



BELIZE

ENVIRONMENTAL PROTECTION ACT CHAPTER 328

REVISED EDITION 2020

SHOWING THE SUBSIDIARY LAWS AS AT 31ST DECEMBER, 2020

This is a revised edition of the Subsidiary Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of the following laws—

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CHAPTER 328

**ENVIRONMENTAL PROTECTION ACT
(COMMENCEMENT) ORDER**

ARRANGEMENT OF PARAGRAPHS

1. Short title.
2. Commencement of Chapter 328.

CHAPTER 328

157 of 1992.
Act. 22 of 1992.
CAP.328.
R.E.2020.

**ENVIRONMENTAL PROTECTION ACT
(COMMENCEMENT) ORDER**

(Section 1(2))

[26th December, 1992.]

Short title.

1. This Order may be cited as the

**ENVIRONMENTAL PROTECTION ACT
(COMMENCEMENT) ORDER.**

Commencement
of Chapter 328.

2. In exercise of the powers conferred upon me by section 1(2) of the Environmental Protection Act and all other powers thereunto me enabling, **I, GLENN D. GODFREY**, Attorney General and Minister of Tourism and the Environment, do hereby appoint the 6th day of January, 1993 as the day on which the said Act shall come into force.

MADE this 21st day of December, 1992.

(GLENN D. GODFREY)

*Attorney General and Minister of Tourism and the
Environment*

CHAPTER 328

**ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS**

ARRANGEMENT OF REGULATIONS

1. Short title.
2. Interpretation.
3. Criteria for environmental impact.
4. Identification etc., of significant environmental issues.
5. Minimum content of environmental impact assessments.
6. Environmental assessment process.
7. Undertakings requiring an EIA.
8. Undertakings where an EIA is discretionary.
9. Excluded projects.
10. Statement not required.
11. Notification.
12. Schedule I projects.
13. Report.
14. Examination.
15. Draft terms of reference.
16. Examination of draft.

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17. Assessment commenced.
 18. Public Participation.
 19. Report of environmental impact assessment.
 20. Publication.
 21. Action after receipt of EIA.
 22. Advice to Developer.
 23. Conditions to be set by Department.
 24. Statement deficient.
 25. Public hearings.
 26. Appointment and composition of the Committee.
 27. Factors for consideration of the Committee.
 28. Appeal process.
 29. Appointment of Tribunal.
 30. Procedure for hearing appeals.
 31. Quorum.
 32. Effect of appeal.
 33. Offences and penalties.
 34. Non-refundable application fee.
 35. Compliance inspection.

SCHEDULE I

SCHEDULE II

SCHEDULE III

CHAPTER 328**ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS***(Section 21)**[30th September, 1995.]*

107 of 1995.
22 of 1992.
CAP.328.
R.E.2020.
24 of 2007.
15 of 2020.
105 of 2020.

Short title.

1. These Regulations may be cited as the**ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS.**

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Act” means the Environmental Protection Act;

24 of 2007.

“Committee” means the National Environmental Appraisal Committee established under regulation 26 of these Regulations;

22 of 1992.

“Department” means the Department of the Environment established under section 3 of the Act;

“developer” means a person who—

(i) carries out or proposes to carry out an undertaking; or

(ii) is the owner or person having charge, management or control of an undertaking;

24 of 2007.

“Environment” means the surroundings that all living things interact with, and for the purpose herein it focuses on the natural vegetation, fish and wildlife, and also water, coasts, seas, air and land, and the interrelationship which exists among and between

water, air, and land, and human beings, other living creatures, plants, micro-organisms and property;

“Environmental Compliance Plan” or “ECP” means a legally binding document developed by the Department of Environment as defined in regulation 6(c) consisting of a set of legally binding environmental conditions, guidelines, policies and restrictions which the developer or his representative agrees to in writing to abide by as conditions for project approval; 24 of 2007.

“Environmental Clearance” means approval of a proposed undertaking, project, programme, policy or activity granted by the Department of Environment, stipulated in the form of a letter; 24 of 2007.

“Environmental Impact Assessment” or “EIA” means studies needed in identifying, predicting, evaluating, mitigating and managing the environmental, and key social and economic impacts of development projects, undertakings, programmes, policies or activities, the report of which is presented in a written document called the Environmental Impact Assessment report; 24 of 2007.

“guidelines” means any procedures approved by the Minister for the preparation of environmental impact assessments;

“Limited Level Environmental Study” means a study used for the prediction, evaluation, estimation and communication of the possible environmental effects of some proposed projects, undertakings, or activities, where it is the opinion of the Department that the project, undertaking or activity could have some negative impacts on the environment. The Terms of Reference for a Limited Level Environmental Study can be limited in nature and should not be as comprehensive as that for an EIA; 24 of 2007.

“Minister” means the Minister charged with responsibility for the environment;

3.—(1) The criteria and procedure under these Regulations and any procedures approved by the Minister, shall be used to determine whether an activity is likely to significantly affect the environment and is therefore subject to an environmental impact assessment.

Criteria for environmental impact.

(2) All persons, agencies, institutions (whether public or private), unless exempted pursuant to these Regulations, shall, before embarking on a proposed project or activity, apply to the Department for a determination whether such project or activity would require an environmental impact assessment.

4.—(1) In identifying the environmental impact assessment process under these Regulations, the relevant significant environmental issues shall be identified and examined before commencing and embarking on any such project or activity.

Identification etc., of significant environmental issues.

(2) Where appropriate, every effort shall be made to identify all environmental issues at an early stage in the environmental impact assessment process.

5. An environmental impact assessment shall include at least the following minimum requirements—

Minimum content of Environmental Impact Assessments.

- (a) a description of the proposed activities;
- (b) a description of the potentially affected environment, including specific information necessary to identify and assess the environmental effect of the proposed activities;
- (c) a description of the practical activities, as appropriate;
- (d) an assessment of the likely or potential environmental impacts of the proposed activities and the alternatives, including the

direct and indirect, cumulative, short-term and long-term effects;

- (e) an identification and description of measures available to mitigate the adverse environmental impacts of proposed activity or activities and assessment of those mitigative measures; and
- (f) an indication of gaps in knowledge and uncertainty which may be encountered in computing the required information.

Environmental
assessment
process.

6. Whenever the Department determines that there is a need for an environmental impact assessment on a project, the environmental impact assessment process shall include—

24 of 2007.

- (a) the preparation of the terms of reference;
- (b) a review by the Committee as provided in Regulation 26 of these Regulations;

24 of 2007.
15 of 2020.

- (c) where approval is recommended by the Committee, the development and implementation of an Environmental Compliance Plan that meets the approval of the Committee.

Categories of Projects

- 7.** All undertakings, projects or activities specified in Schedule I shall require an environmental impact assessment. The scope and extent of the environmental impact assessment shall be determined by the Department. Undertakings requiring an EIA. Schedule I.
- 8.** The Departments shall determine or cause to be determined whether any of the undertakings, projects or activities specified in Schedule II require an environmental impact assessment or a limited level environmental study. Undertakings where an EIA is discretionary. Schedule II. 24 of 2007.
- 9.** An environment impact assessment shall not be required in respect of— Excluded projects.
- (a) educational and health projects (except building construction); 24 of 2007.
 - (b) computer processing projects;
 - (c) projects to be carried out during declared national emergency for which temporary measures have been taken by the Government. 24 of 2007.
- 10.**—(1) Where pursuant to regulation 8 the Department decides that an environmental impact assessment is not required but that a limited level environmental study is required, then the developer may proceed with the drafting and subsequent approval by the Department, of the terms of reference for that undertaking or project. Statement not required. 24 of 2007.
- (2) Where pursuant to regulation 8 the Department decides that neither an environmental impact assessment nor a limited level environmental study is required, then the developer may proceed with the developmental project or undertaking, subsequent to the granting of environmental clearance by the Department, subject to any other Act or regulation or guidelines

or conditions laid down by the Department, and the payment of an environmental monitoring fee.

