



**Environmental
Protection
Agency**

Ganges Street, Sophia,
Georgetown, GUYANA
Tel.: (592) 225-0506
Fax: (592) 225-5481
Email: epa@epaguyana.org
Website: <http://www.epaguyana.org>

Operation Permit

Issued under the Environmental Protection Act, Cap. 20:05, Laws of Guyana, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000

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|----------------|-----------------------------------------------------------------------------------------|
| Reference No.: | 20200115-MSCWE |
| Fee: | Medium (C2) - US\$ 800 per year |
| Fee Paid: | US\$2,400 for three (3) years (April, 2021 – March, 2024) |
| Addressee: | Mr. Rabindranath Muneshwer, Executive Director 45-47 Water Street, Georgetown. |
| Activity: | Operation of Container Terminal |

ENVIRONMENTAL PROTECTION AGENCY
Database Updated

E. John 17/04/21

Rabindranath Muneshwer, hereinafter referred to as the "Permit Holder", is hereby authorised in accordance with the Environmental Protection Act, Cap. 20:05, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000, for the Operation of a Container Terminal at W8, W9 & W10, Plantation Houston, Greater Georgetown, hereinafter referred to as the "Project", in a manner indicated in the Application for Environmental Authorisation submitted on January 15, 2020, and subject to the terms and conditions set forth herein and in any forthcoming regulations, guidelines, best practices and standards relevant to this project.

Terms and Conditions for Operation to be adhered to by Permit Holder, His Servants, Agents and/or Sub-Contractor(s):

1.0 OPERATION

1.1 Notify the Agency in writing and obtain its approval for **ANY** proposed changes in the Operation of the Container Terminal **at least fourteen (14) days before making the change**. The notification shall contain a **description of the proposed change in operation**. It is not necessary to make such a notification if an **Application to vary** this permit has been made and the Application contains a description of the proposed change. In this condition '**change in operation**' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment including but not limited to the following:

- i. Changes in construction, structure, or layout of the facility and all associated buildings.

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- ii. Installation of new and/or changes to equipment, machine, apparatus, mechanism, system or technology serving the facility.
 - iii. Any technology used or installed at the facility from which effluent may be discharged.
 - iv. Any other circumstance or condition prescribed by Regulation 20(3) of the Environmental Protection (Authorisations) Regulations.
- 1.2 Employees shall be equipped with Personal Protective Equipment (PPE) relevant to their occupational tasks at the operation. PPE should include but not necessarily be limited to:
- Safety helmets;
 - Safety boots with ankle support
 - Earmuffs
 - Eye protections such as tightly fitted safety goggles
- 1.3 Heavy machinery shall be parked on an impervious base such as concrete.
- 1.4 The Project base shall be paved with an impervious material.
- 1.5 All employees involved in the handling of containers including Forklift and Crane Operators shall be trained on Standard Operation Procedures the Transportation and Stocking of Containers and Emergency Preparedness Response. The annual training schedule shall be submitted to the Agency as part of the **Annual Report**.
- 1.6 A fully stocked first- aid kit shall be readily available at the facility.
- 1.7 Fork lifts used to lift and transport containerized materials shall have rated capacity to support the full weight of containers.
- 1.8 All vehicles utilized for the transport of containerized materials shall satisfy the requirements of the **Road Traffic and Maritime** Laws.
- 1.9 A transportation Procedure / Protocol shall be established, maintained and submitted to the EPA for approval by **July 30, 2021**.
- 1.10 The Project shall be clearly labeled (directional label), secured and well illuminated.
- 1.11 Containers not secured to the ground shall be stacked at the maximum stacking height of two (2) containers.
- 1.12 Containers shall be stacked corner post to corner post to support maximum weight. The point of contact shall be flush and not off center.

