



**What should an
ECO know**

**Auditing
Requirements**

**IAIASa – KZN WORKSHOP:
ENVIRONMENTAL AUDITING & ECO BEST
PRACTICE**

19 September 2017

Conumdrum

ECOs – not lauded in law

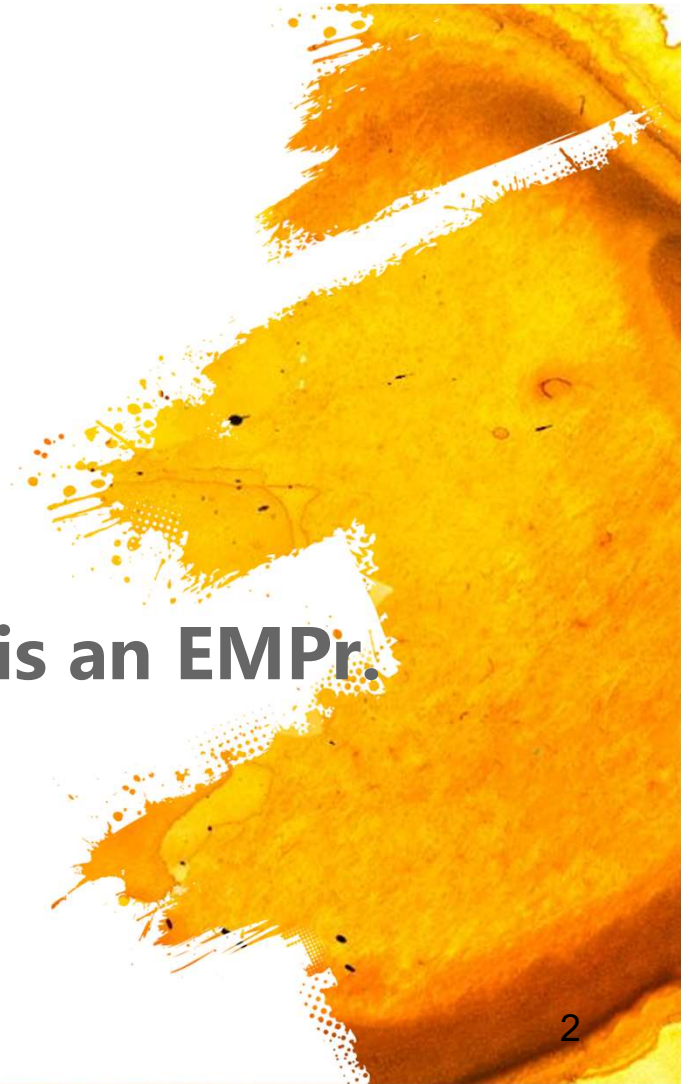
ECOs – huge responsibility

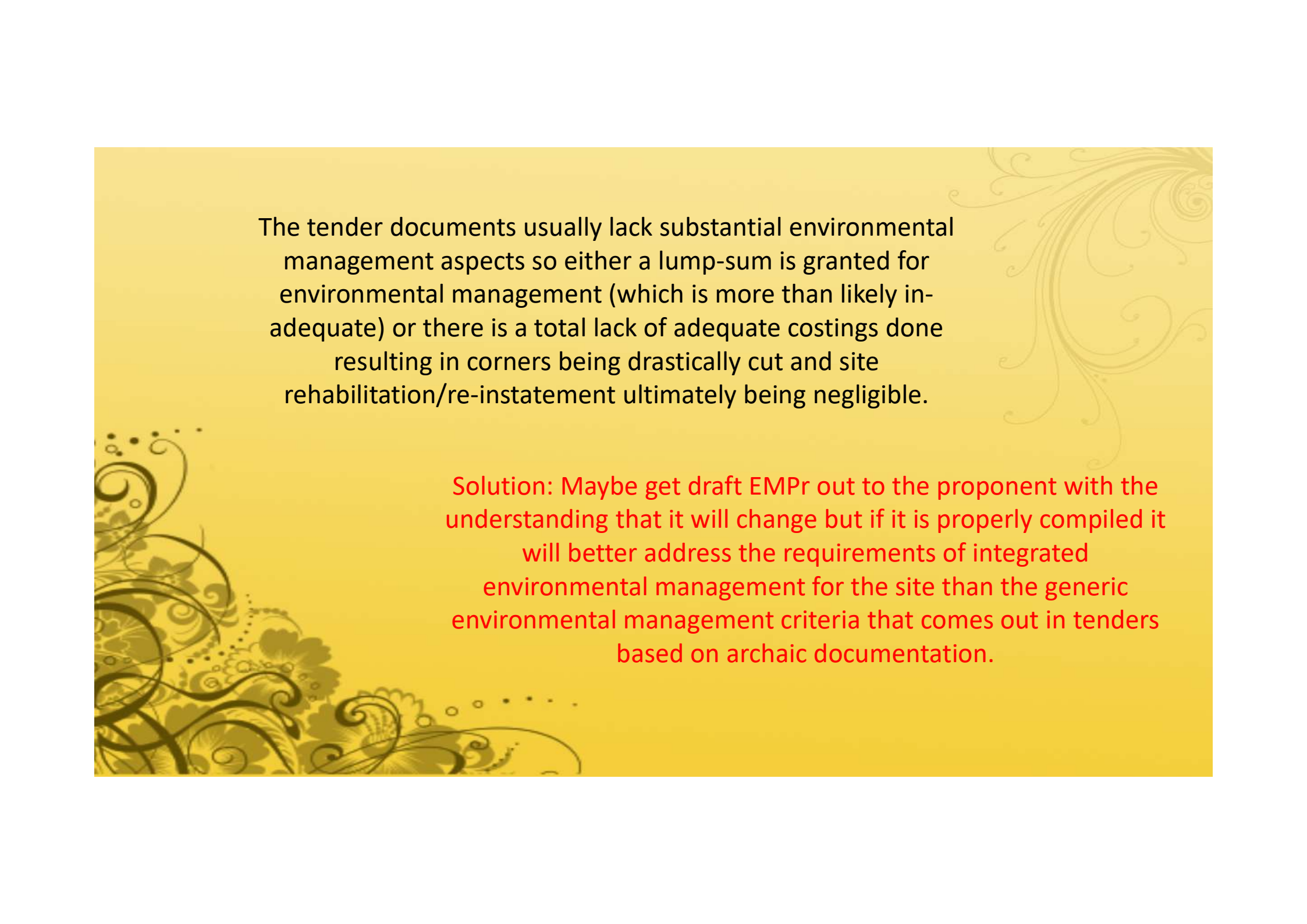
ECOs – eyes and ears of the authorities

ECOs – ? Powers

EMPrs – What is an EMPr.

Challenges





The tender documents usually lack substantial environmental management aspects so either a lump-sum is granted for environmental management (which is more than likely inadequate) or there is a total lack of adequate costings done resulting in corners being drastically cut and site rehabilitation/re-instatement ultimately being negligible.

Solution: Maybe get draft EMPr out to the proponent with the understanding that it will change but if it is properly compiled it will better address the requirements of integrated environmental management for the site than the generic environmental management criteria that comes out in tenders based on archaic documentation.

Conundrum

ECOs – not lauded in law

ECOs – huge responsibility

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Challenges

EMPrs – Contents very specifically defined in
S24N NEMA / Appendix 4 of the Regs

But

- ❖ Sense and sensibility
- ❖ Engineering input

- ❖ Compile an EMPr that speaks to the (EIA) assessment and the area in which the project is to take place

Challenges

- ❖ Environmental Awareness training – in-depth
- ❖ Support from Engineer/PMs (Proponents)
 - ❖ AND the authorities
 - ❖ Who is implementing the EMPr
- ❖ Implementation starts before construction does
 - ❖ Off-site impacts





**Hiding
the
dump!**



**Contractor's
creep**



Off site dumping



Stormwater control!



NOT!



A hand holding a lit sparkler against a dark, splattered background. The sparkler is bright and glowing, with many sparks flying out. The background is dark with white splatters and a halftone pattern.

**Nice little addition to an
EMPr that causes a stir!!**

Notwithstanding the Companies Act, 2008 (Act No. 71 of 2008), or the Close Corporations Act, 1984 (Act No. 69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment, whether advertently or inadvertently caused by the company or close corporation which they represent, including damage, degradation or pollution.

All of life and earth is sacred
Walk softly on the earth with all beings great and small
Walk in balance!
Follow the path of love, beauty, preservation, wisdom,
serenity, peace, truth, integrity,
light, humility, compassion,
empathy, generosity & understanding.

So – what is
an ECO?



