

Environmental Audit, Assessment and Review Regulations

In exercise of the powers conferred by Section 18 of the Swaziland Environment Authority Act, 1992, and in consultation with the Authority, the Minister for Natural Resources and Energy makes the following regulations -

Citation

1. These regulations may be cited as the Environmental Audit, Assessment and Review Regulations, 1996

Commencement

1. These regulations shall come into operation on the date of publication in the Gazette.

Application

1. These regulations shall apply to Government and any other persons, bodies and institutions.

Interpretation

1. In these regulations, unless context otherwise requires -

"**authorising agency**" means a person, body, government department or agency, local authority or any person empowered by law in Swaziland to issue a permit, licence, consent or approval;

"**category**" means a class or projects to which a proposed project may be assigned to in accordance with the First Schedule and which is subject to a specific environmental and review procedure;

"**comprehensive mitigation plan**" (hereinafter referred to as CMP) means a document containing a description of the mitigation measures to be implemented that would prevent, reduce or otherwise manage the environmental impacts of a project and done according to the reporting requirements of the Second Schedule;

"**day**" excludes Saturday, Sunday and an official public holiday;

"**environmental audit**" (hereinafter referred to as EA) means work done to identify and evaluate the environmental impacts of existing projects which is done according to the reporting requirements in the Second Schedule;

"**environmental compliance certificate**" means a certificate issued by the Authority, stating that a proposed project under consideration is not likely to cause unacceptable environmental impacts and that the proponent shall manage the construction and operation of the project in accordance with an approved comprehensive mitigation plan;

"**environmental impact statement**" (hereinafter referred to as EIA) means the process of predicting and evaluating the likely environmental impacts of a proposed project where the scale of extent and significance of the environmental impacts can not easily be determined;

"**environmental sensitive area**" means an area, either statutory protected or not protected, in any part of Swaziland which is sensitive to environmental impacts because of the value or significance of its resources, or an area which protects some resources and areas listed under the Third Schedule;

"**initial environmental evaluation**" (hereinafter referred to as IEE) means an environmental analysis of a proposed project whose environmental impacts may be easily determined and for which there are appropriate, well known and tested mitigation measures;

"**operator**" means a legal person or entity responsible for the existence or management of an existing project;

"**project**" includes a plan, operation, undertaking, construction, development, change in land use or other entity, or alteration which may not be implemented without a permit, licence, consent or approval from an authorising agency;

"**project compliance report**" means a report produced periodically, during and after the implementation of a CMP, which describes action's and results taken to implement a CMP and which is done according to the reporting guidelines in the Second Schedule;

"**proponent**" means a legal person or other entity responsible for initiating a project and obtaining the appropriate authorisation.

