

Original



17486

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

The National Environment Act, No.5 of 2019

The National Environment (Environmental And Social Assessment) Regulations No. 143 of 2020

Certificate of Approval of Environmental and Social Impact Assessment

Certificate No. NEMA/EIA/ 17486

This is to certify that the Project Brief/Environmental and Social Impact Assessment received from

M/s: MINISTRY OF WATER AND ENVIRONMENT

of P.O BOX 20026, KAMPALA-UGANDA.

submitted to the National Environment Management Authority (NEMA) in accordance with the National Environment Act, No. 5 of 2019 regarding:

THE PROPOSED CONSTRUCTION OF SHUUKU-MATSYORO PIPED WATER SUPPLY AND SANITATION SYSTEM PHASE II

(Title of Project)

briefly described as **THE CONSTRUCTION OF SHUUKU-MATSYORO PIPED WATER SUPPLY AND SANITATION SYSTEM PHASE II**

(Nature, Purpose)

Declared Investment cost **UGX15,032,861,354**

located at **IN KITAKULE VILLAGE, KYANGYENYI SUB-COUNTY OF SHEEMA DISTRICT.**

(District/Sub-county/City/Town/Ward)

has been reviewed and was found to:

**** have significant environmental impacts and the following appropriate mitigation measures and made a condition precedent for approval and implementation:**

(The relevant conditions are attached in the subsequent pages)

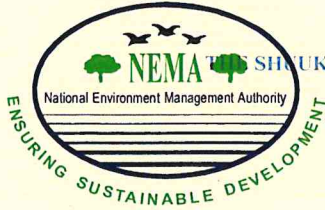
Dated at **KAMPALA**

on **21 JULY 2023**

Signed

EXECUTIVE DIRECTOR (NEMA)

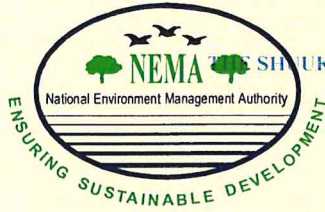




NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

CONDITIONS OF APPROVAL FOR THE ENVIRONMENTAL AND SOCIAL IMPACT STATEMENT FOR THE PROPOSED CONSTRUCTION OF SHUUKU-MATSYORO PIPED WATER SUPPLY AND SANITATION SYSTEM PHASE II LOCATED IN KITAKULE VILLAGE, KYANGYENYI SUB-COUNTY OF SHEEMA DISTRICT AT GPS COORDINATES 36S 204810.76mE, 9950049.73mS

- 1.0** This Certificate is issued in accordance with the requirements of the National Environment Act No.5 of 2019, the Physical Planning Act, 2020 and the National Environment (Environmental and Social Assessment) Regulations, S.I No. 143/2020 and any other applicable laws.
- 2.0** In addition to implementing the mitigation measures outlined in the Environmental and Social Impact Statement (ESIS), this **Certificate of Approval** is granted on condition that the Developer, **M/s Ministry of Water and Environment** complies with the approval conditions stated below.
- 3.0 ADMINISTRATIVE CONDITIONS OF CERTIFICATE**
 - (i) Issuance of this Certificate of Approval is based on the content of/information contained in the ESIS report submitted by **M/s Ministry of Water and Environment**. The Ministry of Water and Environment shall be held responsible for any omissions, falsified information or any other anomalies that are contrary to the provisions of the relevant laws governing the proposed project.
 - (ii) This Certificate of Approval is **VALID for a period of 5 YEARS**, thereafter, this certificate may be revised/varied upon request or when site conditions change.
 - (iii) The project **must commence within the first 24 months** from the date of approval of the validity period, failure of which this Certificate shall be varied, cancelled, or otherwise dealt with by this Authority.
 - (iv) The **Executive Director shall be NOTIFIED** of, and consent sought before any transfer of ownership, variation/alteration of the project design or components, or surrender of this Certificate of Approval.