Implementation

EAPs vision



Reality

Integrates environmental management

- ❖ ECO must be independent – provide independent monitoring of the contractor's activities, impacts on and off the site
- ❖ Must know and understand the contents of the EMPr and EA; WULA/GA etc;
- ❖ Must have significant knowledge of ALL applicable laws - including local, provincial, national, SANS codes and other applicable specifications that may apply;
- ❖ Recognise eco-systems & understand their function; some botanical knowledge (indigenous and invasive alien plants); some geological/pedology knowledge; knowledge of prevailing weather patterns, etc
- ❖ Must give guidance and advice to the folk on site;
- ❖ Be committed e.g. must visit a site after bad weather; be available in the case of an emergency

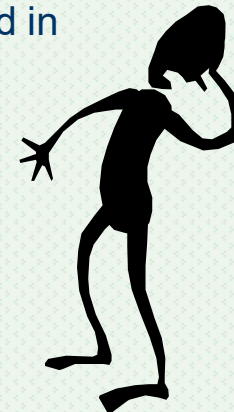
- ❖ There must be penalties and incentives in place and they must be enforced
- ❖ You must have the backing and support of the client- ISO Standards and requirements are a useful coercive tool
- ❖ And the competent authority
- ❖ Client, contractor(s), sub-contractor(s) & all their staff must be trained on the EMPr and obligations of authorisations (don't assume anyone will read it)
- ❖ ECO's can also be appointed to monitor operational phase activity and rehabilitation efforts – this in itself requires a different set of parameters to be applied (than those of the construction phase)

Implementation

- ❖ First step to implementation is to take the EMPr, authorisation and other legal documents and your knowledge of the relevant site and other important information such as local requirements; other relevant legislation like water act/waste act etc and draw up a checklist against which the contractors' (and engineers) environmental management can **be monitored**
- ❖ This must be extremely task specific and implementable – i.e. non compliances must be clear cut so that they can be timeously addressed
 - E.g. Topsoil will be removed to a depth of 300mm over the entire site and stockpiled in the designated area – should have been so stated in the EMPr

NOT

- Topsoil will be appropriately managed over the entire site





*„What is an
ECO not?“*

An ECO is NOT

Someone worried about their appearances – dust in the hair; on their suit; getting dirty

Someone who lacks the ability to be firm and assertive – must have the courage of their convictions

