

ENVIRONMENTAL PROTECTION & MINING/ENERGY DEVELOPMENT

A TRINIDAD AND TOBAGO REGULATORY PERSPECTIVE



EMA
environmental
management
authority

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May 20, 2011

TRINIDAD & TOBAGO COUNTRY PROFILE

- Small Developing Twin-island Republic
- Population: 1.3 Million
- Economy: Largely based on Oil and Gas
- Jan. 2011: Oil – 90,751 BOPD
 Gas – 3,430 MMCF/D
- Heavy reliance on gas for power generation and downstream industries e.g. Iron and Steel, Methanol and Urea-Ammonia-Nitrogen.
- Designated Environmentally Sensitive Areas and Species

The Legislative Framework

The EMA is a statutory body established in 1995 under the Environmental Management Act Chapter 35:05



The Environmental Management Act



- The Act is the primary legislative instrument which governs environmental management in T&T.
- It sets out the framework within which the objects of the Act are to be achieved.

The Environmental Management Authority



- The functions of the EMA are defined in the Act. They include regulatory, policy-making, enforcement and awareness based functions.



The Subsidiary Legislation

The five primary subsidiary legislative instruments currently in force are the:

- **Certificate of Environment Clearance Rules 2001**
- Water Pollution Rules, 2001, as amended
- Noise Pollution Control Rules, 2001
- Environmentally Sensitive Areas Rules, 2001
- Environmentally Sensitive Species Rules, 2001

Certificate of Environmental Clearance (CEC) Process

- Certificate of Environmental Clearance Rules, 2001
- Certificate of Environmental Clearance (Designated Activities) Order, as amended
- Certificate of Environmental Clearance (Fees and Charges) Regulations, 2001

The Certificate of Environmental Clearance Rules



- There are 44 designated activities which require a CEC.
- There is a defined process for the application for and processing of CECs.
- An activity may require an EIA depending on its nature, scale and location.

The Certificate of Environmental Clearance Rules

The Designated Activities related to oil and gas exploration are:-

- Activity 24 – Exploration for crude oil or natural gas
- Activity 25 – Establishment of a facility for primary or secondary production of crude oil, condensate or associated gas
- Activity 26 - Establishment of a facility for natural gas or condensate production
- Activity 27 – Establishment of infrastructure for pipeline systems

OBJECTIVES OF THE CEC PROCESS

- Identify environmental impacts which might arise out of any new or significantly modified construction, process, works or other activity
- Promote environmentally-sound decisions
- Promote sustainable development

ACKNOWLEDGEMENT OF CEC APPLICATION

Application Received and Screened by the EMA

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Within 10 working days

Acknowledgement Letter issued to Applicant acknowledging receipt of application and informing that further information is required

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Further information submitted by Applicant

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Within 10 working days

After further information is reviewed, a Notification Letter is issued to Applicant advising one of the following:

- Additional information/clarification required
- No CEC required
- CEC required but no EIA
- CEC and EIA required
- CEC denied

DECISIONS ON CEC APPLICATIONS

Time lines associated with CEC decision

- If no EIA required - 30 working days to issue or refuse CEC
- If EIA required – Draft TOR developed in 21 working days
- After the Draft TOR is issued, applicant has 28 days to submit suggested changes, supported by public consultations
- EMA has 10 working days to finalize the TOR before issuing to the applicant
- When an acceptable EIA is submitted, the EMA has 80 working days in which to make its determination to issue a CEC with conditions or refuse with proper reason

PROCESSING NATIONALLY SENSITIVE APPLICATIONS

- In addition to applications being lodged at the National Register, to which the public has access, the EMA may conduct Public Consultations on the proposed project
- For applications for projects located in designated Environmentally Sensitive Areas or habitats of Environmentally Sensitive Species, an EIA is required
- More stringent monitoring conditions if the CEC is granted to the applicant

PROCESSING NATIONALLY SENSITIVE APPLICATIONS

- The applicant or any member of the public has the right of appeal to the Environmental Commission on any CEC decision
- The final decision of the EMA must withstand legal scrutiny
- In the past, the EMA refused a decision at the application stage for exploratory drilling in an Environmentally Sensitive Area
- The Environmental Commission ruled that an opportunity must be given to the operator to assess the environmental issues associated with the project

STAKEHOLDER CONSULTATION

- Necessary to involve all stakeholders at the earliest stage possible of the project
- Issues and concerns of stakeholders must be considered if there is to be buy-in by all
- Past experiences with operators, especially those prior to the CEC process, tend to affect relations. In some cases, traditional users found out about projects after works began

COMPENSATION TO TRADITIONAL USERS

- Framework for compensation, based on negotiations, must be submitted to the EMA and approved before the CEC is issued
- If the CEC is issued, there is a condition that specifies that the approved framework shall be implemented before any works can begin

QUARRYING IN PRISTINE AREAS

- With the exception of operations over 150 acres, Quarrying for aggregate (sands, gravel and limestone etc.) have been excised from the EMA's jurisdiction by an amendment to the CEC (Designated Activities) Order, 2001
- Many potential negative impacts associated with quarry operations
- Close collaboration between the Ministry of Energy and Energy Affairs (MEEA) and the EMA
- MEEA was advised that there should be a restoration bond or insurance, in addition to rehabilitation requirements, associated with any issued Mining License
- Value of the bond/insurance should be based on an evaluation of the ecological function, in the event that this is lost as a result of the development.

SUMMARY

- ALL CEC applications MUST be considered
- Applicants must be given the opportunity to assess the impacts of a proposed project on the environment
- Special attention is paid to applications for projects in Environmentally Sensitive Areas or habitats for Sensitive Species
- Early Stakeholder Consultations are key to project buy-in
- Compensation to traditional users of areas is negotiated before the CEC is issued
- A Restoration Bond/Insurance, based on the value of the ecosystem impacted, is recommended

CONCLUSION

- There must be consultation with all stakeholders in the planning process for the way forward
- Mining and energy development should not take place at the expense of the environment
- There must be a balance between the development of environmental management strategies and that of mining and energy industry

Thank You!

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