PART B: EXISTING PROJECTS

Preparation of Environmental Audit Reports

5.
 2. The Authority shall -
 1. annually identify and maintain a list of projects which cause concern to the Authority, public or environment because of their impact on the environment and shall publish the list of such projects in its annual report;
 2. require an operator of an identified or listed project to submit an EA report and a CMP to the Authority and that the operator shall submit to the Authority the EA report and the CMP within six (6) after notification to do so; and
 3. after receipt of the EA report and the CMP, determine whether or not the EA report and the CMP conform to or is in accordance with the prescribed reporting requirements or guidelines under the Second Schedule and where the EA report or the CMP does not conform, the operator shall be required to make good any deficiencies and resubmit.
 3. An operator shall bear the costs for the preparation of the EA report and the CMP.
 4. The Authority shall distribute copies of the EA report and the CMP to every ministry concerned or responsible for the control of the project for its comments.
 5. A Ministry required under sub-regulation 3 to comment shall submit its comments to the Authority within a period of four (4) weeks after receipt of the copies of the EA report and the CMP
 6. An EA report and a CMP shall be public documents and copies may be made available by the Authority to whoever desires to have them without charge or at a minimal charge determined by the Authority.
 7. Notwithstanding sub-regulation (5) and subject to sub-regulation (7) the Authority may make available copies of an EA report and a CMP for inspection by members of the public at selected locations in the vicinity of the project, to which it relates, for a period of not less than twenty (20) days.
 8. The Authority may not make available to the public copies of an EA report as provided for in sub-regulation if an operator of that projects demonstrates to the satisfaction of the Authority that to do so would be detrimental to either -
 1. a normal commercial operations of that project; or
 2. the national interest of the country.
 9. In pursuance to sub-regulation (7), if the Authority is satisfied that an EA report shall not be made available to the public for inspection, that the operator shall produce and submit a summary of that EA report to the Authority.
 10. If the Authority accepts the summary mentioned in sub-regulation (8) that the summary shall be made available to the public for inspection, but where a summary is not acceptable the operator shall produce and submit any number of summaries until one is acceptable to the Authority.
 11. The procedure for public review, inspection, submission of comments and objections shall be in accordance with regulations 8 and 11.
 12. After the expiration of the period mentioned in sub-regulation (6) the Authority shall, within fifteen (15) days, decide whether or not a CMP requires to be amended and if requires to be amended, that operator with the assistance of the Authority shall prepare a final CMP.
 13. The Authority shall, after its acceptance of the final CMP, order in writing that the operator implements within fifteen (15) days the CMP after notification of the order and the operator shall comply with the order.

Implementation of CMP and Compliance Reporting

6.
 2. An operator who is subject to these regulations shall be responsible for the implementation for the CMP in relation to that operator's project.

3. An operator shall submit periodic Project Compliance Reports as may be determined by the Authority and in accordance with the guidelines in the Second Schedule.
4. the Authority shall monitor compliance and ensure observance of the CMP by an operator.
5. In enforcing compliance with this regulation, the Authority shall have due regard to the economic and social advance of the country.

PART C: PROPOSED PROJECTS

7.

14. A proponent, operator and a project, regardless of whether that project is new or part of a previously approved project but as long as that project -
 1. requires a permit, licence, approval or other consent from an authorising agency; or
 2. is forwarded to the Ministry of Economic Planning and Development (MEPD) for inclusion in the Development Plan

is subject to these Regulations.

6. An authorising agency or proposing Ministry shall, as the case may be, review all such projects to determine whether any significant environmental impacts are likely to occur and determine to which category, that is category 1, 2 or 3 of the First Schedule they fall under.
7. The Authority is vested with the right, and it shall exercise it on petition or independently, to review a decision on project categorisation to which a project is assigned and it shall exercise that right within five (5) days after receipt of that decision of the authorising agency or proposing Ministry.
8. An authorising agency, proposing Ministry or the Ministry of economic Planning and Development shall submit every project which is subject to these regulations, together with its assigned category to the Authority within fifteen (15) days after assigning a category to a project.
9. No person shall, after the Authority has amended a categorisation of a project, subsequently change, alter or amend that categorisation without the consent of the Authority.
10. Where the Authority has amended a categorisation, it shall within ten (10) days of the date of amendment notify in writing the authorising agency or the Ministry of Economic Planning and Development.
11. The Authorising agency or the MEPD shall, on receipt of the notification mentioned in sub-regulation (6), notify in writing, the proponent or operator, of the amendments and of the category assigned to the project within ten (10) days of receipt of the amendment from the Authority.
12. Where the Authority has not issued an Environmental Compliance Certificate, a project shall not proceed to the authorisation procedures
13. If a project is classified under Category 1 and the Authority accepts that classification, it shall within ten (10) of the Authority's acceptance, classification or re-classification issue an Environmental Compliance Certificate and the project shall then be proceeded to the authorisation procedures.
14. If a project is classified under Category 2 or 3 that project shall not be proceeded further until sub-regulations (11) and (13) are complied with and the Authority issues the Environmental Compliance Certificate.
15. Where the project is classified under Category 2, -
 1. a proponent shall submit an IEE report and a CMP to the authorising agency or the MEPD which shall forward the IEE report and the CMP to the Authority within ten (10) days of receipt;
 2. the Authority shall, within fifteen (15) days of receipt of the IEE report and the CMP, decide whether the IEE report and the CMP conform to the prescribed reporting requirements or guidelines specified in the Second Schedule, and
 1. if they do conform, the authorisation process continues to the next stage; and
 2. if they do not conform, the project proponent shall prepare and submit an amended IEE report and CMP to the Authority which shall, within fifteen (15) days of receipt decide on the issue of conformity;

