



A GUIDE
TO THE APPLICATION
FOR A
CERTIFICATE OF
ENVIRONMENTAL CLEARANCE

INTRODUCTION

This guide is intended to answer some basic questions about the Certificate of Environmental Clearance (CEC) system in Trinidad and Tobago. It is not meant to be the sole source of information on the CEC system but rather to facilitate understanding of the relevant legislation and the CEC Rules and Order.

What is presented in these guidelines is the rationale behind the system, an explanation of terms and a summary of the application procedure. It cannot be emphasised enough that more detailed comprehension of the system can only be gained by reference to the CEC Rules, 2001, CEC (Designated Activities) Order, 2001 and CEC (Fees and Charges) Regulations, 2001 which ultimately remain the source of a complete description.

- **WHAT IS THE CEC?**

The CEC is a certificate issued to an applicant which certifies the environmental acceptability of a proposed activity, provided that all the conditions contained in the CEC are fulfilled. The CEC process is a measure adopted primarily for environmental protection and the application process facilitates ongoing interaction between applicants and relevant authorities. One of the concepts behind the CEC application process is the consideration of all possible impacts on human health and the environment in order to prevent or minimise such impacts.

Environmental Impact Assessment (EIA) is an invaluable tool in planning and environmental management which may be used in the CEC process depending on the proposed activity. EIA is the process for identifying the likely effects on the environment of carrying out particular activities and for conveying this information to members of the public and those responsible for making decisions on the proposed activities.

The use of EIA facilitates public participation and seeks to address and minimise potential adverse impacts as well as contributes to environmental management through monitoring.

- **WHY WAS IT INTRODUCED TO TRINIDAD AND TOBAGO?**

The Environmental Management Act No. 3 of 2000 provides for the management of the environment within Trinidad and Tobago. Section 6 of the Act establishes the Environmental Management Authority and Section 35 stipulates the need for a CEC mechanism to be facilitated through this Authority, hence providing the legislative framework for the CEC process. The details of the CEC requirements are laid out in the CEC Rules and Order, 2001.

- **WHAT IS THE PURPOSE OF IT?**

The objective of the CEC process is the attainment of integrated environmental management on a national level. To achieve this, proposed activities need to be assessed to consider likely impacts, environmental risk(s) as well as mitigation and monitoring for potential adverse effects. For a given proposed activity this method of analysis should demonstrate benefits that are appropriate for all factors involved and should examine alternatives to the proposed activity where necessary.

The objectives of the CEC procedure at a national level are as follows:

- a) To reach a common understanding and agreement on principles and on the application of EIA, when necessary, in Trinidad and Tobago;
- b) To improve the EIA process so that its scope of review is consistent with the nature of the proposal and commensurate with the likely issues and impacts;
- c) To promote public awareness and to provide and facilitate opportunities for their involvement;
- d) To avoid duplication where multiple jurisdictions are involved;
- e) To identify and apportion responsibilities for participants in the EIA process.

Accomplishment of these objectives should provide the basis for the approval of activities that meet acceptable environmental standards and make wise use of resources.

- **WHAT IS THE DIFFERENCE BETWEEN CEC AND EIA?**

The CEC is a certificate that may or may not be granted for a particular activity. If the CEC is granted, this certifies the environmental acceptability of the proposed activity, provided that all conditions contained in the CEC are fulfilled. EIA is part of the CEC process which would report on specific environmental concerns of a proposed activity, if necessary. Not all applications for a CEC will require an EIA.

- **IS THERE A CHARGE OR FEE?**

There is a fee for:

- application- \$500.00
- an extract from the Register- \$0.50 per page
- a transfer of Certificate- \$500.00

There is a charge for EIA processing for applications that require an EIA. This may be a minimum of \$5,000.00 up to a maximum of \$600,000.00 depending on the activity (see the procedure for application, step 4 of this guide). For complete information see the CEC (Fees and Charges) Regulations, 2001.

- **WHO PAYS?**

The applicant for the CEC pays all associated fees and charges. In the case of extracts from the Register, the party requesting the extract must pay the fee. With respect to the transfer fee, the party requesting the transfer pays this fee.

