for interim relief on behalf of SDCEA. A court interdict was granted by Judge Combrinck, successfully stopping the Minister from giving his decision until the judicial review is finalized at the end of June.

In the appeal, it was argued that a proper interpretation of data in the EIA showed unacceptably high levels of

pollutants from Mondi will continue. Projected sulphur dioxide (SO<sub>2</sub>) emissions would exceed World Health Organisation (WHO) standards, as well as South African Department of Environmental Affairs and Tourism's (DEAT) 1998 guidelines. This is in violation of the constitutional right of south Durban residents to an environment that is not harmful to their health.

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**This is your newsletter. Please drop your stories at the SDCEA office, John Dunn House, corner of Austerville Drive and Gouritz Roads, Wentworth. Fax: 468 1257** ■

**SDCEA WINS MONDI COMBUSTER INTERDICT**  
*continued from page 1:*

Residents of Merebank in particular are badly affected by Anglo American company, Mondi, the third highest emitter of sulphur dioxide in south Durban. With many children suffering from respiratory ailments and disease, most families living in the area agree that Mondi should take responsibility by cleaning up its existing air pollution and paying towards costly medical bills. The combuster would increase the use of coal, as well as, vehicular traffic into the area. Mr S Reddy, a resident of Merebank is also concerned about the severe impacts polluting industries have on residential property value.

Mondi general manager, John Barton, ignored the projected 50% increase of carbon dioxide (CO<sub>2</sub>), a greenhouse gas linked to global warming. Technical expert to the SDCEA, Dr Eugene Caincross, questioned Mondi's claim that SO<sub>2</sub> would be decreased by introducing the combuster and stated that Mondi's claims of benefits to the environment is "flatly contradicted by a careful examination of the data". Furthermore, the EIA did not identify and evaluate feasible alternatives which may significantly reduce air pollution impacts from Mondi. These include: maximizing the use of the existing gas boiler, installing scrubbers in the existing coal-fired boilers, and switching from coal to gas. In combination, these alternatives would reduce pollutants emitted from the Mondi site by up to 80%!

In response to Barton's accusations of the SDCEA using "tactics aimed frustrating responsible development by companies in south Durban", SDCEA chairperson Desmond D'Sa pointed out that SDCEA approved of clean technology and said that "our group is anti-pollution, not anti-development". This was well illustrated in the recent signing of an environmental agreement between SDCEA and Hosaf Fibres.

Sarah Allen, the provincial manager of environmental impact management, said Biotrace had notified the department of a new proposal to proceed with a larger boiler. The SDCEA hopes that this proposal is legally compliant and will reduce pollutants emitted from the Mondi site to acceptable health levels. The SDCEA will continue to act as a watchdog for the community to ensure that it does.

*Contributor: Adrian Pole (Legal Resources Centre)*



In April groundwork and SDCEA, along with international organisations brought truth to the Shell Annual General Meeting (AGM) in London and The Hague.

The day prior to the AGM, members of the civil society alliance met with Shell senior management again to raise their concern about how Shell management was dealing with the issues raised by local community people who have Shell plants in their neighbourhoods. This was a follow-up to the meeting that was held in November 2002. Any idea that Shell harboured that November was a once off, was firmly put to rest in the meeting and events after – this is an ongoing struggle!

On April 23, in The Hague, Milieudefensie (MD) and groundWork attended the Dutch Shell AGM, where MD constructed replica of a leaking fuel pipeline (see photo) for all participants to walk under as they entered the AGM. MD published a short report highlighting the problems of Shell in south Durban. Myrthe Verweij of MD and author of "leaking Pipelines: Shell in South Africa" is surprised that Shell has failed to respond substantially to the concerns raised in the report, but rather hide behind their policy rhetoric.

While this was going down in The Hague, just across the channel in London, the other sector of civil society were holding their own conference for the press and institutional shareholders, where "Facing the Challenge: The other Shell Report 2002" was released. This is where the real story of what is happening on the ground was told.