3. the Authority shall review the IEE report and the CMP and may -
 1. order the project proponent to prepare and submit an EIA and the CMP; or
 2. order the project proponent to make any other appropriate amendments;
 3. the Authority shall notify the authorising agency and the MEPD of its decision under paragraph (c), which shall in turn notify the project proponent of the decision; and
 4. in pursuance to paragraph (c), the project shall assume and follow the procedure under sub-regulation 13 for projects under Category 3.
 16. The proponent shall be responsible for all expenses incurred including expenses for the preparation of an IEE, EIA reports and the CMP and shall provide sufficient copies during the review procedures.
 17. Where a project is classified under Category 3 -
 1. the proponent shall submit an EIA report and a CMP to the authorising agency or the Ministry of economic Planning and Development which shall forward it to the Authority within ten (10) days of receipt; and
 2. the Authority shall within twenty (20) days of receipt of the EIA report and the CMP, decide whether the EIA report and the CMP conform to the prescribed reporting requirements or guidelines specified in the Second Schedule and do contain the necessary breadth, depth and types of analysis and -
 1. if they do, the authorisation process continues to the next stage; and
 2. if they do not, the project proponent shall prepare and submit an amended EIA report and CMP to the Authority which shall, with twenty (20) days of receipt, decide and make its own decision known to the affected parties and who shall abide by the decision.
 18. The project proponent shall be responsible for all expenses incurred in the preparation of EIA reports and the CMP and shall provide sufficient copies during all review procedures.
- Procedure for Obtaining an Environmental Compliance Certificate
2. Prior to a decision as to whether or not an ECC ought to be issued, there shall be an internal review of an IEE report and CMP, and an EIA and the CMP, managed by the Authority and an evaluation for the project and its impacts undertaken by the Authority.
 3. Immediately after the reports and the CMP's mentioned in sub-regulation (1) have been accepted by the Authority, the Authority shall elicit objections, comments or submissions from interested and affected persons.
 4. The Authority shall immediately after receipt of objections, comments or submissions,
 1. acknowledge receipt of all written objections, comments or submissions; and
 2. send a copy of the objections, comments or submissions to the proponent and the Authorising agency or the Ministry of economic Planning and Development.
 5. The Authority shall, at the expiration of the public review periods specified under regulations 11 (8) or (9), review the comments and submissions and determine within five (5) days whether or not a public hearing or inquiry is necessary.
 6. the Authority may hold a public hearing or inquiry if the circumstances specified under regulation 11 (12) exist and the Authority is of the opinion that a public hearing or inquiry be held.
 7. The Authority shall, after the date to be specified by the Authority as the last date for the submission of objections, deliberate upon the contents of the reports mentioned in the regulation and on the evaluated comments or submissions and objections put forward by interested and affected persons, including commenting agencies and make a decision in conformity with sub-regulation (7).
 8. The Authority shall, within twenty (20) days after receipt of a report of a public hearing or inquiry, or within twenty (20) days after a public hearing or inquiry is judged not to be warranted, make a decision -
 1. allowing the proponent to proceed with the project and issue the proponent with an ECC; or

