

## GENERAL GUIDELINES FOR PROJECT PROPONENTS SUBMITTING ENVIRONMENTAL PERMIT AND LICENCE APPLICATIONS

*(Excerpt for the Development and Investment Manual)*

### ***Permit and Licence System***

The Permit and Licence system is framed by provisions of the NRCA Act (1991), the NRCA (Prescribed Areas) (Prohibition of Categories of Enterprise, Construction and Development) Order and the NRCA (Permit and Licence) (Forms, Processing and Fees) Regulations (1996) (Amended 2004). These regulations seek to effectively manage development activities and their deleterious effects (direct and indirect) in Jamaica and its Territorial Sea as it relates to the environment and human health. In fact, the NRCA is not entitled to grant a permit or licence if, it is of the view, that the activity in question is likely to cause injury to the environment or to public health.

The purpose of these Guidelines is to describe the procedures for submitting applications for environmental permits and licences as well as to outline the obligations, breaches and consequences associated with the holding of permit or licence.

A Permit is required to undertake any construction, enterprise or development of a prescribed nature anywhere in the island and the Territorial Sea. The permit is intended to safeguard the various environmental/natural resources from direct damage due largely, but not exclusively, to physical development.

The discharging of any sewage or trade effluent or other polluting matter to air, ground or water, or the construction, reconstruction or alteration works therefore requires the holding of a Licence. It is to safeguard the various environmental media from contamination.

A licence is **not** however required where the discharge:

- results only from a use of water made in pursuance of a licence to abstract and use water granted under any enactment, or
- is in accordance with good agricultural practice, as determined by the Authority after consultation with the Ministry responsible for agriculture, or
- is caused or permitted in an emergency in order to avoid a greater danger to the public and, as soon as practicable thereafter, particulars of the discharge are furnished to the Authority, or
- results from the domestic waste effected by means of absorption or soak away pits or other prescribed waste disposal system and is in accordance with such provisions as may be prescribed by or under the NRCA Act or any other law in force pertaining to such disposal.

Permits are applicable to new activities and licences to both existing and new facilities.

Existing facilities are those which have obtained all planning approvals prior to January 1, 1997 and in some instances approvals prior to January 2004 (amendment of the Natural Resources Conservation (Permits and Licences) Regulations). Licences for existing facilities will be phased in and the public will be notified of the effective dates to apply for the licences for stack emissions, sewage and trade effluent discharges.

### ***Making Application for Permit***

An application for a permit is comprised of:

- a completed Permit Application form supplied by NEPA - in quadruplicate
- a completed Project Information Form supplied by the NEPA- in quadruplicate
- other accompanying documentation as listed on the application form (in quadruplicate), together with the prescribed application fee.

Permit Application and Project Information Forms are shown in Appendix 1 and 2 respectively.

On completion, the application package is taken or mailed to the Applications Secretariat Branch, National Environment and Planning Agency (NEPA) 10 Caledonia Avenue, Kingston 5, Jamaica.

### ***Processing Application for Permit***

The processing of the application for permit is outlined in the flowchart (Figure 1). Incomplete Project Information Forms will **NOT** be accepted.

In applying for a permit, an EIA may be required. In such case, the applicant will be notified. The project proponent and/or their representatives will be provided with the Terms of Reference (ToRs) designed for the category of development.

The respective ToRS need to be modified as appropriate and submitted to NEPA for approval. The final scope of the EIA study will be agreed on by the project proponent and NEPA, and the EIA study will then proceed in accordance with the approved ToRS. (For full details on the requirements for conducting EIAs, see Appendix 3).

The notification to the applicant will be copied to related agencies and departments of government. NRCA Act Section 8 obliges agencies/departments to consult the NRCA before deciding any matter whether provisionally or finally, in respect of which the Authority has functions to perform.

A public presentation is required for all projects requiring EIA. However, the Authority reserves the right to wave the requirement for a public presentation from time to time. Guidelines for Public Presentation have been developed to assist proponents in convening these sessions, see Appendix 3.