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- 1.13 The access of vehicles and pedestrians into container handling areas shall be strictly controlled. Any access that is permitted shall be restricted to clearly designated walkways or under specific supervision.
- 1.14 Standard Operating Procedures (SOP) shall be established and communicated to all stakeholders operating within container-handling area. Established SOP shall be submitted to the EPA by **July 30, 2021**.
- 1.15 Passengers shall not be permitted in container vehicles entering the container-handling area. A waiting area shall be identified for passengers awaiting the return of vehicles from the container-handling area.
- 1.16 The content of all containers shall be verified upon arrival before being stocked. Containers manifest shall be recorded and made available to the EPA upon request.
- 1.17 An area shall be segregated and designated for storage of containers with hazardous materials by **April 30, 2021**. A perimeter fence, barrier or other mechanism shall be implemented to restrict access to this area.
- 1.18 Containers shall be segregated according to compatibility of hazardous materials. A system for storage of hazardous materials according to the following segregation guidelines shall be established:
 - a) Acids separate from Bases
 - b) Acids separate from Flammables
 - c) Bases separate from Flammables
 - d) Oxidizers separate from Compressed Flammable Gases
 - e) Corrosives separate from Flammables
 - f) Oxides separate from all other chemicals
- 1.19 The containerized hazardous material storage area shall be clearly labeled with the following warning signs by **April 30, 2021**:
 - i. Danger- Chemical Storage Area
 - ii. Read and Follow all label direction
 - iii. No Smoking
 - iv. No Eating or Drinking
- 1.20 Containers shall only be moved within the container terminal on vehicles that are certified for the purpose.
- 1.21 The surface / base of all container-stacking areas, including empty containers, shall be maintained in a sound and level condition.
- 1.22 Every slot in a container-stacking area shall be able to be readily identified. This may be done by the identification of blocks and rows on the ground or by other markings.
- 1.23 Containers in stacks shall all be of the same length to ensure that the lower corner

fittings of a container above the bottom tier rest directly on the top corner fittings of the container below. Non-standard-length containers may be stacked on standard containers, provided that their corner fittings are located in the same positions.

- 1.24 Containers shall never be stacked beneath or close to overhead power lines.
- 1.25 Consideration shall be given to the possible effects of high winds on container stacks. This may include the orientation of containers in line with prevailing winds. Where necessary, containers shall be secured by twist locks or otherwise.
- 1.26 The ends of rows in stacks serviced by straddle carriers shall be stepped down, where this is practicable, in order to improve the visibility of straddle carriers emerging from the stack.
- 1.27 Whenever practicable, tank containers shall only be stacked one high. When it is necessary to stack tank containers more than one high, it is recommended that stacking cones be used, in view of the differences of tank container frame designs.
- 1.28 Tank containers carrying highly volatile substances shall not be stacked above the pressure relief valves of highly volatile flammable substances.
- 1.29 Any container that is found to require detailed examination or repair shall be removed from the container-handling area to a suitable area where it can be safely examined.
- 1.30 A container found on examination to have a defect that could place a person in danger shall be stopped. However, if the container can be safely moved to its destination or some other place where it can be repaired, this may be permitted, subject to any necessary conditions to ensure safety, and on condition that it is repaired as soon as is practicable.
- 1.31 Damaged or defective containers shall not be reloaded until any necessary repairs have been carried out.
- 1.32 Damaged or defective containers that are not to be repaired immediately shall be clearly marked to ensure that they are not used.
- 1.33 Provided that it is safe to do so, a container or tank that is found to be leaking shall be moved to a secondary contained area where the leakage can be contained to prevent it from entering a water course and until remedial action can be taken. This area shall be 110% of the capacity of the containers.
- 1.34 Emergency exits **shall not** be obstructed by material storage containers.
- 1.35 An Emergency Response Procedure/Plan (ERP) shall be established and maintained. The Procedure shall include, but not be limited to local emergency response authorities, notification of national and local authorities, coordination of clean-up activities and assessment of health hazards to humans and the environment.

