

The EIA Process with Special Emphasis on Roads: Public and Private Perspectives



President Zuma: SONA 2015

Responding to business requests, government has synchronised environmental impact assessments, water and mining rights applications and has set a maximum of 300 days for all of these authorisations to be issued.

The EIA Process for Roads: Public and Private Perspectives

Public Sector Perspectives:

- What change does SONA speak to
- Nature of the new (2014) EIA Regulations
- Some important concepts
- EIA activities relevant to roads

Private Sector Perspectives

- How are leading companies tackling EIA challenges – seven successful EIA habits



What change does SONA speak to:

*...government has **synchronised** environmental impact assessments, water and mining rights applications and has set a maximum of **300 days** for all of these...*

- **New (2014) EIA Regulations**
- **Integrated “*single*” environmental system under NEMA (DEA Minister is the Regulator)**
- **Affected through amendments to NWA and MPRDA**
- **DWS and DMR become competent authorities i.t.o NEMA (*barrow pits, quarries and all water matters*).**

Nature of the new (2014) EIA Regulations:

- **Greater process consistency**
- **Opportunity of consolidation and integrated approvals process**

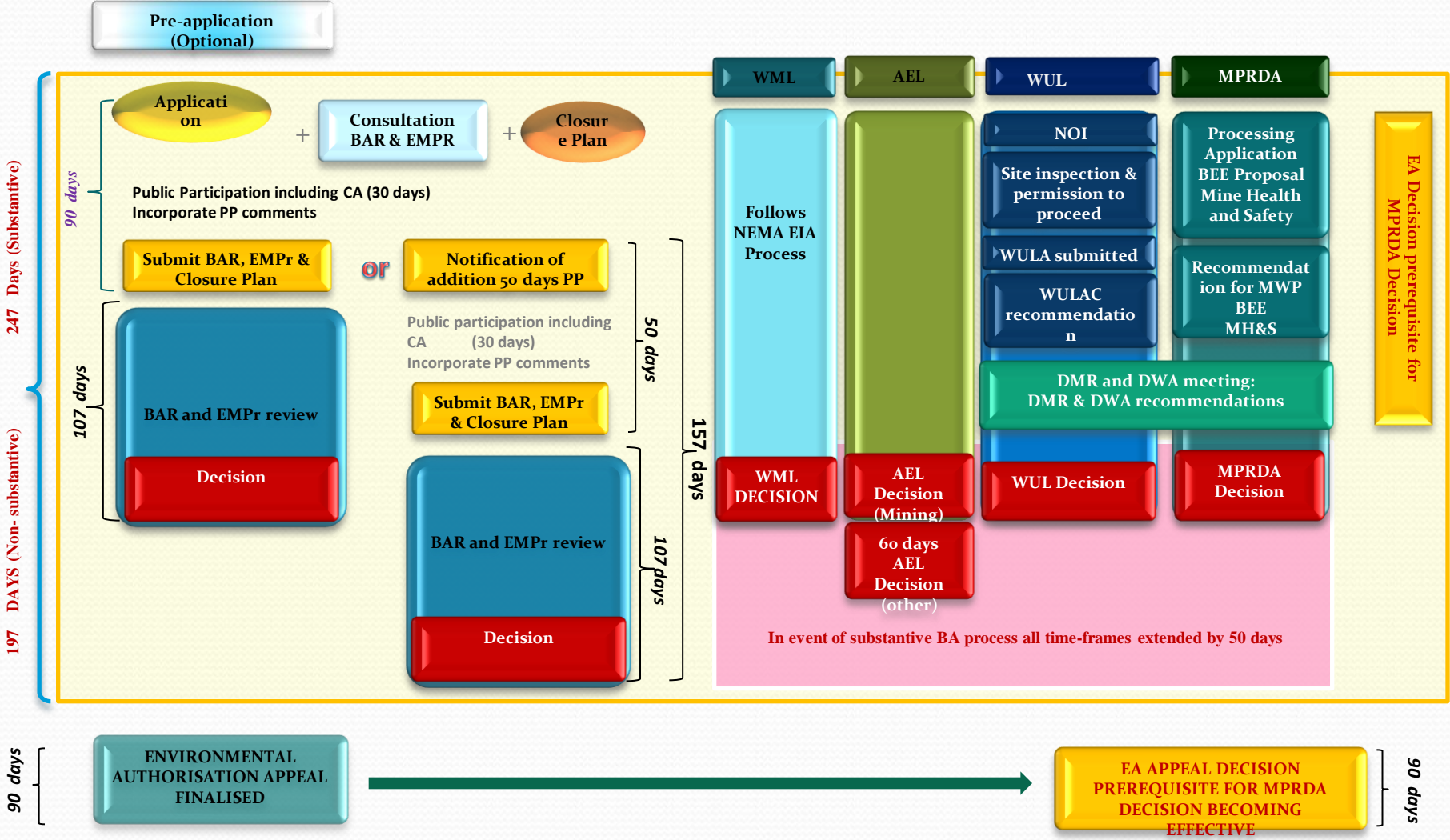
- **2014 Regulations still consist of EIA process stipulations and Listing Notices that determine which activities require authorisation**
- **Mining more fully integrated than water**
- **Appeal and exemption provisions are dealt with separately**