Civil society organisations went through to participate in the British Shell AGM. Here Friends of the Earth – England, Wales and Northern Ireland Executive director, Tony Juniper requested that Sir Phil Watts, chairperson of Shell, allow for community people to speak and have their voices heard.

Community people from Philippines, Nigeria, the USA and South Africa raised their concerns about double standards that Shell practices where their refineries are situated next to poor communities globally. Watts attempted to deflect the issues by indicating that the community should dialogue with the local oil refinery plant managers and build up trust. This was not accepted: “after numerous failed attempts to dialogue with local plant managers, we are flying across oceans and continents to let you know that local dialogue is not working,” stated Hope Esquillo-Tura of the Philippines. The group sent a strong message to Shell saying that the international office has to get involved at the local level. Desmond D’Sa expressed concerns affecting south Durban communities and stated that it is time for Shell to clean up their act: “Shell must replace their 40-year-old pipelines in south Durban. We call on international intervention as pollution problems are not properly addressed by local refinery management”.

*Below: Desmond D’Sa (SDCEA chair) and Hilton Kelly (Community in-power and Development Association, Texas) are tired of hearing Phill Watts’ (Shell chair) policy rhetoric.*



What the outcome of these actions will be, only time will tell. There has been heightened activity by Shell to dialogue with local south Durban community people on certain issues. However, local people are still calling for an international

person to sit down at the table to negotiate problems at the Durban refinery.



*Above: The leaking pipeline constructed by Friends of the Earth, Netherlands (Milieu Defensie) at the entrance of the AGM in The Hague.*

## DOUBLING UP ON ANGLo AMERICAN

Just a few days after the Shell gathering, the Anglo American (AA) AGM was held in London. SDCEA chair and local activist Desmond D’Sa was in fine form again and attended the gathering.

Here he raised the south Durban community concerns around the proposal of Mondi (subsidiary of AA) to burn their waste at the local plant. Sir Moody-Stewart, ex-chair of Shell and now chair of AA, acknowledged D’Sa’s concerns and requested that the South African CEO of Mondi, Andrew Thompson to deal with the issue.

*International articles written by Bobby Peek (groundwork)*

# RELOCATION NIGHTMARE CONTINUES

## For poor south Durban communities

### AIRPORTS COMPANY LAND REZONING SHAM

Community members attended a meeting on Wednesday, 28 May 2003 at the Isipingo Civic Centre on what they were led to believe was the rezoning of a section of Airport land (No.14263) and were shocked to discover that it was actually a crude oil storage facility development proposal managed by consultants, SIVEST, on behalf of the Airports Company of South Africa (ACSA) and NATREF, a crude oil refinery situated in Sasolburg. The development poses a threat to people living and working on the land, as well as, the last of the fragile mangroves in Isipingo.

Rezoning involves consulting with interested and affected parties from which a decision may be taken on whether the land may be used for housing, parks, schools, light industry, fuel storage etc. Rezoning is a Durban Metro function. This is a completely separate process from putting forward a development proposal for hazardous chemical storage which requires an environmental impact assessment (EIA) to assess potential harmful impacts on people and the environment. Rory o' Connor of the Wildlife Society of South Africa and volunteer member of SDCEA stated that government are: "not looking at real alternatives to the crude proposal" nor are they "looking at the spatial development and economic issues that this change of land use proposal represents."

Consultants, SIVEST, chose to combine the two processes into one proposal with the apparent consent of Ethekwini Municipality and Department of Agricultural and Environmental Affairs (DAEA). Community members questioned the legality of what was proposed. Being unable to address these concerns, ACSA representatives (Miss A Padayachee and Mr S van der Bark) chose to walk out of the meeting to consult their legal advisors on the matter.

Affected parties living on and earning a living from the 100ha of airports land were not informed. Among

these are eleven market gardeners whose livelihood depends on the land and about a hundred people living in informal settlements on Refinery Road, the proposed development site. Historically, the home of informal market gardeners were encroached upon by heavy industry such as Engen, Sapref and Mondi. Some 40 years later, with a new democratic government on place, the trend seems not to have changed. ACSA representative, S van der Bark, lied about having consulted with the farmers and people of the informal settlement.

