

Original



THE REPUBLIC OF UGANDA



17483

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/ 17483

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 NYABUHIKYE - KYIKYENKYE PIPED WATER SUPPLY AND SANITATION SYSTEM

(Title of Project)

briefly described as **THE CONSTRUCTION OF NYABUHIKYE - KYIKYENKYE**

(Nature, Purpose)

PIPED WATER SUPPLY AND SANITATION SYSTEM PHASE II

Declared Investment cost **UGX11,124,450,000**

located at **IN IBANDA 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)

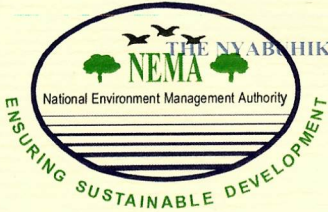
Dated at **KAMPALA**

on **21 JULY 2023**

Signed

EXECUTIVE DIRECTOR (NEMA)

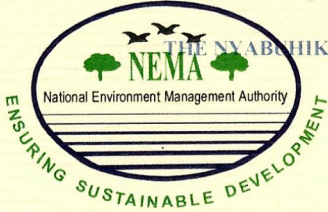




NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

CONDITIONS OF APPROVAL FOR THE ENVIRONMENT AND SOCIAL IMPACT STATEMENT FOR THE PROPOSED CONSTRUCTION OF NYABUHIKYE - KYIKYENKYE PIPED WATER SUPPLY AND SANITATION SYSTEM PHASE II IN IBANDA DISTRICT AT GPS COORDINATES 36N223104mE9973795mN, 223103mE9973796mN, 222302mE9972933mN

- 1.0 This certificate is issued in accordance with the National Environment Act, No.5 of 2019, the Physical Planning Act, 2020, the 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 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** on 15th May 2023. 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 Land Acquisition and Compensation:

- (i) Ensure that the entire land required for the proposed Nyabuhikye-Kyikyenkye Water Supply and Sanitation System is legally acquired in accordance with the Land Act Cap 227 and or other relevant laws of the country.
- (ii) Prior to project implementation, in collaboration with the Ibanda District Local Administration, develop and implement a comprehensive resettlement action plan to cater for any Project Affected Persons (PAPs) and compensate the PAPs in a transparent and timely manner.
- (iii) This approval is for the Nyabuhikye-Kyikyenkye Water Supply and Sanitation System in Ibanda District. Any other developments not assessed/considered at the time of undertaking the Environmental and Social Impact Assessment for this project should accordingly be subjected to a separate Environmental Assessment.
- (iv) Ensure that all project infrastructural set up and related activities are restricted to the area defined by GPS Coordinates and map in figure 1 below.

