ENVIRONMENTAL IMPACT ASSESSMENT

ENVIRONMENTAL AUTHORIZATION PROCESS FOR THE PROPOSED UPGRADE AND NEW CONSTRUCTION RELATED TO THE DEVELOPMENT OF THE SWAZILAND RAIL LINK PROJECT, FROM DAVEL TO NERSTON (MPUMALANGA) AND GOLELA TO NSEZI (KWAZULU-NATAL)

INVITATION TO REGISTER AND COMMENT

PURPOSE OF THIS DOCUMENT

The purpose of this Background Information Document (BID) is to brief Interested and Affected Parties (I&APs) about the Environmental Impact Assessment (EIA), Waste Management License (WML) and the Water Use License Application (WULA) processes that are being conducted for the proposed construction of a railway line and associated infrastructure from Davel to Nsezi.

In addition to supplying information about the proposed project, the EIA, WML and the WULA, this BID also provides interested and affected parties (I&APs) with the opportunity to:

- Register as stakeholders in the public participation process; and
- Comment on and make contributions to the proposed project.

The EIA and WML decision-making authority is the national Department of Environmental Affairs (DEA) in accordance with section 24(5) of the National Environmental Management Act (NEMA), 107 of 1998, and the Water Use License (WUL) decision-making responsibilities rest with the Department of Water Affairs.

Please register yourself as an interested and affected party and submit your comments on the proposed project by 10 July 2013.

Either complete a response form, write a letter, call or e-mail the public participation office.

Public Participation office

Stacey Mac Donald
Aurecon South Africa (Pty) Ltd
PO Box 74381, Lynnwood Ridge, 0040
Tel: +27 12 427 2813 (Stacey)
Fax: 086 764 3719
Email: Stacey.MacDonald@aurecongroup.com

Background

Aurecon South Africa (Pty) Ltd was appointed by Transnet SOC Limited (hereafter referred to as Transnet) to provide environmental services for the Environmental Impact Assessment (EIA) of the proposed Swaziland Rail Link from Davel in Mpumalanga, through Swaziland to Nsezi in Richards Bay (figure 1).

Transnet is a government (state) owned company (SOC) and is the custodian of South Africa’s railway, ports and pipelines, thereby responsible for delivering reliable freight transport and handling services that satisfy customer demand.

As such, Transnet in collaboration with Swaziland Railway identified the construction and upgrade of the railway line between Davel in Mpumalanga and Richards Bay as a strategic project. The aim of the project is to unlock the potential of a multinational strategic rail corridor and divert general freight traffic off the dedicated heavy haul Richards Bay coal line.

The project activities will consist of various works, including the upgrading of existing railway sections (including re-building certain sections), construction of an entirely new rail link from Lothair to Sidvokodvo in Swaziland and construction of new rail yards. These proposed works trigger listed activities in the National Environmental Management Act (NEMA), 107 of 1998, the National Water Act (NWA), 36 of 1998 and the National Environmental Management: Waste Act (NEMWA), 59 of 2008.

Who is doing the EIA?

Transnet has, in line with the EIA guidelines, appointed Aurecon South Africa (Pty) Ltd as independent consultants to conduct the Environmental Impact Assessment. Aurecon South Africa (Pty) Ltd is familiar with the project area, and is known for their proven independency in assessment of impacts and assisting stakeholders to contribute to the EIA.
Due to the size of the proposed project, which stretches over approximately 370 km, the Department of Environmental Affairs (DEA) have advised that the EIA be split into separate applications. It was agreed that three applications, grouping the different work packages (as per figure 2) will be compiled as follows:

1. Work package 2 (Davel yard and connections), DEA ref no 14/12/16/3/3/2/551;
2. Work package 3 & the RSA part of Work package 1 (Mpumalanga rail line from Davel to Swaziland border), DEA ref no 14/12/16/3/3/2/553;
3. Work package 6 (KwaZulu Natal railway line from Golela to Nsezi,) DEA ref no 14/12/16/3/3/2/552.

Although three separate EIA applications have been made to the DEA, a single, comprehensive Stakeholder Engagement (Public Participation Process or PPP) will be conducted.

Listing notices 544, 545 and 546 issued in terms of the NEMA listed activities which may not commence without environmental authorisation from the competent authority and in respect of which the investigation, assessment and communication of potential impact of activities must follow the procedure as described in the Environmental Impact Assessment Regulations, 2010, Promulgated in Section 24(5) of the Act. With reference to the listing notice 545:

“The construction of railway lines, stations or shunting yards, excluding -
(i) railway lines, shunting yards and railway stations in industrial complexes or zones;
(ii) underground railway lines in a mining area; and
(iii) additional railway lines within the reserve of an existing railway line.”

is such a listed activity.

