



PRE-CONFERENCE TRAINING COURSE 4



THE EIA BIG 5
Alternatives
Independence
Need & desirability
Public Participation
Significance

Course Details

Course title	THE EIA BIG 5: ARE WE GETTING THEM RIGHT? Advanced EIA training course on alternatives; independence; need & desirability; public participation & significance
Level	Intermediate to advanced
Pre-requisites for participants	Some experience in EIA procedures
Language of delivery	English
Duration	1 day
Minimum and maximum number	15-30
Trainer's names and contact details	<u>Janice Tooley</u> JT Attorneys Cell: +27-(0) 83 650 5691 E-Mail: janicetooley@jtaenvirolaw.com <u>Sean O'Beirne</u> SE Solutions T: +27 (0) 82 903 9751 E: sobeirne@tiscali.co.za

Trainers

Janice Tooley

	<p>Name of Firm: Janice Tooley Attorneys</p> <p>Area of Practice: Environmental Law</p>
	<p>Key Qualifications, including Membership of Professional Bodies:</p> <ul style="list-style-type: none"> • Bachelor of Law (LLB), University of South Africa, 2011 <i>cum laude</i> • Master of Science (MSc), Environmental Science, University of KwaZulu-Natal, 1997 <i>cum laude</i> • Admitted as an attorney of the High Court of South Africa, 2013 • Member of the South African Environmental Law Association • Member and Past President of the International Association for Impact Assessment South Africa (IAIASa) <p>Employment Record & Experience:</p> <ul style="list-style-type: none"> • Principal Attorney, Janice Tooley Attorneys (Jan 2017 – present) • Partner, Shepstone & Wylie Attorneys (Jan 2011 – Aug 2016) • Director, ACER (Africa) Environmental Consultants (Oct 1997 – Dec 2010)
<p>Legal experience and services:</p> <ul style="list-style-type: none"> • Legal advice & opinions on a range of environmental issues to diverse sectors, including licensing (environmental authorisation, water use licences, atmospheric emission licences, waste management licences, coastal waters discharge permits; Section 24G applications) • EIA procedure and public participation process • appeals • protection, access to, and disclosure of information • waste management and contaminated land • directives and compliance notices • section 30 emergencies • biodiversity offsets. • Environmental legal audits of a diverse ranges of facilities and activities (petrochemical industry - oil refineries; bulk fuel storage; production plants; mining - underground and surface; water and sanitation – dams, pump stations, pipelines, water and sewage treatment; construction; chemical and food manufacturing; packaging; waste management facilities). • Training courses, workshops and seminars (presented / facilitated): <ul style="list-style-type: none"> ○ 2014 EIA Regulations. ○ Auditing & environmental legal compliance. ○ One environmental system. ○ Air quality & waste management. ○ Mining environmental regulation & compliance. ○ Environmental legislation updates. ○ Need & desirability. ○ Biodiversity legal framework, biodiversity offsets, alien & invasive species. ○ National, provincial & local government powers & duties (environmental management). 	

Updated February 2019

Sean O'Beirne



Name of Firm: Sustainable Environmental Solutions (Pty) Ltd ta SE Solutions

Area of Practice: Environmental Assessment and management

Nationality: South African

Key Qualifications, including Membership of Professional Bodies:

- BA Hons, University of Witwatersrand, 1988 *first class*
- Master of Science (MSc), Geography, University of Witwatersrand, 1993
- Certified Environmental Assessment Practitioner with EAPASA
- Member and Past President of the International Association for Impact Assessment South Africa (IAIASa)

Employment Record & Experience:

- Director, SE Solutions (July, 2000 – present)
- Researcher, Programme Manager, Business Development Manager, CSIR Environmentek (Jan 1989 – June 2000)

Experience and services:

Compliance assurance services: Assurance of compliance with especially IFI requirements including the IFC, EBRD and EPFIs. Currently short term consultant (STC) with the IFC. Projects include mines, oil and gas, bulk water infrastructure, power stations and industrial facilities.

