

The Certificate of Environmental Clearance Process: the Management of Coastal Activities in Trinidad and Tobago



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Environmental Management Act, Chapter 35:05

SUBSIDIARY LEGISLATION:

- Water Pollution Rules, 2001 (as amended)
- Environmentally Sensitive Species Rules, 2001
- Environmentally Sensitive Areas Rules, 2001
- Noise Pollution Control Rules, 2001
- **Certificate of Environmental Clearance Rules, 2001**
- **Certificate of Environmental Clearance
(Designated Activities) Order (as amended)**

EM Act, Ch. 35:05 – section 35(2)

“No person shall proceed with any activity which the Minister has designated as requiring a Certificate unless such person applies for and receives a Certificate from the Authority”

EM Act, Ch. 35:05 – section 38(3)

“In any instance where the Authority determines that an environmental impact assessment is required for an activity at any location, no other entity shall grant any permit, licence, or other documentary authorisation with respect to such activity, until a Certificate has been issued by the Authority.”

Exception: Sections 35 to 38 inclusive shall not apply to any activity with (i) all necessary final approvals from other governmental entities and (ii) outline or full planning permission under the Town and Country Planning Act, prior to implementation of the CEC Rules.

CEC Framework

CEC Rules

Lays out the process for identifying the environmental impact (s) which may arise out of any new or significantly modified construction, process, works or other activity.

CEC Designated Activities Order

44 categories of activities requiring a CEC.

CEC Designated Activities applicable to coastal area management

	ACTIVITY	DEFINITION
12	Land reclamation	The reclamation of land (inclusive of associated works)
13	Coastal or offshore construction or modification and dredging activities	<p>(a) The establishment, modification, expansion, decommissioning or abandonment (inclusive of associated works) of marinas, piers, slipways, jetties or other coastal features</p> <p>(b) The establishment, modification, or expansion (inclusive of associated works) of artificial reefs or other offshore structures.</p> <p>(c) The dredging or cutting of coastal or marine areas.</p>

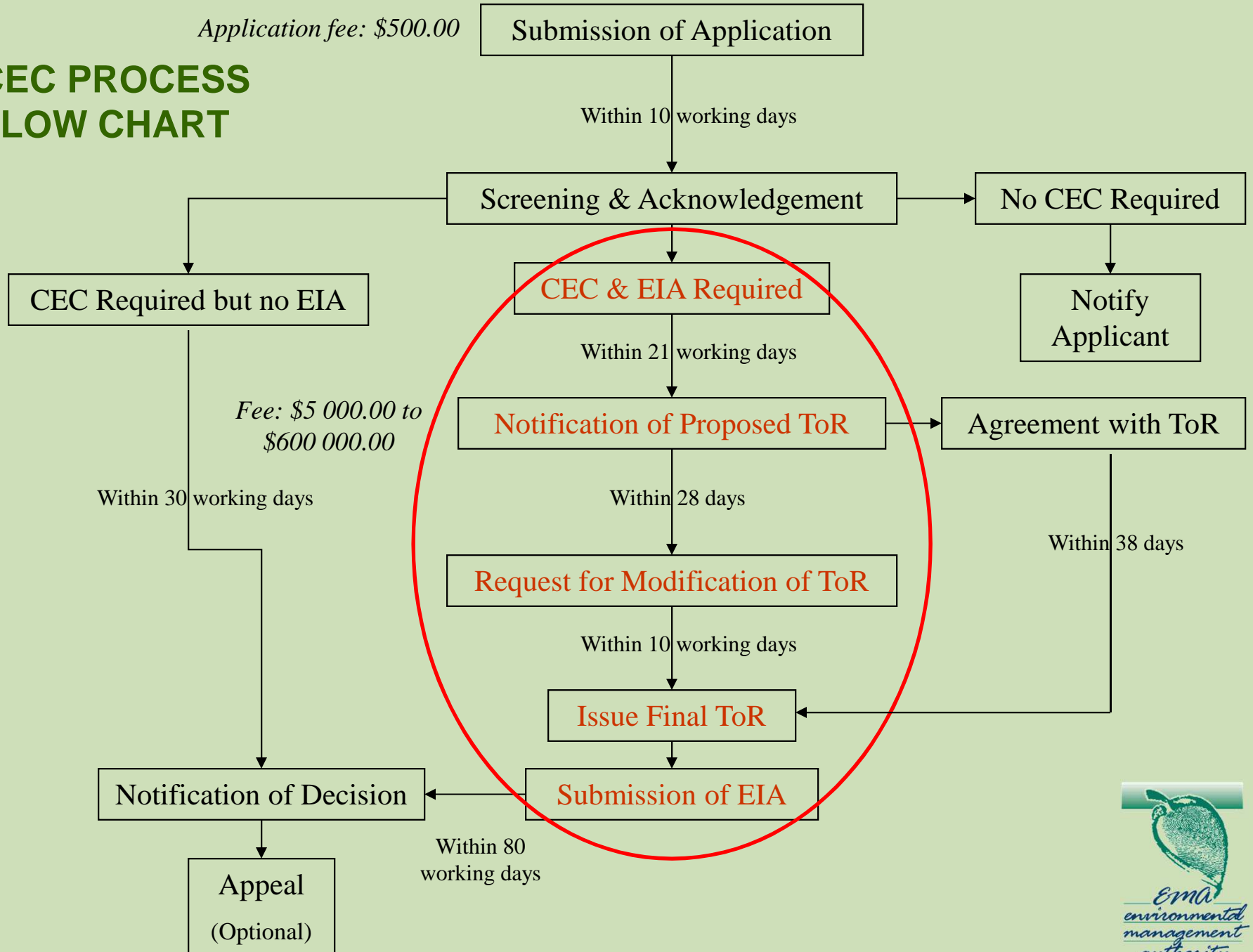
CEC (Designated Activities) Order (as amended)