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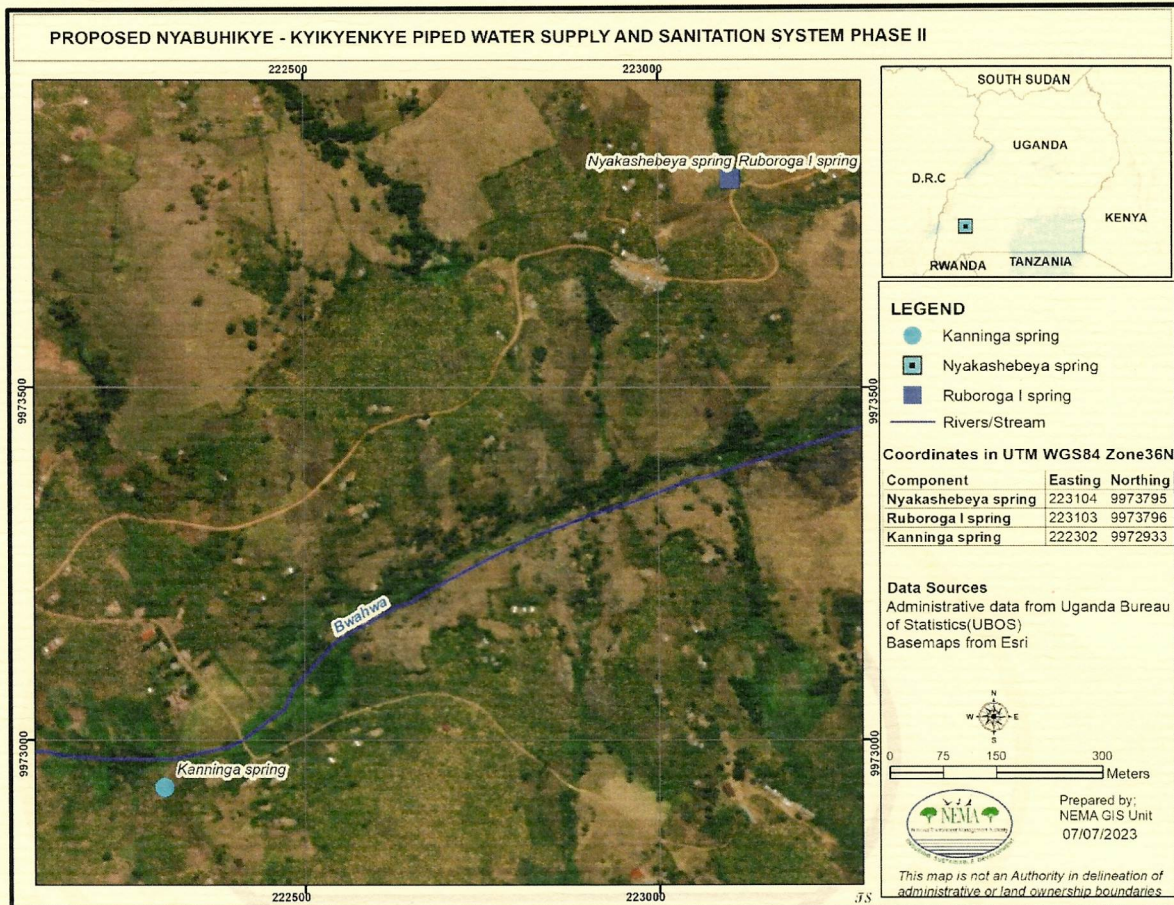
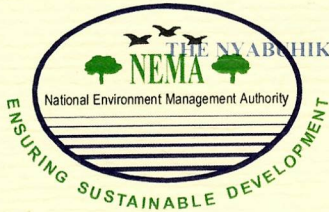


Figure 1: The Nyabuhikye-Kyikyenkye Water Supply and Sanitation System in Ibanda District.

4.2 Management of fragile ecosystems and water resources:

- Put in place measures, including catchment protection actions, to protect the water supply source / catchment from encroachment / degradation; in accordance with the Water Act, Cap 152.
- Ensure conservation of biodiversity including indigenous and endangered tree species in the project area; and replant similar tree species in safe places within the project area, to replace those trees that are inevitably destroyed due to project implementation.

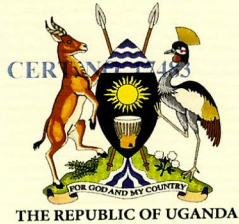
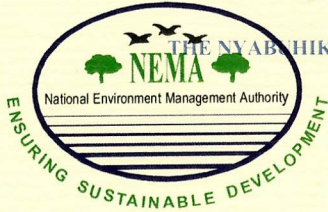


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- (iii) Implement appropriate soil and water conservation strategies compatible with the landscape of the area.
- (iv) Landscape the project sites with appropriate greenery including camouflaging the project installations to blend with the background environment.
- (v) Put in place measures to ensure maintenance of environmental flows of ground water from which the project is sourcing water, including regulating water pumping regimes to take into account rate of groundwater recharge.