Nature of the new (2014) EIA Regulations:

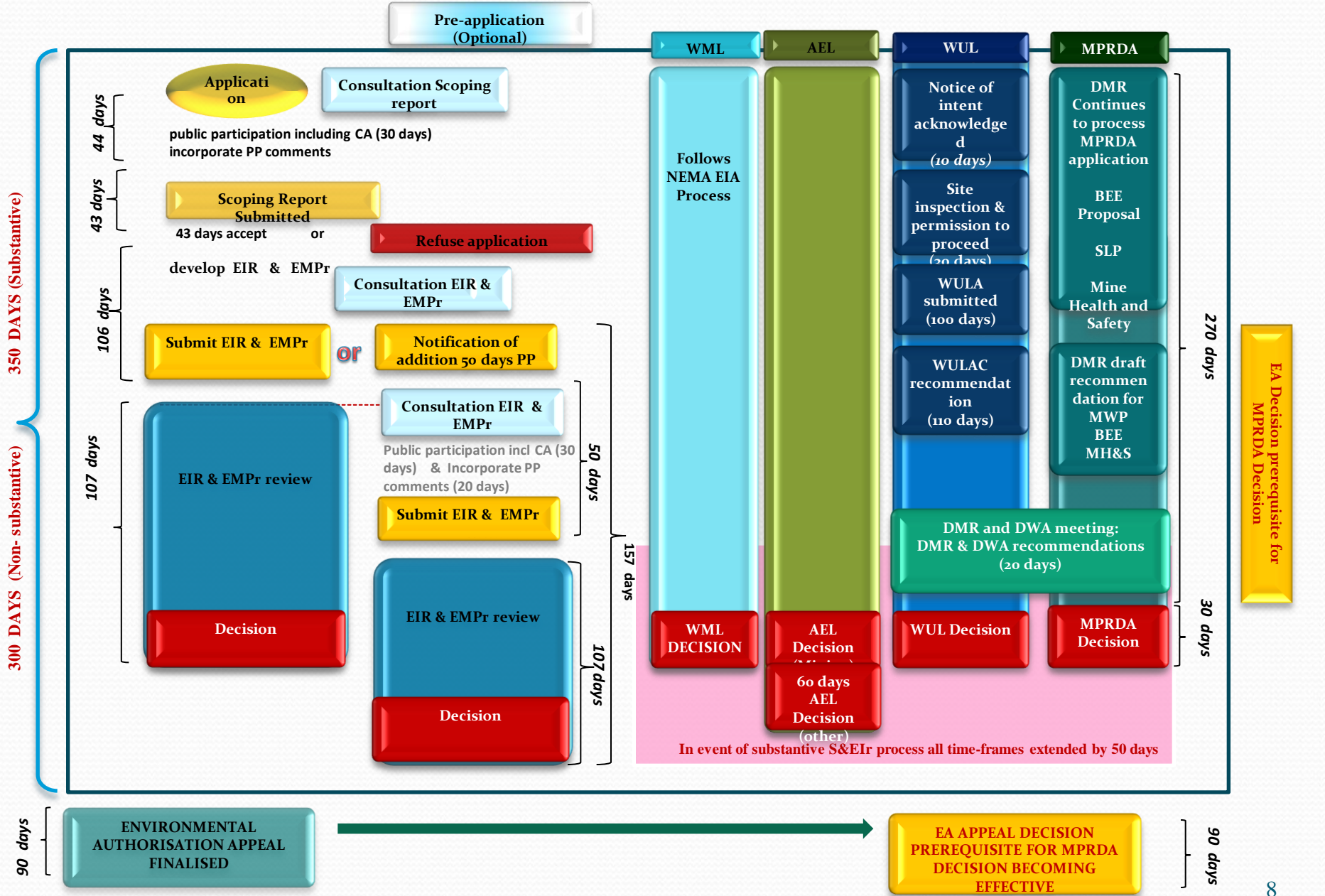
- **Still two processes: Basic Assessment and Scoping and EIR**
- **EAP timeframes have been added**
- **BA 197 to 247 days**
- **S&EIR 300 to 350 days**
- **Days are post agreement to integration or submission of application to DMR**
- **Assumes no “*hitches*” (information)**
- **30 day period for all commentary**
- **Five day period to communicate decisions**
- **Excludes 15 Dec – 5 Jan**
- **Does not include appeal period (90 days)**