Notification.
24 of 2007.

11. Every developer shall, before proceeding with the final design of an undertaking, notify the Department in writing, and providing such details and information as the Department may require concerning the proposed undertaking.

Projects.
Schedule I.

12. The Department shall not consider or decide upon a scheme of the types detailed in Schedule I unless an environmental impact assessment has been prepared in respect of such undertaking.

Report.

13.—(1) Where, pursuant to regulation 8, the Department decides that an environmental impact assessment is required, it shall order an environmental impact assessment.

24 of 2007.

(2) The Department may at the request of the developer provide the developer with guidelines for the preparation of an environmental impact assessment for a fee.

(3) The developer shall—

- (a) undertake the necessary study for the preparation of an environmental impact assessment or a limited level environmental study; and
- (b) submit the environmental impact assessment or a limited level environmental study to the Department by the prescribed date.

SCREENING OF UNDERTAKINGS

Examination.
24 of 2007.

14. The Department shall, within thirty days of the receipt of the details or information referred to in regulation 11, examine or cause to be examined the information contained therein to determine whether—

- (a) an environmental impact assessment is required;
- (b) subject to regulation 8, an environmental impact assessment or a limited level environmental study may be required; or
- (c) an environmental impact assessment is not required.

24 of 2007.

15.—(1) The developer shall submit draft terms of reference in writing to the Department for the purposes of an environmental impact assessment.

Draft terms of reference.

(2) The draft terms of reference referred to in subsection (1) shall contain such information as may be required by the Department.

16.—(1) The Department shall examine or cause to be examined the draft terms of reference submitted pursuant to Regulation 15 to determine whether they are adequate to form the terms of reference for the environmental impact assessment.

Examination of draft.

(2) The Department shall advise the developer as to whether the draft terms of reference are satisfactory and adequate.

(3) Where the draft terms of reference are unsatisfactory, the Department shall direct the developer to modify the draft in such manner as the Department deems necessary.

17. Where the terms of reference for the environmental impact assessment have been agreed between the developer and the Department, and approved in writing by the Department, the developer shall commence the environmental impact assessment and submit the same to the Department by the specified date.

Assessment commenced.

18.—(1) During the course of an environmental impact assessment, the developer shall provide an opportunity for

Public participation.
24 of 2007.

public consultations between the developer and interested members of the public, especially within or immediately adjacent to the geographical area of the proposed undertaking, in order—

- (a) to provide information concerning the proposed undertaking to the people whose environment may be affected by the undertaking; and
- (b) to record the concerns of the local community regarding the environmental impact of the proposed undertaking.

(2) At any time during an environmental impact assessment of a proposed undertaking the Department may invite written comments from interested persons concerning the environmental impact of an undertaking.

(3) The Department may forward the written comments under subsection (2) to the developer who shall answer any pertinent questions raised in such written comments.

(4) The procedure for public contact and involvement shall be determined by the Department.

19. A report of an environmental impact assessment shall include the following—

- (a) Cover Page. A single page listing the title of the proposed project and its location; the name, address, and telephone number of a contact person, a designation of the report as draft or final;
- (b) Summary. A summary of the proposed project, preferably not exceeding 15 pages in length, accurately and adequately describing the contents of the EIA report. The summary

Report of
environmental
impact
assessment.

24 of 2007.

should highlight the conclusions, areas of controversy and issues remaining to be resolved;

- (c) Table of Contents. A list and page number index of the chapters, sections and subsections in the EIA report, including a list of tables and a list of figures and appendices;
- (d) Policy, Legal and administrative Framework. Any policy, legal or administrative issues that may have an impact on the proposed development;
- (e) A description of the development proposed, comprising information about the site, the design and size and scale of the development, and its immediate surroundings;
- (f) A description of the environment (local and regional);
- (g) Significant Environmental Impacts. The data necessary to identify and assess the main effects which the proposed development is likely to have on the environment;
- (h) A description of the likely significant effects, direct and indirect, on the environment of the development, explained by reference to its possible impact on—
 - (i) human beings;
 - (ii) flora;
 - (iii) fauna;
 - (iv) soil;

15 of 2020.

- (v) water;
 - (vi) air;
 - (vii) climate;
 - (viii) material assets, including the natural heritage and landscape;
 - (ix) natural resources;
 - (x) the ecological balance;
 - (xi) the Outstanding Universal Values ascribed under the World Heritage Site Designation to the area under development; and
 - (xii) any other environmental factors which need to be taken into account.
- (i) A presentation of all reasonable alternatives in comparative form, exploring each alternative, including the no-action alternative, and the reason why certain alternatives were recommended or eliminated. The object is to identify the least environmentally damaging alternative that satisfies the basic purpose and the need for the proposed action;
- (j) Environmental consequences of the project as proposed, and the alternatives, identifying any adverse effects that cannot be avoided if the action is implemented, all mitigation measures to be employed to reduce adverse effects, the relationship between short-term uses of the environment and the enhancement of long-term productivity, and any irretrievable or irreversible commitments of resources that

would occur if the action were implemented as proposed;

- (k) A mitigation plan;
- (l) A monitoring plan;
- (m) Inter-agency and public/non-governmental organisations involvement;
- (n) Report on public hearings or public consultations (if any); 24 of 2007.
- (o) A summary in non-technical terms of the language specified above;
- (p) A list, accompanied by a summary of the resume, of all those persons that participated in the development of the environmental impact assessment report.

20.—(1) A person who has submitted an environmental impact assessment which fulfils regulation 21(1)(b), shall publish a notice, vetted and approved by the DOE, in at least two widely circulated newspapers for two consecutive weeks. This notice shall contain— Publication.
24 of 2007.

- (a) the name of the applicant;
- (b) the location of the land or address in respect of which the environmental impact assessment relates;
- (c) a statement that application has been made and indicate the location and nature of the proposal to which the application relates;

- (d) a statement that an environmental impact assessment has been prepared in respect of the proposal;
- (e) the name of a place where a copy of the environmental impact assessment may be inspected free of charge;
- (f) specifying the times and the period (being the prescribed period) during which the environmental impact assessment can be so inspected;
- (g) a statement that any person may during the prescribed period make objections and representations to the Department in relation to the effects of the proposed project activity on the environment;
- (h) the date on which the environmental impact assessment shall be available to the public;
- (i) the deadline and address for filing comments on the conclusions and recommendations of the environmental impact assessment.

24 of 2007.

(2) An environmental impact assessment submitted by a developer shall be accompanied by a copy of the published newspaper advertisement submitted to the Department within one week of the submission of the EIA report.

Action after receipt of EIA.

15 of 2020.

21.—(1) Upon receiving the environmental impact assessment, the Department—

- (a) may direct that copy of the environmental impact assessment be made available for inspection by interested persons;

- (b) shall examine the environmental impact assessment or cause the same to be examined to determine whether it complies with the previously agreed terms of reference; and
- (c) shall examine the environmental impact assessment or cause it to be examined to determine whether—
 - (i) further environmental assessment is required; or
 - (ii) any significant harmful impact is indicated.

(2) The Department shall cause the environmental impact assessment and its summary report to be placed before the Committee for approval or otherwise if the Department—

105 of 2020.

- (a) is satisfied in its checks for completeness with the previously-agreed terms of reference; and
- (b) has prepared its summary report as to whether further environmental assessment is required or whether any significant harmful impact is indicated in it.