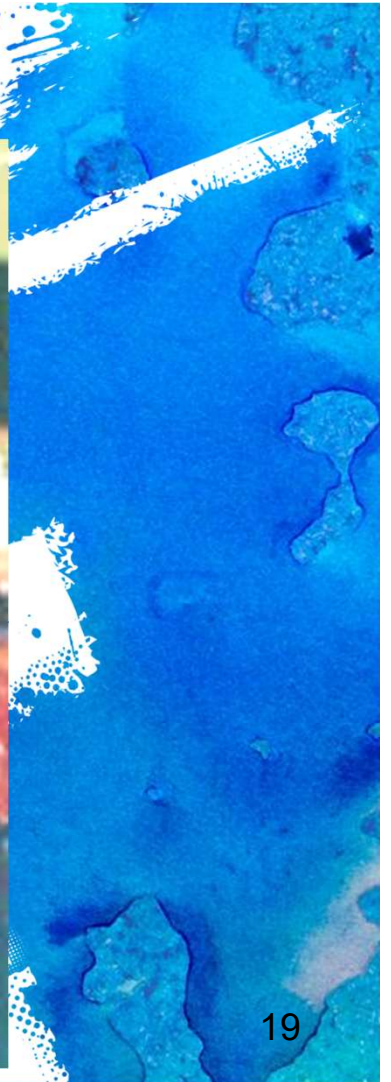
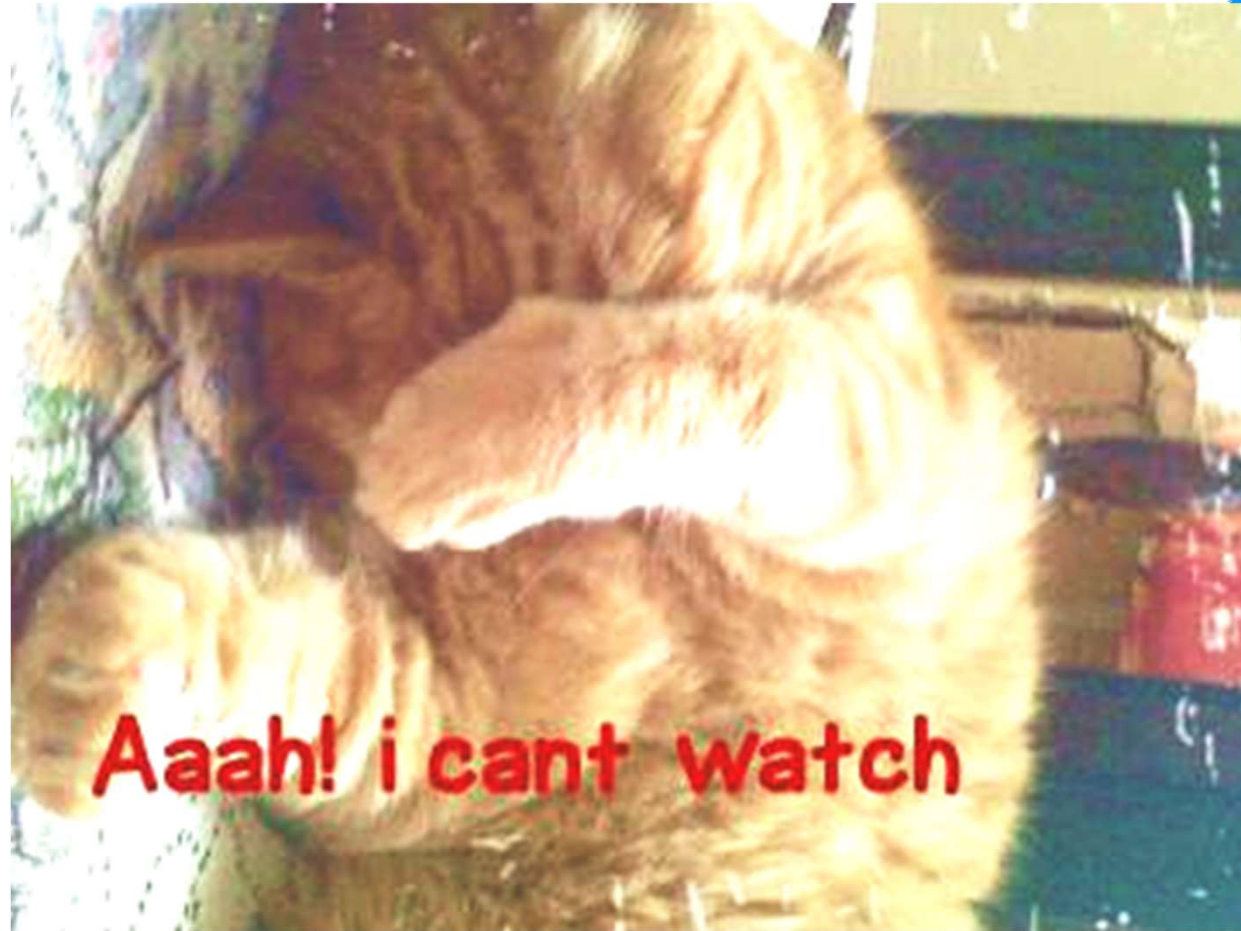
Someone who is so far away that it takes hours to get to a site when there is an emergency or a major problem.

Someone who is only in attendance as per the EA/EMPr requirements – sometimes it is necessary to do that bit extra – to be committed

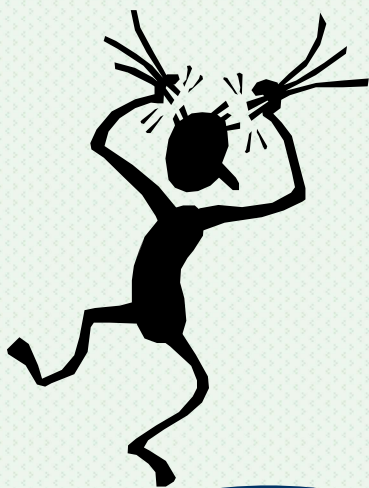
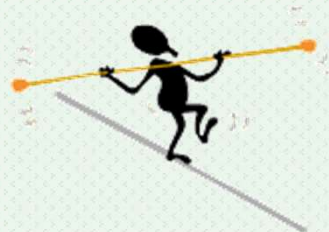
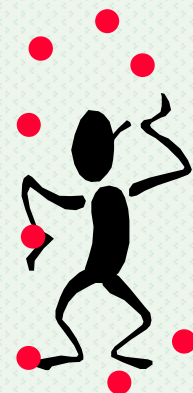
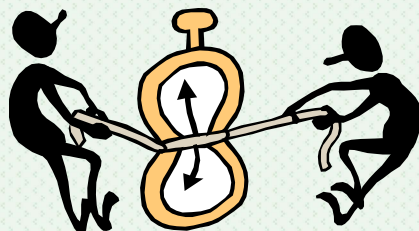
A rookie – who needs to get some field experience!!