BA Process

MPRDA Application Accepted



S&EIR Process



Nature of the new (2014) EIA Regulations: Important Concepts

- **Potential start date for public participation**
- **Requirement for a closure plan**
- **Conditions to audit – process is regulated**
- **Audit could lead to amendment of EMP, which is process bound**
- **EA may be suspended upon realisation of misrepresentation or non-disclosure**
- **Inclusion of “*development*” as opposed to “*construction*”**

EIA Activities Associated to Roads Projects:

- **Bulk water and wastewater transport 1000 m (0,36 Ø / 120/s)**
 - Excluding road reserve and urban areas
- **Storage and handling of dangerous goods (GHS):**
 - **30 / 80 / 500** cubic meters
 - Straight run bitumen is not a dangerous good
- **Works in or close to (32m) watercourses**
 - Excluding road reserve and urban areas
- **Development 100 m from high-water mark**
 - Excluding urban areas
- **Mining permits / rights (borrow pits)**
- **Various expansion and decommissioning activities**
- **Effluent, wastewater, sewerage treatment (2000 m³)**
- **Clearance of more than 1 ha indigenous (300 m²)**
 - Excluding linear activities

List I - Basic

List II - Full

List III – Sensitive / Basic

EIA Activities that Apply to Roads:

- **Roads with previously authorised route determination**
- **Roads (reserve 13.5 wide or width of 8 m)**
 - Unless entire road is urban
- **National or Provincial Road**
- **Road reserve wider than 30 m**
- **More than one lane in either direction**
- **Wider than 4 m with reserve < 13,5 m**
 - For all sensitive areas
 - Also for expansion in sensitive areas
- **Widening road by > 6 m or lengthening by > 1 km if:**
 - Existing road reserve 13.5 wide or width of 8 m
 - Unless entire road is urban

List I - Basic

List II - Full

List III – Sensitive / Basic

EIA Activities that Apply to Asphalt Plants:

- Any emissions permits
- Any AEL activity
- Subcategory 5.10 of AEL Activities: Macadam Process

EIA Activities that Apply to Temporary Asphalt Plants:

- Defines as plant that operates for single contract < 2 years
- Exempt from AEL (must meet standards and reporting)
- Therefore exempt from EIA.

Unintended Legal Consequences:

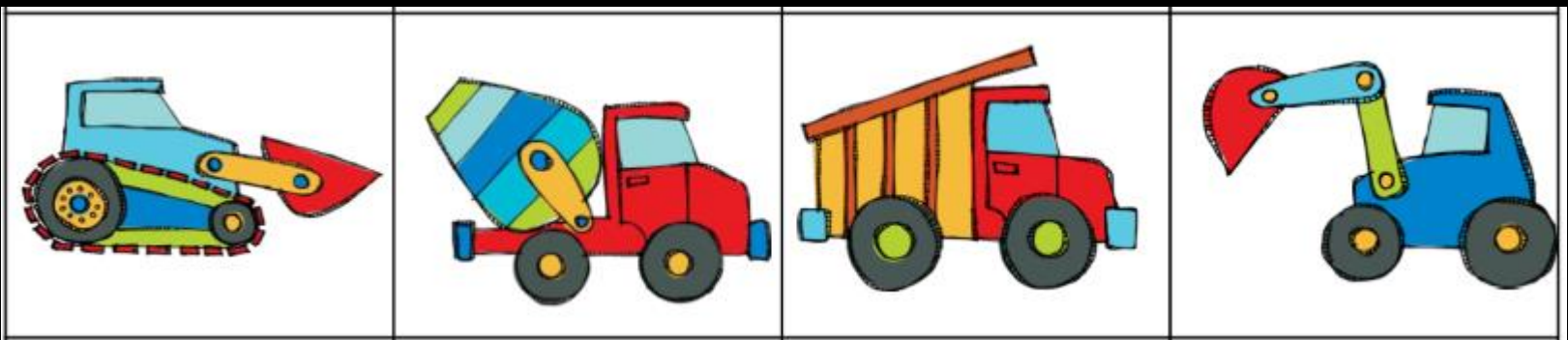
- **Listed Activity 5 in Listing Notice 2 (EIA Regulations)**
- **Processing 50 cubic meters of petroleum products / day**
- **If an asphalt plant produces 100 tons per hour**
- **@ 5 % bitumen (5 tons)**
- **It need only run for 10 hours to trigger this EIA need**
- **Listed activities apply to design capacity!!!!**



