

Original



17493

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/

17493

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 IGAYAZA-KIKWAYA PIPED WATER SUPPLY AND SANITATION SYSTEM

(Title of Project)

briefly described as **THE CONSTRUCTION OF IGAYAZA-KIKWAYA PIPED WATER SUPPLY AND SANITATION SYSTEM**

(Nature, Purpose)

Declared Investment cost **UGX21,999,680,382**

located at **IN IGAYAZA TOWN COUNCIL, KAKUMIRO DISTRICT.**

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

has been reviewed and was found to:

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

(The relevant conditions are attached in the subsequent pages)

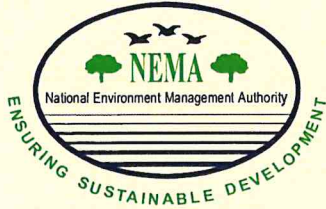
Dated at **KAMPALA**

on **21 JULY 2023**

Signed

EXECUTIVE DIRECTOR (NEMA)





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APPROVAL CONDITIONS FOR THE PROPOSED CONSTRUCTION OF IGAYAZA-KIKWAYA PIPED WATER SUPPLY AND SANITATION SYSTEM, IN IGAYAZA TOWN COUNCIL, KAKUMIRO DISTRICT AT GPS COORDINATES 36N 291093.00 mE, 113270.00 mN

- 1.0** This Certificate is issued in accordance with the National Environment Act, No. 5 of 2019, the Physical Planning Act, 2010 and National Environment (Environment and Social Assessment) Regulations, S.I. No. 143/2020 and any other applicable laws.
- 2.0** In addition to implementing the mitigation measures identified in the Environment and Social Impact Statement (ESIS), this Certificate of approval is granted on condition that the Developer, **Ministry of Water & Environment**, shall comply with 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 submitted by **Ministry of Water & Environment**. Thus the **Permanent Secretary** 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 an initial period of 5 YEARS**, the period which covers both the establishment and operational phases of the project and **this certificate may be revised 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** and consent sought for 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 Land Acquisition and Compensation:

- (i) The project component sites and pipe network length in Igayaza-Kikwaya Town Council, Kakumiro District **MUST** be legally acquired in accordance with the Land Act Cap 227, and any other relevant laws of the Country.
- (ii) Restrict all project activities **ONLY** within the approved project Component locations indicated in **Figure 1** below;

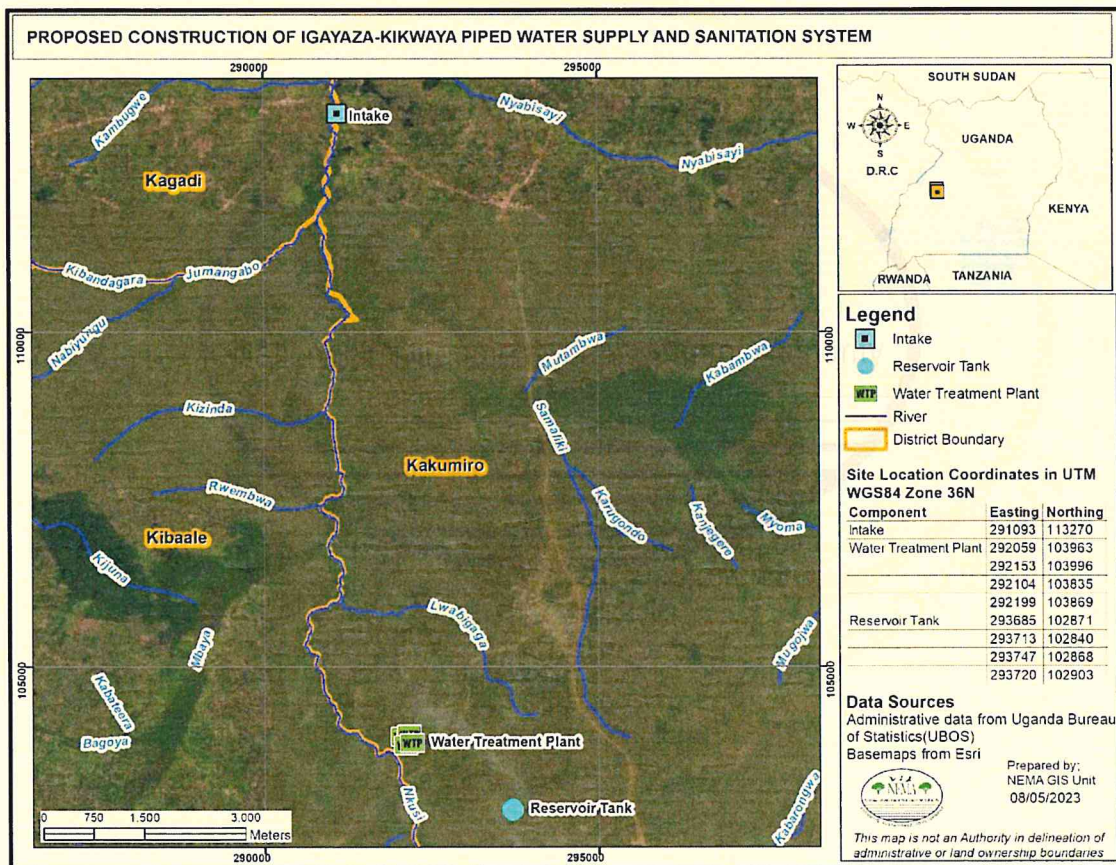


Fig: 1. Map showing the location of approved key project components.