2. disallowing the proponent from proceeding with the project as planned if it would bring about unacceptable environmental impacts or that the mitigation measures are inadequate.
9. The proponent to whom paragraph (b) of sub-regulation (7) applies may submit an amended or revised CMP for the Authority's consideration
10. The Authority shall communicate its decision under sub-regulation (6) and (7)
 1. in writing to the authorising agency or the Ministry of Economic Planning and Development giving reasons, conditions and comments to its decision;
 2. by publishing that decision in a medium to be decided by the Authority;
 1. by publishing a detailed statement of the decision for public inspection in the manner specified in sub-regulation (7) of regulation 11; and
 2. by sending a copy of the decision to any persons who has in writing submitted comments or lodged an objection to the Authority in terms of these Regulations.

Appeals

2. Any person who -
 1. has substantial interest in the decision of the Authority;
 2. is aggrieved by its decision; and
 3. has paid the prescribed appeal fee, may lodge an appeal in writing to the Minister in the prescribed form from within the time specified under section 17 of the Act.
 4. An appellant shall pay to the Accountant-General, before that appeal is heard by the Minister, and appeal fee of five hundred (E500.00) Emalangeni.
 5. In determining an appeal, the Minister may, if necessitated by the technical nature of the issues involved, seek an expert opinion for the Minister's consideration.
 6. The Minister shall then decide each appeal in terms of the Swaziland Environment Authority Act and shall take into account the environment policy, practice and the objectives of the Act.
 7. An appellant shall be responsible for charges, costs and any other expenses incidental to the appeal including charges for an expert opinion.

Project Authorisation and Implementation

10.
 1. An Authorising agency shall, on receipt of an ECC, incorporate the CMP into the relevant authorisation documents issued to the proponent.
 2. A Ministry responsible for implementing a project contained in the Development Plan shall implement the CMP for the project to which the ECC relates.
 3. An authorising agency or an implementing Ministry shall a periodical times to be agreed upon under sub-regulation (5), carry out inspections to ensure that the CMP is being implemented, identify and evaluate the actual environmental impacts occurring.
 4. In pursuance of sub-regulation (3) an authorising agency or implementing ministry shall immediately after carrying out an inspection and valuation mentioned in that sub-regulation, prepare and submit a Project Compliance Report (PCR) to the Authority.
 5. the Authority and the authorising agency or implementing Ministry shall agree in writing on the times and frequency of the inspections and submissions of reports under sub-regulation (3) and (4) prior to any ground preparation work is commenced.
 6. Notwithstanding the provisions of sub-regulation (3), (4) and (5) the Authority may, on its own initiative or on the results of the PCR, carry out inspections, valuations and take appropriate action in terms of the Act.

Public Reviews, Consultations and Hearings

11.
 1. The Authority shall cause to be conducted a public review on any project classified under Category 2 or 3 and in accordance with sub-regulation 8.
 2. A public review period on a project classified under Category 2 shall commence immediately after the Authority releases copies of an IEE report and the CMP in terms of sub-regulation 7.
 3. A proponent in respect of a project classified under Category 3 shall, before preparing an EIA report and CMP, effect a consultation process to involve or include concerned or affected

Government agencies, local authorities, non-governmental organisations and any other interested and affected persons to help determine the scope and effect of the project or work to be carried out.

4. A proponent, after compliance with sub-regulation (3), shall submit to the Authority for its determination a draft of the Terms of Reference (ToR) which shall take into account the results of the consultation mentioned in sub-regulation (3).
5. the Authority shall, within five (5) days after receipt of the draft Terms of Reference, determine whether or not it is acceptable and where the draft is not acceptable, the proponent with the assistance of the Authority shall prepare and submit to the Authority acceptable and final Terms of Reference.
6. A proponent shall not commence any work on an IEE and the CMP or EIA and CMP unless the Authority has approved the Terms of Reference.
7. The Authority shall immediately after receipt of an IEE report and the CMP or EIA and CMP concurrently -
 1. distribute copies of the same to affected Ministries, local authorities, parastatals, non-governmental organisations and any other person;
 2. display conspicuously such copies in public places or such places in the vicinity of the site of the proposed project; and
 3. place a notification -
 1. in the Government Gazette
 2. on the Swaziland Broadcasting Service; and
 3. in a newspaper circulating in Swaziland twice a week and for two consecutive weeks,

specifying the place and the times where copies may be available for inspection and the procedure for the submission of comments and objections.

