

22 August 2007



Attention: Lene Grobbelaar
Department of Environment, Agriculture and Tourism
Private Bag X447
Pretoria
0001

South Africa
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synergy@synergistics.co.za

Dear Mrs Grobbelaar

**APPLICATION FOR EXEMPTION IN TERMS OF SUB-REGULATION 51 OF EIA
REGULATION NO 385: THE ASSESSMENT OF ALTERNATIVES (Sub-regulation 32 2(h))**

Synergistics Environmental Services (Pty) Ltd has, as an independent consultant to Eskom, submitted an application to the Department of Environment, Agriculture and Tourism (DEAT) for environmental authorisation of the development of a new ash dam facility at Komati Power Station (DEAT Ref: 12/12/20/1007).

Synergistics will complete a Scoping Report, in terms of Sub-regulation 29 of the EIA Regulations (GN R 385), which will be submitted to the DEAT for approval. Following this an Environmental Impact Assessment Report, in terms of Sub-regulation 32 of the EIA Regulations (GN R 385), will be completed and also submitted to the DEAT for approval.

Synergistics hereby makes an application to the DEAT, as the competent authority, for an exemption from a provision of the EIA Regulations (GN R 385) as permitted by Sub-regulation 51 of the regulations. Sub-regulation 32 (2) prescribes the information that an environmental impact assessment report must contain in order for the competent authority to consider the application and reach a decision. Section 32 (2)(h) of the EIA Regulations (GN R 385) reads "a description and comparative assessment of all alternatives identified during the environmental impact assessment process; (i) a summary report of the findings and recommendations of any specialist report or report on a specialised process;"

The application proposed by Synergistics is for exemption from the consideration of alternatives during the EIA for the new ash dam facility at the Komati Power Station as required by sub-regulation 32 (2)(h).

Motivation for the exemption application follows:

During the identification of a potential site for a new ash dam facility 7 sites were considered. These sites were originally identified and examined prior to the mothballing of the power station in 1990. All of the sites were re-examined during a screening workshop conducted in July 2007 as part of the environmental scoping process. Each of the sites were ranked, by collective expert judgement, in terms of their suitability to host an ash dam facility based on a number of biophysical, social and technical criteria relevant to the project.

The outcome of both the initial and current investigation was that Site 7, adjacent to the current ash dam facility, is the preferred site. The process and results of this site screening process have been fully documented in the attached report. This report will be included as a chapter in the Scoping report.

The consideration of site alternatives has thus already occurred and a preferred site selected through a robust and defensible process. It is considered, that further examination of the various site alternatives during the EIA would be very unlikely to result in information that would contribute to the alteration of this selection. I therefore request that you consider this application for exemption from the consideration of alternatives during the EIA.

If you have any questions on the matter or require any further information please do not hesitate to contact myself.

Yours faithfully

Matthew Hemming
Environmental Scientist

Matthew Hemming

From: Kubentheran Nair [Kubentheran.Nair@eskom.co.za]
Sent: 18 March 2008 10:22 AM
To: Peter Ngoasheng
Cc: Mosili Ntene; Nico Gewers; Matthew Hemming
Subject: Fwd: Re: Komati Ash Dam & - Exemption Application for Transmission Lines.

Dear Peter,

Thank you for your response. The consultant will formally withdraw the exemption process in writing.

Kind regards
Kubentheran

>>> On 18/03/2008 at 08:30, in message <47DF7DC0.9A5E.0056.0@deat.gov.za>, "Peter Ngoasheng" <Pngoasheng@deat.gov.za> wrote:

Hi Kubenntheran

This refers to enquiries made by you regarding the Komati Ash Dam Exemption application.