- **WILL THE PUBLIC HAVE A CHANCE TO GET INFORMATION ON APPLICATIONS?**

CEC applications that require EIA are given special mention in the CEC Rules, 2001 and the Environmental Management Act, 2000 with respect to public consultation, whereby they must be submitted for public comment for a minimum of 30 calendar days from the date of publication of a Notice in the *Gazette*. An administrative record will be prepared for these applications to be viewed by the public at locations which will be advertised.

Extracts from the National Register may be requested by members of the public from the EMA. Any confidential information contained in a CEC application will not be made available to the public.

- **WHICH ARE THE GROUPS INVOLVED IN THE CEC PROCESS?**

In the CEC procedure, five broad categories of persons/institutions will be involved in the approval process:

- EMA
- Government entities
- Applicant
- Public
- Specialist/Expert advisors

With the exception of the EMA, all other groups can be subdivided into more specific, special interest groups. Members of the public consist of the local community, non-governmental organisations (NGOs), community-based organisations (CBOs) and academic institutions or personnel.

- **WHICH ACTIVITIES REQUIRE A CEC?**

The Environmental Management Act has, by means of an attached Schedule to the CEC Order, outlined a Designated List of Activities that require a Certificate of Environmental Clearance (CEC). These activities are considered to have the potential for significant adverse effects or risks to the environment whether in the phase of establishment, expansion, operation, decommissioning or abandonment.

Designated Activities are listed in the broad categories of:

- Agriculture
- Heavy and Light Manufacturing Industry
- Civil Works
- Natural Resource/Mineral Extraction and Processing
- Waste Disposal
- Transport Operations and Construction of Associated Infrastructure
- Other service-oriented industries

Guidelines are specified for each activity within a category. These limits are intended to provide applicants with a guide with respect to the scale required for a proposed activity to warrant an application for a CEC.

The applicant may consult with the Authority if unclear on any aspect of the CEC application

- **WHAT IS THE PROCEDURE FOR APPLICATION?**

Applying for a CEC, the process

Once the applicant recognises that a proposed activity falls within the Schedule, an application for a CEC must be made. The CEC process is summarised as follows: (see accompanying flowchart)

STEP 1- SUBMISSION OF APPLICATION

- (a) The applicant must utilise the CEC Application Form A with the Pre-Screening Form (available from the Authority as a hard copy, designated locations or through the EMA's website at www.ema.co.tt) and submit the completed form to the Authority or other authorised offices (see Appendix 1 for a list of these offices). The application should be completed in block capitals and **MUST** be signed by the applicant or Head of Organisation (if applicant is a Company). If the applicant is a company, the form should also bear the company stamp.

For activities requiring the express grant of planning permission under the national legislation dealing with planning, the application must be lodged with the relevant government entity responsible for such planning activities, i.e. the Town and Country Planning Division closest to where the activity is being proposed.

The scheduled activities that fall within this category are: 1(b), 2, 3, 5(c), 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44.

- (b) The prescribed fee of TT\$500.00, must be paid to any branch of First Citizens Bank to Savings Account 1183848. A copy of the receipt with the applicant's name must be submitted with the application form. The offices authorised to receive applications (see Appendix 1) will forward the application to the Authority **not later than 5 working days after receipt of the application.**

It should be noted that all applications should present detailed information in both technical (where necessary) and non-technical terms as well as illustrations and maps that would clearly and adequately describe the proposed activity. This should include the following:

- Name and postal address of applicant
- Designated activity as set out in the Schedule to the Order
- Location of the proposed activity
- Purpose and objectives of the activity
- Description of the site and areas likely to be affected by the activity
- Size and scale of the activity – capacity, throughput, land space and covered areas
- Description of the activity
 - types of processes
 - equipment or machinery
 - type, quantity and sources of input materials
 - quantity and destination of by-products, including waste
 - modes of transportation and their potential effects

- Description of the activity (continued)
 - volume of intermediate and final products
 - frequency or rate of extraction of natural resources
- Expected life of the activity
- Proposed schedule of actions for all phases of the activity
- Maps, plans, diagrams, photographs, charts and other illustrative or graphic material as necessary.

STEP 2 - SCREENING

Submitted applications are screened by the EMA to determine their completeness on:

- a) an administrative; and
- b) a technical level

STEP 3 - ACKNOWLEDGEMENT

The applicant is sent an acknowledgement **within 10 working days of receipt of the completed application** by the Authority. This acknowledgement indicates receipt of the application as well as whether the application requires a CEC, the submission of further information or an EIA.