22.—(1) The Department shall advise the developer of its decision within sixty days after the completed environmental impact assessment has been received by the Department.

Advice to the Developer.

(2) Until the developer is advised under subregulation (1), the developer shall not commence or proceed with the undertaking.

(3) Where a developer is required to supply further or additional information in respect of environmental impact assessment then the environmental impact assessment shall not be deemed to have been completed until the developer has

supplied such further or additional information to the satisfaction of the Department.

Conditions to be set by Department. 24 of 2007. 15 of 2020. 105 of 2020.

23.—(1) The Department may approve an environmental impact assessment or a limited level environmental study subject to such conditions as may be specified by the Department, including a requirement for the Developer to sign an Environmental Compliance Plan (ECP) that meets the approval of the Committee, containing the conditions specified by the Department, and the payment of an environmental monitoring fee.

(2) The Developer shall, notwithstanding any other legal obligation, not proceed with the undertaking, project, programme or activity until and unless the Developer has signed an environmental compliance plan and received environmental clearance from the Department.

(3) Any person who carries out an undertaking, programme, project or activity in breach of any condition laid out under subregulation (1) commits an offence, and apart from the Department revoking the ECP, is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(4) Any person who carries out an undertaking, programme, project or activity in breach of subregulation (2) commits an offence and is liable on summary conviction to a fine not less than five thousand dollars and not exceeding twenty-five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

15 of 2020.

(5) The payment of an environmental monitoring fee shall not be required if—

- (a) the developer is a public agency; or
- (b) where the project is for the public good.

24. Where the environmental impact assessment is deficient in any respect, the Department may on the recommendation of the Committee require the developer—

Statement
deficient.
15 of 2020.

- (a) to conduct further work or studies;
- (a) to supply further information;
- (c) to amend the environmental impact assessment accordingly; and
- (d) to resubmit the environmental impact assessment by a later mutually agreeable date.

25.—(1) The Department, on the recommendation of the Committee, may require a public hearing or public consultation in respect of any undertaking, project or activity in respect of which an environmental impact assessment is required pursuant to these regulations.

Public hearings.
15 of 2020.

(2) In order to determine whether an undertaking, project or activity requires a public hearing or public consultation, the Department shall take into account the following factors—

- (a) the magnitude and type of the environmental impact, the amount of investment, the nature of the geographical area, including Outstanding Universal Values ascribed to the area under a World Heritage Site designation, and the commitment of the natural resources involved in the proposed undertaking, project or activity;
- (b) the degree of interest in the proposed undertaking, project or activity by the public, the Department and other government agencies, as evidenced by the public participation in the proposed undertaking, project or activity;

15 of 2020.

24 of 2007.

- (c) the complexity of the problem and the possibility that information presented at a public hearing or public consultation may assist the developer to comply with its responsibilities regarding the proposed undertaking, project or activity.

Appointment and
composition of
the Committee.
24 of 2007.
15 of 2020.
105 of 2020.

26.–(1) There shall be appointed by the Minister a Committee whose function shall be to–

- (a) review and recommend approval or otherwise of the environmental impact assessments;
- (b) advise during the review stage, the Department of the adequacy or otherwise of environmental impact assessments;
- (c) advise during the review stage, the Department of circumstances where a public hearing or public consultation is desirable or necessary;
- (d) make recommendations to the Department on ways to improve the efficiency and effectiveness of the environmental impact assessment process; and
- (e) examine the information submitted in environmental impact assessments on the basis of scientific evidence and facts concerning social, economic and ecological considerations.

24 of 2007.
15 of 2020.

(2) The Committee shall comprise the following sixteen suitably qualified persons–

- (a) the Chief Environmental Officer or his nominee;

- (b) the Commissioner of Lands and Surveys or his nominee
- (c) the Director of Health Services or his nominee;
- (d) the Chief Forest Officer or his nominee;
- (e) the Fisheries Administrator or his nominee;
- (f) the Chief Meteorologist or his nominee;
- (g) the Director of Geology and Petroleum or his nominee;
- (h) the Chief Engineer or his nominee;
- (i) the Chief Executive Officer of the ministry responsible for environment;
- (j) the Financial Secretary or his nominee;
- (k) the Chief Executive Officer of the ministry responsible for trade or his nominee;
- (l) a suitably qualified person trained in coastal zone or marine resources management or related field;
- (m) a suitably qualified person trained in human development or social services;
- (n) a suitably qualified person representing a tertiary level institution; and
- (o) two registered non-governmental or private sector Representatives who shall serve for a period not exceeding two years.

(3) Nine members shall constitute a quorum for meetings of the Committee.

(4) The Chief Executive Officer of the ministry responsible for environment shall be the Chairperson of the Committee.

(5) Every member of the Committee shall have a right to vote.

(6) The Chairperson may co-opt persons to the Committee in order to strengthen technical expertise required in the review of an environmental impact assessment.

(7) A person co-opted under subregulation (6) shall not have the right to vote.

(8) The Chief Environmental Officer shall act as the Secretary of the Committee.

(9) Subject to the Act and these Regulations, the Committee may regulate its own proceedings.

(10) Every question before a meeting of the Committee shall be decided by a majority of the votes of the members present at the meeting.

(11) On every question before a meeting, the Chairperson shall have a deliberative vote and in the case of an equality of votes, he shall also have a casting vote.

Factors for consideration of the Committee.

27.—(1) Every screening of a project and every assessment by the Committee shall include a consideration of the following factors, that is—

- (a) the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are

likely to result from the project by taking into consideration other projects or proposed projects that have been or will be carried out;

- (b) the significance or the seriousness of those effects;
- (c) comments concerning those effects received from the public in accordance with the provisions of these Regulations;
- (d) measures that are technically and economically feasible and that would mitigate or prevent any significant or serious adverse environmental effects of the project.

(2) In addition to the factors set out in subregulation (1) of this Regulation, every environmental impact assessment of a project, program or activity and every assessment by the Committee shall include a consideration of the following factors, that is—

- (a) the purpose of the project;
- (b) alternative means of carrying out the projects that are technically and economically feasible and the environmental effects of any such alternative means;
- (c) the need for and the requirements of any follow up program in respect of the project;
- (d) the short-term or long-term capacity for regeneration of renewable resources that are likely to be significantly or seriously affected by the project; 15 of 2020.
- (e) the proposed net benefit to the local economy, impact on local communities, and any 15 of 2020.

conflicts with any existing natural resource management plans or programmes in the area;

15 of 2020.

- (e) any other matter that the Committee at the request of the Department may require.

Appeal process.
24 of 2007.

28. Where the Department has decided that a project, programme, undertaking or activity shall not proceed, the developer may, within twenty-one days after the Department's decision appeal, in writing, to the Minister against the decision of the Department.

Appointment of
Tribunal.
24 of 2007.

29.—(1) Upon the making of an appeal under regulation 28, the Minister shall cause to be appointed a Tribunal to hear and determine all appeals made pursuant to the Act to the Tribunal.

(2) A Tribunal for the purposes of the Act shall be constituted of—

- (a) a Magistrate appointed by the Chief Magistrate or Judge nominated by the Chief Justice, who shall be the Chairman of the Tribunal;
- (b) one member appointed by the Minister from among persons who have academic knowledge or training in environment, natural resource management or other related disciplines;
- (c) the Senator representing Private Sector—

Provided that no serving member of the Department or member of the Committee or an individual involved or associated with the project in question shall be appointed as a member of the Tribunal.

30.—(1) The Tribunal shall make rules to regulate its procedure for hearing appeals (provided that such procedure shall comply with the rules of natural justice).

Procedure for hearing appeals.

