

	Eskom Telecommunications	
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1. INTRODUCTION

This document was initiated due to the clarity required within Eskom Telecommunications (ET) business in as far as Environmental Impact Assessment (EIA) compliance requirements are concerned. The document aims to describe where ET projects/activities require full EIA and/ basic assessment (BA) to be conducted prior to the commencement of the project execution.

2. SUPPORTING CLAUSES

2.1 SCOPE

The scope of this document encompasses all ET National/Regional project activities that may be executed within the ambit of EIA regulations requirements.

2.1.1 Purpose

The purpose of this document is to provide clarification required and set principles to be adopted in ensuring that EIA regulations are complied with at all times.

2.1.2 Applicability

This document shall apply throughout ET business and the contractors working for or on behalf of ET and other areas where ET has control over.

2.2 NORMATIVE/INFORMATIVE REFERENCES

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

2.2.1 Normative

- ISO 9001 Quality Management Systems
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- Environmental Impact Assessment Regulations
- ISO 14001 Environmental Management System
- National water Act No. 36 of 1998
- National Heritage Resources Act No. 25 of 1999
- National Environmental Management Act: Biodiversity Act No. 10 of 2004
- National Environmental Management Act: Protected Areas Act No. 57 of 2003

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2.2.2 Informative

None.

2.3 DEFINITIONS

2.3.1 “Environment” The surroundings within, which humans exist and that are made up of:

- (1) The land, water and atmosphere of the earth;
- (2) Micro-organisms, plant and animal life;

Any part or combination of (1) and (2) and the interrelationships among and between them; and the physical, chemical and aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being (NEMA, Act 107 of 1998).

2.4 ABBREVIATIONS

Abbreviations	Description
EIA	Environmental Impact Assessment
DEA	Department of Environmental Affairs
DWA	Department of Water Affairs
EAP	Environmental Assessment Practitioner
EMS	Environmental Management System
I & APs	Interested and Affected Parties
ERA	Environmental risk Assessment
EMP	Environmental Management Plan/Programme
BAR	Basic Assessment Report
EIR	Environmental Impact Report
SEMP	Strategic environmental Management Plan
NEMWA	National Environmental Management Waste Act
NEMA	National Environmental Management Act
EAP	Environmental Assessment Practitioner
DEMP _r	Draft Environmental Management Programme

2.5 ROLES AND RESPONSIBILITIES

The overall responsibility of the validity of this document lies with the ET Senior Advisor Environmental Management. The overall responsibility of implementing this document vest with the Regional engineers/planners, Project management and Project execution with the ET business.

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2.6 PROCESS FOR MONITORING

The monitoring of the compliance to the requirements of this document will be via internal audits, project management checklist used and the ad-hoc project inspections that may be scheduled.

2.7 RELATED SUPPORTING DOCUMENTS

None.

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3. DOCUMENT CONTENTS

3.1 WHAT IS AN EIA?

It is the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made

- Process is legislated by National Environmental Management Act NEMA (Act No 107 of 1998) as amended, EIA regulations as well as Government notice No. 718 of the NEMWA (Act No 59 of 2008), including the identification of specific activities requiring an EIA
- Environmental Management Plan/Programme, which serves to manage all aspects and potential impacts arising from the specified activity
- There are two categories of EIA namely: Basic Assessment (BA) and full EIA process. These categories are used for NEMA listed activities and NEMWA listed activities.

3.2 THE NEMA EIA

NEMA Act regulates the activities that are associated with project construction and expansion. These are listed in three government notices (GN) and they require an environmental assessment to be conducted.

The three GNs are:

Listing Notice 1 (GN 544) – requires Basic Assessment which takes a period of (6-9months) to be completed.

Listing Notice 2 (GN 545) – requires Full scoping EIA which takes (12-18months) to be completed.

Listing Notice 3 (GN 546) – requires Basic Assessment which takes a period of (6-9months) for completion. NEMWA and NEMA regulates waste related activities that involve construction, expansion, storage, treatment handling and transportation which also require an environmental assessment to be conducted under the requirements of GN 718 Category A: Basic Assessment (6-9months) and GN 718 Category B: Full scoping EIA (12-18months)

3.3 EIA ROLE PLAYERS

There are four main role players in the EIA process. These are the Applicant (Project owner), EAP, I&AP and Competent Authority.