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- (iii) Compensate all Project Affected Persons (PAPs), if any, arising from laying of the water pipe systems, in accordance with the National Environmental Act, No.5 of 2019 and any other national laws governing compensation.

4.2 Fragile Ecosystems:

- (i) Put in place measures to protect the banks of River Nkusi and particularly around the water intake, in accordance with the Water (Water Resources) Regulations S.I. 33/1998 and the National Environment (Wetlands, Riverbanks and Lakeshores Management) Regulations, S.I. 153-5.
- (ii) Be duty bound **NOT** to introduce any alien invasive species within the banks of River Nkusi and other wetlands traversed by the project, in accordance with the wetland laws and other laws.
- (iii) Put in place and apply measures that ensure continuity of wetland drainage pattern within and adjacent to the project area.

4.3 Construction and Design:

- (i) Adhere to the original approved engineering design as per the requirements of such water supply system as elaborated within the Environment and Social Impact Statement. Any modification in the project design from the approved design should be discussed and approved in liaison with this Authority before implementation.
- (ii) Be duty bound to liaise with utility providers to ensure that Project implementation does not interfere or damage existing public utilities onsite or traversing the project site.
- (iii) Adhere to and comply with the legal requirements for **easements** for the area as provided for Kakumiro District physical planning provisions and legal requirements set out in section 117 of the National Environment Act, 2019.

4.4 Use of plastics:

Single use plastic bags below 30 microns and any plastic that is not labelled in accordance with provisions of National Environment Act, No. 5 of 2019, shall not be used during the entire project life cycle.



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4.5 **Relevant Approvals:**

- (i) Note that this **approval is granted for ONLY construction of a Water Supply and Sanitation System for Igayaza - Kikwaya Town Council and its auxiliary components** as documented in the ESIS; any component that is not the main subject of the approved ESIS and certificate of approval including change of design shall be subjected to separate environmental and social studies in a timely manner.
- (ii) Obtain all other necessary permits and/or approvals from Kakumiro District Authorities, Ministry of Gender, Labor and Social Development (Occupational Safety and Health Department), Directorate of water resources management and any other relevant authorities, **before commencement of the proposed project activities.**

4.6 **Public Health:**

- (i) Put in place measures to treat and dispose of any wastewater generated at the Project site, in accordance with the Public Health Act, Cap. 281 and National Environment (Standards for Discharge of Effluent into Water and Land) Regulations, S.I. No. 144/2020.
- (ii) Put in place appropriate and/or adequate on-site sanitary facilities in accordance with the Public Health Act Cap. 281 and also provide safe drinking water for site workers during project works in accordance with the Occupational Health and Safety Act, 2006.

4.7 **Environmental Audits:**

Carry out the first environmental audit by 30th August 2024, in accordance with section 126 of the National Environment Act, No.5 of 2019, the National Environment (Audits) Regulations, S.I. No. 47/2020, and the National Environment (Environment and Social Assessment) Regulations, S.I. No. 143/2020.



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5.0 CONSTRUCTION AND OPERATIONAL PHASE CONDITIONS OF APPROVAL

5.1 Environmental and Social Management Plan:

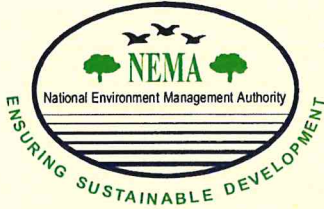
In executing the project, the Environmental and Social Management and Monitoring plans in the Environment and Social Impact Statement shall be adhered to at all times, in accordance with Section 123 (3) of National Environment Act, No.5 of 2019.

5.2 Social Aspects:

- (i) The contractor teams should have in place qualified focal point personnel responsible for workers' occupational health and safety, community affairs and environmental issues.
- (ii) All employees including casual workers should be accorded decent working conditions and clear terms and conditions of employment in accordance with the Employment Act, 2006.
- (iii) There shall be **no use** of child labour during project execution in accordance with the Children Act, 2016.
- (iv) Put in place mechanisms for employment of persons with appropriate skills and competence among community members within the project area especially women, Persons with Disability and the Youth.
- (v) Ensure that the proposed grievance Redress System as proposed in the ESIA is established and implemented in liaison with Kakumiro District Authorities, this Authority, and any other relevant Lead Agency (ies).