1. Subject to sub-regulation (9), the period for the public review of the reports mentioned in sub-regulation (7) shall not be less than -
 1. fifteen (15) days for Category 2; and
 1. twenty (20) days for Category 3, after the last notification in the newspaper.
2. The Authority may extend a public review period for a period of not more than ten (10) days where the Authority considers it necessary because of the sensitive nature of a project.
3. Where the Authority believes a project is likely to have significant impacts on the environment of a neighbouring country or that country requests, the Authority shall forward the relevant reports and documents to that country at the same time the reports or documents are made available for public review in Swaziland.
4. The Authority may not, if so requested by a person who submitted a written comment or an objection, disclose or make public the personal information or data of that person.
5. The Authority shall hold a public hearing -
 1. if after examining the documents and the reports, it is of the opinion that the project is of such a sensitive nature that the public should have the opportunity to make submissions or comments at a public hearing; or
 2. if the public concern over the project is great and the number of written and substantiated objections exceeds ten (10).
6. The Authority shall, where the public hearing is to be held -
 1. publish a notice, at least once a week for two (2) consecutive weeks, in a newspaper circulating in Swaziland stating the date and place where the public hearing is to be held at least fifteen (15) days before the public hearing is held and the expenses in respect of the publication of the notice shall be borne by the proponent;
 2. display and make available, in accordance with sub-regulation (7), all reports, documents, written comments and objections during and after the period of public review until the public hearing is finalised; and
 3. call upon any party who has an interest in the outcome of the public hearing, including the project proponent, the authorising agency, the commenting agency and any other person, to attend the public hearing or solicit in writing comments from other

Government agencies or offices with expertise or regulatory power over the proposed project.

7. A public hearing provided for under sub-regulation (12) shall within twenty-five (25) days after compliance with sub-regulation (13), by the Authority but where the Authority is of the opinion that the number and complexity of the issues to be considered at the hearing requires additional time for the preparation by any party to the public hearing, it may extend by ten (10) days the date of the public hearing.

Appointment of Officers and certain aspects of Public Hearings

12.

1. The Authority may appoint persons holding professional qualifications in Environmental Management, Sociology, Economics, Engineering or Law, to be hearing officers to conduct a public hearing and the number of hearing officers for a public hearing shall not be less than three (3) and not more than five (5), one of whom shall be the chairperson.
2. Subject to sub-regulation (3), an appointment made under these regulations shall be for a specific and determinable period of time, commensurate with and coextensive with the duration of a public hearing which duration may be determined by the complexity of the issues to be heard and which, in any event, shall not exceed two (2) months.
3. The Authority shall not, under these regulations, in any event appoint a person to be a hearing officer for a period of time exceeding two (2) months in any one appointment and no person shall be lawfully or deemed for whatever reason or fact to be appointed in contravention of this sub-regulation.
4. The chairperson of the public hearing shall make and deliver within fifteen (15) days after that public hearing a report approved by all appointed hearing officers who participated in the public hearing, of its findings to the Authority for its determination

Decisions of the Authority and Appeals

13.

