

Mr. Sabelo Malaza
Director Compliance Monitoring
Department of Environmental Affairs
Private Bag X 447
PRETORIA
0001

Date:
14 October 2013

Enquiries: Lindelwa Ngcaba
Tel +27 43 703 5408
Email: NtamoL@eskom.co.za

Dear Mr Sabelo

**NOTIFICATION IN TERMS OF SECTION 43 OF THE ENVIRONMENTAL
AUTHORISATION (REF. 12/12/20/2315) OF THE RUGTEVALLEI/DREUNBERG 132KV
POWER LINE**

In Terms of section 43 of the Environmental Authorisation (DEA Reference: 12/12/20/2315) issued to Eskom on the 29th of November 2012, Eskom hereby gives written notice to the Director: Compliance Monitoring and to the Director: Integrated Environmental Authorisations of non-adherence of condition (1) of the said Authorisation.

Eskom would like to advise the Department that there was no deliberate attempt by Eskom to unlawfully construct the power line on the alternative route (referred to as the "preferred route Alternative A1 (blue route)").

There were three (3) routes that were assessed as part of the Basic Assessment (BA) and all impacts were identified and captured as part of the Basic Assessment Report (BAR).

While the BAR had indicated the preferred option 1 as being that preferred by Eskom due to technical and environmental issues the Environmental Assessment Practitioner had recommended option 3 in the BAR" due to its proximity with an existing power line" but omitted to state that this existing power line will be decommissioned in the near future. The Department of Environmental Affairs had then approved option 3. Construction was erroneously undertaken on the preferred option 1.

It is noted that ± 60% of the unauthorised option 1 (which was the preferred option) has been constructed. The value of this is estimated at approximately R16, 000,000 in terms of construction material and labour used to date.

The powerline route for option 1 was reconfigured to deviate the said Nature Reserve and eagles nest in an attempt to avoid or lessen the impact on the biodiversity. Eskom has in turn obtained approval from the Eastern Cape Parks Board consenting to the deviated route. This is not included as part of the BAR submitted to the Department.

Royal Haskoning DHV: Environmental Consultants appointed as ECO for the project have conducted audits on the unauthorised route (unknowingly) and have not raised any non-compliance to the conditions of the environmental authorisation except for last month's report (September 2013 – as attached in Annexure B) when a part of the construction was identified to have taken place on an unauthorised route. The unauthorised construction activities have not resulted in any significant environmental degradation. Eskom has attached the most recent ECO audit report dated September 2013. The report states the following *"The detailed engineering design work by Eskom, servitude option discussions with landowners and the layout given to the Contractor was, however, inadvertently based on the preferred route (blue route) for the entire length of the powerline. Construction of the pylons to date has therefore been undertaken along the blue route which is in contravention of the approved powerline route (green route) in terms of the EA. All construction which has been undertaken on route alternative A1 has thus been flagged as a non-compliance in this audit report"*. The conclusion of the report further states *"Construction on site has ceased, however, pending the resolution of the fact that construction activities have commenced on unauthorised sections of the powerline route. Construction of the powerline has recently been undertaken on the Eskom preferred route (Alternative A1) and has not deviated on to the route in the Environmentally Authorisation (Alternative A3). Approximately 60% of the pylons which have been erected to date are therefore in contravention of the EA and have been highlighted as such in this audit report"*.

Landowners were consulted and land for the route was acquired, 90% of which has already been registered in the Deeds Registry Office. The landowners were not averse to the construction along the route.

Due to the current extent of construction, there is construction material that has already been procured and currently on site. There is therefore a security risk in that there is high theft of metal related incidents that have been reported in the country and this site will not be an exception.

There is a further risk of structures that might be half built posing a safety hazard to the public and animals.

The project was identified because the Hydra 400/220kV transformers are not firm in terms of reliability of electricity supply in the area. The Hydra/Ruigtevallei 220kV power line is performing poorly as it is constructed for 132kV operation. The Ruigtevallei/Valleydora 132kV line overloads during an outage on one of the Hydra/Ruigtevallei 220kV lines. The Ruigtevallei/Valleydora 132kV line also overloads during maximum generation at Gariiep Power Station. There are high network losses on the Ruigtevallei/Valleydora 132kV power line. Supply to Dreunberg s/s is not firm (not meeting reliability criteria). This then means more continued impact on the quality of supply to our customers and prolonged events of being without a supply.

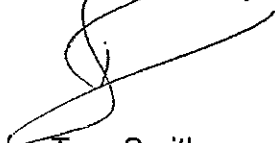
Eskom's intent, in terms of its environmental duty of care, is to ensure an outcome that has least impact to environment, limits the delay in provision of the electricity and has the least impact and disruption to land owners that have the power line routed over their land.

It is therefore Eskom's recommendation to continue with the construction of the powerline on the BARs preferred route (Alternative A1). This will alleviate the additional environmental footprint that would be created by having to dismantle and rehabilitate what has been constructed, and construct along a route that is approximately 20% longer. In addition, negotiations would need to commence with new land owners with a view of

securing servitudes. There would therefore be more environmental impact generated as the structures are concreted into the ground and decommissioning of this would result in waste generation as well.

Eskom therefore requests the Department of Environmental Affairs to consider all these facts in making a decision on the way forward. It is Eskom's intent to have this situation rectified through the submission of a NEMA section 24G application.

