



**DEPARTMENT: ENVIRONMENTAL AFFAIRS AND TOURISM  
REPUBLIC OF SOUTH AFRICA**

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Mr J Geeringh  
ESKOM Transmission  
PO Box 1091  
**JOHANNESBURG**  
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Fax: (011) 800 3917

Dear Mr Geeringh

**APPLICATION FOR EXEMPTION IN TERMS OF SECTION 28 A OF THE ENVIRONMENT CONSERVATION ACT, 1989, FOR THE EXTENSION OF BACCHUS SUBSTATION FOR THE PURPOSE OF INSTALLING THREE CAPACITOR BANKS**

Your request dated 31-04-2004 regarding the above matter refers.

This department has evaluated your request for exemption from complying with the environmental impact assessment (EIA) regulations: regulations GN No. R. 1182 and 1183 of the Environment Conservation Act, 1989 (Act No. 73 of 1989, sections 21, 22 and 26) for the above mentioned project. Your request for exemption is accepted.

In terms of section 28A of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby exempt Eskom from complying further with Government Notice No. R. 1183 for the extension of the Bacchus substation subject to the following conditions:

**1. General conditions**

- 1.1 This exemption refers only to the activities as specified and described under point 9.4.3 of the environmental management plan. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (No 73 of 1989) which is not specified under this point, is not covered by this exemption, and must therefore comply with the requirements of the Act, Government Notice R 1183 and its amendments.
- 1.2 This exemption is granted only in terms of section 28A of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other



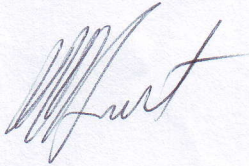
applicable legislation.

- 1.3 The conditions of this exemption should be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of this activity and the applicant should take such measures necessary to bind such persons to these conditions. Eskom must carry out regular environmental audits to establish how well the contractor is complying with the conditions of this exemption. Eskom, as the applicant, will be held responsible and accountable by this department for any environmental damage caused as a result of the above-mentioned activity. In the event of non-compliance by the contractor, a penalty must be instituted.
- 1.4 A copy of this exemption shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this exemption.
- 1.5 Records relating to the compliance/non-compliance with the conditions of this exemption must be kept in good order. Such records shall be made available to this department within seven days of receipt of a written request by the department for such records.
- 1.6 Any changes to the project resulting in potential significant environmental impacts are only permissible if approved in writing by this department.
- 1.7 This department may add to, change and/or amend any of the conditions in this exemption if, in the opinion of the department, the change or amendment is environmentally justified.
- 1.8 This department must be notified, within 30 days thereof, of any change of ownership and /or project developer. Conditions imposed in this exemption must be made known to the new owner and/or developer and are binding on the new owner and or developer.
- 1.9 This department must be notified of any change of address of the owner and/or developer.
- 1.10 Proof of compliance with the conditions described in this exemption must be forwarded to this department one week prior to the commencement of construction activities (as appropriate).
- 1.11 If any condition imposed in terms of this exemption is not being complied, the exemption may be withdrawn after 30 days written notice to the applicant in terms of section 22(4). Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 1.12 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 1.13 The applicant must in the event of non-compliance with any condition of this exemption inform the department within 48 hours.
- 1.14 National Government, Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of this exemption as set out in this document or any other subsequent document emanating from these conditions of exemption.



**2. Project specific conditions**

- 2.1 The Generic environmental management plan (EMP) for substation construction must be implemented.
- 2.2 Special care should be taken to avoid spillage of capacitor oil outside of the designated area protected by bund walls.
- 2.3 The applicant is responsible to implement immediate and effective corrective measures should a spill occur.
- 2.4 The recommendations in the specialist report on vegetation by Nick Helme, dated September 2004, must be implemented.



**DIRECTOR-GENERAL**

**DATE:** 30/11/2004