An ECO is NOT



An ECO's
life



Eish!



A picture is
worth a
thousand
words

**Share some experiences
with you**







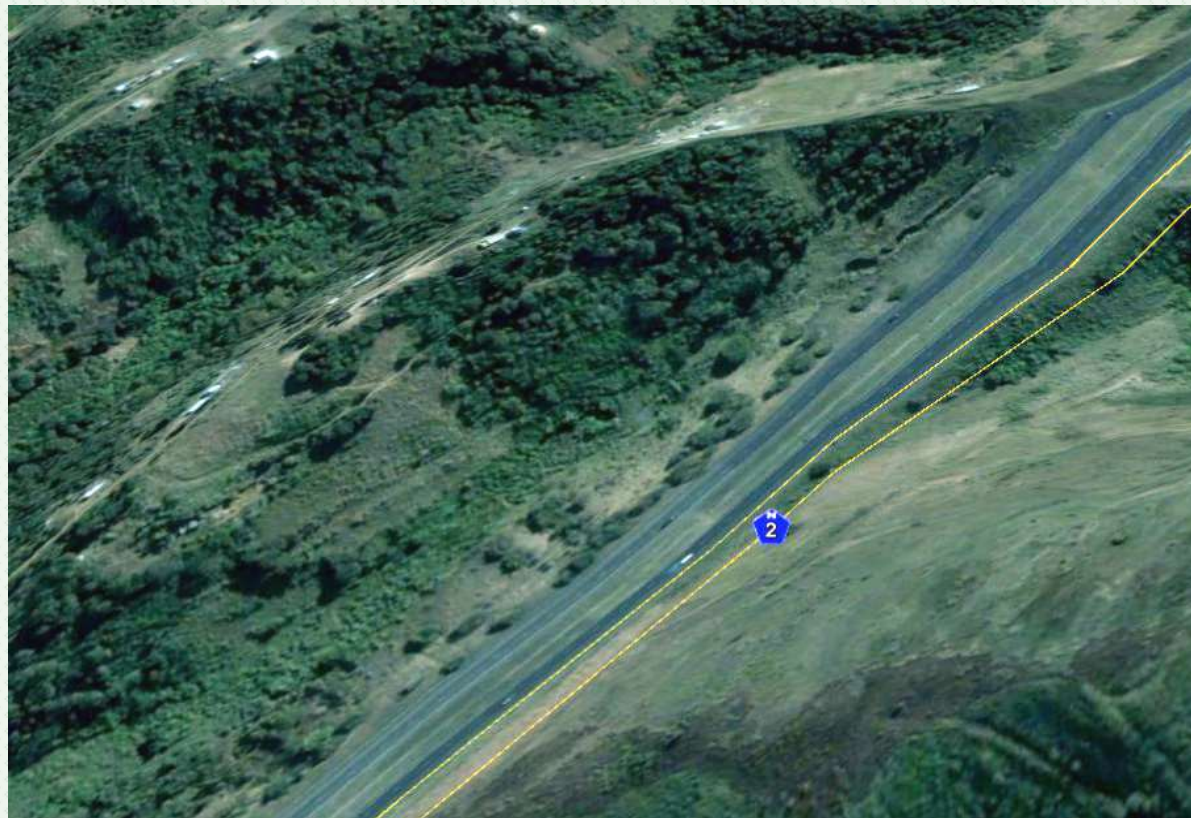
Excavator going walkies!



•Comment: Witnessed by ECO & RE



What can happen!



Now u see it



Now u don't



specialists



who must undergo suitable
training / internship / apprenticeship

Who must
have
extensive
knowledge
in the arena in
which we work

**Who must be recognised and
renumerated as specialists**

Write the best EMPs

Auditing

Taken to new heights



Auditing

- Independence of the auditor / expertise / signed declaration
- Why and how was the audit report prepared and what, if any, assumptions or gaps in knowledge were applicable
- What, if any, consultation process was undertaken during the carrying out the environmental audit report; and summary of any comments received