On the morning after the meeting, when SDCEA members asked the farmers and people living in the informal settlement about whether they were informed by consultants, SIVEST, or ACSA about the proposed development, said that they were not and that this was the first they heard of it. "We are now afraid of losing our livelihoods and have been farming here since the 1980's after being relocated from the Springfield flats area" said one farmer. Farmers also said that they paid rent to ACSA and in addition, collectively contributed R6000 per month to them for security. People of the informal settlements fear being relocated as it may mean losing their jobs and not being able to afford any other place to stay.

This is the third case of relocations due to pressure from heavy industry in south Durban in past two years. There appears to be a trend of pushing people out to make way for more industry. The value and impact on people living in south Durban are not considered as being important by industry and government alike. When is government going to actively start protecting people's constitutional rights and addressing the needs of poor people in this country?

*written by Avena Bhikha (SDCEA)*

**SIVEST are having a second PUBLIC MEETING on THURS 19 JUNE 2003 at the ISIPINGO CIVIC CENTRE at 5pm and a site visit at 4pm**

**ALL COMMUNITIES ARE ENCOURAGED TO ATTEND AND VOICE THEIR CONCERNS ON THE DEVELOPMENT.**

# ENGEN EXPANSION EXPOSURE



**Engen's increase in production has far reaching consequences on surrounding communities' health and quality of life. The poorest residents are the most affected. One such community, the 'Rainbow Community' of the barracks have little say in government's and the Malaysian-owned refinery's plans to relocate them.**

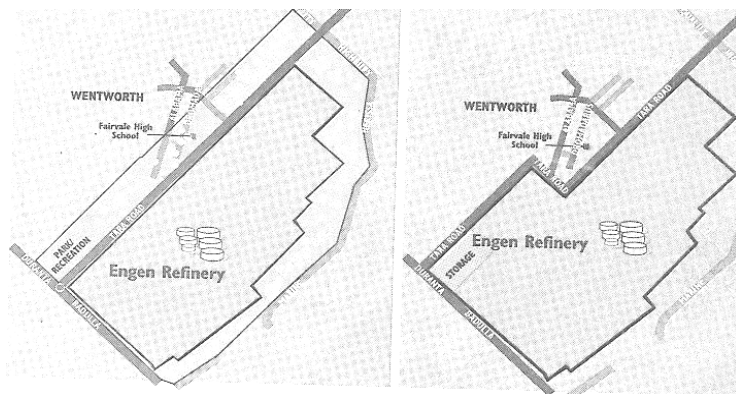
People living in the barracks argue that by relocating their community to a kilometre away from Tara Road will not reduce the impacts of pollution on them. "Pollution has no boundaries. They might as well make space for our cemetery. Most of our children suffer from Asthma." Resident Richard Saunders pointed out that the relocation resembles some of the movements that took place in the days of apartheid. People are to be relocated to apartheid style 3-story ghetto flats similar to those constructed in Wentworth in the 1960's.

Residents are not going to receive "free" houses. They will be expected to own sectional title houses, and pay levies to maintain and administer the buildings. Council said that it would be too expensive to upgrade the barracks.

Ian Karthi of Engen said that they preferred to have a buffer zone around the refinery and that they agree with Metro Council's plans to "get these people out of this area".

According to municipality housing reports, the greenbelt will incorporate parts of Tara, Highbury, Nerissa Roads and Marine Drive. Engen also wants a strip of land along Tara and Alabama Roads to be incorporated into refinery property to enable them to have single access. At a further cost of R20 million to Council (comprising tax payer's money), Engen wants a new road to be built parallel to Tara Road, ending behind the barracks, which will be demolished to intersect with Duranta Road. Council has declined the proposal due to the lack of benefits to ratepayers in the area.