(2) In the event of any doubt or dispute arising from any question of practice and procedure, it may be settled by the Chairman of the Tribunal, whose decision shall be final.

(3) The decisions of the Tribunal shall be by a majority.

(4) The Tribunal shall not be bound by rules of evidence and shall admit as evidence any matter, which in its opinion shall assist it to arrive at a just and equitable decision in accordance with the Act and these Regulations.

(5) The Tribunal shall have power to confirm, vary, amend or alter a decision made by the Department or reverse or substitute such decision for any decision which is just and equitable and which is in the interest of the protection and management of the environment or the conservation and sustainable use of Belize's natural resources.

(6) In the event that the Tribunal shall vary, amend or alter or reverse a decision of the Department, the Tribunal shall provide this decision in writing, and refer the matter back to the Department for the preparation of an environmental compliance plan and other requirements necessary under these regulations.

31. All members of the Tribunal shall be present at all hearings of the Appeal.

Quorum.

32. An appeal under regulation 28 against a decision of the Department shall not have the effect of suspending the execution of such decision.

Effect of appeal.

33.—(1) Any person who wilfully supplies false and misleading information on any application as *per* regulation 11 commits an offence.

Offences and penalties.
24 of 2007.

Repeal and
replace.
24 of 2007.

(2) Any person who contravenes the provisions of these Regulations commits an offence, and shall be liable on summary conviction to a fine not less than five thousand dollars and not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(3) No prosecution for an offence under these Regulations shall be instituted except with the leave of the Department or of the Director of Public Prosecutions, as provided in section 42 of the Act.

Non-refundable
application fee.

24 of 2007.
15 of 2020.

34.—(1) In accordance with regulation 11, the developer shall submit a non-refundable application fee of \$500 for the notification and submission of a proposal for environmental clearance.

(2) Where an undertaking, project or activity falls within Schedule 1, the developer shall pay to the Department an additional non-refundable application fee of \$5,000, along with the notification and information required by regulation 11.

Schedule II.

(3) Where an undertaking, project or activity falls within Schedule II or where the Department determines that a Limited Level Environmental Study is required under regulation 3(2), the developer shall pay to the Department an additional non-refundable application fee of \$2,500; and in cases where the department determines that an EIA is necessary, the developer shall pay a further non-refundable application fee of \$2,500.

15 of 2020.

(4) Where the developer is a public agency or where the project is for the public good, there shall be no application fee.

Compliance
inspection.

24 of 2007.

35. The Department may, from time to time, make such arrangements as appear appropriate to ensure that the developer complies with the terms and conditions of the environmental compliance plan under the Regulation made under the principal Act, and in particular may require performance bonds or guarantees at an appropriate level in respect of that compliance.

MADE by the Minister responsible for the Environment this
11th day of August, 1995.

(HENRY YOUNG)
Minister of Tourism and the Environment

SCHEDULE I¹

The following shall be considered as Schedule I projects:

An Environmental Impact Assessment shall be completed for any project, program, undertaking or activity with the following purposes:

1. Aquaculture Projects

- (a) Any research or commercial scale aquaculture project within wetland and floodplain areas.
- (b) Construction or expansion of an aquaculture research or commercial facility with production capacities of 75 Tons Per Annum or more of unprocessed aquaculture produce.
- (c) Any seabed-based marine culture or fresh water cage culture aquaculture facility to be established within 15 acres of production area for the purpose of producing any aquaculture produce.
- (d) Any marine aquaculture facility to be established within a 5 mile radius of the Belize Barrier Reef or any major coral reef system.
- (e) Any aquaculture facility or operation involving the culture of any aquatic flora or fauna not native or not commercially cultured in Belize.
- (f) Any freshwater aquaculture facility either utilizing a total pond production area of 50

¹ This Schedule was inserted by S.I. 24 of 2007.

acres or more, or a total daily water abstraction rate greater than 5 million gallons per day.

2. Cement

- (a) Production of cement.

3. Chemical Industry

- (a) The treatment of intermediate products and production of chemicals (insecticides, fungicides, herbicides and other pesticides).
- (b) The production of pesticides or pharmaceutical products, paints, varnishes, elastomers or peroxides.
- (c) The production of industrial carbon.
- (d) The production of alkalis.
- (e) The installation of electrochemical (metallic sodium, potassium and magnesium chlorides, perchlorates and peroxides) plant.
- (f) The production of electro-thermal products (artificial abrasive, calcium carbides).
- (g) The production of phosphorous and its compounds.
- (h) The production of nitrogenous compounds (cyanide, cyanamide and other nitrogenous compounds).
- (i) The production of halogens and halogenated compounds (chlorine, fluorine, bromine and iodine).

- (j) The production or storage depots of explosives (including industrial explosives, detonators and fuses).
 - (k) The production of any hazardous substances listed in Part I of the Schedule to the Act.
- 4. Dams and Waterworks
 - (a) Major waterworks: alteration of river banks and shoreline, alteration of ground water, diversion of water courses, modification of stream flows.
 - (b) Construction of large dams, impoundments or other installation designed to hold water or store it on a long– term basis.
 - (c) Large irrigation works.
 - (d) Construction of Large drainage canals.
- 5. Drugs and Pharmaceuticals
 - (a) Manufacturing of drugs and pharmaceuticals including vitamins and antibiotics.
- 6. Energy Generation and Distribution Projects
 - (a) Any large installation for the production of 15 megawatts of electricity or other forms of energy.
 - (b) A large industrial installation for the storage of natural gas, or more than 10,000 barrels of fuel/petroleum products.
 - (c) Any major project involving the transmission or distribution of energy by overhead or

underwater project outside of an existing corridor.

7. Housing/Subdivisions

- (a) Large scale housing developments or a subdivision on mainland involving the proposed construction of more than 300 houses.
- (b) Housing developments of more than 50 houses on the Cayes or Islands.

8. Infrastructure Projects

- (a) The construction of industrial estate developments for heavy industries.
- (b) The construction of new national highways, and other roads of more than 10 miles in length.
- (c) The construction of new townships.
- (d) The construction of a large harbour, a marina, shipping port, trading port, an inland waterway which permits the passage of vessels or a port for inland waterway traffic capable of handling such vessels.
- (e) A waste-disposal installation for the incineration or chemical treatment or disposal of waste, or installation designed solely for the temporary storage of waste.
- (f) Any airport having an airstrip of 2,000 metres or longer.

- (g) Any major installation of transmission lines by overhead, underground, or underwater cables or other methods of installation.
 - (h) Construction of hotels, resort facilities and golf courses within or in close proximity of the boundaries of a protected area or a World Heritage Site.
- 9. Land Reclamation and/or land Creation
 - (a) Dredging for land reclamation and/or creation of projects utilizing a volume of material of more than 50,000 cubic yards along the coast, cayes and ecologically sensitive waterways.
 - (b) Any land reclamation or creation project in excess of ten acres along the coast or within a wetland.
- 10. Mining and Industrial Processing of Ores
 - (a) Any large installation for the processing of mineral ores.
 - (b) An installation for the processing of metallic ores (including smelting, electro-plating, refining, drawing or rolling).
 - (c) Any large-scale mining of minerals.
- 11. Paper Industry
 - (a) The manufacturing of paper for writing, printing and wrapping.
 - (b) The manufacture of newsprint paper.

- (c) The manufacture of wood pulp (mechanical, chemical including dissolving pulp).

12. Petroleum

- (a) Petroleum development and production.
- (b) Petroleum refining.

13. Rubber Industry (natural and synthetic)

- (a) The manufacture and treatment of elastomer-based products.
- (b) Production of natural and synthetic rubber.
- (c) Production of tires and tubes.
- (d) Production of surgical and medical products including prophylactics and latex products.
- (e) The manufacturing of footwear, and other rubber goods.