Your application for exemption from considering alternatives during the final stages of the EIA process has been considered and the draft letter had been forwarded to Chief Director for signature. However, the Chief Director raised some concerns regarding the draft exemption letter and it was referred back to the case officer for re-drafting. In the meantime, Eskom submitted a Scoping Report while the exemption application was still under consideration by the Department. On review of the Scoping Report, it was established that Eskom has included all the seven alternatives that were investigated during the screening process for public scrutiny. This was the main concern raised by the Chief Director during the review of your application for exemption. Seeing that Eskom has afforded the public an opportunity to comment on the Scoping Report, it is therefore decided that Eskom be advised to withdraw the application for exemption because the Scoping Report submitted by the consultants satisfies the requirements of Regulation 29 (1) of Government Notice R. 385 of 2006 and this Scoping Report has been accepted by the Department.

In light of the above, you are kindly advised to withdraw your application for exemption because the Scoping Report submitted to the Department has been accepted and it satisfies the requirements of Regulation 29 (1) of Government Notice R. 385 of 2006.

Your sincerely

Lesiba Ngoasheng



25 March 2008

Ref: S0194

DEAT Ref: 12/12/20/1007

Attention: Mr P Ngoasheng
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Dear Mr Ngoasheng

WITHDRAWAL OF APPLICATION FOR EXEMPTION FROM THE ASSESSMENT OF ALTERNATIVES FOR KOMATI ASH DAM EXTENSION 3

Synergistics Environmental Services (Pty) Ltd, working as an independent environmental consultant to Eskom, commenced with an application for environmental authorisation of ash dam extension 3 at Komati Power Station. The application was submitted to the Department of Environmental Affairs and Tourism (DEAT) in August 2007

Following commencement of the project, an application for exemption from the consideration of alternatives, in terms of Regulation 51 of the environmental impact assessment (EIA) regulations, was submitted to the DEAT. The application was specifically for exemption from the consideration of ash dam alternatives during the EIA as required in Sub-regulation 32 (2)(h) of the EIA Regulations (GN R 385). Motivation for the exemption application was based on the fact that a number of sites for the ash dam had been thoroughly investigated during a robust and defensible site screening process and a preferred site identified. It was considered very unlikely that further examination of the various site alternatives during the EIA would result in information that would change the selection of the preferred site. The site screening report was included with the exemption application submitted to the DEAT on 22 August 2007.

Subsequent to the submission of the exemption application Synergistics completed a Scoping Report, in terms of Sub-regulation 29 of the EIA Regulations (GN R 385). The Scoping Report included, as Chapter 3, the ash dam site screening report and clearly indicated that further ash dam alternatives would not be considered during the EIA phase of the study. The draft scoping report was made available to the public for review and the final report was submitted to the DEAT on 10 December 2007. At this time a revised application, including the deviation of two powerlines from the ash dam site, was submitted to the DEAT. DEAT accepted the Scoping

Report and Plan of Study for EIA on 22 February 2008 and advised that the EIA may proceed accordingly.

Following enquiries, by Eskom and Synergistics, as to the status of the exemption application an email response was received from the DEAT case officer indicating that Eskom should withdraw the exemption application. The communication, included as Appendix 1, detailed the following as reasons why Eskom should withdraw the exemption application:

- Scoping had considered all seven site alternatives;
- The site screening process was made available for public scrutiny; and
- The Scoping Report had been accepted by DEAT as meeting the requirements of Regulation 29(1) of GN R 385.

It is thus understood that the DEAT is satisfied that the EIA regulation's requirement for the consideration of alternatives has been met in the Scoping Report and that further consideration of alternatives during the EIA phase is not required. On the basis of this understanding, Synergistics, acting on behalf of Eskom, hereby withdraws the application for exemption from the consideration of ash dam alternatives.

Could the DEAT be so kind as to acknowledge receipt of this letter, and confirm that neither the assessment of alternatives during the EIA, nor an exemption from this process are required as the Scoping Report, which was accepted by the DEAT, has satisfied the requirements of the EIA regulations in this regard.

Yours faithfully

Matthew Hemming
Environmental Scientist

CC – L Grobbelaar