

NRCA PERMIT AND LICENCE SYSTEM

1.0 Legal Basis

The Natural Resources Conservation Authority (NRCA) Act 1991 gives the Authority power to

- . issue permits to persons responsible for undertaking any enterprise, construction or development of a prescribed category in a prescribed area [Section 9 NRCA Act]
- . issue licences for discharge of trade or sewage effluent or for construction or modification of any works for such discharge [Section 12 (1) (a) and (b)]
- . request information or documents as the Authority thinks fit [Section 10 (1) (a)]
- . request an environmental impact assessment containing such information as may be prescribed [Section 10 (1) (b)]
- . request information on pollution control facilities [Section 17]
- . revoke or suspend permits [Section 11]

Since 1994, the regulations needed to support the system were being identified. Draft NRCA (Permit and Licence) Regulations are being prepared.

However, the regulations governing the fees to be charged for waste discharge are still outstanding [Section 38 (1) (f)] Also outstanding are:

- description or category of project for which an EIA is required 38 (1) (b)
- the quantity, condition or concentration of substances that may be released to the environment 38 (1)(c)
- waste discharge fees 38 (1) (f)
- the design, construction, operation and maintenance of pollution control facilities 38(1) (g)

2.0 Objectives of the Permit and Licence System

- . To provide a mechanism to ensure that all new enterprises, construction or development and discharges mitigate as much as reasonably possible adverse effects on the environment.
- . To ensure compliance with Sections 9 and 12 of the NRCA Act.
- . To establish a system that will facilitate monitoring of discharges to the environment and monitoring to verify compliance with conditions set for approval

- . To have a database of all dischargers and permit holders
- . To provide a mechanism to compel upgrading of existing systems and dischargers over a reasonable period of time
- . The system will allow NRCA in the future to verify that goods and services were produced in an environmentally sound manner.

3.0 **Permit Process**

In principle, any proposed development in a prescribed area, as set out in the Section 9 Prescribed Area Order, which involves activities with potential for affecting the environment must be referred to the NRCA for a permit.

Every developer in making application for a permit will be required to complete a Project Information Form and submit same to the NRCA for review.

A determination is then made on the need for an environmental impact assessment based on the screening of the form. Where environmental impact is minimal no EIA will be required.

The EIA report is reviewed and discussions held with the project proponents. The review process involves external agencies and the public.

The results of the review are submitted to the Technical Committee of the Authority and a recommendation is made on whether a permit should be granted or denied.

Post-permit monitoring is conducted to verify that the developer is in compliance with the conditions stipulated at the time of the granting of the permit.

4.0 **Current Status**

The Authority has established an Ad Hoc Committee to oversee the preparations for implementation of the system.

4.1 **Regulations**

Draft regulations on the forms and fees and the processing of applications are being submitted to the Chief Parliamentary Counsel. The requirement for a permit is applicable to new enterprises only and licences for existing facilities will be phased in according to a schedule.

4.2 **Standards**

Draft sewage effluent standards and the stack emission standards needed to support the licence system are under review and should be finalized by year end.

Trade effluent standards were recently approved by the Authority and have been sent to the Ministry for submission to the Chief Parliamentary Counsel.

4.3 **Procedures Manual**

A draft Procedures Manual has been prepared by a consultant with guidelines for staff to process applications for permits and licences and related activities in respect of new enterprises.

4.4 **Other Documents**

The Guidelines for Conducting EIA document has been finalized and submitted to the Ad Hoc Committee for approval.

The Guidelines for Project Proponents (Applicants) and a document on the organization and staffing requirements are to be finalized by the end of November 1996.

4.5 **Role of Parish Councils and other Government Agencies**

There is still some uncertainty in respect of the level of involvement of the Parish Councils in receiving applications on our behalf. The Authority will shortly decide how much of the processing will be shared with the Parish Councils. The other government agencies, such as Water Resources Authority (WRA), Environmental Control Division (ECD), Mines and Quarries Division (MQD) and Town Planning Department (TPD) will be intimately involved in the EIA

review process, as depending on the enterprise, construction or development to be permitted, the EIA report will be subject not only to a review by NRCA staff but also to a review by these agencies.

4.6 **Public Education**

The details of a public education campaign have been drafted through consultation with the Jamaica Information Service (JIS) and our Public Education, Information and Outreach Branch.

5.0 **Action Plan for Implementation**

It is projected that all elements should be in place by the end of November 1996 and that the Section 9 Order have an effective date of January 1, 1997.

6.0 Conclusion

In January of this year, the Minister in delivering his charge to the new Authority stressed the need for enforcement of the legislation. Instituting a system for permits and licences in accordance with Sections 9 and 12 is one answer to the challenges we face. Once the objectives of the system are met the entire development approval process will be better controlled.

In the interim, NRCA staff will continue to encourage voluntary compliance by developers and the country's overall goal of sustainable development through improved environmental management will, be achieved.

Adapted from presentation made by Dr. Mearle Barrett at the Quarterly Staff Retreat to held at the Postal Training Centre at Liguanea Post Office, 1996-07-31

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