



Environmental Protection Agency

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Construction 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)

Reference No.:	20201020-TCONS
Fee:	XL(C2) – US \$3100 for Three (3) Years
Fees Paid:	US\$9,300 Three (3) Years (February, 2021 to January, 2024)

Addressee(s): Mr Alistair Routledge
Country Manager
Esso Exploration and Production Guyana Limited (EEPGL)
86, Duke Street
Kingston
Georgetown
Guyana.



Activity: Installation of Submarine Fibre Optic Cable

Esso Exploration and Production Guyana Limited (EEPGL), 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, to lay one Submarine Fibre Optic Cable through terrestrial route from the Beach Manhole at Pegasus Foreshore to Cable Landing Station, located at the Guyana Telephone & Telegraph Company (GT&T) Earth Station on Carifesta Avenue, and to lay a second Submarine Fibre Optic Cable through terrestrial route from the Beach Manhole at Ogle Foreshore to the Ogle Head Office located at Ogle East Coast Demerara. From the Cable Landing Station at the GT&T Earth Station, aerial fiber connections will be made to the EEPGL Head Office, located at 86 Duke Street, Kingston, Georgetown and to the Ogle Head Office located at Ogle East Coast Demerara herein after referred to as the

[Handwritten signatures]

“Project”, in the manner indicated in the Application submitted on October 20, 2020, and subject to the terms and conditions set forth herein under the Environmental Protection Act, Cap. 20:05, existing and/or forthcoming regulations made under the said Act, and/or any applicable laws, best practices, guidelines and standards relevant to this project.

The Permit Holder, His Servants, Agents and/or Sub-Contractor(s) shall comply with the following Terms and Conditions for Construction:

1.0 CONSTRUCTION

- 1.1 The Permit Holder shall not commence construction until Full Planning Permission from the Central Housing and Planning Authority is obtained and submitted to the EPA, in keeping with the CHPA’s Outline Planning Permission to use land, dated October 08, 2020.**
- 1.2** Notify the Agency in writing and obtain its approval for ANY proposed changes in the project **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’** 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.
 - 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 which effluent may be discharged
 - iv. Any other circumstance or condition prescribed by Regulation 20(3) of the Environmental Protection (Authorisations) Regulations.
- 1.3** Conduct all cable lay works and operation activities for the Project in a manner that minimise adverse impacts on human health and the environment.

- 1.4 Provide adequate notification at least two (2) weeks in advance to mariners and road users of intended cable laying construction works including the dates and times of cable laying works, and expected difficulties, e.g. road closures and diversions, etc. that the affected public may encounter as a result of construction works.
- 1.5 Ensure that adequate signage, guardrails and warning tape, are installed at construction sites.
- 1.6 Comply with the Wildlife Conservation and Management Act 2016, the Environmental Protection Wildlife Management and Conservation Regulations (2013), the Cartagena Convention, the UN Convention Migratory Species and other applicable international/conventions.
- 1.7 Make all employees aware of the conditions of the Construction Permit and provide training on good environmental management practices.
- 1.8 Operate in accordance with the **Occupational Safety and Health Act, No. 32 of 1997**. Employees shall at all times, be provided with the necessary protective gear to job specification.
- 1.9 Make all employees and third parties aware of the conditions of the Construction Permit and provide training on good environmental management practices.
- 1.10 Conduct regular safety meetings with staff members involved in the construction phase of this project as a means of involving and consulting employees in all Health, Safety and Environmental related matters.
- 1.11 Conduct regular safety meetings with staff members involved in the construction and operation phase of this project as a means of involving and consulting employees in all Health, Safety and Environmental related matters.
- 1.12 Ensure that all sound-making devices or equipment are equipped with silencers or mufflers, and/or enclosed, where practical to reduce noise emanating from construction/installation activities.
- 1.13 Ensure manholes comply with the following guidelines in consultation with Ministry of Public Works:
 - a) Located outside of sidewalks and roadways; a minimum of 2 meters off the edge of pedestrian way, and 3m from the off of the roadway if there are no space reserved for pedestrian way. In case of unavailability of the required clearance distance due to the soil or terrain condition; the

special request for shorter clearance shall be sent to the Agency, who will assess and provide the feedback based on case specifications;

- b) FOC joint shall be housed inside the manhole; and
- c) The area around the manhole shall be compacted. Upon final acceptance of the conduit/duct system all manholes shall be free of debris.

