



**Environmental
Protection
Agency**

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Construction Permit (Interim)

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.

Reference No.:	20200515-TIPMB
Fee:	Extra Large (C2) - US\$3100 per year
Fees Paid:	US\$3100 one (1) year – August 2020 to July 2021

Addressee(s): Mr Devaindra Chaitram
Secretary
Tristar Incorporated
Versailles/Malgre Tout,
West Bank Demerara.



Activity: Construction of a Wharf

Tristar Incorporated, hereinafter referred to as the "Permit Holder", is hereby authorised in accordance with the Environmental Protection Act, Cap. 20:05, Laws of Guyana, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000, for the construction of a Wharf, located at Versailles/Malgre Tout, West Bank Demerara, hereinafter referred to as the "Project", in a manner indicated in the Application dated May 15, 2020, subject to the terms and conditions set forth herein and in any forthcoming regulations made under the said Environmental Protection Act and/or any applicable laws, best practices, guidelines and standards relevant to this project.

Terms and Conditions for Construction to be adhered to by the Permit Holder, his Servants, Agents and Sub-Contractors:

1.0 GENERAL

- 1.1 This Interim Construction Permit is issued pursuant to Regulation 18(3) of the Environmental Protection (Authorisations) Regulations, for a period of one (1) year commencing August 2020, and expiring July 2021, without possibility of extension; noting, this Interim Construction Permit may be modified, suspended or cancelled as the Project undergoes public consultation processes under the Environmental Protection Act, with no

liability incurred by the Agency.

- 1.2 The Permit Holder is strictly prohibited from commencing any activities authorised or stipulated herein, pursuant to Application for Environmental Authorisation, submitted on May 15, 2020, in the absence of the requisite approvals from the Central Housing and Planning Authority (CH&PA), the relevant Neighbourhood Democratic Council (NDC) and/or Regional Democratic Council (RDC), Sea Defence Board, Maritime Administration Department (MARAD) or any other authority with jurisdiction and oversight over the Project, or as may be required by the Agency.**
- 1.3 The Permit Holder shall submit to the Agency all no-objections and approvals from the abovementioned authorities prior to the commencement of construction.**
- 1.4 The Agency may cancel, suspend or modify this Permit, in accordance with Regulation 14 of the Environmental Protection (Authorisations) Regulations 2000, for any reason thereunder, or as included herein.**
- 1.5 Any modification, suspension or cancellation of the aforementioned approvals, or any rejections/refusals by the relevant authorities in Condition 1.2 relevant to the execution of the Project, may result in the modification, suspension or cancellation of this Interim Construction Permit by the Agency. Any such modification, suspension and/or cancellation of any of these approvals, or rejections/refusals shall be communicated in writing to the Agency within three (3) days of receipt by the Permit Holder.**
- 1.6 Upon expiry of this Permit, or its cancellation by the Agency, activities may only commence or resume upon the issuance of a full, valid Environmental Permit by the Agency; subject to the procedures stipulated by Section 11 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana, for which the Agency provides no guarantees or assurances.**
- 1.7 The Permit Holder accepts, concedes and agrees unequivocally that under no circumstances whatsoever shall the Agency assume any liability for expenses incurred, loss of revenues, delays, or any other losses or damages whatsoever, related to the activities undertaken by the Permit Holder hereunder, and that the Agency provides no guarantees or assurances that a full valid Environmental Permit will be issued upon the expiry or cancellation of this Interim Construction Permit. The Permit Holder agrees to indemnify the Agency against any and all liabilities, including but not limited to judgements, costs and legal fees, and**

proceeds with this Project on this Interim Construction Permit in full acknowledgement and agreement with the foregoing.

2.0 INFRASTRUCTURE

- 2.1 Notify the Agency in writing of any proposed changes in construction of the Wharf at least **fourteen (14) days before** making the change. The notification shall contain a **description of the proposed change in construction**. 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 construction'** includes but is not limited to, any change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Note: For more information please see **Regulation 20** of the **Environmental Protection (Authorisations) Regulations 2000**.