Their roles are described below:

3.3.1 Applicant:

Must appoint an EAP to manage the application process

Must provide the EAP with access to all available information relevant to the application

Must provide the EAP and Competent Authority with access to all the relevant information

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Must provide the EAP with truthful and accurate information relevant to the proposed identified activity

Must pay any fees or costs applicable to the application

3.3.2 The EAP

Must ascertain whether the BA or Scoping and EIA application process should be followed through screening process

Must act independently of the applicant

Must be objective in undertaking the work

Must have appropriate expertise in conducting EIA

Must disclose any information that may affect the decision of the Competent Authority

Must take any relevant national and/or provincial guidelines into consideration

Must manage the process of application until the desires authorisation is issued for the activity

3.3.3 I & Aps or Public

May participate in the application process

May comment on any written communication submitted to the Competent Authority

Must comment within the specified timeframes

Must send copies of any comments to the Applicant/EAP is submitted directly to the Competent Authority

May appeal a final decision

3.3.4 Competent Authority

Must make decision on applications for Environmental Authorisations in accordance with the EIA Regulations

Must comply with the specified timeframes

Must give access to information that may be relevant to the Application

Must enter into written agreements with organs of state with jurisdiction

May pass national and/or provincial guidelines

May adopt an Environmental Management Framework

Must request additional information or that further studies be conducted if necessary

Must make decisions in an open and transparent manner

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Must notify Applicant/Developer of decision, conditions and Appeal provisions

Must give written reasons for decisions made

Must, if applicable consider and respond to appeals

May withdraw, Amend or Suspend an Environmental Authorisation and

Must give reasonable assistance to a person who is unable to participate as a result of illiteracy, disability or any other disadvantage

3.4 APPLICATION PROCESS TO BE FOLLOWED ON BA

Environmental Assessment Practitioner (EAP) to submit application form to the National DEA & DEA to accept or reject application (within 14 days)

If Accepted get the reference number then proceed to step 2

If rejected with reasons, then amend the application- resubmit an application (when re-submit: it will take another 14 days from the date of re-submission)

EAP to undertake Public Participation Process (PPP) ~ Background Information Document (BID), media advertisements (40 days), notice boards, open register of I&APs & notify landowners/s (letters, e-mail, mail drops);

Issues Trail/Comment response report I&AP (Public input) and Consolidate the scope of work based on Issues Trail/Comment response report from I&AP

Detailed specialist studies to be undertaken by identified (independent) specialists ~ these may be seasonal;

Specialist Integration Workshop

Specialist Report (Finding and recommendation for mitigation)

EAP to Develop Draft Basic Assessment Report (BAR) - include specialist input and public comments etc.

EAP to notify, hold public meetings and avail Draft BAR for public comments (for 40 days);

EAP to Compile Issues Trail report or Issues Response Report;

EAP to Develop Final BAR, and avail for public review (21 days);

EAP to Submit Final BAR and draft EMPr to DEA (parallel to 21 days public review);

Authority's timeline: 14 days acknowledge receipt; 30 days accept/reject BAR; 30 (60 days extension if required) days to grant authorization/decision; 2 days notify applicant;

EAP to notify I&APs within 12 days about receipt of Environmental Authorization, and allow for Appeals period (appeal against decisions)- ;

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Public to submit notice of intent to appeal (within 20 days of the date of decision), if any, against the EA

Public to submit appeal with 30 days of step 11

3.5 PROCESS TO BE FOLLOWED ON FULL EIA

The following are the steps followed to execute the Environmental Impact Assessment process:

Environmental Assessment Practitioner (EAP) to submit application form to the DEA & DEA to accept or reject application (within 14 days)

If Accepted get the reference number then step 2

If rejected with the reason then amend the application- resubmit an application (when re-submit : it will take another 14 days from the date of re-submission)

EAP to undertake Public Participation Process (PPP) ~ Background Information Document (BID), media advertisements (40 days), notice boards, open register of I&APs & notify landowners/s (letters, e-mail, mail drops);

Issues Trail/Comment response report I&AP (Public input) and Consolidate the scope of work based on Issues Trail/Comment response report from I&AP

EAP to receive input from Interested and Affected Parties (I&APs) for scoping report: identifying relevant issues; potential environmental impacts; identification of feasible alternatives (project/process/site/layout/no-go);

Input from specialists (Scoping relevant specialists studies, with ToR for EIA phase)

EAP to prepare Draft Scoping Report (SR), Issues Trail Report 1/Issues Response Report 1 & Plan of Study (PoS) for EIA;

EAP to notify, hold public meetings and Avail reports to public for review (40 days) (60 days for DWA for waste activities);

EAP to Compile Issues Trail Report 2 or Issues Response Report 2, and finalise Final Scoping Report (FSR) to DEA and avail for public review (21 days);

EAP to submit FSR and PoS EIA to DEA for decision (acceptance) and for public review;

DEA timelines: 14 days to acknowledge receipt of FSR; 30 days (60 days extension if required) to accept/request amendment/reject FSR and PoS EIA;

EAP to ensure undertaking of specialist studies as necessary and informed by input from the acceptance of FSR and I&APs

EAP to compile Draft Environmental Impact Report (DEIR) and Draft Environmental Management Programme (DEMP);

EAP to notify, hold public meetings and Avail DEIR and DEMPr for Public review(40 days) (60 days for DWA on waste applications)