14. Other Projects

- (a) An integrated chemical installation, that is to say, an industrial installation or group of installations where two or more linked chemical or physical processes are employed.
- (b) *Repealed by S.I. No. 15 of 2020.*
- (c) Any logging operation within a forest reserve.
- (d) Logging or conversion of forest land, employing the clear fell method utilizing a chain, cable or other device pulled between two bulldozers or other vehicle. 15 of 2020.

15 of 2020.

CAP. 215.

- (e) Logging operations of more than 100 acres adjacent to any protected area or World Heritage Site declared under the National Protected Areas System Act.
- (f) Any Large-scale agro-processing plant.
- (g) Clearing of more than 300 acres of land.
- (h) Clearing of more than 10 acres of mangroves in ecologically sensitive areas.
- (i) Ground water abstraction works of more than 5 million gallons per day.
- (j) The establishment of Commercial Free Zones (CFZ)
- (k) The establishment of Designated Processing Areas (DPA).
- (l) Any proposed development project, undertaking or activity within any protected area or World Heritage Site (terrestrial and marine).

SCHEDULE II¹

The following projects may require an environmental impact assessment or limited level environmental study depending on the location and size of the project:

1. Aquaculture

- (a) Construction or expansion of a marine aquaculture research or commercial facility with production capacities of less than 75 Ton Per Annum of unprocessed aquaculture produce.
- (b) Any seabed-based marine aquaculture facility which will utilize less than 15 acres of production area for the purpose of producing any aquaculture produce.
- (c) Any aquaculture facility or operation involving the culture of any aquatic flora or fauna already under commercial production in Belize.
- (d) The establishment of any processing facility in Belize for the processing of any aquaculture commodity.
- (e) The establishment of any hatchery facility in Belize for the purpose of producing freshwater and marine seedstocks either for aquaculture or restocking purposes.

2. Agriculture

- (a) Commercial poultry-rearing.

¹ This Schedule was inserted by S.I. 24 of 2007.

- (b) Commercial pig-rearing of more than 10 sow breeding herd.
- (c) Planting and cultivation of agriculture plots of more than 200 acres (e.g. citrus, banana, sugar cane, vegetable).
- (d) Cultivation of cotton (*Gossypium* spp) in a plot larger than 50 acres.
- (e) Cultivation of high agrochemical input commodity (e.g., bananas for export) on plots larger than 50 acres or near to sensitive water resources.
- (f) Post-harvest treatment utilizing radiation energy.

3. Chemical Industry

- (a) The storage of any petroleum, petrochemical or chemical products.

4. Dredging and Land Reclamation schemes

- (a) Dredging for land reclamation and/or creation for projects utilizing a volume of material of less than 50,000 cubic yards along the coast, cayes and ecologically sensitive areas; and
- (b) Any land reclamation or creation project in excess of 1 acre up to 10 acres along the coast, cayes, ecologically sensitive waterways, or within a wetland.

15 of 2020.

5. Energy Industry

- (a) The surface storage of natural gas, coal or lignite on a large scale commercial basis.

- (b) The underground storage of combustible gases.
- (c) The storage of fossil fuels of 5,000 gallons or more.
- (d) The industrial briquetting of coal or lignite.
- (e) Any installation for the production of electricity, steam and hot water.

6. Fertilizers

- (a) Production of Nitrogenous fertilizer.
- (b) Production of Phosphatic fertilizer.

7. Fisheries

- (a) Construction of fishing harbours or large fishing piers.
- (b) Expansion and restoration works for fish processing plants, harbour or large piers involving 50 percent or more in fish landing capacity per annum.

8. Food Industry

- (a) The manufacture of vegetable or animal oils or fats.
- (b) The packing or canning of animal or vegetable products.
- (c) The manufacture of dairy products.
- (d) Brewing or malting.

- (e) Confectionery or syrup manufacture.
- (f) An installation for the slaughter of animals and/or subsequent processing activities related thereto.
- (g) An industrial starch manufacturing installation.
- (h) Any citrus processing installation.

9. Forestry

- (a) Conversion of hill forest land (with slopes greater than 25 degrees) to other land use.
- (b) Logging or conversion of forest land use within the catchment area of reservoirs used for municipal water supply, irrigation or hydro-power generation or in areas adjacent to national parks or protected areas.
- (c) Logging or conversion of forest land adjacent to national parks, nature reserve, wildlife sanctuary, archaeological sites or any protected area declared under the National Protected Areas System Act.
- (d) Logging or conversion of forest land, employing the clear fell method, covering areas between 100 and 300 acres.
- (e) Clearing of fringing mangrove vegetation on islands or adjacent to marine or forest reserves for industrial, housing or agricultural use.

CAP. 215.

10. Glass or Ceramic Making

- (a) The manufacture of glass or ceramics.

11. Housing

- (a) Large scale housing developments or subdivisions involving the proposed construction of more than 100 houses but less than 300 houses.
- (b) Housing developments, subdivisions, agricultural developments or any other type of developmental project that could affect established biological corridors.

12. Infrastructure Projects

- (a) An urban development project of less than 300 acres.
- (b) The construction of a road, or airstrip or an airport of less than 2000 meters in length.
- (c) Canalization or flood relief works.
- (d) A dam or other installation designed to hold water or store it on a long-term basis.
- (e) An oil or-gas pipeline installation of less than 5 miles in length.
- (f) A long-distance aqueduct.
- (g) The lease or sale of less than 500 acres of National Land.
- (h) Any activity involving stream alterations or diversions.

13. Medical Facilities

- (a) The construction of hospitals.

-
14. Mining and Processing of Minerals
- (a) Any small-scale mining and processing of minerals
 - (b) Extracting minerals such as marble, sand, gravel, shale, salt, phosphates and potash.
 - (c) Mining of river sand and gravel of volumes greater than 15,000 cubic yards.
15. Paper and Pulp (including Paper Products)
- (a) Paper board.
 - (b) Paper for packaging (corrugated papers, craft paper, paper bags, paper containers and the like).
 - (c) Sanitary paper.
 - (d) Cigarette paper.
 - (e) Other paper products.
16. Petroleum
- (a) Petroleum exploration activities such as seismic surveys.
17. Resort and Recreational Development
- (a) Construction of hotels, golf courses or large-scale coastal resort facilities.
 - (b) Development of tourist or recreational facilities in or adjacent to national parks or protected areas.

- (c) Development of tourist or recreational facilities on cayes or islands.

18. Textile, Leather, and Wood Industries

- (a) A wool scouring, de-greasing and bleaching factory.
- (b) The manufacture of fibre board, particle board for plywood.
- (c) A fibre-dyeing factory.
- (d) A leather tanning or leather dressing factory.

19. Water Abstraction (Ground and Surface Water)

- (a) Deep drilling, including in particular: drilling for water supplies.

20. Other Projects

- (a) A resort facility or hotel complex.
- (b) Operation of activities of a Cruise Ship and Live Aboard vessel.
- (c) A permanent race track or test track for cars or motor cycles.
- (d) A wastewater treatment plant.
- (e) The storage of scrap iron
- (f) The manufacture of artificial mineral fibres.
- (g) Rural water supply and sanitation projects or programmes.

- (h) Agro industries.
- (i) Rural electrification.
- (j) Installation of Printing establishments.
- (k) Hospital and medical laboratories (other than those specified in Schedule I).
- (l) Any project mentioned in schedule I and II where there is an expansion of more than 50% over and above the existing project.
- (m) The modification of a development which has been carried out, where that development is within a description mentioned above.