- 2.2 Submit to the EPA an **Environmental and Social Management and Monitoring Plan (ESMMP) within the first four (4) months of the date that this Permit is issued**, unless otherwise stated by the EPA. The ESMMP must address but not be limited to the following:
- 2.2.1 A restoration plan for the mangroves in the project site using them as a potential erosion deterrent where applicable.
 - 2.2.2 Timing of dredging activities, considering seasonal factors such as migration periods (e.g. of marine mammals, fish, birds); breeding and growing seasons; timing of feeding and periods of reduced ecosystem resilience.
 - 2.2.3 Near-field modelling must be conducted to simulate water column suspended solids and contaminant concentration in the vicinity of the dredge and far-field modelling of benthic habitat must also be conducted to assess environmental impacts at sensitive receptors identified in the area of influence of the dredging operations.
- 2.3 Conduct all construction activities within the Wharf as will be specified within the **Environmental and Social Management and Monitoring Plan (ESMMP)** to be submitted to the EPA for approval.
- 2.4 Assess and address fully the potential impacts to shoreline and inland vegetation (mangroves), fisheries, birdlife and other sensitive aquatic and near-shore habitats during wharf construction.
- 2.5 Utilise the land in accordance with the plan submitted to the Agency. All specifications of location, pathways, reserve and boundary lines must be adhered to,

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unless otherwise authorised; evidence of which must be provided to the Agency.

- 2.6 Avoid construction works between 23:00 hrs and 06:00 hrs on any day.
- 2.7 Take necessary precautions to avoid erosion, siltation and sedimentation of the Demerara River in the vicinity of the project site during the construction phase of the Wharf.
- 2.8 Ensure that all construction works at the project site are conducted in accordance with the Sea and River Defence and Drainage & Irrigation Laws of Guyana.
- 2.9 Ensure that employees are at all times, equipped with appropriate protective gear during construction such as protective headgear, respirators, safety vests, construction boots, etc.
- 2.10 Identify suitable areas for material stockpile and equipment during construction.
- 2.11 Avoid any road traffic hazards or unnecessary inconveniences to the general public through appropriate planning and management of the construction site.
- 2.12 Remove all construction tools, equipment, machinery, and waste material from site on the completion of construction works.
- 2.13 In the event that materials have to be transported to the construction site, ensure that all trucks/barges used to transport construction materials to the site are covered.
- 2.14 Ensure that all construction dredging, maintenance dredging and dredged material disposal are handled in such a way to not negatively impact habitats or pose a significant hazard to human health and the environment.
- 2.15 Prior to initiation of dredging activities, materials should be sampled and characterised for their physical, chemical, biological and engineering properties to inform the evaluation of dredged materials behaviour once re-suspended and to inform their reuse or final disposal.
- 2.16 Implement all necessary measures to reduce turbidity and the release of contaminants from re-suspension of sediments in the water column and from exposure of sediments to higher oxygen levels.
- 2.17 Disposal of dredged materials into the Demerara River is strictly prohibited.
- 2.18 Conduct a risk assessment for the dredging activities as part of the **Environmental and Social Management and Monitoring Plan (ESMMP)** to be submitted for the approval of the EPA, within the **first four (4) months of this Permit being issued**, unless otherwise stated by the EPA.

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- 2.19 Dredging must only be conducted for this new infrastructure component (wharf) to create or maintain safe navigation access, channels, turning basins and berth/docks, or for environmental reasons.
- 2.20 Methods for excavation and dredging must be selected to minimise the suspension of sediments and destruction of benthic habitat.
- 2.21 Ensure adequate treatment and proper final disposal of dredged materials.

3.0 WATER AND SOIL QUALITY MANAGEMENT

- 3.1 Protect susceptible sloped surfaces with suitable revetment and appropriate cover to ensure stability of slopes and avoid erosion.
- 3.2 Maintain the integrity of the existing waterways at all times. Discharges into the environment must be in accordance with the Guyana National Bureau of Standards (GNBS) *Interim Guidelines for Industrial Effluent Discharge into the Environment*. The following are the allowable limits for this type of project and should not be exceeded:
 - pH 5.0-9.0;
 - Temperature < 40 °C;
 - Biological Oxygen Demand (BOD) < 50 mg/L;
 - Chemical Oxygen Demand (COD) < 250 mg/L;
 - Total Suspended Solid (TSS) < 100 mg/L;
 - Oil and Grease < 20 mg/L; and
 - Total Dissolved Solid (TDS) < 40 mg/L.

