LEGAL NOTICE NO. 32

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

IN EXERCISE of the powers conferred by section 147 of the Environmental Management and Co-ordination Act, 1999, the Cabinet Secretary for Environment and Mineral Resources makes the following Regulations —

THE ENVIRONMENTAL (IMPACT ASSESSMENT AND AUDIT) (AMENDMENT) REGULATIONS, 2019

Citation.

1. These Regulations may be cited as the Environmental (Impact Assessment and Audit) (Amendment) Regulations, 2019.


2. The Environmental (Impact Assessment and Audit) Regulations, 2003 are amended by deleting regulation 7 and substituting therefor the following new regulation —

Preparation of project report.

7. (1) Every proponent undertaking a project specified in the Second Schedule of the Act as being a low risk project or a medium risk project, shall submit to the Authority a summary project report of the likely environmental effect of the project.

(2) The project report submitted under sub regulation (1) shall specify —

(a) the nature of the project;

(b) the location of the project including —

(i) proof of land ownership, where applicable;

(ii) any environmentally sensitive area to be affected;

(iii) availability of supportive environmental management infrastructure; and

(iv) conformity to land use plan or zonation plan; and

(c) potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project.

(3) Upon receipt of the project report under sub regulation (1), the Authority shall, within five days, undertake screening and assessment thereof for completeness and —

(a) where the Authority considers that the proposed project may have a significant
adverse environmental impact, it shall recommend that the proponent should prepare and submit a comprehensive project report; or

(b) where the Authority considers that the proposed project is not likely to have any significant adverse environmental impact, it shall exempt the proponent from submitting a comprehensive project report and issue the proponent with an approval to proceed with the project.

(4) The comprehensive project report prepared pursuant to a recommendation under sub regulation (3) (a), shall specify —

(a) the nature of the project;

(b) the location of the project including —
   (i) proof of land ownership;
   (ii) the Global Positioning System coordinates; and
   (iii) the physical area that may be affected by the project's activities;

(c) the activities that shall be undertaken during the project construction, operation and decommissioning phases;

(d) a description of the international, national and county environmental legislative and regulatory frameworks on the environment and socio-economic matters;

(e) the preliminary design of the project;

(f) the materials to be used, products and by-products, including waste to be generated by the project and the methods of their disposal;

(g) the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project;

(h) an analysis of available alternatives including an alternative —
   (i) project site;
   (ii) design;
   (iii) technologies and
(iv) processes
and the reasons for preferring the
proposed site, design, technologies
and processes;

(i) an action plan for the prevention and
management of possible accidents during
the project cycle;

(j) a plan to ensure the health and safety of
the workers and neighbouring
communities;

(k) the economic and socio-cultural impacts
to the local community and the nation in
general;

(l) a plan to ensure the relocation or
resettlement of persons affected by the
project;

(m) a strategic communication plan to ensure
inclusive participation during the study
and provide a summary of issues
discussed at the public participation
forum;

(n) an environmental management plan;

(o) integration of climate change
vulnerability assessment, relevant
adaptation and mitigation actions;

(p) the project cost; and

(q) any other information the Authority may
require.

(5) In preparing a project report under this
regulation, the proponent shall consider the issues
specified in the Second Schedule.

(6) A project report prepared under this
regulation shall be prepared by an environmental
impact assessment expert who is registered under
these Regulations.

Dated the 30th April, 2019.

KERIAKO TOBIKO,
Cabinet Secretary for Environment and Forestry.