1. The Authority, upon receipt of the report of the public hearing and having made it available for public inspection, may -
 1. refuse the implementation of the project if the findings of the public hearing indicate that the environmental impacts of the project may not be satisfactorily mitigated; or
 2. allow the project to proceed and issue an ECC if the findings of the public hearing indicate, and the Authority considers, that all the environmental concerns or impacts are adequately addressed by the EIA and CMP reports; or
 3. order the proponent to carry out appropriate additional work on the EIA or CMP and thereafter apply paragraph (a) or (b).
2. A person who is aggrieved by the decision of the Authority or the findings of the public hearing may after payment of the prescribed fee, appeal against the decision or findings to the Minister within fifteen (15) days from the date of the decision of the Authority and the Minister's decision shall be final.

Expiry and Renewal of Permits or Authorisations

14.

1. A permit or an authorisation for the implementation of a project shall lapse after three (3) years from the date of its grant or issue if -
 1. land preparation has not been done; or
 1. construction work has not been commenced on the project during the three year period.
2. Where the permit or an authorisation has lapsed and the proponent intends to revive and proceed with the project, that proponent shall register again such an intention or proposals with an authorising agency or the Ministry of Economic Planning and Development.
3. The proponent shall, with sub-regulation (2), inform the authorising agency or the Ministry of Economic Planning and Development of any changes or differences in the present proposals and the proposals sanctioned in the lapsed permit or authorisation and the authorising agency or the Ministry of Economic Planning and Development, as the case may be, shall in turn inform the Authority of those changes or differences.
4. The Authority, on being informed as required by this regulation, shall determine -

1. whether the proponent ought to prepare an additional IEE report and the CMP and EIA report and CMP;
 2. whether the proponent ought to do an additional work to supplement an IEE report and the CMP, and EIA and the CMP.
5. Where the Authority determines that an additional IEE report and the CMP, and EIA report and the CMP should be done, the provisions of sub-regulations (10), (11), (12), (13) and (14) of regulation 7 shall apply to that project.
 6. Where the Authority determines that only a supplementary work to the existing IEE report and the CMP, and EIA report and the CMP is required, it shall advise the proponent as to the nature of the additional work or information so required and the proponent shall comply before proceeding with the project.
 7. The Authority shall, on receipt of the supplementary work or information, display, distribute and lay open for review by any affected persons, including any affected Government agencies or bodies and local authorities as defined under section 2 of the Rating Act, 1995.
 8. Any affected person who is mentioned in sub-regulation (7) mat, within twenty (20) days from the first day of the review mentioned in that sub-regulation, submit objections or comments to the Authority.
 9. The Authority shall within ten (10) days after the period of submission or objections and comments, make a decision compatible with the terms, purposes and objections of these Regulations and do whatever thing it may necessarily do which it is empowered to do so by these Regulations.

Offences

15.

1. A person, including an authorising agency, who contravenes or fails to comply with any provision of these Regulations or a condition or requirement made as part of, or for the approval of a project, or who does an act which is an offence under section 16 of the Act, commits an offence and is liable on conviction to the penalties or similar penalties specified under section 16 of the Act.
2. Expenses for redress or remedy for an environmental damage or any damage caused as a result of a contravention or failure to comply with the provision of these Regulations or a condition or requirement made as part of or for the approval of a project shall be borne by the defaulter or convicted person, and shall be a civil debt or liability.
3. The criminal proceedings and the civil remedy proceedings under sub-regulation (1) and (2) respectively may be brought before a Court simultaneously, consecutively, separately or consolidated and the defence or *autrefois acquit* and *autrefois convict* shall not apply.

FIRST SCHEDULE

(regulation 7)

Guidelines and illustrative lists for projects allocated to Categories 1,2 and 3. When assigning a Category, it is essential to consider the scale of the proposal and its allocation, particularly in relations to environmentally sensitive areas.

Category 1 Projects

Projects under this category are unlikely to cause any significant environmental impact. Types of projects which may be allocated to category 1 include, but not limited to :

- residential development not exceeding three houses;
- renovations to existing structures not involving asbestos or other hazardous substances;
- small scale commercial buildings or structures;
- research activities;
- prospecting for groundwater, minerals and hydrocarbons using vibriosis and similar techniques;
- small scale social infrastructure provision (e.g. rural health, educational, family planning);
- technical assistance and institution strengthening activities;
- small scale tourist projects.

