



ENVIRONMENTAL COUNCIL OF ZAMBIA

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28th September 2007.

In reply please quote

No..... ECZ/INST/101/4

The Management Officer,
Embassy of the United States of America
P.O Box 31617
LUSAKA

Dear Sir,

**RE: ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED
NEW EMBASSY COMPOUND (NEC)**

We make reference to your letter dated September 13, 2007 on the above subject matter and the meeting held on Thursday 30th August 2007 in the Environmental Council of Zambia (ECZ) Boardroom between representatives of the USA Embassy (**Mr Brent Denhart** and **Ms Nalini Chadran**) and ourselves.

In the aforesaid meeting, we discussed the above project and the ECZ explained to your representatives the provisions of the Environmental Impact Assessment (EIA) Regulations. Your representatives on the other hand gave an overview of the project scope and the main issues discussed and agreed upon were as follows:

1. Security of the NEC

The ECZ staff wanted to know whether all the information that would be contained in the EIA report on NEC could be subjected to public disclosure as required under the EIA regulations. The response from your representatives was that the information to be provided in the EIA report **COULD** be subjected to public disclosure. But this letter stipulated that subjecting the EIA Report for the NEC would compromise issues of security. The two views are contradictory and we seek a clear position from the embassy on this issue. You may wish to note that the Zambia law on Environment allows for the exclusion of secret or proprietary information from being published in the EIA reports.

2. Type of Environmental Report to be submitted.

You labored a lot in your letter justifying reasons why you only need to submit a lower level assessment report called Environmental Project Brief. Kindly take note it is not **ECZ POLICY** as pointed out in your letter, that we use the said policy to determine what kind of report a developer may submit. What we use in our screening process to arrive at this are legal instruments called **REGULATIONS**. We don't have a policy as ECZ on EIA. It is very important for you to note that the two lists of projects which are provided for in the EIA Regulations are **NOT** exhaustive and it is with background that Regulation 7 (2)c says: The requirement for an environmental impact statement shall apply to:-

any project which is not specified in the Second Schedule but for which the Council determines an environmental impact statement should be prepared.

If the information provided by your representatives is anything to go by, the NEC will have its own sewerage treatment plant. This, according to your consultants, will in turn either be discharged into the open environment after treatment or into the existing sewerage system. If the option is to discharge the treated effluent to the open environment, there is a danger that the water may be used as a portable water source by people living in the project area. If the option is to discharge into the existing lines operated by the Lusaka Water and Sewerage Company, this would lead to further overloading of the system as its current performance is poor due to overloading. It is our view that the best option could only be arrived at if interested and affected parties are involved in the process. In the Zambian Environmental law, only the EIA process allows for stakeholder consultation.

Your letter also pointed out that **the Environmental Impact Assessment (EIA) is expensive and time consuming.**

The Environmental Council of Zambia has not received any report from the NEC. This is despite the fact that several meetings have been held with yourselves to discuss the NEC. Please bear in mind that there is a time frame for EIAs in all countries within which an approval of an EIA report is granted. We find it difficult to understand why you are complaining about the EIA being a time-consuming exercise even before you submit the report to us. This also applies to your concerns about the cost of the EIA.

In view of the misunderstanding that has arisen, we are of the view that, you assign a specific person to present the official position of the USA Embassy in all future meetings with ourselves.

Yours faithfully,



Patson Zulu
Manager – Inspectorate
For/Director

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