SCHEDULE III¹

The following are Guidelines to be used by permitting and/or licensing agencies to determine when a project, programme, undertaking or activity is to be sent to the Department of the Environment for Environmental Clearance.

The following guidelines shall apply to all Schedule II project, programme, undertaking or activity, and shall be strictly followed by all government agencies in considering whether the project, programme, undertaking or activity shall be referred to the Department—

1. All applications for development in coastal areas or offshore cayes or island or World Heritage Site. 15 of 2020.

2. All applications for development near or in ecologically sensitive areas (such as but not limited to swamps, marshes, mangrove forest, lagoons, barrier reef, flood plain etc.).

3. All applications for development within or in close proximity to the following areas:

(a) Any protected area.

(b) Critical habitats for protected, threatened, or endangered species of flora and fauna.

(c) Primary Biological Corridors.

(d) World Heritage Sites. 15 of 2020.

4. All developments which discharge industrial effluent unto soil or water, including air emissions.

¹ This Schedule was inserted by S.I. 24 of 2007.

5. All applications involving the building of sewage treatment and disposal systems. This includes all plants which have an initial projected output of more than fifty thousand (50,000) gallons per day of sewage.
6. Applications with proposed sites located in the primary flood plain of a major river or stream.
7. Proposals at sites which are in close proximity to vulnerable areas (unstable soils, gully, stream banks or steep slopes more than 25 degrees).
8. All applications for development in major watershed areas.
9. Proposals which necessitate the clearing of large areas (more than 500 acres) of vegetation.
10. All applications for small scale extraction and processing of minerals.
11. All activities related to the petroleum sector.
12. Any desalination plant proposing to extract more than 5 million gallons per day.

MADE by the Minister responsible for the Environment this 15th day of March, 2007.

(JOHN BRICEÑO)

Minister of Natural Resources and the Environment

CHAPTER 328

**ENVIRONMENTAL PROTECTION (EFFLUENT
LIMITATIONS) REGULATIONS**

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CHAPTER 328

**ENVIRONMENTAL PROTECTION (EFFLUENT
LIMITATIONS) REGULATIONS**

94 of 1995.
Act 22 of 1992.
CAP.328.
R.E.2020.
102 of 2009.

(Section 45)

[26th August, 1995.]

PART I

Preliminary

1. These Regulations may be cited as the

Short title.

**ENVIRONMENTAL PROTECTION (EFFLUENT
LIMITATIONS) REGULATIONS.**

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“Act” means the Environmental Protection Act;

CAP.328.

“Class I waters” means waters that, due to inherent or unique environmental characteristics or fragile biological or ecological characteristics or human use, are particularly sensitive to the impacts of domestic effluent. Class I waters include, but are not limited to—

102 of 2009.

- (a) waters containing coral reefs, seagrass beds, or mangroves;
- (b) critical breeding, nursery or forage areas for aquatic and terrestrial life;
- (c) areas that provide habitat for species protected under the Protocol Concerning Specially

Protected Areas and Wildlife to the Convention (the SPAW Protocol);

(d) protected areas listed in the SPAW Protocol; and

(e) water used for recreation.

102 of 2009.

“Class II waters” means waters other than Class I waters, that due to oceanographic, hydrologic, climatic or other factors are less sensitive to the impacts of domestic effluent and where humans or living resources that are likely to be adversely affected by the discharges are not exposed to such discharges;

“Department” means the Department of the Environment established under section 3 of the Act;

102 of 2009.

“Domestic effluent” means all discharges from households, commercial facilities, hotels, septage and any other entity whose discharge includes the following—

(a) toilet flushing (black water);

(b) discharges from showers, wash basins, kitchens and laundries (grey water); or

(c) discharges from small industries, provided their composition and quantity are compatible with treatment in a domestic wastewater system;

“effluent” means sewage or industrial effluent;

102 of 2009.

“Existing domestic wastewater systems” means a publicly or privately owned domestic wastewater collection systems, or collection and treatment systems, that were constructed prior to December 2000.

“Household systems” means on-site domestic wastewater disposal systems for homes and small commercial businesses in areas of low population density, or where centralized collection and treatment systems of domestic wastewater are not economically or technologically feasible. Household systems include, but are not limited to, septic tanks and drain fields or mounds, holding tanks, latrines and bio-digesting toilets; 102 of 2009.

“industrial effluent” means any liquid water or wastewater discharged from any industrial or commercial premises; 102 of 2009.

“inland waters” includes any reservoir, pond, lake, river, stream, canal, drain, spring or well, any part of the sea abutting on the foreshore, and any other body of natural or artificial surface or subsurface water;

“licence” means a licence granted to a person under these Regulations;

“licensed premises” means premises occupied by a person who is the holder of a licence issued in respect of the premises under these Regulations;

“New domestic wastewater systems” means publicly or privately owned domestic wastewater collection systems, or collection and treatment systems, that includes existing domestic wastewater systems which have been subject to substantial modifications after such entry into force; 102 of 2009.

“parameter” means any of the factors shown in the first column of the First Schedule or of the Second Schedule and any other factors which may be prescribed. First Schedule. Second Schedule.

“sewage” means any liquid waste or wastewater discharge containing human, animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution;

“sewer” means any line of pipes or channel with their appurtenances designed and used to convey effluent;

“sewerage system” means a system incorporating sewers and all other structures, devices, equipment, and appurtenances intended for the collection, transportation, and pumping of effluent including a treatment plant;

“treatment plant” means any facility for the conditioning of effluent to effect reduction or partial reduction of its potential to cause pollution;

102 of 2009.

“Wastewater collection systems” means any collection or conveyance system designed to collect or channel domestic wastewater from multiple sources.

Application.
102 of 2009.

3. These Regulations shall apply to discharges of effluent into any inland waters or the marine environment.

Installation of
antipollution
equipment.

4.—(1) The Minister may by order require that every industry shall install antipollution equipment for the detoxification of effluent and chemical discharges emanating from the industry.

(2) An installation made pursuant to paragraph (1) of this Regulation shall be based on the Best Practical Technology.

Parameter.
First Schedule.
Second
Schedule.

5. No person shall cause or permit any effluent to be discharged from any industry specified in the First or the Second Schedule in respect of which he is the owner or operator in quantities or concentration higher than those specified in the said Schedules.

Discharges into
Class I or Class
II waters.
102 of 2009.

6. Every person who discharges domestic effluent that adversely affects Class I or Class II waters, shall ensure that such Class I or Class II waters are treated by an existing domestic wastewater system whose effluent achieves the effluent limitations set out in Schedule III.

Third Schedule.

7.–(1) Every industry which discharges effluent shall ensure that such effluent can be assimilated by the receiving water into which the effluent is discharged.

Treatment of effluent.

(2) The Department shall be furnished from time to time with the composition of any effluent treated as specified in paragraph (1) of this Regulation.

8.–(1) All sewers and sewerage systems shall be maintained in a good working order and sanitary manner to the satisfaction of the Department.

Operation and maintenance of sewerage systems.

(2) The owner of any sewerage system shall keep daily weekly, and additional records in such forms as may be specified by the Chief Environmental Officer, of the operation and maintenance of the sewage purification plant and all such records shall be open for inspection by the officers of the Department.

PART II

New Sources of Discharge

9. Notwithstanding any other provisions of these Regulations, no person shall without prior written permission of the Department carry out any work on any premises that may result in a new source of effluent discharge or cause a material change in the quantity or quality of the discharge from an existing source.

Prohibition against new and altered sources of effluent discharge.

10.–(1) An application to carry out any work, building, erection or alteration specified in regulation 9 shall be submitted to the Chief Environmental Officer in the prescribed form and shall be accompanied by the fee prescribed under regulation 26.