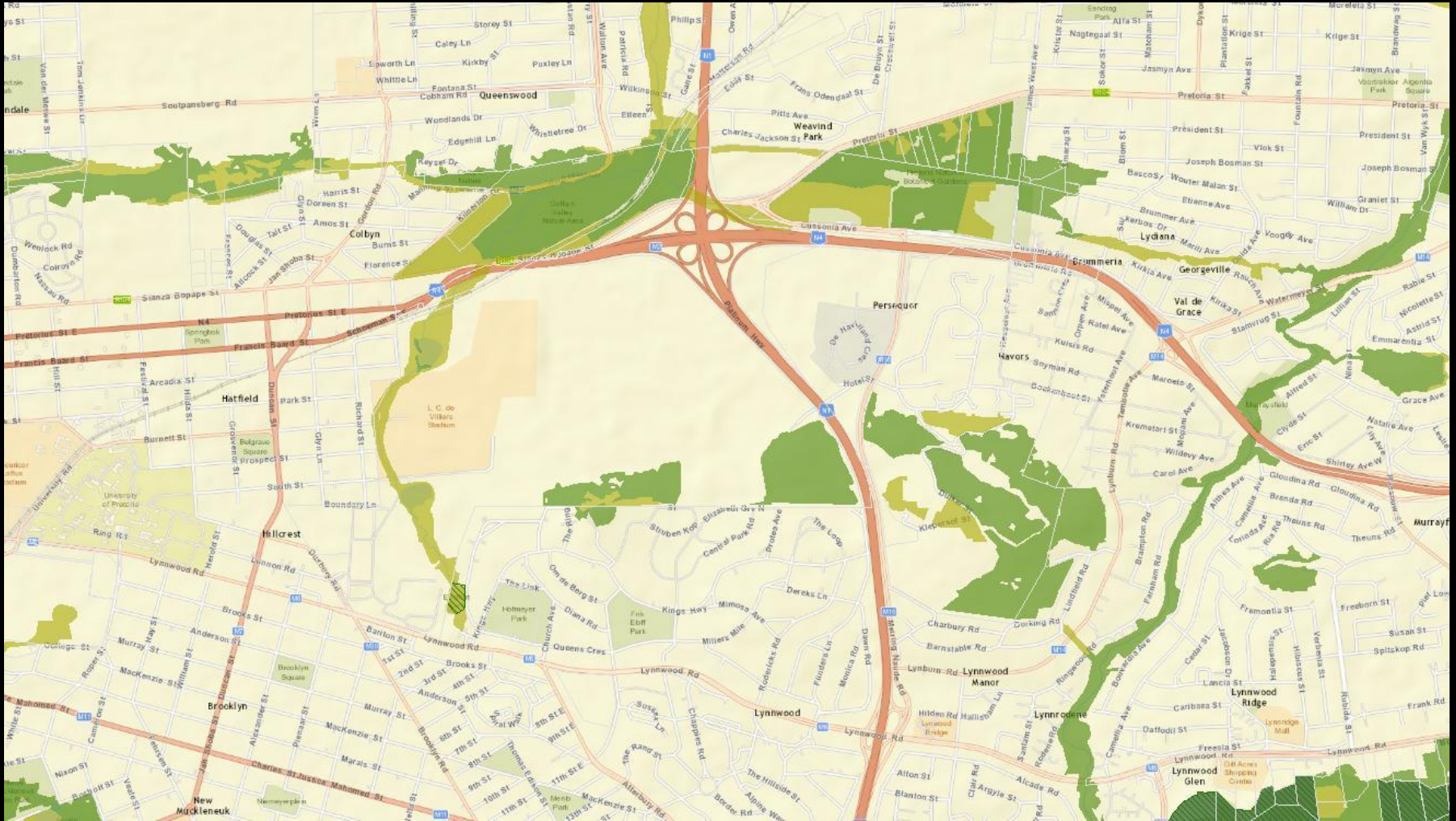
Sensitive Areas that Apply to Roads:

Gauteng:

- Protected Areas
- National and Gauteng Protected Areas Expansion Areas
- CBA, ESA in Gauteng C-Plan
- Threatened ecosystems ito NEMBA
- Sensitive areas of environmental authority
- Reserve and protected areas of authority
- High potential agricultural areas
- IBA's
- International Convention Sites
- Municipal Reserves
- Areas zoned conservation or public open space



Location, Location, Location!!