What is an EIA?

The Centre for Environmental Management of the North West University defines an EIA as a systematic process to identify positive and negative impacts on the environment (biophysical, socio-economic and cultural) associated with a proposed activity and the evaluation of alternatives or management measures to minimise negative and optimise positive impacts, thereby preventing substantial detrimental impacts on the environment.

An EIA is conducted in phases, namely:

- Scoping phase
- Impact assessment phase
- Decision-making phase

With an overarching public participation process as outlined below.
The first phase is the Scoping Phase, which is conducted to gain understanding of the potential environmental issues that are relevant to the project and to determine where further information is required, in the form of specialist studies/investigations. The Scoping Report and Plan of Study for the EIA are submitted to the DEA, for their review and to approve the proposed approach to the detailed investigation required in the next phase.

Activities involved in the Scoping Phase include:
- Meetings with authorities to agree on process and study requirements;
- Distribution of this Background Information Document and an invitation to contribute to the EIA process to Interested and Affected Parties in the project area and beyond;
- Advertisements in local, regional and national newspapers to announce opportunities to participate;
- Stakeholder meetings with relevant representatives to announce the project;
- Progress feedback letter to be issued and announcements to be made of the availability of the Draft Scoping Report (DSR) and Issues and Response Report (IRR);

The second phase of the EIA is an Impact Assessment Phase which entails undertaking various specialist studies, developing an Environmental Impact Report (EIR) and a Draft Environmental Management Plan (EMP). As part of the assessment, an EMP for the project will also be submitted to the DEA for their review and approval. Following the EMP, during and after construction, will ensure compliance to environmental regulations during and after the construction phase. It also ensures adherence to the identified measures to mitigate the impact on the environment.

Specialist studies identified include, but not necessarily limited to:
- Hydrological assessment,
- Waste management,
- Social impact assessment
- Socio-economic impact assessment,
- Geohydrological assessment,
- Terrestrial and Aquatic Ecological assessment,
- Wetland assessment and delineation,
- Air quality assessment,
- Noise and vibration studies, and
- Cultural / archaeological heritage assessment.

The names of the specialists who will undertake these studies can be obtained from the public participation office.

Specific activities will include:
• Distribution of a DSR, including IRR, for comment;
• Convening a stakeholder workshop in the project area to obtain comment on the DSR;
• Submission of a Final Scoping Report (FSR), capturing all issues raised for the impact assessment, to the DEA;
• Distribution of the FSR for information; and
• Progress feedback letter to stakeholders.
• Specialist studies focused on outcomes of the Scoping Phase and issues raised by stakeholders;
• Progress feedback to stakeholders;
• Compilation of a Draft EIR indicating the potential positive and negative impacts and measures to enhance positive impacts and to reduce or avoid negative impacts;
• Advertise the availability of the Draft EIR in local and regional newspapers;
• Distribution of the Draft EIR, including Issues and Response Report, for comment; and
• Stakeholder meeting in the project area to present the findings of the EIA for stakeholder comments.

The EIR and Draft EMP will then be finalised and submitted to the DEA.

The third phase involves a decision by the competent/decision-making authority, the DEA in this case. The DEA must accept or reject this report within 45 days. However, the regulations make provision for an extension of up to 90 additional days. Stakeholders will be advised of the decision on the Environmental Authorisation as well as the opportunity to appeal the decision, should they have a reason to appeal.

| Process to be followed for Public Participation |

Public participation is a cornerstone of any EIA. It ensures that the process is fair, open, transparent, and inclusive. It also provides stakeholders with sufficient information and affords them ample opportunity to contribute. The contributions of stakeholders are valued. The process for negotiations with landowners of land and servitudes and compensation will be shared with the stakeholders during the public participation process of this EIA. The negotiations will however take place separately. The findings of the EIA will assist landowners and Transnet to determine the extent of local impacts in support of any negotiations that might be necessary.

The public participation process is designed to provide sufficient and accessible information to interested and affected parties in an objective manner to assist them to:
• Raise issues of concern and make suggestions for alternatives and enhanced benefits;
• Contribute local knowledge;
• Verify that their issues have been captured and considered by the technical investigations; and
• Comment on the findings of the EIA.

Stakeholder Engagement:
During this phase, it is customary to consult with:
• Relevant authorities at various levels;
• Relevant stakeholders;
• The proponent; and
• The public at large.

The Stakeholder Engagement Process is designed to solicit a joint effort by stakeholders to produce better decisions than if they had acted independently. The primary aim of such a process is to facilitate better decision-making.

