

Environmental Authorisation

Authorisation register number:	12/12/20/873
Last amended:	
Holder of authorisation:	ESKOM HOLDINGS LIMITED
Location of activity:	Portion 1 of the Farm Uit Vlugt Fontein 265 bordering Farm Schietkuil 3

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

ESKOM HOLDINGS LIMITED

with the following contact details –

Ms Carol Streaton
P O Box 1091
JOHANNESBURG
2000

Tel: (011) 800-5411
Fax: (011) 800-3917

to undertake the following activity/ activities (hereafter referred to as "the activity")

GN. No. 386 (14): *The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission.*

(15): *The construction of a road that is wider than 4 meters or that has a reserve of more than 6 meters, excluding roads that fall within the ambit of another listed activity or which are access roads less than 30 meters long.*

GN. No 387(1)(c) *The construction of facilities or infrastructure, including associated structures or infrastructure for the above ground storage of dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in*

containers with a combined capacity of 1000 cubic metres or more at any one location or site including the storage of one more dangerous goods, in a tank farm.

- 1(i) The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission of above ground electricity with a capacity of 120 kilovolts or more.*
- 2 Any development activity, including associated structures and infrastructure, where the total area of the development area is, or is intended to be, 20 hectares or more.*

for the construction of proposed 765 kV Gamma substation and associated infrastructure as described in the Scoping Report (SR), dated April 2007 and the Environmental Impact Report (EIR), dated August 2007.

at 31° 25' 00"S and 24° 43' 00"E, portion 1 of Farm Uit Vlugg Fontein 265 and bordering Farm Schietkuil 3, which fall within the jurisdiction of Pixley Ka Seme Municipality of the Northern Cape Province and Central Karoo District Municipality in the Western Cape Province, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorised may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations

may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

- 1.5 This activity must commence within a period of two (2) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 1.6 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

1.6.1 Relevant legislation that must be complied with by the holder of this authorisation include:

- Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- All provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.

Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 The notification referred to in 1.7 must –
- 1.8.1 specify the date on which the authorisation was issued;

- 1.8.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
- 1.8.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

Management of the activity

- 1.9 A project-specific Environmental Management Plan (EMP) has been compiled for the project (Chapter 9 of EIR dated August 2007). An Environmental Control Officer (ECO), who acts as an intermediary between individual landowners, Eskom and the contractors, will monitor compliance with the EMP.
- 1.10 The Environmental Management Plan (EMP) that was included in the EIR dated August 2007 is approved by this Department. The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.
- 1.11 The construction EMP must be seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 1.12 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) before commencement of land clearing, construction, or exploratory activities to ensure that the mitigation / rehabilitation measures and recommendations referred to in the EIR dated August 2007 and this Environmental Authorisation are implemented and to ensure compliance with provisions of the EMP.

Monitoring

- 1.13 The applicant will have the responsibility of implementing the approved EMP.
- 1.14 All contractors working on site must be informed with regard the contents of the EMP.

Recording and reporting to the Department

- 1.15 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must –

- Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the EMP.
- The applicant must submit an Audit Report to this Directorate within 6 months after completion of the activity. Therefore the report must include:
 - Detail of the rehabilitation measures of the site that must be compiled by an Independent Environmental Auditor.
 - Detail of all incidents and mitigation measures implemented to address such incidents.
 - Any measure that require follow-up.

Commissioning of the activity

- 1.16 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

Operation of the activity

- 1.17 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

- 1.18 Should the use of the facility ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
- 1.19 Decommissioning of the facility is subject to a separate Environmental Impact Assessment and environmental authorisation at the appropriate time.

Specific conditions

- 1.20 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.

- 1.21 All waste generated during the construction must be removed and disposed of at a waste disposal facility permitted in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 1.22 An integrated waste management approach must be used that is based on waste minimization and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a waste disposal facility permitted in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) *inter alia*.
 - 1.22.1 Refuse must be disposed of into scavenger and waterproof bins.
 - 1.22.2 Chemical ablution facilities must be available for the use of construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste site.
- 1.23 Construction work must be confined to the construction site(s) as demarcated and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 1.24 Hazardous and flammable substances must be stored and used in compliance with the applicable regulations and safety instructions.
- 1.25 The applicant must train safety representatives, managers and workers in workplace safety. Enforce all applicable physical safety standards and regulations, including for subcontractors.
- 1.26 The translocation site for the geophytes species (*Boophane disticha* or gifbol) should be identified, prior to translocation and construction activities commencing to ensure proper protection of the plant species.
- 1.27 Drainage and stormwater management on the site must be carefully planned and properly implemented to ensure sound protection of the sub-station site against the effects of erosion and potential flooding during construction and unpredictable storm events.
- 1.28 Erosion of the surrounding area where the sub-station will be constructed must be prevented or minimised at all cost. The recommendations proposed in this respect, with particular reference to groundwork's must be strictly followed (DEA&DP dated 2 November 2007).
- 1.29 The quality of water that will be sourced from boreholes on the property for human consumption must to be monitored on a regular basis.
- 1.30 All proposed mitigation measures included in the FEIR dated August 2007 must be implemented.