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1.36 The ERP shall be submitted to the EPA for approval **by July 30, 2021**

2.0 WATER QUALITY

Adhere to the provisions of the **Environmental Protection (Water Quality) Regulations, 2000.**

- 2.1 Point source discharge of effluent from the Terminal into the surrounding environment is **strictly prohibited**.
- 2.2 Drainage system shall be kept flowing and free of debris and vegetation. Scheduled cleaning of the drainage network and the immediate environment shall be conducted.
- 2.3 Drainage systems shall be maintained and capable of handling the probable maximum precipitation storm event.
- 2.4 Sediment control structures shall be installed such as, sediment traps and screens to prevent the outflow of sediments to surface water.
- 2.5 All equipment re-fuelling shall be conducted on an impervious base to prevent leakage into the soil and surrounding waterways.
- 2.6 Hazardous materials shall not be stored in an area where it could potentially enter any waterways as a result of heavy rainfall or high winds. All hazardous materials shall be stored at least **5m** away from any drains on site.
- 2.7 Any chemical spills occurring during handling and loading of hazardous materials, shall be immediately cleaned and disposed as guided by the respective Safety Data Sheet, at an EPA authorised disposal facility.

3.0 AIR QUALITY AND NOISE MANAGEMENT

Adhere to the provisions of the **Environmental Protection (Air Quality) Regulations, 2000 and the Environmental Protection (Noise Management) Regulations, 2000.**

- 3.1 All significant noise-producing equipment and machinery shall be equipped with silencers or mufflers and/or be enclosed in suitable acoustic enclosures where necessary, to reduce noise levels impacting the surrounding environment to achieve compliance with Guyana National Bureau of Standards (GNBS) Guidelines for Noise Emissions into the environment.
- 3.2 Noise emissions shall be monitored at the property boundary **biannually** to determine compliance with Guyana National Bureau of Standards (GNBS) *Guidelines for Noise Emissions into the Environment*, not exceeding the residential limits listed below,

Industrial limits: 100dB (Day-time (06:00 h-18:00 h))
80 dB(Night – time (18:00 h - 06:00 h))

- 3.3 Measurement shall be done with a calibrated Type 2 Noise Meter, at least 3.5 metres from any reflecting surface and 1.5 above ground. Maintain records of each monitoring exercise and submit results to the EPA in **the Annual Report**.
- 3.4 Containers holding dusty material shall not be filled beyond capacity. Continuous level monitoring shall be conducted to protect against overfill.
- 3.5 All equipment and machinery shall be placed upon foundations designed to ensure effective damping of vibrations.
- 3.6 All equipment capable of causing, or preventing, emissions shall be maintained in accordance with the manufacturer's specifications. Maintenance schedule shall be submitted with the **Annual Report**.
- 3.7 **Annual air quality monitoring** shall be conducted in accordance with the *World Health Organisation (WHO) Air Quality Guidelines for Particulate Matter in the Environment*, not exceeding the limits below:

PM_{2.5}: 10 µg/m³ annual mean
25 µg/m³ 24-hour mean

PM₁₀: 20 µg/m³ annual mean
50 g/m³ 24-hour mean

- 3.8 Proposed sample points shall be submitted to the EPA for approval prior to monitoring and a monitoring report shall be submitted to the Agency as part submission of the required **Annual Report**. The Agency reserves the right to request additional monitoring upon review of the presented report.
- 3.9 Idling of equipment or vehicles shall be limited and all equipment or vehicles switched off when not in use.
- 3.10 The Best Available Technologies or measures shall be utilized to prevent or minimize airborne dust emissions during Loading, unloading, handling, transferring or storing of raw materials.
- 3.11 Complaints of excessive noise, dust and vibrations stakeholders shall be recorded, investigated and addressed immediately. Records of complaint investigation shall be submitted to the EPA **within 24 hours of investigation**.

4.0 WASTE MANAGEMENT

In accordance with the **Environmental Protection (Litter Enforcement) Regulations, 2013**, promote good sanitation and solid waste disposal practices on site.

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- 4.1 Garbage receptacles shall be covered and placed on an impervious base and at a strategic location, within and outside the Project.
- 4.2 Waste material **shall not** be burnt on site. Solid waste shall be disposed at an EPA authorised Solid Waste Disposal Site.
- 4.3 Good house-keeping, sanitary, and hygienic practices shall be maintained at all times. The Project's surroundings shall be kept free of vegetation and litter.
- 4.4 Waste minimization and the reuse and/or recycling of waste and other materials where practical shall be promoted.
- 4.5 Solid waste receptacles shall be secured when not in use.
- 4.6 Waste containers shall not be filled with washout water or any other liquid.
- 4.7 Waste storage containers shall be inspected, repaired, and/or replaced.
- 4.8 Hazardous wastes including but not limited to appliances, fluorescent lamps, waste oil, etc. shall not be disposed of in solid waste containers
- 4.9 Waste collection areas shall be kept clean. Dry methods shall be used when cleaning around waste handling and disposal areas (e.g. sweeping, use of absorbents).
- 4.10 All waste oil generated from the maintenance of machineries shall be stored in compatible containers labelled with the following:
 - i. The words **"Waste Oil or "Used oil"**
 - ii. Beginning accumulation date