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4.0 **SPECIFIC CONDITIONS OF APPROVAL**

4.1 **Relevant approvals:**

- (i) This approval is granted for the construction and operation of Shuuku-Matsyoro Piped Water Supply and Sanitation System Phase II located in Kitakule Village, Kyangyenyi Sub-County in Sheema District; any other supporting auxiliary components of the project not covered under the scope of the ESIA or this approval, shall be subjected to separate environmental and social studies in a timely manner.
- (ii) Detailed environmental and social management plans shall be prepared for the respective institutional and public sanitation facilities, taking into account the baseline conditions at the proposed sites for each facility, prior to construction of the facilities.
- (iii) Obtain all the necessary permits and approvals from this Authority, Directorate of Water Resources Management (Ministry of Water and Environment), Department of Occupational Safety and Health (Ministry of Gender, Labour and Social Development), Sheema District Local Government, and any other relevant authorities, before commencement of the proposed project activities.
- (iv) Obtain a water abstraction permit from the Directorate of Water Resources Management and ensure that the permit is valid at all times.

4.2 **Management of fragile ecosystems and water resources:**

- (i) Develop a water source protection plan and implement measures to protect the water supply source (River Kitakure) in accordance with the Water (Water Resources) Regulations S.I. 33/1998, and the guidelines for the development of water source protection plans.
- (ii) Put in place adequate soil stabilization and erosion control mechanisms at the project site, particularly in areas of steep slopes (slopes of 15% and above) and along the shores of River Kitakure, during the construction and operation of the project, in line with the National Environment (Hilly and Mountainous Area Management) Regulations, S.I. 153-6.



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- (iii) Implement measures to protect the shores of River Kitakure from degradation, particularly at the water abstraction point and water treatment plant in accordance with the National Environment (Wetlands, Riverbanks and Lakeshores Management) Regulations, S.I. 153-5.

4.3 Land acquisition and compensation:

- (i) The project areas for the different components of the Water Supply and Sanitation System must be legally obtained in accordance with the Land Act, Cap. 227 and any other applicable laws of the country.
- (ii) Develop a comprehensive compensation and resettlement action plan and compensate all Project Affected Persons (PAPs) in liaison with the relevant authorities, and in accordance with the laws governing compensation, prior to commencement of the project activities.

4.4 Construction and Design Conditions:

- (i) Restrict project activities to areas approved for the project as indicated in **Figure 1** below.

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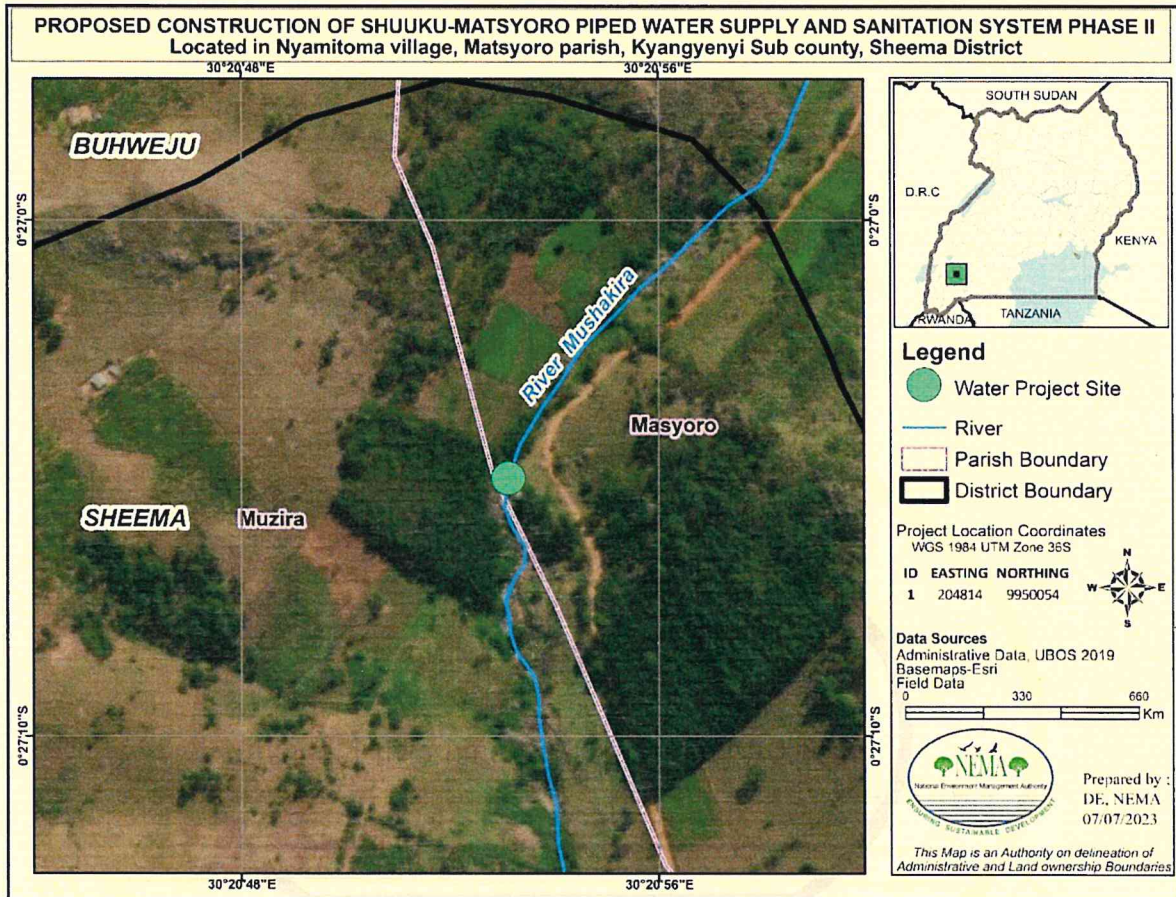