In arriving at its decision for granting a permit, the Authority will consider the comments, if any, from outside agencies, experts, and the public, besides its own analysis. The decision whether to grant a permit, or the terms and conditions to be attached to the grant of a permit, may be guided by application of specific standards in use from time to time.

Where an application for permit is refused, the Authority will notify the applicant of the reasons for the decision and of his right of appeal to the Minister under Section 35 of the NRCA Act. The applicant may also appeal to the Minister where he/she objects to the terms and conditions attached to the grant of the Permit.

The review and decision-making period for applications could take up to 90 days except in instances where an EIA is required.

### ***Current Fees***

Permit fees are as follows:

- Application for Permit -----\$2000.00 (non-refundable and payable upon submission of the application)
- Permit Fees range from \$15,000.00 -\$25,000.00 (payable upon the collection of the permit)

Fees may be adjusted at any time.

### ***Validity***

The validity of the Permit is indefinite. However, if the permitted activity does not commence within five years after the date of this Permit, then this Permit is void and the Permittee shall re-apply for a new Permit.

### ***Collection of the Permit***

The Permit **MUST** be collected within **THREE (3) MONTHS** of the date of the approval by the Authority. Failure to do so will result in the approval being withdrawn and a reapplication for the Environmental Permit being required.

### ***Breaches and Consequences***

A Permit may be suspended or revoked if any of its terms or conditions is breached, or if the holder fails to submit any documents and information as the Authority may require.

The undertaking of a prescribed activity without the holding of an appropriate Permit will bring substantial penalties, on conviction in a court of law.

### ***Making Application for Licence***

An application for a licence is comprised of:

- a completed Licence application form - in quadruplicate
- accompanying documentation as listed on the application form, together with the prescribed application fee.

On completion, the application package is taken or mailed to the National Environment and Planning Agency (NEPA) at 10 Caledonia Avenue, Kingston 5, Jamaica, or any NEPA Parish Office.

### ***Processing Application for Licence***

The processing of the application for the Licence to discharge sewage and trade effluent by NRCA is outlined in the flowchart (Figure 1).

In applying for a licence for a new facility, additional documentation, information or an EIA may be required. This may be subsumed in the processing of the concurrent application for permit. Whether the licence is for a new or existing facility (i.e. existing at the effective date of the Regulations), the procedure with respect to requesting and handling of any additional documents, information or EIA is the same as described as in Figure 1.

An existing facility may be licensed provisionally for a specified time frame within which the facility will be upgraded to meet current standards. The terms and conditions of such a licence will be agreed on with the Authority.

In addition, other permits and licenses may be required under the Beach Control Act, NRCA Act, Wild Life Protection Act, Natural Resources (National Parks) Regulations; Endangered Species (Protection, Conservation and Regulation of Trade) Act, Natural Resources (Marine Parks) Regulations and Amendments.

### ***Current Fees***

Licence fees are as follows:

- Application for Licence - \$2000.00 (non-refundable and payable upon submission of the application)
- Licence Fees - \$7,500.00 (payable upon the collection of the licence)
- Licence renewal Fee - \$7,500.00 (payable upon the collection of the licence)
  - o A late application fee of \$6,500.00 is charged for renewal of licence if the application is not submitted at least two months prior to the expiration date of the licence (non-refundable and payable upon submission of the application)

Fees may be adjusted at any time.

### ***Validity***

The validity of the Licence is five (5) years. The licensee must apply for renewal of the licence at least sixty (60) days before expiry.

### ***Collection of the Licence***

The licence **MUST** be collected within **THREE (3) MONTHS** of the date of the approval by the Authority. Failure to do so will result in the approval being withdrawn and a reapplication for the Environmental Permit being required.

### ***Breaches and Consequences***

A licence may be revoked if, among other things:

- there is persistent non-compliance with any of its terms or conditions
- it is discovered that the licensee had deliberately submitted false, misleading or incomplete information during the application process, or had attempted to falsify self-monitoring records.