STEP 4 - PROCESSING

4(a) NO EIA REQUIRED

If an EIA is not required, the Authority, based on the information received in the application, conducts an in-depth review of the proposed activity.

4(b) EIA REQUIRED**4(b)1- NOTIFICATION OF PROPOSED TERMS OF REFERENCE (TOR)-**

If an EIA is required, the Authority conducts an in-depth review and then consults with the applicant to prepare the draft TOR. This is done **within 21 working days of the issue of the acknowledgement of receipt of the application.**

4(b) 2- PAYMENT OF CHARGE -

An EIA processing charge is payable to the EMA or through any branch of First Citizens Bank to Savings Account 1183848. This charge is:

- TT\$5,000.00 for activities 1, 2, 3, 4, 5, 6, 10, 11 and 31;
- TT\$10,000.00 for activities 7, 8, 9, 13, 14, 15, 16, 17, 18, 33, 38 and 43;
- TT\$20,000.00 for activities 22, 23, 30, 32, 35, 37, 40, 41 and 44;
- a minimum of \$100,000.00 and a maximum of \$600,000.00 for activities 12, 19, 20, 21, 24, 25, 26, 27, 28, 29, 34, 36, 39 and 42 of the Schedule attached to the Order.

4(b)3- COLLECTION OF DRAFT TOR –

The draft TOR may be collected from the Authority upon presentation of a copy of the receipt as proof of payment of the processing charge.

4(b) 4 - REQUEST FOR MODIFICATION OF DRAFT TOR

An applicant has the option to request the modification of the issued TOR. Written representations for the modification of the TOR must be submitted to the Authority **within 28 days after notification of the TOR** and should include:

- the proposed modifications to the ToR
- the rationale for the changes
- a report of any consultations with relevant parties such as non-governmental organisations (NGOs), relevant agencies and the concerned public.

4(b) 5 - ISSUE OF THE FINAL ToR –

The Authority, upon consideration of all written representations, would make a determination and issue the final TOR **within 10 working days after the expiration of the period specified for the submission of the ToR modification request.**

4(b) 6 - SUBMISSION OF EIA REPORT –

The applicant must submit an EIA report which must include ALL items/information stipulated in the TOR.

Upon submission of the EIA report, an administrative record is prepared by the Authority which is submitted for public comment for a minimum of 30 calendar days from the date of publication of a Notice in the *Gazette*. This administrative record may be viewed at locations which will be advertised.

4(b) 7 - REVIEW AND EVALUATION –

The EIA report is reviewed and evaluated by the Authority with inputs from relevant agencies and with consideration of the public comments received.

STEP 5- NOTIFICATION OF DECISION

For applications requiring an EIA, notification of a decision will be **within 80 working days of receipt of the complete EIA report.**

For applications **not** requiring an EIA, notification of a decision will be **within 30 working days of receipt of all requested information.**

A decision is made to either issue or refuse a CEC.

Note that if the Authority cannot make a determination within the specified time-frame, the applicant will be notified in writing of the reasons and an extended date by which a decision will be made. This notification will be served to the applicant before the expiration of the original time-frame assigned for rendering a decision.

5(a) - ISSUE/GRANTING OF CEC –

A CEC may be granted by the Authority with terms and conditions. An approval is given for a proposed activity that strictly adheres to the conditions stipulated by the Authority.

Once a CEC is granted, the applicant cannot change the activity in any way that would result in an adverse environmental effect, for example, the applicant cannot discharge contaminants not covered by the approval or stated in the application.

The applicant must comply with the conditions and mitigation measures in the CEC.

A CEC holder must inform the Authority of any new or relevant information regarding adverse environmental effects the proposed activity may have.

The activity for which the CEC is issued must commence within 3 years of the effective date of the CEC or another application must be made. The CEC must be placed in public view at the site of the activity for which it is issued.

Issue of a CEC does not mean automatic approval from other agencies and does NOT grant approval to begin the activity until all other approvals are obtained. Other statutory requirements and permits must still be obtained.

5 (b) - REFUSAL OF CEC –

The Authority has the option to refuse the issue of a CEC after review of the application. The applicant is issued a notification of refusal to grant a CEC for a proposed activity, which will state the applicant's name, proposed activity and the reason for the refusal. In the event of a refusal, the Authority will remind the applicant of his/her option to appeal the decision to the Environmental Commission.