Figure 1: Project site for Sheema Water Supply and Sanitation System

- (ii) Strictly follow and adhere to the building codes relevant to the categories of building and structures at the project site in accordance with the Building Control Act, 2013.
- (iii) Adhere to and comply with the legal requirements for easements for the area as provided for by the Sheema District Local Government planning provisions and other legal requirements.
- (iv) All construction and excavation sites must be hoarded off, and appropriate safety barriers and signage installed to restrict access by unauthorized persons so as to minimize potential accidents.

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- (v) Top soils and sub-soils shall be stockpiled appropriately and made available for restoration of the excavated areas.
- (vi) Employ locals whenever possible to minimize movement of labour within the project area and enhance positive benefits from the project
- (vii) Provide appropriate soil erosion control measures and landscape the respective sites to minimize soil erosion. Specifically, implement measures to minimize soil erosion at the water treatment plant.
- (viii) Maintain good housekeeping at the construction sites and clear all unused materials and spoil soils arising from the excavations in a timely manner. Dispose of such soils in authorized locations, in liaison with Sheema Local Government.
- (ix) Re-fueling of construction equipment shall only be undertaken at designated sites, and appropriate impermeable ground surface provided at the fueling site to prevent contamination of soils and water. No servicing of equipment shall take place on at the construction sites.
- (x) Implement measures to identify sites of socio-cultural importance and protect and preserve such sites from irreversible damage, particularly during installation of the transmission lines.
- (xi) Develop and implement standard operating procedures for the workers to minimize spread of communicable diseases.

4.5 Construction of the Water Treatment Plant and Installation of Water:

- (i) Ensure the sludge drying beds are constructed with impermeable bottom surface and appropriate drain pipes to collect and treat the water from the sludge drying beds prior to discharge into the environment.
- (ii) Construct and install appropriate safety infrastructure and equipment to prevent health and safety hazards, including falls, drowning, slips and trips, among others, associated with the operation of the water treatment plant.
- (iii) Construct a chemical storage area with impermeable bunded floor surface and shelter to prevent ingress of rain water at the water treatment plant.

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- (iv) Put in place measures to prevent the wash off of construction materials stockpiled at the respective sites, particularly the water treatment plant and the water reservoirs.
- (v) Liaise closely with entities responsible for managing utility and other public infrastructure within the project areas, identify such infrastructure and take measures to protect and prevent damage or disruption to the functions of such infrastructure or access by the general public.
- (vi) Restrict land clearance and disturbance to areas required for the pipeline right of way, particularly in areas with steep terrain and fragile soils, so as to minimize soil erosion.
- (vii) Minimize excavation and disturbance at wetland or riverbed crossings so as to prevent siltation. Any soils or materials temporarily introduced into wetland areas or water courses to facilitate construction works or installation of equipment must be removed in a timely manner, to avoid siltation of water courses and wetlands. This includes temporary access roads.
- (viii) The laying of pipes shall be undertaken in a phased manner to minimize occurrence of open excavations, particularly within settlements. The scheduling of works shall take into account the likely risks and disruptions to communities within the project areas.
- (ix) Ensure that Project Affected Persons are notified of the project activities in a timely manner and that any properties/valuables are secured prior to implementation of project activities, particularly during the laying of transmission pipes.