The following activities will be utilised to achieve the aforementioned objectives:
• Advertising: On-site and in local, regional and national newspapers; and
• Providing information to enable all affected parties opportunity to register and comment on documents.

Water Use License Application

In terms of the National Water Act, 36 of 1998, the following preliminary water uses to be undertaken on site require licensing under the following sections of the Act:
• Section 21 (c): Impeding or diverting the flow of water in a watercourse;
• Section 21 (f): Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
• Section 21 (i): Altering the bed, banks, course or characteristics of a watercourse; and
• Section 21 (j): Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people.

The Process

Application initiation discussion
A meeting between the applicant and the DWA should be held to ensure that the DWA agrees with the water uses being applied for.

Formal submission of application forms
In accordance with this legislation, the relevant Water Use License Application (WULA) will be submitted to the DWA with the final WULA report.
Public participation
The following activities will be utilised in the public participation process towards the application of the license:

- Advertising: Public notice in regional and local newspapers;
- Supplying all I&APs with this Background Information Document;
- Contacting stakeholders, notifying them of the process;
- Documenting stakeholder correspondence within the Draft Technical Report that will be made available for public review; and
- Notifying stakeholders when the WUL is issued.

Draft Technical Report
This Report will include, amongst others, the following:

- Introduction;
- Project description;
- Environmental status quo;
- Quantitative risk assessment;
- Cost-benefit analysis;
- Integrated environmental management;
- Monitoring systems;
- Operational management; and
- References and specialist studies.

Submission
All relevant documentation will be submitted to the DWA to inform decision making in the license application.

Decision Making
Once all relevant documentation has been submitted to the DWA, a decision will be made to approve or reject the WUL application. The decision will be made available to the stakeholders. A stakeholder or the applicant can appeal the decision through the correct channels.

Waste Management License

Government Notice R.718, issued in terms of the NEM:WA identifies the waste management activities that require environmental authorisation. The regulations identify two categories:

- Category A, which identifies activities that require a Basic Assessment process; and
- Category B, which identifies activities that require a full scoping and environmental impact report process to be followed.

In terms of the above mentioned notice, the following activities require authorisation:

Category A, Activity 1: “The storage, including the temporary storage, of general waste at a facility that has the capacity to store in excess of 100m\(^3\) of general waste at any one time, excluding the storage of waste in lagoons”.

Category A, Activity 2: “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 hazardous waste in lagoons”.

No Category B activities are triggered by the proposed Project.

As described in the Regulations “The activities listed under Category A are equivalent to those that require a basic assessment process as stipulated in the Environmental Impact Assessment regulations made under section 24(5) of the NEMA”.

Therefore the proposed development requires the submission of a waste management license application as well as a Basic Assessment Report (BAR) to the DEA, which will form part of the EIA process as an integrated application to the DEA.

Public participation is a key component of this BAR process and will take place as an integrated process at various stages throughout the project.

Should you wish to raise any issues or concerns regarding the proposed project, or if you wish to register as an I&AP, please contact the public participation office.

**YOUR COMMENT IS IMPORTANT**

Your comment on any aspect of the proposed project, the EIA, its public participation process and issues that need to be investigated, will help focus the process and assist the authorities in their decision making.

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**Borrow Pit Applications**

The project would require fill material which will be obtained from borrow pits. This requires authorisation in terms of the Mineral and Petroleum Resources Development Act, 28 of 2002. Applications for such activities will be submitted to the Department of Mineral Resources.
Figure 1: General Locality Map for the proposed New Swazi Rail link Project.
Figure 2: Diagrammatic layout for the proposed New Swazi Rail link Project, indicating the work packages as per Environmental Authorisation Application.
ENVIRONMENTAL IMPACT ASSESSMENT
SWAZILAND RAIL LINK UPGRADE FROM DAVEL IN MPUMALANGA, THROUGH SWAZILAND, TO NSESE, RICHARDSBAY IN KWAZULU NATAL.
INVITATION TO REGISTER AND COMMENT, JUNE / JULY 2013

Please complete and return to Aurecon by 10 July 2013 to
Stacey Mac Donald

PO Box 74381 Lynnwood Ridge 0040 Tel: +27 12 427 2813 (Stacey)
Fax: +27 86 764 3719 E-mail:
Stacey.MacDonald@aurecongroup.com

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Yes, I would like to participate in this EIA

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COMMENTS: (please use separate sheets if you wish)

1. The following issues must be considered in the EIA Process:

2. Please add the following colleagues/friends to the mailing list:

We thank you for your participation