Category 2 Projects

Projects under this category are likely to cause environmental impacts some of which may be significant unless mitigation actions are taken. Such projects cause impacts which are relatively well known and easy to predict. Also the mitigation actions to prevent or reduce the impacts are well known. Types of projects which may be allocated to Category 2 include, but not limited to :

- agro-industries (medium scale);
- electrical transmission lines and rural electrification (medium scale);
- irrigation and drainage (medium scale);
- renewable energy production;
- residential development exceeding three houses;
- hotels, camp sites and lodges;
- rural water supply and sanitation;
- watershed management and rehabilitation;
- urban area rehabilitation (medium scale);
- small scale infrastructure (roads, sewage systems, water pipelines and treatment works);
- hospitals (medium scale);
- non-food industries (medium scale) without discharge of toxic substances or storage and use of hazardous substances;
- projects located near environmentally sensitive areas

Category 3 Projects

Projects under this category are likely to have significant adverse impacts whose scale, extent and significance cannot be determined without in-depth study. Appropriate mitigation measures can only be identified after such study. Types of projects which may be allocated to Category 3 include, but not limited to :

- residential development exceeding ten houses;
- dams and reservoirs;
- afforestation schemes and wood processing facilities (large scale);
- irrigation, drainage and flood control (large scale);
- mineral development (including hydrocarbons);
- reclamation and opening of new areas for agriculture;
- resettlement schemes;
- river basin development;
- thermal and hydro-power;
- manufacture, transport and use of pesticides or other hazardous substances;
- agriculture (especially involving large scale monoculture);
- roads
- projects located in environmentally sensitive areas;
- mining and soil excavation (large scale).

SECOND SCHEDULE

(Regulation 5)

REPORT GUIDELINES:

Structure and content of Reports required under this regulation

INITIAL ENVIRONMENTAL EVALUATION

15. Introduction

1. Purpose of IEE

16. Description of the Project

1. Location, size, construction or operational activities, schedule for implementation, workforce, any alternatives.

17. Description of the Environment

1. Brief description of physical, ecological and human aspects of the site and its surroundings.
18. Impact Description and Evaluation
 1. Brief account of the significant impacts likely to occur if no mitigation occurs. If EIA is needed because of the nature and extent of expected impacts then a recommendation to this effect should be made.
19. Impact Management
 1. Description of mitigation measures and monitoring programmes. Schedule of implementation. Technical and institutional requirements for successful implementation
 2. The IEE report should be short (no more than 20 pages) and written in clear, simple language. An IEE should result in a short IEE report and a CMP as per the format outlined in this schedule (Report Guidelines, under A).

ENVIRONMENTAL IMPACT ASSESSMENT

19. Executive Summary
 1. A brief account (no more than 10 pages) of the findings of the EIA with the emphasis on the key issues for consideration by decision-makers in the Swaziland Environment Authority, the authorising agencies and members of the public.
20. Introduction
 1. Purposes of the EIA. Boundary of the study area and time horizon for which the impacts will be predicted (speculated future date or time).
21. Description of the Environment
 1. An overall evaluation of the types and quality of the environment (bio-physical and social components and processes) within the study area with specific information presented only when relevant to the prediction and evaluation of impacts.
 2. Description of any expected changes to the "baseline" environmental situation before implementation of the project subject to an EIA (the "no project" alternative).
22. Prediction and Evaluation of Impacts
 1. For all alternatives:-
 1. distinguish between significant, adverse and beneficial impacts;
 2. identify irreversible impacts;
 3. allocate significance against international and or national regulations, standards and quality objectives governing:
 4. health and safety
 5. protection of environmentally sensitive areas;
 6. land use; and
 1. ambient pollution levels;
 2. identify significant data deficiencies and assumptions made
 3. determine the spatial and temporal distribution of impacts
23. Analysis of Alternatives and Selection of Preferred Option
 1. Select preferred alternative on the basis of the comparison of the environmental impacts of each option
24. Impact Management Plan (for Preferred Alternative)
 1. Action to enhance benefits and prevent or reduce adverse impacts. Schedule for implementation.
25. Consultations
 1. Results of any consultation held with Government agencies, NGOs and the public during EIA work
 2. The results from the EIA should be contained in an EIA report and a CMP as per the format outlined in this Schedule (Report Guidelines, under B)