4.6 Operation of the Water Treatment Plant:

- (i) Put in place adequate quality assurance and quality control measures to ensure that the national potable water quality standards are met at the water treatment plant, and measures to ensure that potential contamination is minimized along the transmission lines.
- (ii) Put in place a water quality monitoring program on the water source (Lake Kitakure) against the baseline conditions and implement measures to ensure source protection.

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- (iii) Ensure that the sludge drying beds are of adequate capacity to handle all sludge generated from the operations of the Water Treatment Plant and appropriate spill control measures to prevent overflow of untreated sludge into the environment; and that no sludge is dumped in undesignated areas.
- (iv) Implement measures to facilitate recycling of backwash waters so as to minimize generation of waste water from the water treatment plant.
- (v) Put in place an appropriate programme and systems to regularly monitor the effects of the Sheema Water Supply and Sanitation System on the physical, chemical, biological character of the environment, including impacts on the hydrological regime and quality of the water in Lake Kitakure, and impacts on terrestrial and aquatic biodiversity in Lake Kitakure especially at the intake point.
- (vi) Equipment used at the project site must comply with the National Environment (Management of Ozone Depleting Substances and Products) Regulations, S.I No. 48/2020.

4.7 Chemicals Management:

- (i) Put in place measures to ensure efficiency in chemical use and systems to facilitate chemical substitution with suitable alternatives, taking into account best environmental practices and best available technology.
- (ii) Develop and implement standard operating procedures for the safe storage, handling and use of chemicals at the water treatment plant in accordance with the Safety Data Sheets; an ensure that safety datasheets are always made available to persons handling chemicals with hazardous properties.
- (iii) Chemicals shall be stored within the designated chemical storage areas and stacked appropriately taking into account the properties and storage requirements for specific chemicals.

4.8 Waste Management and Pollution Control:

- (i) Put in place mechanisms for handling hazardous and non-hazardous waste generated during project implementation, in accordance with the National Environment (Waste Management) Regulations, S.I. No. 49/2020.

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- (ii) All sludge and wastewater from the water treatment plant shall be treated to meet the national standards prior to disposal in accordance with the National Environment (Standards for Discharge of Effluent into water or land) Regulations, S.I. 144/2020.
- (iii) Put in place appropriate and adequate on-site sanitary facilities separate for the respective sex of project site workers (and site visitors) and ensure proper disposal of all sanitary waste in accordance with the Public Health Act Cap 281.
- (iv) Regularly monitor and ensure that all discharges from the operations of the water treatment plant, and specifically water draining from the sludge drying beds, is analyzed prior to discharge to ensure compliance with the standards set out in the National Environment (Standards for Discharge of Effluent into Water or on Land), Regulations, S.I. 144/2020.
- (v) Treated sludge generated from the operations of the water treatment plant shall only be disposed-off at locations approved/licenced by this Authority and other relevant Agencies. Sludge shall not be disposed-off on agricultural land.
- (vi) Put in place measures to control emissions from equipment at the water treatment plant and regularly monitor emissions and air quality to ensure compliance with the East African Standards (Air Quality Specifications, EAS: 751:2010).
- (vii) Put in place mechanisms to ensure that noise and vibration generated at the project site during construction and/or operations of the project does not exceed the levels stipulated in the National Environment (Noise Standards and Control) Regulations, S.I No. 30/2003.

4.9 **Occupational Health and Safety:**

- (i) Implement all necessary controls to ensure the safety of all workers, including contractual workers on site, during construction and operation of the water supply and sanitation system in accordance with the Occupational health and Safety Act, 2006.
- (ii) Provide adequate Personal Protective Equipment (PPE) to site workers and ensure that the PPE is used at all times during operations in accordance with the Occupational Health and Safety Act, 2006.