Requirement and approval of plans.

(2) The Chief Environmental Officer may grant such application either subject to conditions or unconditionally and may require the applicant–

- (a) to repair, alter, replace or install control equipment;
- (b) to conduct a monitoring programme at his own expense or bear the cost of such programme within such period or at such time and in such manner as the Chief Environmental Officer may specify;
- (c) to modify the operation or process at a facility to reduce the volume or quality of effluent generated.

102 of 2009.

PART III

Acceptable Conditions of Discharge

Prohibition of discharge of effluent containing certain substances.

11. No person shall discharge or cause or permit the discharge of any of the following substances into any inland waters or into the marine environment—

- (a) any inflammable liquid;
- (b) any tar or other related liquids.

Standard methods of analysis of effluents.

Fourth Schedule.

12. For the purposes of these Regulations, the effluent discharged into any inland waters shall be analysed in accordance with the latest edition of the methods specified in the Fourth Schedule, as amended from time to time, or in accordance with such other methods of analysis as may be prescribed.

PART IV

Discharge of Effluent and Sludge onto Land

13. No person shall discharge or cause or permit the discharge of any effluent in or on any soil or surface of any land without the prior written permission of the Department.

Restrictions on the discharge of effluent.

14. No person shall discharge or cause or permit the discharge of any solid waste or sludge that is generated from any production or manufacturing processes or from any effluent treatment plant in or on any soil or surface of any land without the prior written permission of the Department.

Restrictions on the disposal of sludge.

PART V

Licence to Discharge Effluents

15.–(1) Subject to regulation 5, no person shall–

Licence for the discharge of effluents, etc.

- (a) discharge or cause or permit the entry into waters, on the ground or into the ground, of any effluent or any poisonous, noxious or polluting matter; or
- (b) construct, reconstruct or alter any works for the discharge of any effluent or any poisonous, noxious or polluting matter, except under and in accordance with a licence for the purpose granted by the Department under these Regulations.

(2) Every application to discharge effluents shall be in the form set out in the Fifth Schedule and an applicant for a licence shall pay to the Department the fee prescribed by regulation 27. The licence shall be in the form specified in the Fifth Schedule and shall be valid for a period of twelve months from the date of issue or for such period as is specified in the licence.

102 of 2009.

Fifth Schedule.

(3) A licence shall not be required if the discharge results from 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 these Regulations or any other law in force pertaining to such disposal.

102 of 2009.

(4) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years.

102 of 2009.

(5) In imposing any fine, the magistrate may order that any such fine imposed be paid to an environmental fund established by the Department.

Notice to supply information.

16.—(1) The Department may by notice in writing require the owner or operator of any sewage treatment plant, industrial waste treatment facility or any facility for the disposal of solid waste or any other facility for controlling pollution, to submit to the Department at such intervals as the Chief Environmental Officer may specify in the notice, information relating to all or any of the following—

- (a) the performance of the facility;
- (b) the quality of the effluent discharged;
- (c) the area affected by the discharge of effluents;
- (d) the steps being taken to abate or control pollution,

and such owner or operator as aforesaid shall comply with the requirements of the notice.

102 of 2009.

(2) Any person who refuses or fails to comply with the requirements of a notice under subregulation (1) shall be guilty of an offence and shall be liable on summary conviction to a fine

not exceeding five thousand dollars or to imprisonment for a term not exceeding two years.

17. Where due to accident or any unforeseen event in any industry, any poisonous, noxious or polluting matter is discharged or likely to be discharged into any land or inland waters, or the marine environment, the owner or operator of any such industry shall promptly notify the Department of any such occurrence and provide the Department with—

Furnishing information in certain cases. 102 of 2009.

- (a) description of the discharge of poisonous, noxious or polluting matter;
- (b) an assessment of any damage or potential damage to the public health or the environment associated with the discharge of poisonous, noxious or polluting matter;
- (c) a description of the resources allocated or to be allocated to deal with the discharge; and
- (d) evidence that he has taken steps to mitigate damage or contamination resulting from the discharge of poisonous, noxious or polluting matter.

18. An applicant for a licence or for the renewal or transfer of a licence shall, within seven days of the occurrence of any material change in any information furnished in his application or furnished in writing pursuant to a request by the Chief Environmental Officer, give the Department a report in writing of the change.

Reporting changes in information furnished for purposes of application.

19.—(1) The holder of a licence shall not make, or cause or permit to be made, any material change to the premises or in the matter of running, using, maintaining or operating the premises or in any operation or process carried on at the premises, which change causes, or is intended or is likely to cause, a material increase in the quantity or quality of effluent or both discharged

Making changes that alter quality of effluent.

from the premises, unless prior written approval of the Department has been obtained for the change.

(2) For the purposes of paragraph (1), material changes to licensed premises include—

- (a) any change in the construction, structure, or arrangement of the premises or any building serving the premises;
- (b) any change in the construction, structure, arrangement, alignment, direction, or condition of any sewer or sewerage system;
- (c) any change of, to, or in any plant, machine, or equipment used or installed at the premises; and
- (d) any changes in the use of raw materials.

Display of licence.

20. The holder of a licence shall display his licence in a conspicuous position in the principal building of the premises.

Continuance of existing conditions and restrictions in case of change of occupancy.

21. Where a person becomes the occupier of licensed premises in succession to another person who holds an unexpired licence in respect of the premises, then the conditions and restrictions of the licence shall be binding on the new occupier and shall be observed by him, notwithstanding that he is not yet the holder of the licence.

PART VI

Miscellaneous

Point of discharge.

22.—(1) The point or points of discharge of effluent shall be approved by the Department.

(2) The position and design of the outlet at the point or points of discharge of effluent into any inland waters or onto any land as determined in subregulation (1) shall not be altered or changed without the prior written approval of the Department.

(3) Wherever the concentration of any parameter of effluent discharged or to be discharged is mentioned in these Regulations, the reference, unless the context otherwise requires, is to the concentration as at the point of discharge approved in paragraph (1).

23. A person who discharges effluent into any inland waters, the marine environment or onto any land shall, in connection with such discharge, install such sampling test point or points inspection chambers, flowmeters, and recording and other apparatus as may, from time to time, be prescribed.

Provisions for inspection.

24. The Department may collect samples from any industry or areas adjoining the premises of the industry and carry out independent tests and analysis on such samples and the owner and operator of any such industry shall be liable to reimburse the Department for the full cost of the testing and analysis of such samples.

Collection etc. of samples.
102 of 2009.

25. An occupier of any premises shall provide the Chief Environmental Officer or any other officer duly authorized in writing by him every reasonable assistance or facility available at the premises that he may require for the purpose of taking action that he is empowered by the Act or these Regulations to take in respect of the premises.

Occupier to render assistance during inspections.

PART VII

Fees

26. The fee for a written permission under regulation 9 is one hundred dollars.

Fee for written permission.
102 of 2009.

Fee for licence including renewal of licence.
102 of 2009.

27.—(1) The annual fee for a licence issued under regulation 15 is five hundred dollars.

(2) The fee of three hundred dollars shall accompany the application under regulation 15(2) and shall not be refundable.

Fee for transfer of licence.
102 of 2009.

28. The fee for a transfer of licence is five hundred dollars.

PART VIII

Penalties

Offences and penalties.
102 of 2009.

29.—(1) Any person who contravenes the provisions of these Regulations for which no specific penalty is prescribed, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) No prosecution for an offence under these Regulations shall be instituted except with the leave of the Department or of the Director of Public Prosecutions, as provided in section 41 of the Act.

MADE by the Minister responsible for the Environment this 11th day of August, 1995.

