



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-FSGFC
Fee:	XL(C2) – US \$3100 (one (1) year)
Fees Paid:	US \$9,300 (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 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 a Submarine Fibre Optic Cable, through a marine route from offshore (Stabroek Block), to the landing site (Beach Manhole-BMH) at Ogle, Shorefront, East Coast Demerara, herein after referred to as the "Project", in the manner indicated in the Application submitted on July 29, 2019, and subject to the terms and conditions set forth herein and any forthcoming regulations, best practices 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 Ensure that adequate signage, guardrails and warning tape, are installed at construction sites**
- 1.5 Ensure that measures are in place to minimise cable shifting in the marine environment.**
- 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 and operation phase of this project as a means of involving and consulting employees in all Health, Safety and Environmental related matters.
- 1.11 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.

2.0 WATER QUALITY MANAGEMENT

- 2.1 Maintain the clarity of the waterway by ensuring the turbidity remains at acceptable levels through visual appraisals and analysis.
- 2.2 Implement all practical erosion control measures to prevent pollution of nearby waterways.
- 2.3 Vehicle or equipment maintenance activities (oil change, washing of vehicles/equipment) on the seashore or close to waterways are prohibited.

3.0 NOISE AND AIR QUALITY MANAGEMENT

- 3.1 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))

- 3.2 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.
- 3.3 Submit and comply with the Ship Energy Efficiency Management Plan (SEEMP). Submission should be made **thirty (30) days** prior to offshore vessel mobilization.

4.0 INSTALLATION (CABLE-LAYING) AND SUPPORT VESSEL

- 4.1 Record all observations and respective mitigation actions during the installation exercise in a standardised report format and submit a copy of the report to the Agency within **one (1) month** of the activity completion.

The report should contain at minimum the following:

- A map or schematic outlining the exact route of the cable, the genesis and termination of the cable or the points of each segment of the cable if it becomes applicable;
 - Added to the aforementioned, the location (GPS coordinates on a maps), date and start time of the activity throughout the installation process;
 - Name, qualification and experience of personnel involved in the installation exercise;
 - The location, time and reasons when installation was hampered by poor visibility or high winds;
 - The location and time when any start-up delays, power downs or stop work procedures were initiated due to marine mammal, protected species and marine turtle sightings; and
 - The date and time when the activity was completed.
- 4.2 Ensure that lighting on the vessels are in accordance with maritime safety regulations/standards.
 - 4.3 Limit the use of light to the minimum required for safe operation.
 - 4.4 Adhere to the vessel's anchoring procedures to minimise impact to the seabed.
 - 4.5 Ensure anchoring procedures applied minimise anchor dragging on the sea floor.
 - 4.6 Discharges of any pollutant/ contaminant in territorial waters (i.e. twelve (12) nautical miles) are prohibited.
 - 4.7 Discharge of waste streams containing free oil is prohibited.

- 4.8 Limit the duration of the discharges into the receiving marine environment to avoid destruction of sensitive habitats.
- 4.9 Submit to the Agency, a copy of the Garbage Record Book and Garbage Management Plan after the completion of cable landing and laying activity.
- 4.10 In accordance with MARPOL 73/78 requirements, maintain an Oil Record Book to document the manner in which sludge, oil, bilge water, waste oil, etc., are disposed.
- 4.11 In accordance with MARPOL requirements, maintain a Garbage Management Plan and Garbage Record Book to record the manner in which waste (e.g. sewage, macerated food waste, etc.) are managed and disposed. The Garbage Management Plan shall include all information as per MARPOL specification (waste type, quantity stored on-board, waste delivered ashore, amount of waste generated, and waste discharged at sea in accordance with MARPOL Requirements).
- 4.12 Abide with the International Convention for the Control and Management of Ship's Ballast Water and Sediments (2004).

5.0 WASTE MANAGEMENT

- 5.1 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.
- 5.2 Handle, store, and dispose sewage and sullage in accordance Annex IV of MARPOL 73/78, Regulations for the Prevention of Pollution by Sewage from Ships. Submit to the Agency the International Sewage Pollution Prevention Certificate, 1973, once the activity has been completed along with the survey report.
- 5.3 Avoid the discharge of waste in the marine environment if the discharge will result in irreversible harm/damage.
- 5.4 Adhere to the vessel's Garbage Management Plan.
- 5.5 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, Approved Waste Management Plan and Oil Spill Response Plan throughout the lifetime of the Project. Submit reports from third party disposal services within condition 7.10.

6.0 EMERGENCY RESPONSE

- 6.1 Notify within **twenty-four (24) hours** the EPA of any accidental release of contaminants or incidence of pollution to the environment.
- 6.2 Maintain emergency spill response equipment on the Vessel for response to potential spills.
- 6.3 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.
- 6.4 Maintain a record of near miss spills and submit report to the Agency in the Annual Environmental Report highlighted in condition **7.10**.
- 6.5 Report all spills to the environment to the EPA in alignment with EPA's Incident Notification Form for Offshore Operations. Spills amounting to less than five (5) gallons shall be recorded and reported to the EPA as part of the annual report required by condition **7.10**, and the Agency shall have the right to request further information regarding such incidents.

7.0 COMPLIANCE MONITORING AND REPORTING

- 7.1 Submit within **sixty (60) days after installation**, a post-installation report to the Agency.
- 7.2 Sign and certify all information submitted to the Agency.
- 7.3 Provide any information or copies of records requested by the Agency within a reasonable timeframe.
- 7.4 Monitor the implementation of the conditions of this Permit, insofar as they involve adherence by employees and all other third parties under your direction. Provide a list of all third parties, and their responsibilities and their compliance with the terms and conditions herein
- 7.5 Conform to all terms and conditions under which this Permit is granted and be liable for any loss or damage which arises from the project as a result of the Permit Holder's activities (including subcontracted parties) or breach of any term or condition of this Permit.

7.6 Report to the Agency any non-compliance(s) with the Construction Permit:

- Within **twenty-four (24) hours** of the time the Holder of the Construction Permit (or third parties) becomes aware of the non-compliance, the anticipated manner in which it may endanger human health or the environment;
- 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; and
- 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.

7.7 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.

7.8 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.

7.9 Not assign or transfer the Construction Permit to any person without prior consent of the Agency.

7.10 Submit **Environmental Annual Reports** to the EPA on or before **March 31** every year on your compliance with this Permit.

7.11 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.

7.12 Inform the Agency prior to or within **thirty (30) days** of any change of name or ownership of the operation.

8.0 INSTITUTIONAL AUTHORITY/LIABILITIES

8.1 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.

- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 The EPA shall have the right to cancel or suspend this Permit for breach of any of the terms and conditions contained herein.
- 8.9 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.**
- 8.10 This Construction Permit is effective for the period stipulated herein, **February 2021 to January 2024.**
- 8.11 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. 20:05, Laws of Guyana, Environmental Protection (Amendment) Act, 2005, and the Environmental Protection (Authorisations) Regulations, 2000.
- 8.12 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.**

8.13 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.

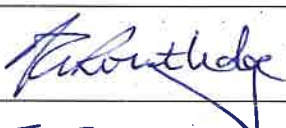
8.14 Failure to comply with the requirements of this Permit or with applicable laws and regulations, whether existing or forthcoming, shall render the Permit Holder liable to prosecution and to penalties, inclusive of civil penalties, injunctive relief and imprisonment, as prescribed under the Environmental 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.

Ms. Sharifah Razack
Executive Director (Ag.)

Date: 2021 . 02 . 05

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