RECOURSE FOR APPEAL

An applicant has the right to appeal the decision of a refusal to grant a CEC or the conditions attached to the grant of a CEC. This appeal shall be instituted by filing a notice of appeal with the Registrar of the Environmental Commission and serving a copy thereof to the Secretary of the Authority or other respondent. The Notice of appeal shall describe the specific dispute and specify the grounds of appeal and shall be in such a form as may be prescribed by Rules of the Commission. For further information see the Environmental Management Act, 2000, Sections 85 – 90.

TRANSFER OF CEC

The person to whom the CEC has been issued may apply for the transfer of the Certificate. The applicant must utilise the Transfer Form (available from the Authority as a hard copy or through the EMA's website at www.ema.co.tt) and submit the completed form to the Authority. The fee of TT\$500.00 must be paid to any branch of First Citizens Bank to Savings Account 1183848 and a copy of the receipt, with the applicant's name, must accompany the form.

The application for a transfer should be accompanied by the CEC, which is to be transferred, and if the transferee is a company, that is, a legal entity covered by the Companies Act (1995), it should also include a Certificate furnished by the Registrar of Companies stating that the company is on the Companies Register.

If the Authority approves the application for transfer, the CEC submitted would be replaced by a new Certificate on which the name of the applicant would be that of the transferee. The application will be dated and the Certificate will apply from this date to the transferee who is now deemed the applicant. The activity for which the transfer is approved must commence within 3 years of issue or a new application must be made.

NATIONAL REGISTER OF CERTIFICATES OF ENVIRONMENTAL CLEARANCE

The National Register will contain the details and status of all applications including applications for a transfer of CEC. Information on the Certificates issued including mitigation measures, terms and conditions subject to which they are issued and transfers approved by the Authority will be entered in the Register. Refusals to issue Certificates and grant transfers will be included in the Register as well as reasons for refusal of issuance of Certificates.

Confidential information will be omitted from the Register. Members of the public may examine the Register as notified by the Authority through the *Gazette* and at least one daily newspaper. Any person can request an extract from the Register upon payment of the prescribed fee of TT\$0.50 per page.

Note that all fees payable with respect to applications, EIA processing, transfers and extracts from the Register are non-refundable.

GLOSSARY OF TERMS

Activity: The execution of works or other interventions in the natural surroundings/landscape, which involves establishment, modification, expansion, decommissioning or abandonment.

Applicant: A person(s), company or consortium of companies that submits an application for a CEC for a proposed activity.

Authority: The Environmental Management Authority (EMA) which is the organisation with responsibility for the decision on the application for a CEC.

Certificate/Certificate of Environmental Clearance (CEC): A certificate of environmental clearance issued by the Authority.

Effect: One which, alone or in combination with other effects, is of sufficient importance that it ought to be considered by the competent authority in deciding whether or not to grant a CEC, and under what conditions approvals should be granted.

Environment: All land, area beneath the land surface, atmosphere, climate, surface water, groundwater, sea, marine and coastal areas, seabeds, wetlands and natural resources within the jurisdiction of Trinidad and Tobago.

Environmental Impact Assessment (EIA): This is a process for the systematic, technical and scientific evaluation of a proposed activity including its alternatives and objectives and its effect on the environment including the mitigation and management of those effects.

Environmental Impact Assessment (EIA) Report: A document prepared by the applicant to present the case for the assessment of his/her proposed activity as part of the environmental impact assessment process.

Impact: An alteration to the environment which may be direct, indirect or cumulative.