Environmental Audit Report

11. Introduction
 1. Purpose of EA report
12. Description of the Project

1. Location, size, workforce, inputs and outputs, operations and manufacturing processes, transport.
13. Description of the Environment
 1. Brief description of physical, ecological and human aspects of the site and its surroundings.
14. Impact Description and Evaluation
 1. Inventory with amounts of all effluent discharges, after pre-treatment to air, water, and land (including noise, vibration and odour).
 2. Inventory of all solid wastes produced and their handling, storage, transport and eventual deposition.
 3. Inventory of chemicals which are used in operational or manufacturing processes and which reach air, water or land through non-point sources.
 4. Concentrations of chemical, radiological and energy pollutants in air, water and land in the vicinity of the installation (based on inventory).
 5. Identification and evaluation of the impacts of these concentrations on the environment and health (when data allows). The results should be contained in an EA report and a CMP as per the format outlined in this Schedule, under C.)

Comprehensive Mitigation Plan

3. This plan is prepared by using the results obtained from the IEE, EIA and EA reports. It identifies:-
 1. impacts to be prevented or reduced in severity
 2. benefits to be enhanced
 3. mitigation measures to achieve the above
 4. costs, institutional and training requirements
 1. monitoring programmes to track project related impacts and implementation of mitigation measures
 5. community liaison procedures needed
4. The plan must contain
 1. schedules for implementation/targets
 2. reporting procedures
 3. work programmes budget
 4. staffing and training requirements

Project Compliance Report

7. Introduction
 1. Purpose of the report
8. Description of the Project
 1. Location, size, phase of implementation (construction or operation) workforce.
9. Performance Review
 1. Checking of implementation of CMP
 2. Actual impacts of projects (if data allows)
10. Recommendation
 1. To improve performance
 2. Preparation of next Project Compliance report

THIRD SCHEDULE

(Regulation 4)

EXPLANATORY NOTES

When assigning projects to Category 1, 2 or 3 it is important to know if the proposed site or sites is in or near an environmentally sensitive area. Generally, proposed projects which are located in (completely or partially) or near an environmentally sensitive area may merit more detailed environmental and review than might have been the case if a location was elsewhere.

Not all environmentally sensitive areas have statutory or non-statutory forms of designation and protection. Some types of habitat, for example wetlands may have no protection and be used as a resource for local people. Such habitats should be considered environmentally sensitive because, *inter alia*, they are rare, unusual or endangered and/or they provide a useful environmental service to local communities, and perhaps, the nation as a whole. Examples of such environmentally sensitive areas are:

- indigenous forests
- wetlands
- semi-arid areas and zones prone to desertification
- areas/habitats which contain or support populations or rare or endangered species
- water catchments containing major sources of public water supply
- zones prone to flooding or other hazardous events
- zones with high incidences of natural or man made erosion processes
- areas of historical and archaeological interest
- areas of cultural or religious significance (e.g. burial grounds, topographic features)
- degraded areas which are subject to existing or proposed rehabilitation measures
- areas used extensively for recreation and aesthetic reasons
- zones of high biological diversity

In assigning a proposed project to Category 1, 2 or 3 designated and non-designated environmentally sensitive areas should be taken into account to the fullest extent possible.

Absalom M Dlamini
Minister for Natural Resources and Energy