In the case of non-submittal of monitoring reports and other relevant documentation requested within the time specified in the licence, the Authority may also suspend or revoke the licence, and the Minister may take such steps as are necessary to ensure its cessation.

The discharge of any sewage or trade effluent or other polluting matter into air, ground or water, except in specified circumstances, will bring substantial penalties, on conviction in a court of law.

### ***Public Register***

Information supplied or collected as part of the application or monitoring process shall be placed on a register maintained by the Authority and accessible to the public. The register may include, *inter alia*, copies of applications, permits, licences, amendments thereto, reported and collected data.

The Authority will evaluate for exclusion from such public disclosure any information indicated by the applicant to be proprietary or commercially sensitive, or whose disclosure would be contrary to the interests of national security. Applicants shall accordingly identify and as far as possible physically separate any such material at the time of submitting the application, giving precise reasons for desiring exclusion of same from public disclosure.

### **Note**

**In addition to obtaining environmental permission for the prescribed categories from the NRCA, be reminded that other permissions are required for development to take place. These include planning approvals from the Town and Country Planning Authority or the Local Planning Authority/Parish Council and also building approvals from the Parish Council /Local Planning Authority.**

### ***Flowchart showing the Processing an Application for Permit***

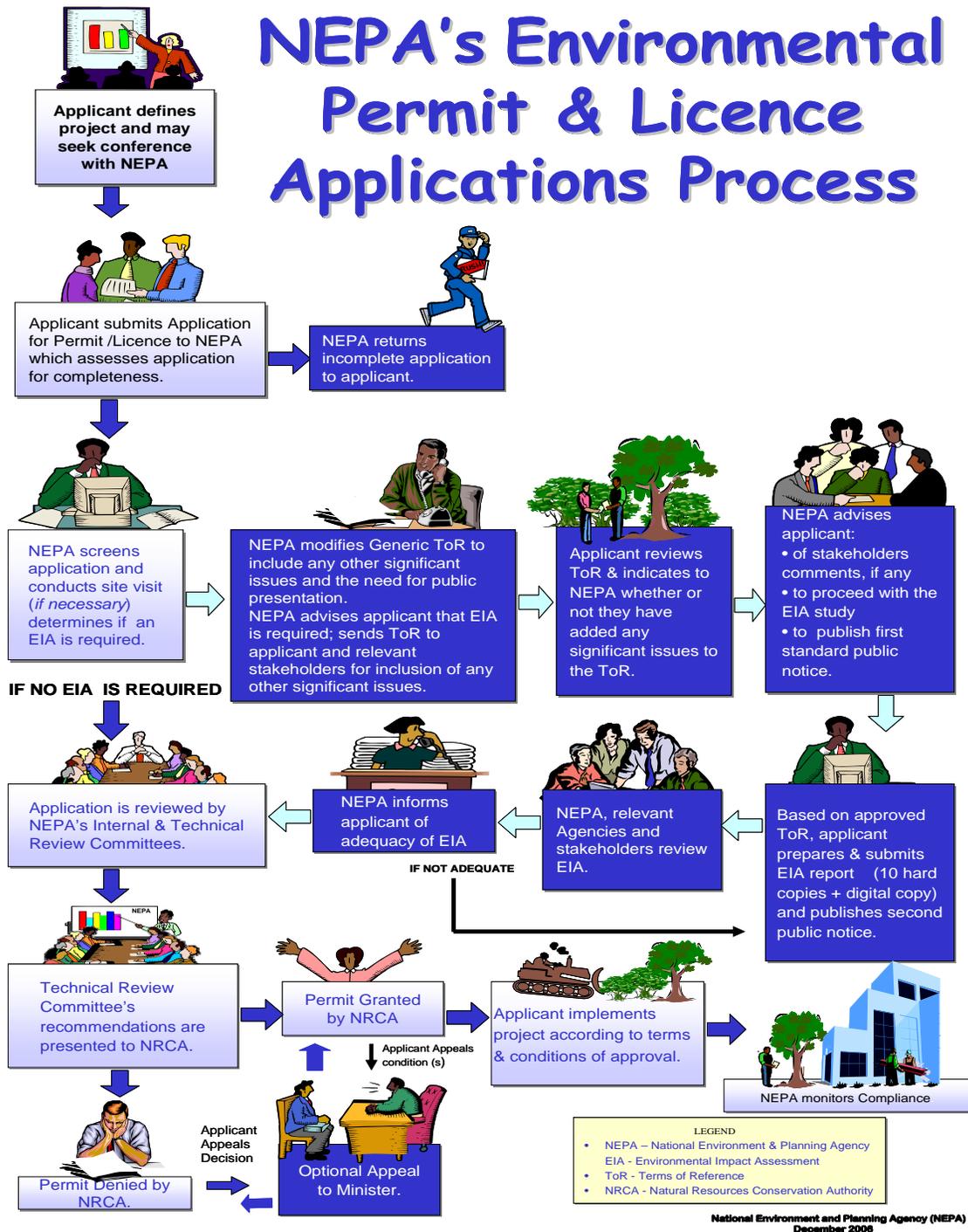
The following is the procedure for processing applications. The flowchart outlines the different stages of the Environmental Permit and Licence Applications Process, beginning with the submission of the application through to the step when the Authority takes the decision. The chart also shows the follow-up and monitoring stages of post-permit activities.