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- (iii) Conduct regular training of workers in occupational health and safety safeguards and any other applicable laws, regulations and standards, during construction and operation of the water supply and sanitation system.

4.10 Social Aspects:

- (i) There shall be no use of child labour during project execution in accordance with the Children Act, 2016.
- (ii) Put in place a grievance handling mechanism in liaison with the local Authorities, and any other relevant Lead Agency.
- (iii) Put in place an awareness and prevention program for HIV/AIDS, Sexually Transmitted Diseases (STDs), Hepatitis-B and Covid-19 for both the workers and neighboring community, and programs for family work life balance and workplace wellness to address impacts of lifestyle and social ill behavior.
- (iv) Conduct induction and refresher trainings to the contractor and sub-contractor teams on the environmental and social safeguard policy measures and any other applicable laws, regulations and standards.

5.0. GENERAL CONDITIONS OF APPROVAL

5.1. Environmental Management:

In executing this project, the environmental management and monitoring plan (EMMP) shall be adhered to at all times, in accordance with section 122(3) of the National Environment Act, No. 5 of 2019.

5.2. Environmental Audits:

Undertake annual environmental audits as required under the National Environment (Audits) Regulations, S.I. No.47/2020 and carry out the first annual environmental audit by **30th August 2024**.



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5.3. **Record Keeping:**

Ensure proper record-keeping as required by the National Environment Act, 2019, and transmit the records to this Authority, as required under Section 78 of the National Environment Act

5.4. **Unanticipated impacts:**

In accordance with Section 122 & 126(6) (b) of the National Environment Act, No.5 of 2019, monitor and mitigate any other undesirable environmental impacts that may arise during the implementation of the project, but were not contemplated by the time of undertaking the environmental and social impact assessment.

5.5. **Notification:**

- (i) Notify this Authority of any malfunction of any system or project component or failure to comply with the conditions in this Certificate within 12 hours, and the mitigation measures put in place.
- (ii) Notify this Authority in writing of the intent to decommission any components under this project and submit a decommissioning plan three months in advance.

5.6. **Operational Changes:**

Seek written approval from this Authority for undertaking any operational changes to the project or this certificate of approval prior to implementation of such changes.

5.7. **Display of Certificate:**

Put in place a signboard in a conspicuous place within the project site premises to **display this Certificate of Approval**, as stipulated in regulation 52 of the National Environment (Environmental and Social Assessment) Regulations, S.I. No. 143/2020.



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6.0 DECOMMISSIONING PHASE CONDITIONS

- (i) Decommission all project components at the end of their lifespan, following a decommissioning plan and/or as will be prescribed by the relevant Lead Agencies.
- (ii) Restore all parts of the project site laid bare during project implementation phases; and undertake proper landscaping including revegetation of bare ground surfaces with suitable indigenous species of trees/grass.
- (iii) Report on the completed decommissioning and restoration activities to this Authority.

7.0 SUSPENSION/WITHDRAWAL/CANCELLATION CONDITIONS

This Certificate shall be suspended/withdrawn/cancelled if:

- (a) there is no compliance with any of the Specific Conditions set out in **Section 4.0** of this ESIS Certificate, or any other substantive conditions in this certificate;
- (b) there is unauthorized substantial modification of the project implementation or operations, which may lead to unassessed adverse environmental and social impacts that were not considered at the time of issuing this Certificate of Approval;
- (c) there arise substantive undesirable effects that were not contemplated during the issuance of this Certificate of Approval;
- (d) there is failure to mitigate un-assessed adverse environmental and social impacts as provided for under **condition 5.4** and **condition 5.6** above; and,
- (e) there is need by the Authority for review, on account of change in Government Policy, Standards, new conservation measures by this Authority and/or enforcement of a court order.



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

DATED AT KAMPALA ON 21ST JULY, 2023

Signed:

EXECUTIVE DIRECTOR, NEMA

- c.c. The Director,
Directorate of Water Resources Management,
Ministry of Water and Environment,
KAMPALA.
- c.c. The Chief Administrative Officer,
Sheema District Local Government,
SHEEMA.
- c.c. The District Environment Officer,
Sheema District Local Government,
SHEEMA.