4.3 Construction and design:

- (i) Undertake detailed hydrological and geotechnical studies to inform the detailed project design; wherefore the results of these studies are taken into account to inform project design / implementation.
- (ii) Adhere to the building codes relevant to this category of structures and installations established as part of the Nyabuhikye – Kyikyenkye Water Supply and Sanitation Project, in accordance with the Building Control Act, 2013.
- (iii) Incorporate in the project design and implementation, measures to minimize damage to water supply infrastructure, including water supply pipes networks.
- (iv) Liaise closely with Authorities responsible for provision of public utilities including water supply, roads / transport infrastructure, electricity transmission, and telecommunication, amongst others, to identify such public utilities or infrastructure in order to avoid disrupting their functions, services and access by the general public.
- (v) Put in place adequate soil stabilization and erosion control mechanisms within the project area.
- (vi) Use appropriately and specially designed trucks to transport project-related materials and different kinds of construction waste, in order to prevent littering, spillage and leakage of such materials.
- (vii) Maintain a sizeable proportion of greenspace and preserve indigenous species of trees on the project land, and plant these in places which will not be used.



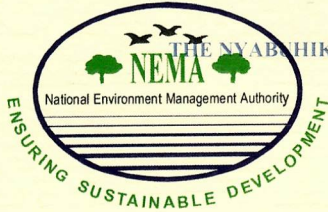
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4.4 Relevant Approvals:

- (i) Obtain all the necessary permits and approvals to operate the project, such as development approvals from the Directorate of Water Resources Management, Ibanda District Local Government, workplace permit from Ministry of Gender, Labour and Social Development, among others.
- (ii) Liaise with the Planning Department of the Ibanda District Local Government to develop an Area Action Plan for the project, including modalities of monitoring its implementation, and be sure to share this plan with all the relevant institutions, including this Authority.
- (iii) Adhere to and comply with the legal requirements for **easements** for the area as provided for by Ibanda District Local Government area planning provisions.

4.5 Public and Occupational Safety & Health:

- (i) Put in place appropriate and/or adequate on-site sanitary facilities separate for the respective sex of project site workers, in accordance with the Public Health Act Cap. 281.
- (ii) Enlist and employ qualified persons to handle workers' occupational health and safety, community affairs and environmental issues.
- (iii) Accord all employees (including contractors / subcontractors) decent working conditions and clear terms and conditions of employment, in accordance with the Employment Act, 2006, and the Employment Regulations, 2011.
- (iv) Ensure workers are provided with appropriate personal protective equipment (PPE) and enforce the use of PPE at all times by workers on duty.
- (v) Comply with requirements of the Occupational Safety and Health Act, 2006 with regard to occupational hazards during the construction and operational phases of Project.
- (vi) Institute robust housekeeping and environmental management practices at the project site to maintain a clean and healthy environment as required under the National Environment Act, 2019.



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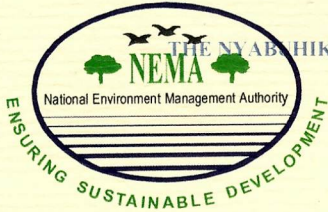
- (vii) Institute first aid support protocols (including having in place first aid kit or resident medical practitioner) to deal with medical incidents/traumas; and put in place appropriate and comprehensive disaster-preparedness and emergence response plans, which should be well known to the workforce and relevant authorities and be sure they are informed by proper environmental risk assessments.
- (viii) Conduct induction and refresher training to the contractor and sub-contractor teams on the Environmental and Social Safeguard policy, any other applicable laws, regulations, and standards.
- (ix) Put in place measures to inspect project components in order to detect malfunctions and take remedial action in case of malfunction or departure from the anticipated functionality of project components.

4.6 **Harmonious coexistence and Social Wellbeing:**

- (i) Ensure that there are mechanisms to employ from within the project host community, persons with appropriate skills and competences, especially women and the youth (while avoiding the use of child labour).
- (ii) Put in place awareness and prevention program for Sexually Transmitted Infections (STIs), Hepatitis B and HIV/AIDS, Covid-19 disease for the workers.
- (iii) Put in place a grievance handling mechanism to manage conflicts which may arise with the community during project implementation.