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EAP to Compile Issues Trail Report 3 or Issues Response Report 3, and finalise EIR and DEMPr;

EAP to submit FEIR and DEMPr to DEA for decision making (authorisation); (NB: DEA requires Concurrence RoD from DWA for waste applications)

DEA timeline: 14 days to acknowledge receipt of FEIR and EMPPr; 60 days to accept/reject FEIR and EMPPr (60 days extension if required); 45 days grant/refuse authorisation (60 days extension if required); 2 days to notify applicant of decision;

EAP to notify I&APs within 12 days about receipt of Environmental Authorisation, and allow for Appeals period (appeal against decisions);

Public to submit notice of intent to appeal (within 20 days of the date of decision), if any, against the EA

Public to submit appeal with 30 days of step 17

3.6 POSSIBLE ET SCOPE OF WORK TRIGGERING ENVIRONMENTAL ASSESSMENT

3.6.1 For a Greenfield Site:

Build an access road - not wider than 4 meters (Listed activities are triggered from 4m width)

Build Equipment rooms and Build Battery Room

Build Auxiliary Room - Building for Telecoms auxiliary equipment – charges and non-core equipment

A fenced off yard with gravel laid down within the site. Assuming all buildings are within the fenced yard with gravel – activities in GN 546 could be triggered (presented later)

A Telecoms tower to house the aerial equipment – Microwave and other antenna and associated cables (this may be a simple pole structure or a full 75m tower) Activity 3, GN 546 will be triggered

ET has equipment in ET owned sites (ET radio sites/high sites) and on customer premises (substations/offices/power stations). Consultation of landowner, negotiation for servitudes ~ depending on footprint

The high sites are mainly situated in remote areas on top of mountains to ensure good telecoms signals and coverage.

Some of the high sites may be situated in “environmentally sensitive areas” such as forests etc... The sensitive areas will be identified, and Listing 546 activities could be triggered e.g. Listing No 3 - GN 546 activity 4

Potential listed activities

NEMA: Listing No 1 - GN 544 activity 24) The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.

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NEMA: Listing N0.3 - GN 546	
<p>The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes.</p> <p>Where the mast:</p> <p>Is to be placed on a site not previously used for this purpose, and</p> <p>Will exceed 15 metres in height, but excluding attachments to existing buildings and masts on rooftops.</p>	<p>In Eastern Cape, Free State, Kwazulu Natal, Mpumalanga and Northern Cape Provinces</p> <p>In Gauteng</p> <p>In North West</p> <p>In Western Cape</p> <p>..... in identified sensitive areas within the provinces</p>

3.6.2 For a Brown field/ existing sites

The installation, commissioning and maintenance of equipment on site.(No listed activities are triggered by commissioning and maintenance).

At existing sites, ET will install and commission new equipment inside the building and on the tower (additional antennas and cables for these antennas)

Maintenance involves – preventative and breakdown maintenance on all equipment on site.

Some of these at sites are within the substation power stations as well.

Potential Listed activities

NEMA: LN1 - GN 544 1) The construction of facilities or infrastructure for the generation of electricity where:

- i. the electricity output is more than 10 megawatts but less than 20 megawatts; or
- ii. The output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare.

NEMA: LN1 - GN 544 10) the construction of facilities or infrastructure for the transmission and distribution of electricity -

- i. outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or
- ii inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.

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NEMA: LN1 - GN 544 18) The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:

(i) a watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving;

(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or

(b) occurs behind the development setback line.

NEMA: LN2 - GN 545 1) The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.

NEMA: LN2 - GN 545 8) The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.

Penalties for conducting listed activities without licencing:

- Undertaking a S24G ECA application (Application for rectification of undertaking unlawful activities);
- Fine of up to R5M or 5 years imprisonment or BOTH;
- Administration fine ~ up to R1M

Non-compliance to licence conditions:

- Stop the project being executed or delay project;
- Fine of up to R10M or 10 years imprisonment or BOTH;

NB: Appropriate authorisation is a MUST as it is regulated.

3.7 GENERAL ET SCOPE OF WORK

The equipment Transmits and Receives both analogue and digital data which is then built up into build a Telecoms signal, which then goes into the Telecoms network for the purposes of communication.

Now and then might have a standby generator on site

Removal of general waste, fluorescent tubes and redundant electronic equipment

Ensure there is an appropriate waste management plan

At the end of the life cycle of the site, site is demolished and site is rehabilitated

Listed activities for waste according to NEMWA: GN 718 category A

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The storage, including the temporary storage of general waste at a facility that has the capacity to store in excess of 100m³ of general waste at any one time, excluding the storage of waste in lagoons

The storage including the temporary storage of hazardous waste at a facility that has the capacity to store in excess of 35m³ of hazardous waste at any one time, excluding the storage of waste in lagoons

ET may be required to conduct a BA or a full EIA where a tower of below stipulated exemption by regulation e.g. 8metre is to be erected on an area within sensitive environment (for example, wetlands, protected areas etc) then the exclusion of the EIA regulations will fall off therefore approval will need to be given by the authorities.