	ACTIVITY	DEFINITION
24	Exploration for crude oil or natural gas	The conduct of all works related to this activity
34	Establishment of infrastructure for marine transportation	The establishment, modification, expansion, decommissioning or abandonment (inclusive of associated works) of a marine terminal, harbour/port or facilities for dry-docking or ship repair or construction.

Note: Other Designated Activities may be applicable depending on the specific project.

CEC PROCESS FLOW CHART

Application fee: \$500.00



Managing Adverse Environmental Impacts

- All CEC applications are screened on a case by case basis to determine the significance of the impacts based on:
 - nature
 - scale
 - location
- An EIA is required if a project is likely to cause **significant adverse environmental impacts.**

EIA Process – ToR preparation

- The Draft Terms of Reference (ToR) is developed by the EMA in consultation with the Applicant and other relevant stakeholders.
- The Applicant shall consult with relevant agencies, NGOs and other members of the public.
- The Applicant may request modifications to the Draft ToR before the EMA issues the Final ToR.

Preparation of the EIA Report

- Standards for preparation of the EIA are defined in s. 10 of the CEC Rules.
- The Applicant is required to hold public consultations to inform development of the EIA report.
- The EMA may also hold public hearings if it is determined that there is sufficient public interest.

Review and Assessment of EIA Report

- Report assessed by a multidisciplinary review team led by the EMA and made up of persons from various government agencies/ministries, expert consultants where necessary and relevant NGOs.
- EM Act requires the EMA to submit the EIA for public comment (minimum of 30 days).

Certificate of Environmental Clearance

A Certificate issued by the EMA includes:

- Mitigation measures that the applicant is required to undertake.
- Condition that the activity must begin within 3 years after the effective date, or the Certificate shall cease to have any validity, force or effect.
- Other terms and conditions as required.

Compliance & Enforcement

- Compliance with Environmental Requirements:
 - Apply for and obtain a CEC
 - Monitor the performance of the activity to ensure compliance with any conditions in the Certificate.
- Violations of environmental requirements can result in a Notice of Violation, Consent Agreement or Administrative Order.
- Environmental Police Unit.

Environmental Commission

- Superior court of record with same powers as High Court of Justice.
- Any final decision by the Authority to refuse issuance of a Certificate or to issue a certificate with conditions may be appealed to the Commission by the **Applicant**.
- Any **private party** may institute a civil action in the Commission against any other person for a claimed violation of any of the environmental requirements as defined in the Act.

ISSUES & CHALLENGES

- Different government agencies/ministries responsible for implementing environmental laws.
- Lack of co-ordination between government agencies/ministries even when attempting to control different aspects of the same environmental problem.
- Lack of current environmental data to assist with preparation of reports and decision making.
- CEC process is project specific and may not address carrying capacity issues.

WAY FORWARD

- Greater coordination between all agencies.
- Establish an environmental database to make information readily available to decision makers.
- Explore other tools that may be used in integrated coastal area management e.g. Strategic Environmental Assessment.

National Environmental Policy, 2006 (Part 3.4)

- T&T is a small island developing state.
- Large coastline: disproportionately large coastline and marine environment compared to the land area.
- As a result, it is imperative that we:
 - Conserve coastal and marine systems
 - Institutionalise **integrated coastal planning and management**
 - Recognise the **physical, ecological and socio-economic values and functions of these areas.**

END