Monitor the parameters above on a biannual basis (once in wet season and once in dry season) and submit the results to the Agency. The Agency also reserves the right to request independent analysis from a certified laboratory approved by the EPA.

- 3.3 Avoid soil and water contamination from fuel, grease, waste oils and other petroleum products that might be used at the construction site. Ensure to store all oils, fuel, paints and chemicals in a designated area, at least 100 meters away from the Demerara River.
- 3.4 Ensure that the riverbank is cleared of debris on a regular basis to promote free flow of water.
- 3.5 Conduct refueling, maintenance and placement of equipment on an impervious base to prevent any fuel spills/leaks from contaminating the soil and surface/ground water. Oil spills should be cleaned-up by the best practicable means, to prevent any runoff into the Demerara River.

- 3.6 Adequately store and/or cover temporary stockpiles of construction materials, excavated waste and fuel in a secured designated area to prevent accidental release into the Demerara River, especially in rainy conditions. The designated area should not be placed within 10 m of the Demerara River or other water bodies.
- 3.7 Ensure the construction of the Wharf and dredging is done to coincide with low flow periods of the Demerara River.
- 3.8 Ensure that a well-maintained sewage system is provided on site.

4.0 NOISE ABATEMENT AND AIR QUALITY MANAGEMENT

- 4.1 Comply with the Environmental Protection (Air Quality) Regulations, 2000 and the Environmental Protection (Noise Management) Regulations 2000.
- 4.2 Comply with the Guyana National Bureau of Standards (GNBS) *Guidelines for Noise Emissions into the Environment*. Sound levels from noise-making devices should not exceed the limits below, at a distance of 15 metres (50 ft) from the source or property boundary, whichever is closer.

- **Construction Limits:** 90 dB during the daytime (06:00 h - 18:00 h)
75 dB during the night-time (18:00 h - 06:00 h)

- 4.3 Ensure that all construction activities are done in such a manner so as to prevent, minimise, control and or avoid adverse noise nuisance to the surrounding environment.
- 4.4 Ensure that all sound-making devices, such as generators, are housed in enclosures constructed with materials of good insulation properties (e.g. hollow concrete blocks, insulation boards, solid clay bricks, etc.), equipped with silencers/mufflers to reduce the noise level; and placed on foundations properly designed to ensure effective damping of vibrations. Adequate equipment maintenance must be done and any obsolete tools and equipment replaced.
- 4.5 Ensure that the exhaust stack of each generator is at least 2 metres above the tallest building nearby, to minimise adverse fumes/soot impacts to the contiguous areas.
- 4.6 Employ dust suppression methods such as watering, erecting dust screens/fences to control dust emissions from material stockpiles and other components of the development that would generate dust.
- 4.7 Ensure that appropriate measures are in place to minimise the impacts of air borne emissions from vehicles offloading and/or loading building materials.

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- 4.8 Comply 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 µg/m³ 24-hour mean

- 4.9 Comply with the *World Health Organisation (WHO) Air Quality Guidelines for Air pollutants in the Environment*, not exceeding the limits below, and not limited to the list of pollutants:

- CO – 9ppm (8h)
- H₂S – 10ppm (8h)
- NO₂-0.1ppm
- VOC-100 ppm

- 4.10 Conduct Air Quality Monitoring for the parameters listed in conditions 4.8 and 4.9 on a quarterly basis. The proposed sample points should be submitted to the EPA for approval prior to monitoring and a monitoring report should be submitted to the Agency as part submission of the required Annual Report.
- 4.11 Ensure that engine idling during on- and off-loading activities is minimum during construction.