2.0 ROADS AND TRAILS

- 2.1 Minimise road traffic hazards or unnecessary inconveniences to the general public through appropriate planning and management of the construction site.
- 2.2 Where the land surface has been disturbed during/after construction the Permit Holder shall reclaim/rehabilitate the surface of unused land to equivalent capability.
- 2.3 Use appropriate machines for all earthworks and designate routes for heavy duty equipment to prevent compaction of soil. Consider the weather pattern before initiating major earthworks. Monitor areas of exposed soil during periods of heavy rainfall.
- 2.4 Maintain natural vegetative cover as far as practical; clear only areas required for construction purposes.
- 2.5 Visible surface markers to indicate the route of the cables shall be planted by the road sides at intervals between 300m to 500m or in-line with industry standards as well as in consultation with the Ministry of Telecommunications and Ministry of Public Works.
- 2.6 Cable installation along Roadway shall be done in consultation with Ministry of Public Works.
 - a) Reserve at least the horizontal distance of 1 metre between the existing underground utilities and the new cable, and if not possible use tape marking to indicate the location of FOC;
 - b) Place barriers and road signs required by current traffic laws during excavation works;
 - c) If the excavation must remain open or the road will be otherwise obstructed during the night or under low-visibility conditions, road signs shall be complemented by lighting devices of the colour, shape and size stipulated by the traffic code;

- d) Trenches should be backfilled to the original state and backfill shall be strong enough to support any kind of stresses, consistent with original state.
 - e) Place an identification sign (marker) stated by these guidelines to illustrate your cable route.
- 2.7 Remove spoils from the sides of the excavation (spoil must be transported to authorised disposal sites in accordance with local authority requirements).
- 2.8 Trenches along road networks where practical shall be sufficiently deep to provide appropriate FOC protection and shall be placed at least 1.5m away from the edge of pedestrian walkways or storm drainages along paved roads. In case of unavailability of the required clearance distance due to the soil or terrain condition; the special request for shorter clearance shall be sent to the Agency, who will assess and provide the feedback based on case specifications in consultation with Ministry of Public Works.
- 2.9 In the absence of pedestrian walkways, the cable must be located at a minimum distance of 2.5 meters off the roadway where practical. In case of unavailability of the required clearance distance due to the soil or terrain condition; the special request for shorter clearance shall be sent to the Agency, who will assess and provide the feedback based on case specifications in consultation with Ministry of Public Works.
- 2.10 Road surfaces where cable crossings have been installed shall be restored to its original state in compliance with local authorities and other concerned authorities specifications.

3.0 LAND MANAGEMENT

- 3.1 Utilise the land in accordance with the site plan submitted to the Agency on October 20, 2020. All specifications of location, pathways, reserve and boundary lines must be adhered to, unless otherwise authorised.
- 3.2 Comply with the EMSP to minimise erosion, siltation and sedimentation of the Atlantic Ocean during construction.
- 3.3 Ensure that all construction works is conducted in accordance with the Sea and River Defence and Drainage & Irrigation Laws of Guyana.
- 3.4 Maintain a good drainage system at the construction site and ensure that the land is level and appropriately built up to avoid floods and contamination of the receiving waters.

- 3.5 Ensure that all the surface drains are free - flowing and does not contain construction waste and vegetation. Regular cleaning of the drainage network and the immediate environment must be carried-out at all times.
- 3.6 Ensure that an appropriate spill containment kit is located on site which should contain absorbent material to absorb spilt oil and other spilt liquids.
- 3.7 Ensure that oil/fuel contaminated absorbent materials are appropriately stored and disposed of by double wrapping in heavy duty garbage bags. All contaminated absorbent materials must be disposed of at an authorised Hazardous Waste Disposal Facility.

4.0 WATER QUALITY MANAGEMENT

Comply with the Environmental Protection (Water Quality) Regulations, 2000.

- 4.1 Maintain the clarity of the waterway by ensuring the turbidity remains at acceptable levels through visual appraisals and analysis.
- 4.2 Implement all practical erosion control measures to prevent pollution of nearby waterways.
- 4.3 Vehicle or equipment maintenance activities (oil change, washing of vehicles/equipment) on the seashore or close to waterways are prohibited.
- 4.4 Ensure that refueling, maintenance and use of equipment is done at a designated location away from the seashore. This activity should be done in guide stipulated and approved by the EPA, which should as far as possible minimise impacts on the environment.

5.0 NOISE AND AIR QUALITY MANAGEMENT

- 5.1 Comply with Guyana National Bureau of Standards (GNBS) *Guidelines for Noise Emissions into the Environment* for all onshore and near shore operations, and for all offshore operations, where practical:
 - Industrial Limits: **100 dB** (Daytime Limits (06:00 h-18:00 h))
80 dB (Nighttime Limits (18:00 h- 06:00 h))
- 5.2 Operate all mechanical equipment in accordance with the manufacturer's specifications. Additionally, ensure that mechanical equipment and vehicles are regularly maintained and operated at their optimal levels to minimise atmospheric emissions.