Strategic advisory services: Identifying sustainable environmental solutions and developing strategies to address environmental and social compliance and sustainability. Projects include strategic assessments for National Departments, complex large-scale industries and proposed provincial trade and industry policies.

Specialist services: In air quality management; EIA project management; implementation of environmental management systems and training. Projects include MES postponement applications for Eskom and Sasol, multiple EIAs in South Africa, Mozambique, elsewhere in Africa, the Middle East and the Russian Federation, and training on SEA, ESIA and ESMS.

Environmental assessment and management services: Addressing national regulatory and legislative requirements and satisfying Lender requirements for environmental assessment and management services. Conduct Basic Assessments (BA) and Scoping and Environmental Impact Report (S&EIR) Assessments Environmental and Social Impact Assessments (ESIA), as well as Strategic Environmental Assessments (SEA) and Regional Environmental and Social Assessments (RESA), as defined by the World Bank. Have conducted a number of assessments that have been required for International Finance Corporation (IFC) and European Bank for Reconstruction and Development (EBRD) loans. Extensive environmental management experience, especially in respect of translating environmental assessments into post-decision management plans and programmes.

Course Description

Stand out from the herd by advancing your EIA skills and knowledgethis course has been designed by two highly skilled and experienced practitioners in EIA and environmental law to provide both the legal interpretation and practical application of 5 of what are considered to be the most essential elements of EIAs: ***alternatives; independence; need & desirability; public participation*** and ***significance***. Although integral to a successful and legally compliant EIA, these concepts are often not well understood, executed or regulated by EAPs and competent authorities.

The purpose of the training course is to re-examine these elements in depth and ensure that instead of just replicating what everyone else is doing, we are in fact aligned with the prevailing legislation, case law, and applicable guidelines as well as up-to-date with methodologies and approaches that are considered to be current best practice.

Course Materials to be provided

- Presentation slides handout
- EIA Regulations, 2014 (as amended)
- S24J guidelines: Need & Desirability, 2017 & Public Participation, 2017
- Case studies

See Course outline overleaf

Course Outline

	Time	Topic	Est. time
1.	8:30	Welcome 1.1. Introduction of trainers & participants 1.2. Explanation of course material 1.3. Training outcomes & expectations	15 min
2.	8:45 – 9.15	EIA legal framework 2.1. Legal history of EIAs in South Africa 2.2. Key EIA law (legislation, guidelines & case law) 2.3. Key EIA roleplayers 2.4. EIA process (BA & S&EIR) 2.5. Licences requiring EIAs	30 min
3.	9.15 – 10.00	Independence / objectivity required of EAPs & Specialists 3.1. Legal definition & requirements (incl. case law) 3.2. Examples of circumstances which may compromise independence 3.3. Examples of objective and non-objective reporting 3.4. Legal consequences of non-compliance	45 min
	10:00- 10:30	Tea/ Coffee Break	30 min
4.	10.30- 11:40	Public participation 4.1. Legal definition & principles 4.2. Prescribed minimum requirements (incl. case law) 4.3. S24J guideline 4.4. Practical examples 4.5. Case study	70 min
5.	11.40 – 12.40	Need & desirability 5.1. Legal requirements (incl. case law) 5.2. Common & best practice 5.3. S24J guideline 5.4. Legal consequences of non-compliance	60 min
	12:40- 13:40	Lunch	60 min
6.	13:40- 14:40	Alternatives 6.1. Legal definition and requirements (incl. case law) 6.2. Reporting requirements 6.3. Identification of alternatives 6.4. What is a feasible / reasonable alternative? 6.5. Case study	60 min
7.	14:40- 16:20 (incl. 15 min tea break)	Significance 7.1. Legal definition & requirements (incl. case law) 7.2. The significance of significance 7.3. Methodologies (the good, the bad & the ugly) 7.4. Case study	100 min (incl. 15 min break)
8.	16.20 – 16.30	Wrap up and course feedback	10 min