Processes highlighted in the Flow Chart are:

- screening of the application to determine the need for an environmental impact assessment (EIA)
- the EIA Review, inclusive of evaluation by technical officers and technical Committees of the Agency as well as public/stakeholder involvement in the review.

**N.B.** *For information on Environmental Impact Assessments, please consult NEPA's "Guidelines for Conducting Environmental Impact Assessments". Appendix 3.*

Figure 1 Flowchart for the processing of the Application for Permit and Licence is outlined below.



### 2.0.3 Environmental Permit and Licence Application Checklists

In submitting your application for an **Environmental Permit** and/or for an **Environmental Licence to Discharge Sewage Effluent or Trade Effluent**, the following checklists have been collated to ensure that every developer is aware of the requirements for submission, and that these requirements are met. Please ensure that **ALL** relevant documents accompany your application.

#### **CHECKLIST - Environmental Permit Application**

Place a tick (where applicable) in the box provided

- Completed Permit Application Form & Project Information Form including:-
  - Tax Registration Number
  - Contact information – Telephone number, Cellular phone number, Fax, Email
  - For Companies – Company Registration Number,; Names of Directors and Company Secretary
  - Copy of Identification for the person(s) making the application e.g. current Driver's Licence, National ID or Passport.
  
- Completed Licence Application Form (if there will be a discharge of trade or sewage and/ or poisonous or harmful substances into the environment).
  
- Beach Licence Application Form (Licence Under the Beach Control Authority for any use of the foreshore, floor of the sea and water column).
  
- Location Map (Drawn to scale 1:12,500).
  
- Layout Plan or Site Plan of facility/development drawn to scale (including dimensions).

**Informative** - architectural drawings must be certified by a Registered Architect, engineering drawings must be certified by a Professional Engineer and Site and Subdivision Plans must be certified by a Commissioned Land Surveyor.
  
- Detailed design of Project including:-
  - the proposed method of wastewater treatment and disposal, or similar facility
  - the location and setback of the wastewater treatment and disposal facility on the Subdivision or Layout Plan
  - a Gantt Chart illustrating the project schedule/ construction schedule for wastewater treatment and disposal facility, or similar facility
  - a Sludge / Septage Management Plan for wastewater treatment and disposal facility, or similar facility
  - Detailed design of the treatment components.
  - Waste Management Plan and a Closure Plan for Petroleum Storage Facilities or similar facility