6.0 WASTE MANAGEMENT

- 6.1 Maintain a high level of housekeeping, sanitary and hygienic practices, and environmental standards of all facilities, vessels and associated structures, as well as the cable landing site area at all times.
- 6.2 Avoid the discharge of waste in the marine environment if the discharge will result in irreversible harm/damage.
- 6.3 Oversee and audit the activities of all downstream subcontractors handling Project's waste streams, and contractually ensure that the subcontractors conduct all treatment and disposal of such waste streams in keeping with the Approved Environmental Management Plan, most recently Approved Waste Management Plan and Oil Spill Response Plan throughout the lifetime of the Project. Submit monthly reports from third party disposal services.

7.0 EMERGENCY RESPONSE

- 7.1 Notify the EPA within **twenty-four (24) hours** of any accidental release of contaminants or incidence of pollution to the environment.
- 7.2 In the event of an oil spill pollution incident, provide immediate notification alert to nearby vessels or installations with the capacity to assist with oil spill response, as well as national authorities, including the Environmental Protection Agency.
- 7.3 Maintain a record of near miss spills and submit report to the Agency in the Annual Environmental Report highlighted in condition **8.4**.

8.0 COMPLIANCE MONITORING AND REPORTING

- 8.1 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.
- 8.2 Monitor the implementation of the conditions of this Construction Permit, insofar as they involve adherence by employees and all third parties under your direction.

- 8.3 Report to the Agency any non-compliance(s) with this **Construction Permit**:
- a) Within **twenty-four (24) hours** of the time the Holder of the Construction Permit becomes aware of the non-compliance(s), the anticipated manner in which it may endanger human health or the environment.
 - b) 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.
 - c) 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 within seventy-two (72) hour
- 8.4 Submit **Environmental Annual Reports** to the EPA on or before **March 31** every year on your compliance with this Permit.
- 8.5 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.
- 8.6 Inform the Agency prior to or within **thirty (30) days** of any change of name or ownership of the project.
- 8.7 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.
- 8.8 Inform the Agency in a timely manner of any variation or intentions to conduct other activities not stipulated in this permit.
- 8.9 Inform the Agency in a timely manner of any planned or unplanned maintenance activities to be conducted during the permitted and post permitted period, The Agency reserves the right to authorise or reject any further activities, planned or unplanned, not specifically covered in this permit.
- 8.10 Not assign or transfer the Construction Permit to any person without prior consent of the Agency.

9.0 INSTITUTIONAL AUTHORITY/LIABILITY

- 9.1 The EPA reserves the right to conduct regular inspections of the Permit Holder's construction 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.
- 9.2 The EPA reserves the right to review/amend the conditions attached to this Permit which also includes the review and/or amendment of permit fees in consideration of any changes in fee schedule as determined by the Agency for projects of this nature.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 The EPA shall have the right to cancel or suspend this Permit for breach of any of the terms and conditions contained herein.
- 9.9 The Permit Holder is obligated to ensure that the construction of the installation of Submarine Fibre Optic Cable is permitted by **all other relevant authorities.**
- 9.10 This Construction Permit is effective for the period stipulated herein, **February 2021 to January 2024.**
- 9.11 This **Construction Permit** shall remain valid until **January 31, 2024**, unless otherwise suspended, cancelled, modified or varied, in accordance with the provisions of this Permit or the Environmental Protection Act, Cap.

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- 9.12 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 **July 31, 2023**.
- 9.13 Any late submission of the application required by Condition 11.10 beyond the date specified therein, shall require the Permit Holder to pay, in addition to the application fee, a late penalty fee (accruing at the time such obligation was first owed for renewal) at a rate of **two thousand dollars (GY\$2,000.00) per day for every business day late**, until such application is submitted to the Agency, without prejudice to any other rights of the Permit Holder in connection therewith.
- 9.14 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.

Signed by:




on behalf of the Environmental Protection Agency.

Date:

2021.02.05

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(Amendment) Act, 2005, and the Environmental Protection (Authorisations)
Regulations, 2000.

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, and the Environmental Protection (Authorisations) Regulations, 2000, and any forthcoming regulations, best practices, guidelines and standards made under this Act.

NAME:	ALISTAIR G. ROUTLEDGE
DESIGNATION:	PRESIDENT
SIGNATURE:	
DATE:	5 FEBRUARY 2021