5.0 HAZARDOUS WASTE MATERIAL / WASTE MANAGEMENT

- 5.1 Comply with the Environmental Protection (Litter Enforcement) Regulations, 2013 and the Environmental Protection (Hazardous Waste Management) Regulations, 2000.
- 5.2 At all times utilise the best practicable means of handling, storing and disposing of all waste materials.
- 5.3 Promote proper solid waste management and disposal practices at the facility. In particular, dispose of waste at the nearest designated waste management site or contract a Disposal Service that services the area to dispose of waste at a legal designated site. Place covered garbage receptacles at strategic locations around the operation.
- 5.4 Domestic waste should be placed in covered receptacles and disposed by a competent disposal company.
- 5.5 Reuse waste material where practical as land-filling material for the revetment of the general compound surroundings. However, this must be done in an aesthetic and

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controlled manner. The Demerara Foreshore should not be littered with any form of wood, concrete, plastic, glass and metallic waste or any form of waste that will affect humans, flora and fauna and related biodiversity.

- 5.6 Ensure that a portable toilet(s) is provided for employees at all times during the construction of the Wharf.
- 5.7 Dumping of waste (Domestic and Construction) into the Demerara River is strictly **prohibited**. Waste, inclusive of waste oil and/or fuel, should not be stored within 100 meters of the river.
- 5.8 Ensure that there is provision of adequate means of receiving and managing effluents and wastes to meet the needs of the wharf and visiting ships that will use the wharf's facilities.
- 5.9 Prepare and submit within the ESMMP a spill prevention, control and counter measure plan that is adequate for the highest volume of hazardous waste and other waste that may be stored by the facility.
- 5.10 Ensure regular training is scheduled on simulated spill incident and response exercises for response personnel; spill alert and reporting procedures; deployment of spill control equipment, and the emergency care/treatment of people and animals impacted by the spill.

6.0 EMERGENCY MANAGEMENT

- 6.1 Obtain approval from the Guyana Fire Service and provide fire protection measures such as fire extinguishers and sand buckets in accordance with this approval.
- 6.2 Ensure the Fire Safety Certificate is renewed annually and all firefighting equipment are maintained and serviced regularly. Fire Safety Certificate should be submitted to officers upon request during compliance inspection and in the Annual Report.
- 6.3 Ensure all employees are trained in the use of firefighting equipment, such as, fire extinguishers and understand the firefighting protocol.
- 6.4 Ensure an updated Evacuation Plan is maintained and posted at strategic locations.
- 6.5 Ensure all employees are aware of the Emergency Response Plan, Environmental and Social Management and Monitoring Plan (ESMMP) when it is prepared and submitted to the Agency and their duties and responsibilities according to these plans.
- 6.6 Ensure at all times the working environment is monitored for occupational hazards relevant to the specific construction activities of the wharf.



7.0 COMPLIANCE MONITORING AND REPORTING

- 7.1 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.
- 7.2 Monitor the implementation of the conditions of this Interim Construction Permit, insofar as they involve adherence by employees and all third parties under your direction.
- 7.3 Report to the Agency of non-compliance(s) with this **Interim Construction Permit**:
- 7.3.1 Within **twenty-four (24) hours** of the time the Holder of the Interim Construction Permit becomes aware of the non-compliance, the anticipated manner in which it may endanger human health or the environment.
- 7.3.2 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.
- 7.4 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.
- 7.5 Submit **Environmental Annual Reports** to the EPA on or before **March 31** every year on your compliance with this Permit (Please see attached, *Guidelines for the Preparation of Environmental Annual Reports*).
- 7.6 Notify the EPA within **twenty-four (24) hours** of the occurrence of any environmental emergencies such as a sudden onset of disaster, accident, natural, technological or human induced factors that cause or threaten to cause severe environmental damage as well as harm to human health or livelihood.
- 7.7 Inform the Agency prior to or within **thirty (30) days** of any change of name or ownership of the operation.
- 7.8 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.

8.0 INSTITUTIONAL AUTHORITY/LIABILITIES

- 8.1 The Permit Holder shall not commence any construction on the site until all other necessary approvals from relevant Sector Agencies are obtained and submitted to the

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EPA.

