



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Ref: 12/12/20/829

Tel: (012) 310 3491 Fax: (012) 310 3688 e-mail mntene@deat.gov.za

Enquiries: Ms Mosili Ntene

Ms Carol Streaton
Eskom Holdings Limited: Transmission, Land and Rights
P O Box 1091
Johannesburg
2000

Fax: (011) 800 3917

Dear Ms Streaton

APPLICATION FOR EXEMPTION IN TERMS OF SECTION 28A OF THE ENVIRONMENT CONSERVATION ACT, 1989: EXTENSION OF MERCURY ELECTRICAL SUBSTATION

I refer to your request of 30 June 2006 regarding the above-mentioned matter.

The department has evaluated your request and associated Environmental Impact Report for the Zeus-Mercury 765kV Transmission line, site plans and drawings and the report detailing your public participation process followed, dated December 2006, pertinent to the above-mentioned application.

Your organisation is hereby exempted from the fulfilment of GN R.1183 of 5 September 1997, in respect of the activity mentioned above, from the submission of a separate Environmental Impact Report. The report submitted for the Zeus-Mercury 765kV Transmission line have covered the extent and assessment of the impacts associated with the proposed extension of the Mercury substation by approximately 50ha to allow for the installation of 765kV equipment

By virtue of the power delegated to me in terms of section 33 (1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I hereby in terms of section 28A of the said Act, exempt Eskom Transmission Services from further compliance with the requirements of Regulation 1183 for the :

The extension of Mercury substation by approximately 50ha, to upgrade the substation to 765 kilovolt.

The development entails the construction of the following as per the site layout drawing TD-1133 A in Appendix 2 of your report dated December 2006 drafted in support of you application for exemption:

- The extension and construction of the terrace, drainage system, foundations and internal access roads.
- The installation of 765kV transformers and ancillary oil catchment dams required for spill prevention.

Muhasho wa zwa Vhupo na Vhuendelamashango • LiTiko le Tesimondzawo netekuVakasha • Isebe lemiCimbi yokusiNgongileyo noKhenketho Ndzawulo ya Tinhaka & Mbango • Departement: Omgewingsake en Toerisme • Lefapha la Tikoloho le Bohanhlaudi • Lefapha la Bojanala Kgoro ya Tikologo le Boeti • UmNyango wezeBhuduluko nokuVakatjha • Umnyango Wezemvelo Nokuvakaha

- The construction of a control building.
- Installation of steelwork and conductors and relocation of existing power lines should this be required to accommodate the new substation extension footprint.

Your proposal is exempted from further compliance with the regulations subject to the following conditions:

1. STANDARD CONDITIONS

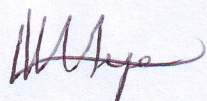
- 1.1 This exemption is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 1.2 This exemption refers only to the activity as specified and described above. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (No. 73 of 1989) which is not specified above, is not covered by this exemption, and must therefore comply with the requirements of the Act, Government Notice R. 1183 and its amendments.
- 1.3 The conditions of this exemption must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of this activity and the applicant must take such measures necessary to bind such persons to these conditions. The applicant must carry out regular environmental audits to establish compliance with the conditions of this exemption.
- 1.4 The applicant must notify this department, in writing, within 48 hours thereof if any condition of the exemption is not complied with.
- 1.5 A copy of the 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.
- 1.6 Records relating to the compliance and non-compliance with the conditions of the 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.
- 1.7 The proposed development is authorised on condition that it adheres to the proposed site layout diagram submitted with this application. Any changes to the scope of works that may have a significant impact on the environment must be communicated to this department.
- 1.8 This department may add to, change and/or amend any of the conditions in this authorisation if, in the opinion of the department, the addition, change or amendment is environmentally justified.
- 1.9 This department must be notified, within 30 days thereof, of any change of ownership and /or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.

- 1.10 This department must be notified of any change of address of the applicant.
- 1.11 If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).
- 1.12 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.
- 1.13 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 1.14 Any complaint from the public during the construction of the facilities must be attended to as soon as possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be produced upon request.

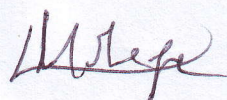
2 PROJECT SPECIFIC CONDITIONS:

2.1 Environmental Management Plan (EMP)

- 2.1.1 Eskom must submit a construction EMP to the competent authority for acceptance before commencement of any of the activities related to this authorisation. The EMP must include but not be limited to the following aspects:
 - Procedure for the demarcation of sites and working areas to limit environmental degradation and construction encroachment into areas not covered by the proposed footprint.
 - Procedure for the rehabilitation of all areas disturbed during the construction phase of the project excluding those areas where permanent structures are erected.
 - Procedure for the siting, demarcation and management of construction camps, sanitation, ablution and housing facilities as well as material storage areas used by the contractor. All work areas must be supplied with proper sanitation facilities by the contractor.
 - Measures for the management and rehabilitation of access roads to individual construction areas that will not become permanent roads upon completion of construction. Any new road constructed for any purpose as part of this authorisation, must comply with the relevant SANS codes.
 - Procedures for waste avoidance, minimisation and/or disposal of waste at an appropriate facility.
 - A storm water management plan that complies with the Department of Water Affairs and Forestry's standards must be compiled and implemented.
 - The protection of any unknown heritage sites likely to be impacted by the development, should such sites be found during any phase of the project.
 - Provisions for harvesting of any medicinal plants that may occur on site prior to site clearance if such plants can not be relocated.
 - Measures for the protection of indigenous vegetation where such is not affected by the physical footprint of the development or ancillary infrastructure and associated construction works.
 - Provision for plant search and rescue of protected and endangered species which should be done before commencement of any construction related activity.



- Measures aimed at controlling alien vegetation, invasive plant species and weeds must be implemented and must form part of the construction EMP. Priority for vegetation management should be given to the prevention of re-infestation of disturbed areas where construction is completed.
 - Monitoring and management of noise and dust pollution levels during the construction phase.
 - A fire control management plan for implementation on site.
 - Measures for the implementation of site specific erosion and sediment and dust control measures during the construction phase of the project.
- 2.1.2 Once accepted by DEAT, the construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the Department for acceptance before such changes could be effected.
- 2.1.3 Compliance with the accepted construction EMP must form part of all tender documentation for all contractors working on the project and must be endorsed contractually.
- 2.2 Environmental Control Officer (ECO)**
- 2.2.1 Eskom must appoint a suitably qualified Environmental Control Officer (ECO) who would on behalf of Eskom, on a regular basis monitor the project compliance with conditions of the Exemption conditions, environmental legislation and conditions stipulated in the relevant EMP. The cost of the services of the ECO shall be borne by Eskom.
- 2.2.2 The ECO is responsible for the issuing of a Non-Conformance Report (NCR) if non-compliance is noted and all NCR's shall be registered with the Department. The principles of rectify and repair should precede the issuing of an NCR. The Applicant has the duty to respond in writing to all NCR's raised.
- 2.2.3 The ECO must be appointed one month before the start of construction and the authorities must be notified of such an appointment for communication purposes.
- 2.2.4 The ECO shall submit an environmental compliance report on a quarterly basis, in writing, to the Department, addressed to the Director: Environmental Impact Evaluation and copy Eskom with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO. This report must clearly reflect the reference number above.
- 2.2.5 The ECO shall maintain the following:
- A site diary
 - Copies of all quarterly reports submitted to the Department
 - A schedule of current development activities including the monitoring of such activities
 - A register of audits and audit findings
 - A complaints register
- 2.2.6 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom by the contractors for operation.



2.3 Monitoring and auditing

- 2.3.1 Records relating to monitoring and auditing must be made available for inspection to any relevant and competent authority in respect of this development.
- 2.3.2 This department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it complies with the conditions stipulated in the ROD and relevant EMP.

2.4 Transportation and handling of hazardous materials

- 2.4.1 During the construction phase of the development, an effective monitoring system must be put in place to detect any leakage or spillage of all hazardous substance containing equipment during transportation, their handling and installation.
- 2.4.2 The transportation and handling of hazardous substances must comply with all the provisions of the Hazardous Substances Act, (Act No.15 of 1973), associated regulations as well as SABS 0228 and SABS 0229 codes.

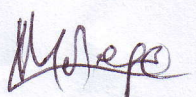
2.5 Compliance with other legislation

Authorisation is granted in terms of Section 22 of the Environment Conservation Act, 1989 (Act No.73 of 1989). Eskom shall also ensure compliance with the following environmental related legislation:

- Archaeological remains, artificial features and structures older than 60 years are protected by the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during vegetation clearing or excavation for the purpose of laying foundations, construction in the vicinity of the finding must be stopped. An archaeologist must be called to the site for inspection. Under no circumstances shall any artefacts be destroyed or removed from the site. The South African Heritage Resource Agency must be contacted to this effect. Their recommendations regarding the specific site should then be included in the construction EMP and be adhered to.
- 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.

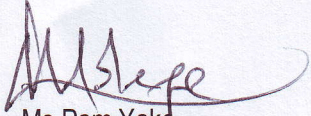
3 KEY FACTORS FOR THE DECISION

- 3.1 There is a clearly defined need and justification for the proposed development.
- 3.2 The proposed development is connected to the boundaries of the existing Eskom Mercury substation.
- 3.3 This development is envisaged to benefit the whole country south of Bloemfontein in terms of security of electrical supply.



3.4 The area concerned is already impacted on by previous development and there is an existing substation where construction will take place.

Based on the above findings the Department's conclusion is that the activity will not lead to a substantial detrimental effect on the environment, that potential detrimental impacts can largely be mitigated to acceptable levels and that the principles of section 2 of NEMA can largely be upheld.



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Lebogang Molefe

Designation: Director: Environmental Impact Evaluation

Date: 7/3/2007