



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

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From: Mr Vincent Matabane

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Enquiries: V Matabane Ref: A24/29/3/420

Mr J Geeringh
Eskom Transmission
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JOHANNESBURG
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Dear Mr Geeringh

EXEMPTION IN TERMS OF SECTION 28A OF THE ENVIRONMENT CONSERVATION ACT, NO. 73 OF 1989: PROPOSED INSTALLATION OF SNEEUBERG HYDRA-POSEIDON 1 & 2 400KV CAPACITOR BANKS

I refer to your request of 18 March 2003 regarding the above-mentioned matter.

The department has evaluated your request and associated site plans pertinent to the above-mentioned proposals. The Eastern Cape Department of Economic Affairs, Environment and Tourism was consulted for comments during the evaluation process. A site visit was also undertaken on 11 June 2003 as part of the evaluation process.

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 from further compliance with the requirements of Regulation 1183 for the construction of:

The Sneeu Berg Hydra-Poseidon 1 & 2 400kV Capacitor Banks.

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

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1. STANDARD CONDITIONS

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.

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.

One week's notice, in writing, must be given to this department before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.

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. In the event of non-compliance the applicant should institute a penalty.

The applicant must, within 5 calendar days of receipt of this exemption:

- a) Inform interested and affected parties in the vicinity of the development of the outcome of this application and, if requested, provide copies of this record of decision, including all the conditions attached thereto.
- b) Include in such information the explicit provisions of regulation 11 of the Environmental Impact Assessment Regulations (Government Notice No. R. 1183 of 5 September 1997) which reads as follows:
 - (1) An appeal to the Minister of provincial authority under section 35(3) of the Act must be submitted in writing within 30 days from the date on which the exemption was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies, which are certified as true by a commissioner of oaths.
- c) Include the date on which the exemption was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister
- d) Inform interested and affected parties in the vicinity of the development that a signed and certified appeal questionnaire, obtainable from the department's offices at tel. (012) 310 3590 or e-mail: cveeden@ozone.pwv.gov.za, must accompany the appeal.

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- 1.6 The applicant must notify this department, in writing, within 24 hours thereof if any condition of the exemption is not complied with.
- 1.7 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.
- 1.8 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.
- 1.9 Changes in the project resulting in significant environmental impacts are only permissible if approved in writing by this department.
- 1.10 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.
- 1.11 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.
- 1.12 This department must be notified of any change of address of the applicant.
- 1.13 If any condition imposed in terms of this exemption is not being complied with, the exemption may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).
- 1.14 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.
- 1.15 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 1.16 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 CONDITION:

Eskom must appoint or designate an official (environmental control officer), whose duty will be to ensure that the conditions stipulated in this exemption are implemented. The name of such an environmental control officer shall be made available to the authorities for communication purposes.

Environmental management plan must be submitted to the authorities for approval before construction commences. Such a plan must form part of the contractor's tender documentation.

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- 2.3 The plan mentioned in 2.2 must inform the authorities regarding the management of potential environmental impacts of construction workers and the siting of construction camp.
- 2.4 An oil spill contingency plan for the handling of capacitor banks must form part of the environmental management plan envisaged in 2.2.
- 2.5 The proposed development is authorized on condition that it adheres to the site layout diagram submitted with this application.
- 2.6 Rehabilitation process must be followed by a period of monitoring to ensure re-growth of vegetation in degraded areas as a result of the movement of heavy machinery.

3. KEY FACTORS FOR THE DECISION

- 3.1 There is a clearly defined need and desirability for the proposed development.
- 3.2 The proposed activity is aimed at maximizing the flow of electricity of the already approved Hydra – Poseidon line. The capacitor banks will be installed within the approved servitude of the transmission line.
- 3.3 No significant negative environmental impacts are anticipated, due to the nature and scale of the proposed development.

Yours sincerely



DIRECTOR-GENERAL

DATE: 2003/06/26.

CC: Ms Jenny Youthed

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