5.0 COMPLIANCE MONITORING AND REPORTING

- 5.1 Notify the Environmental Protection Agency **within one (1) hour** of the occurrence of any environmental emergencies (e.g. oil spills, hazardous materials/wastes, materials sudden onset disaster, natural, technological or human- induced factors that cause or threaten to cause severe environmental damage as well as harm to human health or livelihood).
- 5.2 Make all employees, and third parties under your direction, aware of the conditions of the Environmental Authorisation and provide training on good environmental practices.
- 5.3 Monitor the implementation of the conditions of this Permit, insofar as they involve adherence by your employees.
- 5.4 Notify the Agency in writing of any change of name or ownership of the Permit Holder's facility within **thirty (30) days** after the change occurs.

- 5.5 Notify the Agency **within twenty-one (21) days** in event of death, bankruptcy, liquidation or receivership of the Permit Holder or if the Company becomes a party to an amalgamation.
- 5.6 Submit Environmental **Annual Reports** to the EPA on the progress of the operation and compliance with the conditions under which this Permit was granted on or before **March 31** each year.
- 5.7 Report to the Agency of non-compliance(s) with the Operation Permit:
- I. Within **twenty-four (24) hours** of the time the Holder of the Environmental Authorisation for Operation becomes aware of the non-compliance, the anticipated manner in which it may endanger human health or the environment.
 - II. Within **seventy-two (72) hours**, submit to the Agency a written report containing a description of the non-compliance, its cause and the period of non-compliance including exact dates and time.
 - III. Submit a report to the Agency indicating the reasons and the anticipated time it is expected to continue if the non-compliance has not been corrected.
- 5.8 Comply with any lawful directions given by the EPA from time-to-time in furtherance of the implementation of any international or other obligation for the environmental protection of Guyana.
- 5.9 Obtain approval from the Guyana Fire Service and provide fire protection measures such as fire extinguishers and sand buckets in accordance with this approval.
- 5.10 Ensure all firefighting equipment are maintained and serviced regularly.
- 5.11 It is the responsibility of the Permit Holder to ensure the permitted activity and premises are secured and that all practicable steps necessary to prevent fires, explosions, leaks or suspected leaks and spills at the permitted premises are taken.

6.0 INSTITUTIONAL AUTHORITY/ LIABILITIES

- 6.1 The EPA reserves the right to conduct regular inspections of the Permit Holder's operation as part of its monitoring and enforcement requirements under the Environmental Protection Act, Cap. 20:05, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection Regulations, 2000.
- 6.2 The EPA reserves the right to review and/or amend the conditions and fees attached to this Permit, which also includes the review and/or amendment of Permit Fees in consideration of any changes in fee structure as determined by the Agency for projects of this nature.