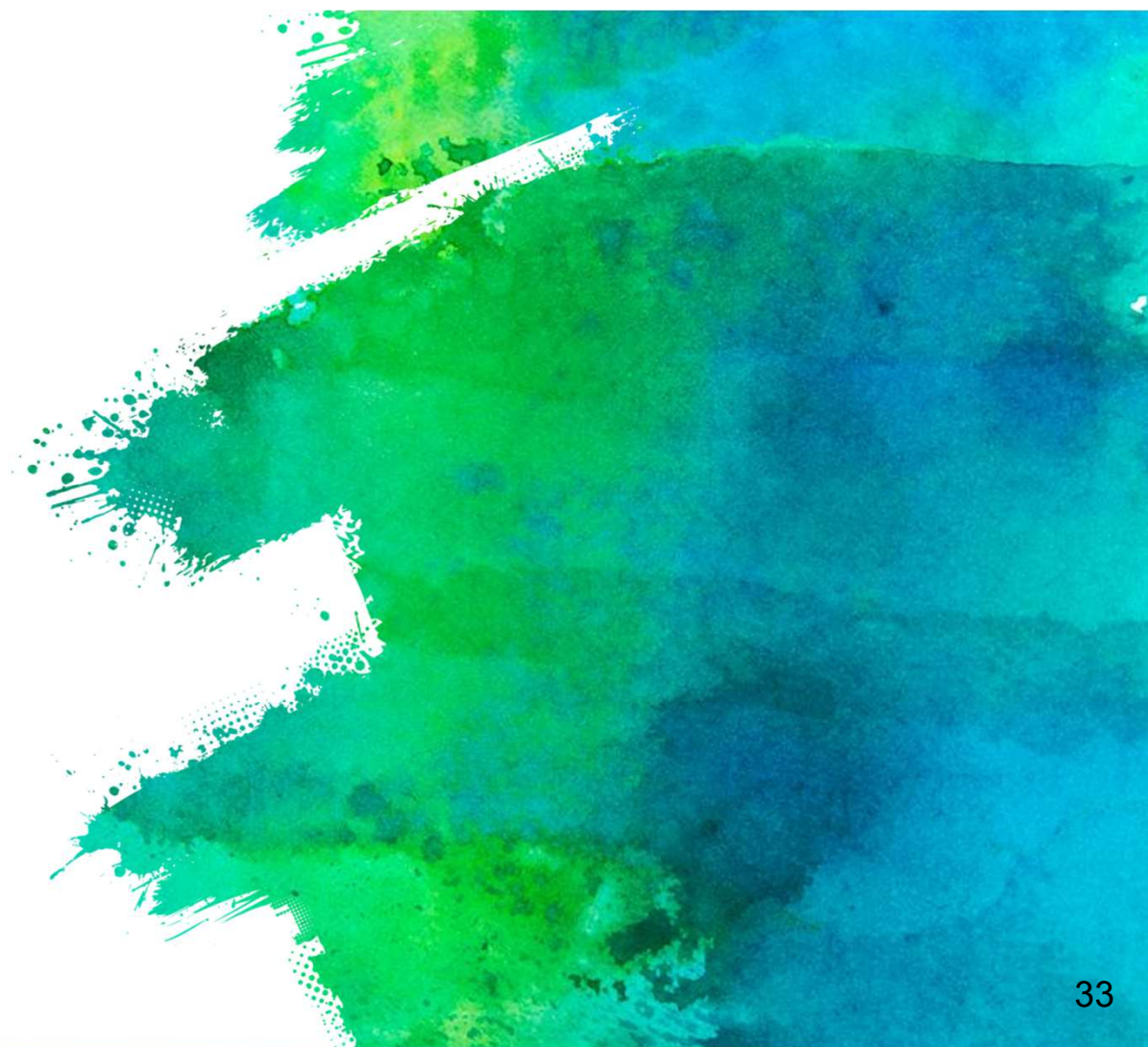
Audit report must address (in summary)

- (i) Compliance levels with the conditions of the environmental authorisation and the EMPr, etc
- (ii) How good /effective are the measures in the EMPr in addressing avoidance, management and mitigation measures in achieving the desired outcomes of the EMPr
- (iii) Identify shortcomings in the EMPr; need for changes to the avoidance, management and mitigation measures provided for in the EMPr,
- (iv) Identify and assess any new impacts and risks as a result of undertaking the activity;

Audit report

And for those of you that missed the memo:

Where an environmental authorisation issued in terms of the ECA regulations or the previous NEMA regulations is still in effect by 8 December 2014, the EMPr associated with such environmental authorisation is subject to the requirements contained in Part 3 of Chapter 5 of these Regulations and the first environmental audit report must be submitted to the competent authority no later than 7 December 2019 and at least every 5 years thereafter for the period during which such environmental authorisation is still in effect.





*With thanks to those of my peers who gave
me vauable input for this presentation*

You know who you are



METAMORPHOSIS



THANK YOU

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