However, it is only a matter of time before Engen offers to pay for the project. Residents in the area fear piecemeal relocations of their communities. The barracks are not the only ones affected. Residents of Alabama Road and Retreat Street will also be exposed to relocation threats in the near future. Both Shell/BP (Sapref) and Engen have already purchased properties around south Durban.



**Council Decision**

**Engen Proposal**

*Above: diagrams of the proposed expansion as they appeared in the Sunday Tribune (25 May 2003). EtheKwini wants to surround the refinery with a green belt, while Engen wants to include part of Tara Road for further industrial activities.*

Last month, Michael Sutcliffe of the eThekweni Council announced that 110 families living in the barracks are to be relocated to Landsdowne Road. The total cost of the relocation is estimated at R16 million, with R8 million being offered by Engen. The land that is to become available would be converted into a buffer zone from which everything is removed. Council has plans to convert this into a greenbelt which does not allow further development and encourages the planting of trees. Engen, however, has proposed to use the land for further industrial activities.

# TOLUENE TROUBLE

*Following the multi-million litre petrol leak from Shell/BP pipeline on Tara Road, the SDCEA received a number of enquiries regarding the effects of some of the toxic chemicals that are found in petroleum. In this issue, we will discuss the effects of one of them, namely, Toluene.*

## Environmental Sources

Toluene is a by-product of industrial processes and also occurs naturally in the environment. It is a clear, colourless liquid with a distinctive smell. Toluene occurs naturally in crude oil and in the tolu tree. It is also produced in the process of making petrol and other fuels from crude oil and making coke from coal. Because Toluene is a volatile organic compound, it evaporates easily and exposure can be via inhalation.

The chemical can enter surface water and groundwater from spills of solvents and petroleum products as well as from leaking underground storage tanks at petrol stations and other facilities. When toluene-containing products are placed in landfills or waste disposal sites, the toluene can enter the soil or water near the waste site.

## Human Health effects

Toluene may affect the nervous system. Low to moderate levels can cause tiredness, confusion, weakness, drunken-type actions, memory loss, and nausea, loss of appetite, and hearing and colour vision loss. These symptoms usually disappear when exposure is stopped.

Inhaling high levels of toluene in a short time can make you feel light-headed, dizzy, or sleepy. It can also cause unconsciousness, and even death. High levels of toluene may affect your kidneys. Constant exposure to toluene can also worsen existing medical conditions.

## Exposure limits

South Africa has not set standards for many toxic chemicals, including toluene.

- The Bay Area Air Quality Management District in San Francisco, USA documented a background concentration level of 2.0 ppb for toluene for the whole bay area in San Francisco.
- US EPA has set a limit of 1 milligram per litre of drinking water (1 mg/L).
- Discharges, releases, or spills of more than 1,000 pounds of toluene must be reported to the National Response Centre.
- The US Occupational Safety and Health Administration set a limit of 200 parts toluene per million of workplace air (200 ppm) TWA, 500 mg/m<sup>3</sup> STEL and a ceiling value of 300 ppm.
- The ACGIH (American Conference of Government Industrial Hygienist) has TWA for skin contact with Toluene of 50 ppm.
- The US NIOSH (National Institute for Occupational Safety and Health) has a toluene limit of 2000 ppm.

**KEEP A LOOK OUT FOR AND  
REPORT ANYTHING THAT YOU  
SEE, SMELL OR HEAR THAT YOU  
SUSPECT IS HARMFUL TO YOUR  
HEALTH!**

**REFER TO THE EMERGENCY  
NUMBERS AT THE BACK OF  
THIS NEWSLETTER.**

## Teacher Workshop on Climatology in south Durban

The SDCEA will be having their third workshop on **Wednesday 6 August from 14h00 to 16h00 at the Austerville Civic Centre** for secondary school teachers.

The subject for this workshop will be Applied Meteorology and Climatology in south Durban. A proposed course book will be presented by Njoya Ngeta of the Natal University. The workshop is free to teachers attending and transport costs will be re-imbursed per km travelled. Refreshments will be served.