- 6.3 The Permit Holder, His Servants, Agents and/or Sub-Contractor(s) shall, at all times, allow entry to the permitted facility to any Officer designated by the EPA for the purposes of conducting inspections or any other legitimate business of the Agency. Pursuant to s.38 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana, it is an offence to assault, obstruct or hinder an authorised person in the execution of his/her duty under the said Act or its Regulations and the Permit Holder shall be liable to penalties prescribed under paragraph (c) of the Fifth Schedule for doing so.
- 6.4 The EPA shall have the right to cancel or suspend this Permit for breach of any of the terms and conditions contained herein.
- 6.5 The Permit Holder, his Servants, Agents and/or Sub-Contractor(s) shall be strictly jointly and severally liable as follows:
- a. For any activity that causes, or is likely to cause pollution of the environment, unless the person takes all reasonable and practicable measures to prevent or minimise any resulting adverse effect, in accordance with Section 19(1)(a) of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
 - b. For any activity which results in the discharge, release or entry into the environment of any contaminant in any amount, concentration or level in excess of that prescribed by the regulations or stipulated by this Permit, in accordance with Section 19(1)(b) of the Environmental Protection Act, Cap. 20:05 Laws of Guyana.
 - c. The discharge or release of contaminants, such as hydraulic fluids, lubricants, fuel, or other industrial fluids relative to the Project, which are not stipulated herein, or by Regulations under the Environmental Protection Act, are strictly prohibited. Any such discharge or release shall be a violation of Section 19(1)(b) of the Environmental Protection Act.
 - d. For the compensation of any Party who suffers any loss or damage as a result of the project. (s.19(3)(e)) Environmental Protection Act, Cap. 20:05, Laws of Guyana.
 - e. For any material or serious environmental harm caused by pollution of the environment, whether intentionally or recklessly, in accordance with section 39 (1), (2), (3) and (4) of the Environmental Protection Act, 20:05, Laws of Guyana.
 - f. Any gross negligence or wilful misconduct resulting in serious risk, or adverse effects to the marine environment, biodiversity, protected species and natural habitat with respect to any release or discharge, spill, contaminant fluids, oil, or lubricants from any facilities permitted under this project.
 - g. For the payment of all costs and expenses related to the assessment of damage and investigations required, as result of any pollution incidents

attributable to the activity for which this Permit has been issued.

- 6.6 The Agency (EPA) shall notify the Permit Holder immediately of any written claim or notice sent by any Complainant seeking loss or damage for negligence as a result of the Permit Holder's lack of due care and diligence.
- 6.7 Should the Permit Holder contravene or is likely to contravene any condition of this Permit, the Agency (EPA) may serve him an enforcement notice in accordance with s. 26 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 6.8 Where it appears to the Agency (EPA) that the Permit Holder is engaged in any activity that may pose serious threat to natural resources, serious pollution of the environment or any damage to public health, the EPA shall issue to the Permit Holder a Prohibition Notice, which may include an order to immediately cease the offending activity. [S. 27 Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 6.9 The Permit is effective for the period stipulated herein **April, 2021 to March, 2024**.
- 6.10 This Operation Permit (Renewed) shall remain valid until **March 31, 2024, unless** otherwise suspended, cancelled, modified or varied in accordance with the provisions of this Permit or the Environmental Protection Act, Cap. 20:05, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000.
- 6.11 This Permit must be renewed by submitting an Application for Renewal of Environmental Authorisation to the Agency at least six (6) months before this Permit expires, that is, no later than **September 30, 2023**.
- 6.12 Any late submission of renewal application (s) after the specified date as stated above, shall require the Permit Holder to pay, in addition to renewal fee, a late penalty fee (accruing at the time such obligation was first owed for renewal) at a rate of **two thousand dollars (\$2000.00) per day for every business day late**, until such renewal application is submitted to the Agency, without prejudice to any other rights of the Permit Holder in connection therewith.
- 6.13 Failure to comply with the requirements of this Permit or with applicable laws and regulations, whether existing or forthcoming, shall render the Permit Holder liable to prosecution and to penalties, inclusive of civil penalties, injunctive relief and imprisonment, as prescribed under the Environmental Protection Act, Cap. 20:05, Laws of Guyana, the Environmental Protection Regulations and other applicable laws of Guyana.

Operation Permit-Ref. 20200115-MSCWE

Issued under the Environmental Protection Act, Cap. 20:05, Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000.

Signed by  on behalf of the Environmental Protection Agency.

Ms. Sharifah Razack
Executive Director (ag.)

Date

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I hereby accept the above terms and conditions upon which this Operational Permit is granted and agree to abide by the Environmental Protection Act, Cap. 20:05, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000, and any existing or forthcoming regulations, guidelines, best practices and standards made under this Act.

| | |
|-------------|----------------------------------------------|
| NAME | Rabindranath Muneshwer |
| DATE | Rabindath Muni, 30 th April, 2021 |
| SIGNATURE | |
| DESIGNATION | Executive Director. |