5.3 Occupational Health and Safety:

- (i) Put in place an awareness and prevention program for Sexually Transmitted Diseases (STD) and other communicable diseases such as **Covid-19**, HIV/AIDS, and Hepatitis-B, for both the workers and neighbouring community.



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- (ii) Provide workers with appropriate personal protective equipment as provided for in the National Environment Act, No. 5 of 2019 and the Occupational Health and Safety Act, 2006.
- (iii) Regularly conduct induction and refresher trainings to the contractor teams on the Environmental and Social Safeguard policy and any other applicable laws, regulations and standards related to the project.

5.4 Waste Management and Pollution Control:

- (i) Put in place mechanisms for handling and disposal of both hazardous and non-hazardous waste generated during the works, in accordance with the National Environment (Waste Management) Regulations, S.I. No. 49/2020.
- (ii) Notwithstanding condition (i) above, **ensure that NO WASTE generated from the construction exercise, is dumped into River Nkusi, wetland ecosystems and around settlements.**
- (iii) Put in place mechanisms to mitigate, minimize and monitor dust levels from project construction activities to comply with the allowable limits in accordance with the East African Standard for Air Quality specifications EAS 751:2010.

5.5 Emergency Preparedness and Response:

Undertake regular environmental risk assessments including potential leakage risks from the operations of the project and put in place appropriate and comprehensive emergency response plans, well known to the systems operator and Kakumiro District Disaster management committee.

5.7 Environmental Ambience:

- (i) Put in place mechanisms to ensure that noise and vibration generated at the Project site premises 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 as indicated in the table below.

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- (ii) Put in place a monitoring programme including the frequency and methods for monitoring the parameters indicated in the table below, during the construction and operational phases of the Project.

Parameters		Acceptable limits
1.	Particulate matter, PM ₁₀	100 µgm ⁻³ for 24 hours
	Particulate matter, PM _{2.5}	60 µgm ⁻³ for 24 hours
2.	Noise	Day: 50 dB (A) Night: 35 dB (A)
3	Vibrations at 10 – 50Hz frequency	12.5mm/s
2.	Ozone depleting substances and substances with high global warming potential (used in refrigerators and air-conditioners)	
	• CFCs	<i>(substance is banned)</i>
	• HCFCs and HFCs	Restricted use

5.8 Record Keeping and Reporting:

Ensure proper record-keeping as required under Section 176 of the National Environment Act, No. 5 of 2019, and submit annual reports to this Authority, as required under Section 177 of the National Environment Act, No.5 of 2019.

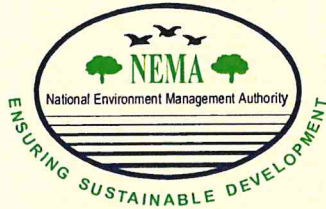
6.0 GENERAL CONDITIONS OF APPROVAL

6.1 Notification:

Notify this Authority of any malfunction of any system or project component **within 12 hours**, and the mitigation measures put in place.

6.2 Unanticipated Impacts:

In accordance with Section 126 (6) (b) of the National Environment Act, Cap. No.5 of 2019, mitigate any other **undesirable environmental impacts** that may arise



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during the implementation of the project, but were not contemplated at the time of undertaking the Environmental and Social Impact Assessment.

6.3 Operational changes:

Seek written approval from this Authority for any operational changes under this Certificate.

7.0 DECOMMISSIONING AND RESTORATION PHASE CONDITIONS OF APPROVAL

- (i) Ensure that the executors/ contractors/ sub-contractors of all the auxiliary project components decommission them when their lifespan comes to an end as per the decommissioning plan, and/or as will be prescribed by the relevant Lead Agencies.
- (ii) Restore, all scarred areas affected during the conduct of various project activities to their original or near original state as possible, and re-vegetate scared ground surfaces with preferably native plant species.
- (iii) Report on the completed decommissioning and restoration activities to this Authority.

8.0 SUSPENSION/WITHDRAWAL/CANCELLATION CONDITIONS OF APPROVAL

This Certificate shall be suspended/withdrawn/cancelled if:

- (a) there is no compliance with any of the **Specific Conditions** set out in this Environment and Social Impact Certificate in **Section 4.0 above and any other substantive conditions in this certificate;**
- (b) where there is unauthorized substantial modification of the project implementation or operations which may lead to un-assessed adverse environmental and social impacts that were not evaluated at the time of issuing this Certificate of Approval;



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- (c) where there arise substantive undesirable effects that were not contemplated during the issuance of this Certificate of Approval;
- (d) due to failure to mitigate un-assessed adverse environmental and social impacts as provided for under **section 6.2 and 6.3 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.

DATED AT KAMPALA ON 21ST JULY, 2023

Signed:

EXECUTIVE DIRECTOR, NEMA

c.c. The Permanent Secretary,
Ministry of Gender, Labour and Social Development,
KAMPALA.

Attn: The Commissioner,
Occupational Safety and Health Department.

c.c. The Chief Administrative Officer
Kakumiro District Local Government
KAKUMIRO

Attn: The District Environment Officer.