**For more information and to book your seat at the workshop, please contact Avena Bhikha at the SDCEA offices:**

**Tel: 468 9069 or 461 1991 or 082 337 1773.**

## Write To Us

We encourage teachers and learners to write to the SDCEA. Let us know what you're doing about pollution in your school and your pollution awareness events. Essays and letters to the editor are also welcome.

Send your writing to:

**Farida Khan: P.O. Box 211150, Bluff, 4036 or Fax: 468 1257 or drop them off at the SDCEA offices at John Dunne House (corner Austerville Drive and Gouritz Crescent)**

## WORLD ECONOMIC FORUM: *NEPAD Not for the People!*

Close to a thousand people gathered outside the City Hall on 12 June in protest against the World Economic Forum. Protest action took the form of a street protest and a People's Forum, an alternative voice where communities, organisations and individuals had a place to speak out on the injustices.

The WEF Africa Economic Summit focused on NEPAD (new Partnerships for Africa's Development). NEPAD was created by elites from government and business without the participation of ordinary citizens and civil society organisations. NEPAD calls for African to 'shape their own destiny' yet we have never been asked to participate in its creation.

Among those that attended the People's Forum were: TAC (Treatment Action Campaign), CCS (Centre for Civil Society), Earthlife Africa, SDCEA, EJNF (Environmental Justice Network Forum), groundwork, eThekweni EcoPeace and about thirty community groups from around Durban.

## WORLD ENVIRONMENT DAY: 5 JUNE

### **"DYING TO BREATHE" VIDEO LAUNCH**

The film was launched the day before World Environment Day at the John Dunne House in Austerville. "Dying to breathe – the struggle for environmental justice in South Africa" gave faces and names to many of the victims of industrial pollution in South Africa. This professional film was produced in a partnership between *groundWork*, the Foundation for Human Rights (who funded the project) and Filmmakers Gillian Schutte and Siphosiso Singiswa from Hands on Production who developed and directed this film.

"This film demonstrates the link between the untenable environmental conditions being experienced at a local level in Sasolburg and south Durban and national and international policy decisions," said Bobby Peek, Director of *groundWork*. "This film exposes the need for corporate accountability and stringent pollution policies and laws," Peek further said.

Community members who watched the film said that it was well produced and would be a good eye-opener in to the troubles that people face on a daily basis in south Durban



**ARHUNDATI ROY VISITS SOUTH DURBAN**

Indian activist and human rights writer, Arhundhati Roy visited people from communities of south Durban during the Writer's Festival held in Durban in March this year. Pictured above with a resident of the barracks.

**COMPARATIVE STUDY SEMINARS**

About two hundred people attended the Comparative Study seminars in March, including: refinery and industry representatives, government officials, community organisations, academics and individuals. The Danish Study group also arrived from Denmark for preparation and presentation of the academic and public seminars. Copies of the book published are available at the local libraries and may be made available for study purposes. Contact the SDCEA offices: Tel: 461 1991



*Above: a good turnout at the public seminar*

*Right: Lunga Khumalo of Diakonin attended the workshop*



**BECOME A VOLUNTEER-  
JOIN SDCEA  
IN THE FIGHT AGAINST  
DIRTY INDUSTRY!!!**

**We welcome volunteers and your assistance in the following:**

- Monitoring
- Reporting
- Research
- Participating in Workshops
- Attending EIA public meetings
- Organizing campaigns

**Contact the SDCEA offices:  
Tel: 461 1991**

**POLLUTION  
COMPLAINT  
CONTACT NUMBERS**

**Contact the following TOLL-FREE numbers whenever you experience a pollution problem:**

- ENGEN: 0800-3300-99
- SAPREF: 0800-3300-90
- BAYER: 0800-4263-43
- ILLOVO: 0800-333-40
- DBN METRO: 0800-3232-35

**Also contact:**

- METRO Health: 300 3136
- METRO Emergency: 361 0000