In a project where environmental sensitive areas are involved, the competent person who will issue a screening report detailing the status of the surrounding environment shall conduct a screening process. The project will only go-ahead without the involvement of the authority where the screening report does not recommend authorisation.

The construction of facilities for activities listed in Category A of this Schedule (not in isolation to associated activity)

ET Activities as per Listing 3 for GNR.546 Basic Assessment			
All projects must be subjected to screening process to determine the need for and the scale of an environmental impact assessment. The project can trigger BA or Full EIA process.			
Listed Activity	What must be done?	By whom?	Outcome
3) Construction of masts or towers in a new site (green fields) and where the tower exceeds 15 metres in height excluding attachments to existing buildings and masts on rooftops.	Determine scope of work. (Have alternative site if possible). Consult an EAP for screening purposes	EAP to conduct screening on the identified site. Give direction if Basic Assessment is needed or an EMP would be sufficient If BA required, follow the due process If BA not required, duty of care must be practiced therefore an EMP must be compiled to mitigate, monitor and manage the impacts on the environments and site through all phases (construction, operation and decommissioning).	EAP to compile and produce EMP for the project
4) The construction of a road wider than 4 metres with a reserve less than 13.5metres	Determine scope of work. (Have alternative site if possible). Consult an EAP for	EAP to conduct screening on the identified site. Give direction if Basic Assessment is needed or an EMP would be	EAP to compile and produce EMP for the project

	screening purposes	<p>sufficient</p> <p>If BA required, follow the due process</p> <p>If BA not required, duty of care must be practiced therefore an EMP must be compiled to mitigate, monitor and manage the impacts on the environments and site through all phases (construction, operation and decommissioning).</p>	
12) The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation	<p>Determine scope of work. (Have alternative site if possible).</p> <p>Consult an EAP for screening purposes</p>	<p>EAP to conduct screening on the identified site. Give direction if Basic Assessment is needed or an EMP would be sufficient</p> <p>If BA required, follow the due process</p> <p>If BA not required, duty of care must be practiced therefore an EMP must be compiled to mitigate, monitor and manage the impacts on the environments and site through all phases (construction, operation and decommissioning).</p>	EAP to compile and produce EMP for the project
13) The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation	<p>Determine scope of work. (Have alternative site if possible).</p> <p>Consult an EAP for screening purposes</p>	<p>EAP to conduct screening on the identified site. Give direction if Basic Assessment is needed or an EMP would be sufficient</p> <p>If BA required, follow the due process</p> <p>If BA not required, duty of care must be practiced therefore an EMP must be compiled to mitigate, monitor and manage the</p>	EAP to compile and produce EMP for the project

		impacts on the environments and site through all phases (construction, operation and decommissioning).	
19) The widening of a road by more than 4 metres or the lengthening of a road by more than 1 kilometre	<p>Determine scope of work. (Have alternative site if possible).</p> <p>Consult an EAP for screening purposes</p>	<p>EAP to conduct screening on the identified site. Give direction if Basic Assessment is needed or an EMP would be sufficient</p> <p>If BA required, follow the due process</p> <p>If BA not required, duty of care must be practiced therefore an EMP must be compiled to mitigate, monitor and manage the impacts on the environments and site through all phases (construction, operation and decommissioning).</p>	EAP to compile and produce EMP for the project
21) The expansion of above ground cableways and funiculars where the development footprint will be increased.	<p>Determine scope of work. (Have alternative site if possible).</p> <p>Consult an EAP for screening purposes</p>	<p>EAP to conduct screening on the identified site. Give direction if Basic Assessment is needed or an EMP would be sufficient</p> <p>If BA required, follow the due process</p> <p>If BA not required, duty of care must be practiced therefore an EMP must be compiled to mitigate, monitor and manage the impacts on the environments and site through all phases (construction, operation and decommissioning).</p>	EAP to compile and produce EMP for the project

4. AUTHORISATION

This procedure has been and accepted by:

Name	Designation
Isabel Fick	Senior Manager: Eskom Telecommunications
Zane Hassen	Manager: Western Region (acting)
Petros Masoka	Manager: Northern Region
Keith Cornwall	Manager: Central Region
Joe Manyisa	Manager: Network Management and Fault Centre
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5. REVISIONS

Date	Rev	Remarks
January 2020	2	Document due for review
January 2017	1	Document due for review
September 2013	0	To provide clarity on the EIA regulations requirements for the business

6. DEVELOPMENT TEAM

The following persons were involved in the compilation of this document

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