Yours faithfully



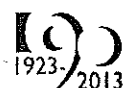
Tom Smith

**LAND DEVELOPMENT & ENVIRONMENTAL MANAGER
EASTERN CAPE OPERATING UNIT – ESKOM DISTRIBUTION**

Copy to: Millicent Solomons, Director: Integrated Environmental Authorisations

ANNEXURE A: MAP OF THE RUIGTEVALLEI-DREUNBERG 132KV ROUTE

Eastern Cape Operating Unit – Distribution Group
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Eskom Holdings SOC Limited Reg No 2002/01527/06

 1923-2013

From: Wiseman Rikhotso [<mailto:wrikhotso@environment.gov.za>]
Sent: Monday, October 14, 2013 3:50 PM
To: Dave Lucas
Cc: Conny Seroba; Sabelo Malaza
Subject: Eskom Ruigtevallei-Dreunberg 132kV Site Inspection

Dear Dave Lucas

Please note that the Department has planned to have the site inspection regarding this matter on 17 October 2013 (Thursday) as discussed in the meeting. Can you please assist me with the contact details for the official responsible for this project.

Regards

Hetisani Wiseman Rikhotso
Department of Environmental Affairs
Deputy Director: Reactive Inspections
Private Bag X447
Pretoria
0001
Tel:012 310 3093
Cell: 083 613 7514
Fax:012 320 5744
Environmental Crimes & Incident Hotline: 0800 205 005
E-mail:wrikhotso@environment.gov.za

MERWYN 083 375 9856

Enquiries: Asanda Sontsele

Tel: 043 705 4308

Cell: 072 852 3603

Miss Mary - Anne Crocker

Arcus Gibb

9 Pierce Street, Berea

East London

5241

25 September 2012

Dear Miss Mary-Anne Crocker

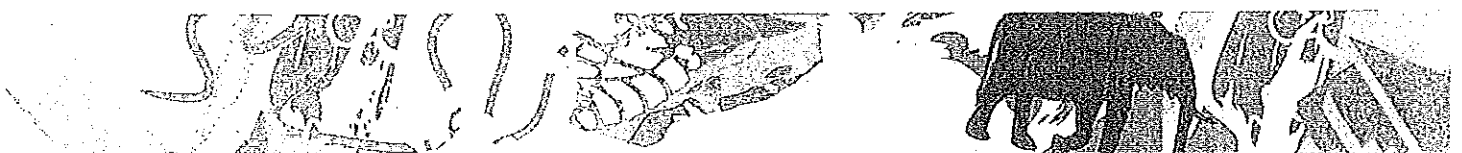
RE: BASIC ASSESSEMENT PROCESS FOR THE PROPOSED POWERLINE SERVITUDE: ESKOM REGTEVALLEI-DRUINBERG 132 KV POWERLINE ON REGTEVALLEI FARM NO. 190/0 EASTERN CAPE

Eastern Cape Parks and Tourism Agency (ECPTA) acknowledges receipt of your letter dated 03 September 2012 requesting consent for the proposed Powerline at passing through a portion of Oviston Nature Reserve. ECPTA would also like to acknowledge receipt of the Final Basic Assessment Report (BAR) with the Environmental Management Programme (EMPr) which was received on the 03 of September 2012 as well as the Avifaunal, Archaeological and Paleontological reports which were sent electronically on the same date as above.

ECPTA's Biodiversity Conservation Department have reviewed all the above reports and found that they adequately address biodiversity concerns which were noted on the letter dated 19 September 2011. ECPTA would like to emphasise the need to continuously involve the Reserve Manager at Oviston Nature Reserve as stated in the EMPr as she will be dealing with the overall construction and operational impacts of the proposed activity.

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Beacon Bay | 5205 | P.O.Box 18373 | Ougney | East London | 5211 | Tel. +27 (0) 43 701 9600

OFFICE OF THE CEO | HUMAN RESOURCES | CONSERVATION | FINANCE | 6 St Marks Road | Southernwood | East London | P.O.Box 11235 | Southernwood
East London | 5213 | Tel. +27 (0) 43 705 4400



ECPTA are therefore satisfied with the proposed project subject to the finalising of the servitude agreement with our operations department. Once the abovementioned agreements have been signed by ECPTA's operations department, then the project may commence.

Yours sincerely



Dr D Balfour

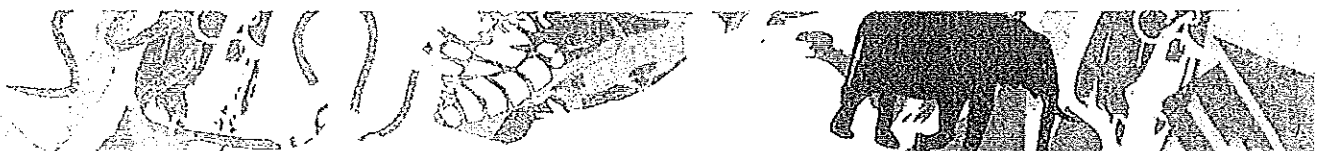
Executive Director: Biodiversity Conservation

Eastern Cape Parks and Tourism Agency (ECPTA)

Cc: Vuyani Dayimani

Director: Operations

Eastern Cape Parks and Tourism





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 12/12/20/2315

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Mr Tom Smith
Eskom Holdings
Private Bag X 1
BEACON BAY
5241

Fax: 043 703 2392

Tel: 043 703 5443

PER FACSIMILE / MAIL

Dear Mr Smith

REQUEST FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF THE RUIGTEVALLEI-DREUNBERG 132KV POWERLINE; 7.4 KM DEVIATION FROM AUTHORISED ROUTE, EASTERN CAPE PROVINCE

The Department confirms having received your amendment Application Form dated 31 July 2013 for the above-mentioned project on 13 August 2013. The Department will respond in due course.

Yours sincerely

Mr Ishaam Abader
Deputy Director-General: Legal Authorisation Compliance and Enforcement
Department of Environmental Affairs
Letter signed by: Mr Herman Alberts^o
Designation: Environmental Officer: Integrated Environmental Authorisations
Date: 27 / 08 / 13