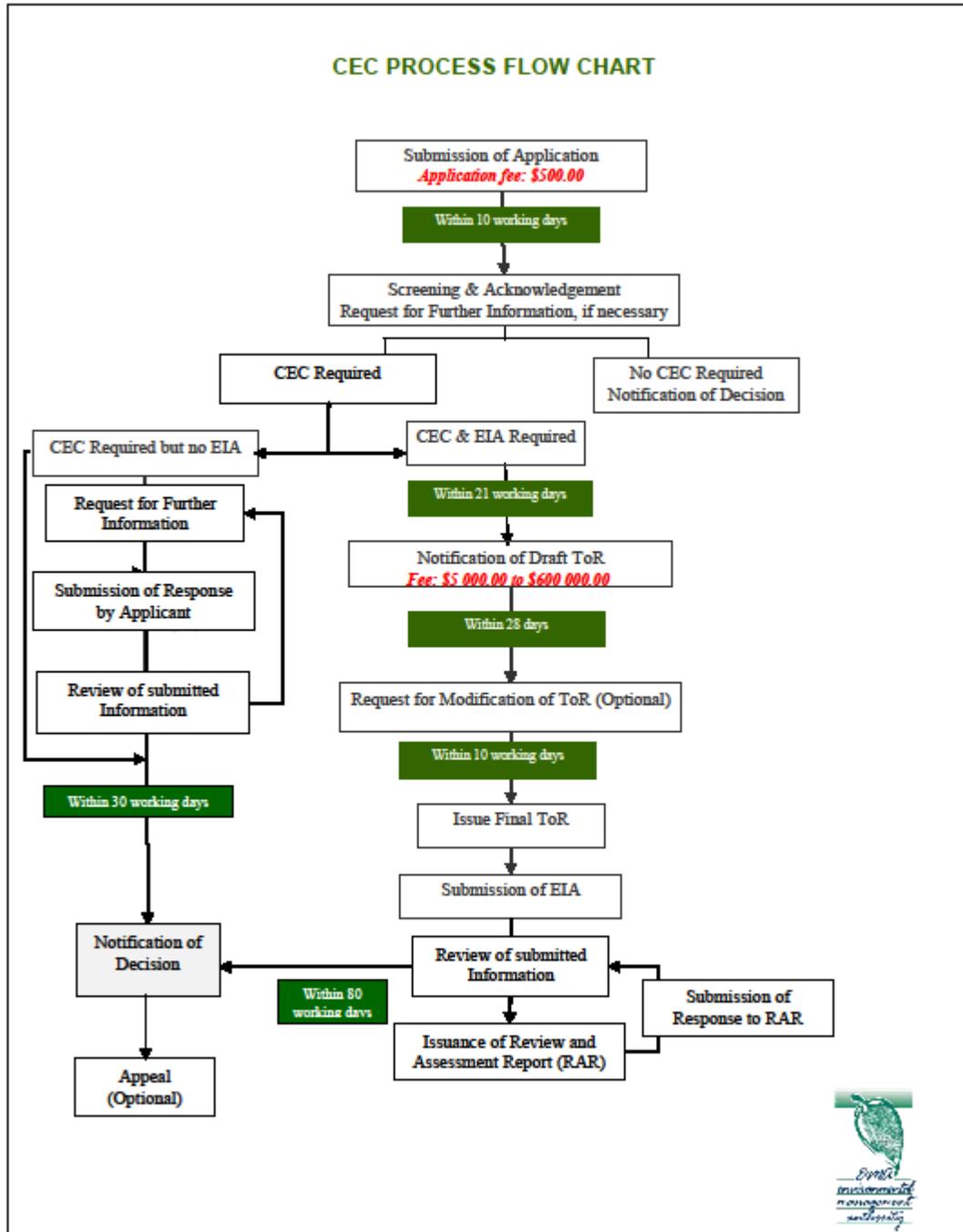
Mitigation: Alleviation or lessening of adverse impacts.

Monitoring: Periodic or continuous surveillance or testing to determine the level of compliance with statutory requirements and/or pollutant levels in various media or in humans, animals, and other living things.

Public: Any individual or group which has a vested interest in, or is likely to be affected by the proposed activity.

Terms of Reference (ToR): A written statement on the parameters, goals/objectives and scope of a study or assessment.

APPLICATION PROCESS FOR CEC



APPENDIX 1**TCPD OFFICES AND THEIR LOCATIONS**

1. **NORTH REGIONAL OFFICE**
Level 17,
Eric Williams Finance Building,
Independence Square,
Port of Spain

2. **EAST REGIONAL OFFICE**
Tunapuna Administrative Complex,
Eastern Main Road,
Tunapuna

3. **SOUTH REGIONAL OFFICE**
OWTU Building,
Palms Club,
San Fernando

4. **TOBAGO REGIONAL OFFICE**
Pump Mill Plaza,
Corner Plymouth Road & Pump Mill Trace,
Scarborough,
Tobago