Private Sector Perspectives

How are leading companies tackling EIA challenges

- The EIA remains and long and complex process in spite of (SONA) streamlining.
- Greater integration and greater clarity is helpful
- Greater “*sense of delivery*” in delegated authorities
- Greater inclusion of accountable timelines
- Areas of concern remain:
 - Capacity
 - Integration
 - 107 days to assess Basic Assessment

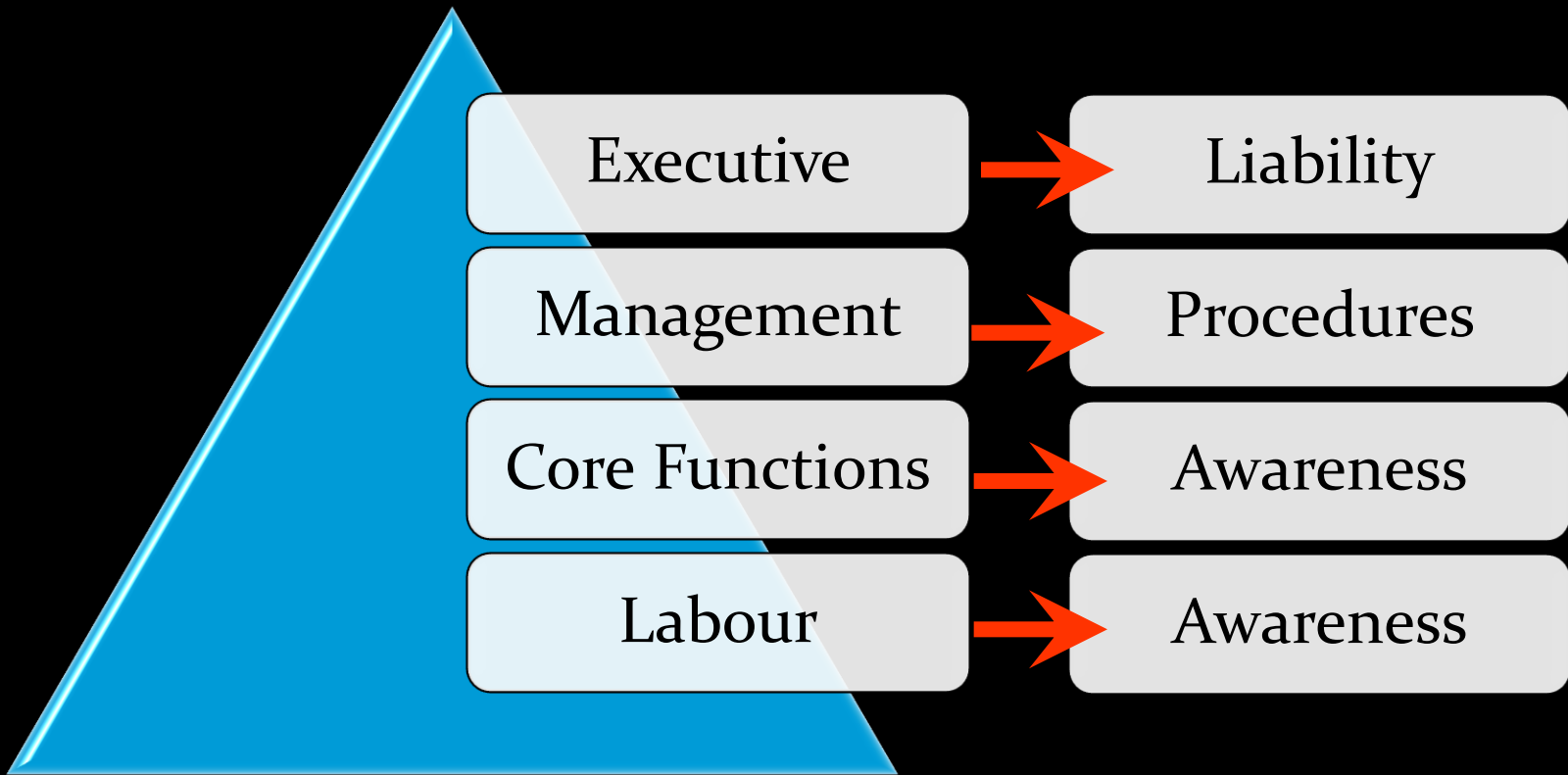


Private Sector Perspectives

How are leading companies tackling EIA challenges



Environmental Training



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