- Proof of Ownership
  - A copy of the title or
  - A probated will or,
  - Lease Agreement along with a copy of the title and a consent letter.
  - Informative**
  - If the applicant is not the owner, a letter of authorization from the title holder(s) witnessed by a Justice of the Peace, giving the applicant permission to use the land for the proposed activity must be submitted along with a copy of the title and a copy of the Identification for both parties e.g. current Driver's Licence, National ID or Passport.
  - If the registered title is held jointly, either all parties must be reflected as applicant or there should be a letter or authorization from the other title holder (s) giving the applicant permission to use the land for the proposed activity. The letter or authorization witnessed by a Justice of the Peace must be presented along with a copy of the Identification for all parties e.g. current Driver's Licence, National ID or Passport.
  - ALL CONTRACTORS/AGENTS/CONSULTANTS who are applying for Permits and Licences on behalf of someone else, must submit a letter (with each application), giving them authority to apply for the Permit/Licence. The letter must also state the extent of their authority in relation to the application and in whose name the Permit/Licence should be issued. The letter must be signed by all the relevant parties who they represent, witnessed by a Justice of the Peace, and presented along with a copy of the Identification for all parties e.g. current Driver's Licence, National ID or Passport.
  
- Project Brief describing the scope and extent of the project
  
- Drainage Plan
  
- Surface Discharge Permission letter - **Applicable** where the proposal is to discharge the final effluent into a surface drainage channel owned by another individual.  
**Informative:** In this case, the Applicant is to submit a "no objection" letter from the owner of the channel.
  
- Design Report- Applicable only to wastewater treatment and disposal facility or similar facility
  
- Application Fee of \$2000.00
  
- Previously submitted to the Development Assistance Centre  
**Informative:** Application must be submitted in quadruplicate (4 sets)

## CHECKLIST – Environmental Licence Application

- Completed Licence Application Form (4 copies) & Project Information Form (4 copies) **including:-**
  - Tax Registration Number
  - Contact information – Telephone, Cellular phone, Fax, Email
  - For Companies – Company Registration Number; Names of Directors and Company Secretary
  - Copy of Identification for the person(s) making the application e.g. Driver's Licence, National ID or Passport.
- Completed Permit Application Form **(if the project which falls within any of the prescribed categories)**. (4 copies)
- Beach Licence Application Form **(Licence Under the Beach Control Authority for any modification to the Foreshore and Floor of the Sea)**
- Location Map **(Drawn to Scale)** (4 copies)
- Layout Plan or Site Plan of facility/development **(including dimensions)** (4 copies)
- Detailed Design of Sewage/Waste Water (Trade Effluent) Facility **(including Discharge Points-Coordinates must be stated)** (4 copies)
- Map indicating the route of the pipeline/drainage channel from the sewage treatment plant to the point of discharge (4 copies).
- Proof of Ownership
  - A copy of the title or
  - A probated will or,
  - Lease agreement along with a copy of the title and a consent letter.  
**Informative**
  - If the applicant is not the owner, a letter of authorization from the title holder(s), giving the applicant permission to use the land for the proposed activity, witnessed by a Justice of the Peace along with a copy of the title and copy of identification for both parties e.g. Driver's Licence, National ID or Passport.
  - If the registered title is held jointly, either all parties must be reflected as applicant **OR** there should be a letter or authorization from the other title holder (s) giving the applicant permission to use the land for the proposed activity. The letter or authorization must be witnessed by a Justice of the Peace along with a copy of identification for all parties e.g. Driver's Licence, National ID or Passport.
  - ALL CONTRACTORS/AGENTS/CONSULTANTS who are applying for permits and licences on behalf of someone else must submit with each application a letter giving them authority to apply for the permit/licence. The letter must also state the extent of their authority in relation the application and in whose name the permit/license should be issued. The letter must be signed by all the relevant parties who they represent. The letter must be witnessed by a Justice of the Peace along with a copy of identification for all parties e.g. Driver's Licence, National ID or Passport.
- Project Brief describing the scope and extent of the project (4 copies)
- Application Fee of \$2000.00
- Previously submitted to Development Assistance Centre