4.7 **Waste Management:**

- (i) Institute strict house-keeping and environmental management protocols to prevent littering, misuse, and damage of the environment around the project area.
- (ii) Put in place appropriate facilities at strategic locations to handle sanitary waste, in accordance with the National Environment (Standards for Discharge of Effluent on Water or on Land) Regulations, S.I. 153-3.
- (iii) Put in place mechanisms for handling both hazardous and non-hazardous waste generated from project activities, in accordance with the National Environment (Waste Management) Regulations, S.I. No. 49/2020.



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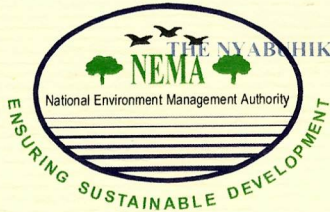
4.8 Environmental Management Obligations:

- (i) Adhere to the Environmental Management and Monitoring Plan (EMMP) in the approved Environmental Impact Statement (EIS), while implementing the project, in accordance with section 122 (3) of the National Environment Act No.5 of 2019.
- (ii) Institute mechanisms and protocols to regularly monitor the ground water table to identify and address any project-induced impacts on the groundwater quality and quantity within the project area.
- (iii) Put in place measures to ensure that workers and the communities are not exposed to harmful emissions as a result of project activities and ensure that any emissions are within the thresholds established under the East African Standard for Air Quality Specification (EAS 751:2010).
- (iv) Maintain the project area as a NO SMOKING zone while displaying clear legible signs reading "**NO SMOKING**" at conspicuous locations; and any exceptions instituted in accordance with the Tobacco Control Act, 2015.
- (v) Make use of accredited laboratories to test for potential contamination of surface water and groundwater by project implementation and establish in-house capacity to undertake environmental monitoring during project implementation.
- (vi) Put in place mechanisms to minimize noise and vibration from the operations and/or from noise generating equipment in accordance with the National Environment (Noise Standards and Control) Regulations, S.I. No. 30/2003.
- (vii) Put in place measures to ensure that both surface and underground water resources are protected against contamination and/or pollution.

5.0 GENERAL CONDITIONS

5.1 Use of Plastics:

Single use plastic bags below 30 microns and any plastic that is not labelled in accordance with the provisions of the National Environmental Act, 2019, shall not be used during the entire project life cycle.



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5.2 Unanticipated Impacts:

Mitigate any other **undesirable environmental impacts** that may arise during the implementation of the project but were not contemplated at the time of undertaking the environmental and social impact assessment in accordance with Section 126(2) (b) of the National Environment Act No.5 of 2019.

5.3 Environmental Audits:

Undertake annual environmental audits on the project in accordance with the National Environment (Audit) Regulations, S.I. No. 47/2020; and carry out the first environmental audit by **30th August, 2024**.

5.4 Record Keeping and Reporting:

Ensure proper record-keeping as required under Section 176 of the National Environment Act, 2019, and transmit the records to this Authority, as required under Section 177 of the Act.

5.5 Operational Changes:

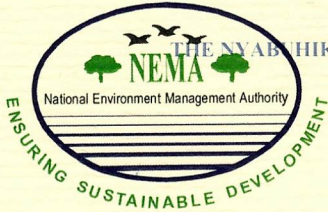
Seek written approval from this Authority for any operational changes under this Certificate.

5.6 Notification:

- (i) Notify this Authority of any malfunction of any component under this project, within 12 hours and that mitigation measures are 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.

5.7 Unanticipated Impacts:

In accordance with Section 126 (6) (b) of the National Environment Act, 2019, 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.



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5.8 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.

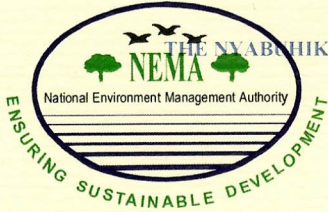
6.0 DECOMMISSIONING PHASE CONDITIONS

- (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 5.5** and **condition 5.7** above; and,



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- (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 Director,
Directorate of Water Resources Management,
KAMPALA.
- c.c. The Commissioner,
Department of Occupational Health and Safety,
Ministry of Gender, Labour and Social Development,
KAMPALA.
- c.c. The Chief Administrative Officer,
Ibanda District Local Government.
IBANDA.