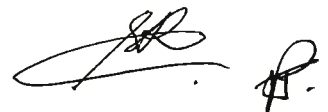
- 8.2 The Permit Holder shall be strictly liable for any loss or damage to the environment through any act caused intentionally or recklessly, through the adverse effect of any discharge or release, or cause or permit the entry of pollution, contaminant in any amount, concentration or level in excess of that prescribed by the regulations or stipulated by this Interim Construction Permit, which are attributed to the Project, pursuant to s. 39 and s. 19 (1) and (2) of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.3 The EPA reserves the right to review/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.
- 8.4 The Permit holder shall be guilty of an offence in accordance with s. 39 (1), (2), (3) and (4) of the Environmental Protection Act, Cap. 20:05, Laws of Guyana, which attribute liability for causing material or serious environmental harm by polluting the environment intentionally or recklessly and with the knowledge that material and/or serious environmental harm will or might result. If found guilty of an offence the Permit Holder shall be liable to the penalties prescribed under the said Act.
- 8.5 The Permit Holder shall compensate any Party who suffers any loss or damage as a result of the attributed Project (See: s. 19 (3)(e) of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.)
- 8.6 The Permit Holder shall not be indemnified by the Agency for any activity that causes or is likely to cause pollution to the environment, resulting from adverse effects through the discharge, any contaminant in any amount, concentration, ultra hazardous substances, chemicals or otherwise, and shall be rendered liable to prosecution and to penalties prescribed under the Environmental Protection Act and Regulations.
- 8.7 The Permit Holder shall be liable of any gross negligence or willful misconduct caused by the Permit Holder, his Servants and/or Agents, to the environment, biodiversity, protected species and natural habitat with respect to any release, discharge, or spill, of contaminant fluids, oil or lubricants.
- 8.8 The 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 lack of due care and diligence.
- 8.9 Should the Permit Holder contravene or is likely to contravene any condition of this Permit, the Agency (EPA) may serve on him an enforcement notice in accordance with s. 26 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.




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- 8.10 Where it appears to the Agency that the Permit Holder is engaged in any activity that may pose serious threat to natural resources or serious pollution of the Environment or any damage to public health, issue to the Permit Holder a Prohibition Notice, which may order him to immediately cease the offending activity, in accordance with s. 27 of the Environmental Protection Act, Cap. 20:05, Laws of Guyana.
- 8.11 Failure to comply with the requirements of this Permit shall render the Permit Holder liable to prosecution and to penalties prescribed under the Environmental Protection Act, Cap. 20:05, Laws of Guyana, the Environmental Protection (Amendment) Act, 2005, and Environmental Protection Regulations, 2000, including civil penalties and injunctive relief.
- 8.12 The EPA reserves the right to conduct regular inspections of the Permit Holder's construction activities as part of its monitoring and enforcement requirements under the Environmental Protection Act, Cap 20:05, and the Environmental Protection (Amendment) Act, 2005, and Environmental Protection (Authorisations) Regulations, 2000.
- 8.13 The Permit Holder 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.
- 8.14 The EPA shall have the right to cancel or suspend this Permit for breach of any of the terms and conditions contained herein.
- 8.15 The Permit Holder is obligated to ensure that the construction of the wharf is permitted by other relevant authorities.
- 8.16 This Interim Construction Permit is effective for the period stipulated herein, **August 2020 to July 2021**.
- 8.17 This **Interim Construction Permit** shall remain valid until **July 31, 2021**, unless otherwise suspended, cancelled, modified or varied, in accordance with the provisions of this Permit or the Environmental Protection Act, Cap. 20:05, Laws of Guyana, Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000.
- 8.18 Failure to comply with the requirements of this Permit shall render the Permit Holder liable to prosecution and to civil penalties and/or injunctive reliefs prescribed under the Environmental Protection Act, Cap. 20:05, Laws of Guyana, the Environmental Protection (Amendment) Act, 2005, and the Environmental Protection Regulations,



including under any existing and forthcoming regulations made under the said Act or any other applicable Laws of Guyana.

Signed by  on behalf of the Environmental Protection Agency.
Dr Vincent Adams
Executive Director

Date 2020.08.28

I hereby accept the above Terms and Conditions upon which this Construction Permit is granted and agree to abide by the Environmental Protection Act, Cap.20:05, Laws of Guyana, the Environmental Protection (Amendment) Act, 2005, the Environmental Protection (Authorisations) Regulations, 2000, and any forthcoming regulations, best practices, guidelines and standards made under this Act.

NAME:	Julia Persaud
SIGNATURE:	Persaud
DESIGNATION:	Executive Assistant for W. Brasington
DATE:	1 st Sept. 2020

