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'Triggering' an EIA

Environmental Impact Assessments (EIAs) are a legal necessity for many activities in the wood treatment industry, and hold several benefits for your business.

These include a more efficient design of your factory, which leads to lower capital and operating costs; better environmental credibility, which improves your public relations; and a reduced risk of legal action, fines and criminal prosecution due to pollution.

This is the word from Ross Holland, of Holland and Associates Environmental Consultants, which has done extensive work with Dolphin Bay Chemicals to ensure that our factories comply with environmental legislation.

"We chose Holland and Associates because they share our business values, and we are extremely confident in their competence," says Dolphin Bay Managing Director, Bertus Coetzee.

"The company is also very well-connected with all the other experts one needs to call on in the process of conducting an EIA, and they have a thorough understanding of diverse situations and the application of environmental law."

Holland says that the most common "trigger" activities in the wood treatment industry for an EIA include:

- Storage and handling of dangerous goods, where certain threshold volumes are exceeded;
- Atmospheric emissions;
- Generating certain kinds and volumes of waste;
- The site's proximity to the water course, under certain conditions;
- The site's proximity to the high water mark of the sea;
- Clearing vegetation.

These "trigger" activities are outlined in the EIA Regulations published in terms of the National Environmental Management Act (NEMA). The triggers for an EIA, and the requirements for the process, differ depending on whether a new facility is being constructed or an existing facility is being upgraded or expanded, says Holland.

"Smaller wood treatment operations may fall below the 'trigger' thresholds for activities outlined in the regulations," says Holland. "However, each case must be evaluated on its own merits. NEMA requires all organisations, regardless of the size of their operations, to take reasonable measures to ensure that the environment is not harmed."

The legislation governing EIAs applies across a wide range of industries ranging from agriculture to commercial developments, renewable energy, municipal and provincial infrastructure, mining, cement manufacturing, conservation and tourism, amongst others.

For smaller scale activities, a Basic Assessment is required. These activities are listed within GN R544 and GN R546 of the EIA regulations published in terms of NEMA, or under Category A of the Waste Act.

For larger-scale activities, a Scoping and EIA process must be undertaken. These activities are listed within GN R545, or under Category B of the Waste Act.

By law, EIAs must be undertaken by an independent environmental assessment practitioner. The first step is to engage a qualified and experienced practitioner, who assesses which aspects of the legislation apply, whether an Environmental Authorisation needs to be applied for and, if so, whether a Basic Assessment or a full EIA is required.

Holland gives a highly abbreviated description of the process. First, an application form must be submitted to the relevant environmental authority. An interactive process then starts. This involves input from the project team, the environmental assessment practitioner, relevant specialists, various authorities, such as the local municipality and conservation authorities, and interested and affected parties as well as extensive public participation.

Through this process, issues and impacts are identified, project alternatives developed, impacts are assessed and the appropriate mitigation measures put forward. A report is then submitted to the Competent Environmental Authority for a decision, which is followed up by an opportunity to appeal.

The costs of an EIA are not insignificant although they vary, depending on the process required, the environmental sensitivity of the area and the level of specialist input required, says Holland.

"One needs to view the cost of legal compliance against the significant penalties that apply," he says. "In our experience, compliance reinforcement is increasing, so running a non-compliant operation could have severe consequences. A reputable practitioner will be able to run an efficient and cost-effective process, in line with legal requirements."

Most first-world countries have well-developed environmental legislation and, broadly, the same goals and requirements as our own. All SADC countries, too, have some form of environmental legislation.

There is a multitude of environmentally related statutes - not just EIA regulations - in South African environmental law. Many of these place onerous responsibilities on developers.

"To be prudent, treatment plant operators should appraise themselves of any environmentally related obligations and risks that are associated with current and future activities," Holland advises.

Says Coetzee: "We were extremely happy with the work Ross Holland and Associates did for us, and recommend their services to our clients and other industry players."