(HENRY YOUNG)

Minister of Tourism and the Environment

FIRST SCHEDULE¹
[Regulations 2 and 5]

EFFLUENT

EFFLUENT STANDARDS

Plastic and Synthetics:

BOD ₅	10mg/L
Total Suspended Solids (TSS)	30mg/L
COD	40mg/L
Phenolics Less Than	0.50mg/L
Zinc Less Than	1.0mg/L
Chromium Less Than	0.10mg/L
Oil and Grease	10.0mg/L
Fluoride (F-) Less Than	1.0mg/L
Copper (CU ²⁺) Less Than	0.05mg/L

Food Processing:

BOD ₅	15mg/L
Oil and Grease	15mg/L
Suspended Solids	15mg/L
PH	6–9 units
NO ₃	10mg/L
PO ₄	5mg/L
SO ₄	200mg/L

¹ This Schedule was inserted by S.I. 102 of 2009.

Service Industry:

BOD ₅	15mg/L
Oil and Grease	10mg/L
COD	40mg/L
PH	6–9 units
NO ₃	10mg/L
PO ₄	5mg/L

Garment Industry:

BOD ₅	50mg/L
BOD Reduction	303:1
TSS	50mg/L
Temp	35°C
PH	6–9 units
NO ₃	10mg/L
PO ₄	5mg/L
SO ₄	200mg/L
COD	100mg/L

Citrus Industry:

BOD ₅	50mg/L
BOD Reduction	2500:1
TSS	50mg/L
TSS Reduction	1176:1
Temp	35°C
PH	6–9 unit
NO ₃	10mg/L
PO ₄	5mg/L
SO ₄	200mg/L
COD	100mg/L

Battery Manufacturing:

BOD ₅	30mg/L
TSS	30mg/L
Temp	35°C
PH	6–9 units
NO ₃	10mg/L
PO ₄	5mg/L
SO ₄	200mg/L
Pb	0.1mg/L
Fe	20mg/L
Cu	0.1mg/L

Pb Reduction	10:1
COD	100mg/L

Fish Processing:

BOD ₅	100mg/L
TSS	100mg/L
Temp	35°
PH	6–9 units
NO ₃	10mg/L
PO ₄	30mg/L
SO ₄	200mg/L
COD	100mg/L

Poultry Industry:

BOD ₅	50mg/L
BOD Reduction	2000:1
TSS	50mg/L
TSS Reduction	1500:1
Temp	35°C
PH	6–9 units
NO ₃	10.0mg/L
PO ₄	5.0mg/L
SO ₄	200mg/L

COD	100mg/L
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Dairy Industry:

W.W. Concn.	50mg/L
BOD Reduction	500:1
TSS Concn.	50mg/L
Temp	35°C
PH	6–9 units
NO ₃	30mg/L
PO ₄	5mg/L
SO ₄	200mg/L
COD	100mg/L

Rum Refinery Industry:

BOD ₅	50mg/L
TSS	60mg/L
Temp	35°C
PH	6-9 units
NO ₃	10mg/L
PO ₄	1mg/L
SO ₄	500mg/l
COD	200mg/L

Brewery Industry:

BOD ₅	35mg/L
BOD Reduction	175:1
TSS Conc.	50mg/L
Temp	35°C
PH	6–9 units
NO ₃	10.0mg/L
PO ₄	5.0mg/L
SO ₄	200mg/L
COD	200mg/L

Sugar Processing:

BOD ₅	50mg/L
BOD Reduction	1000:1
TSS	50mg/L
TSS Reduction	1500:1
Temp	35°C
PH	6–9 units
NO ₃	10mg/L
PO ₄	5mg/L
SO ₄	200mg/L
COD	200mg/L

Shrimp Processing:

BOD ₅	30mg/L
TSS	30mg/L
Temp	35°C
PH	6–9 units
NO ₃	10.0mg/L
PO ₄	1.0mg/L
SO ₄	200mg/L
COD	200mg/L

Soft Drinks Bottling Standards:

BOD ₅	35mg/L
TSS	35mg/L
Temp	35°C
PH	6-9 units
Oil and Grease	10mg/L
NO ₃	10mg/L
PO ₄	1mg/L
SO ₄	200mg/L

SECOND SCHEDULE¹*[Regulations 2 and 5]***EFFLUENT LIMITATIONS FOR OTHER
INDUSTRIES OR COMMERCIAL ACTIVITIES**

<u>Parameter</u>	<u>Limitation / Standard</u>
Temperature	33°C
Colour (LU)	7
pH	6–9 units
DO	5 mg/L
BOD at 20 °C	50 mg/L
COD	100 mg/L
TSS	50 mg/L
TDS	2000 mg/L
Chloride (as Cl)	600 mg/L
Sulphate (as SO ⁴)	500 mg/L
Sulphide (as S)	0.2 mg/L
Cyanide (as CN)	0.1 mg/L
Detergent (LAS as Methyl Blue active subs.)	15 mg/L
Oil and Grease	10 mg/L
Arsenic	1 mg/L
Barium	5 mg/L

¹ This Schedule was inserted by S.I. 102 of 2009.

Tin	10 mg/L
Iron	20 mg/L
Beryllium	0.5 mg/L
Boron	5 mg/L
Manganese	5 mg/L
Phenolic Compounds (as Phenol)	0.2 mg/L
Cadmium**	0.1 mg/L
Chromium**(Trivalent & Hexavalent)	1 mg/L
Copper**	1 mg/L
Lead**	0.1 mg/L
Mercury**	0.05 mg/L
Nickel**	1 mg/L
Selenium**	0.5 mg/L
Silver**	0.1 mg/L
Zinc**	1 mg/L
Total Metals**	2.0 mg/L
Chlorine	1 mg/L
Phosphate as (PO)	5 mg/L
Calcium	200 mg/L
Magnesium	200 mg/L
Nitrate as (NO)	3 mg/L
Total Coliform	0 – 10 MPN/100 ml
Faecal Coliform	0 MPN/100 ml

Fluoride	5 mg/L
Ammonia (NH ₄)	1 mg/L
Total Organic Carbon	200 mg/L

**The concentration of toxic metal should not exceed these limits, individually or in total.

THIRD SCHEDULE ¹

[Regulation 5]

DISCHARGES FROM DOMESTIC WASTEWATER
TREATMENT SYSTEMS (SEWAGE WATER AND
GREY WATER) INTO CLASS I WATERS

<u>Parameter</u>	<u>Effluent Limit</u>
Total Suspended Solids	30 mg/L*
Biochemical Oxygen Demand (BOD ₅)	30 mg/L
PH	5-10 pH units
Fats, Oil and Grease	15 mg/L
Faecal Coliform (E.coli (freshwater) and Enterococci (saline water))	Faecal Coliform: 200 mpn/100 ml; or (a) E. coli: 126 organisms/100ml; (b) enterococci: 35 organisms/100ml
Floatables	Not visible

*Does not include algae from treatment ponds

¹ This Schedule was inserted by S.I. 102 of 2009.

DISCHARGES FROM DOMESTIC WASTEWATER
TREATMENT SYSTEMS (SEWAGE WATER AND
GREY WATER) INTO CLASS II WATERS

<u>Parameter</u>	<u>Effluent Limit</u>
Total Suspended Solids	150 mg/L*
Biochemical Oxygen Demand (BOD ₅)	150 mg/L
PH	5-10 pH units
Fats, Oil and Grease	50 mg/L
Floatables	Not visible
Faecal Coliform	Not Applicable

*Does not include algae from treatment ponds

FOURTH SCHEDULE

[Regulation 12]

STANDARDS METHODS OF ANALYSIS OF
EFFLUENT

1. “Standard Methods of the Examination of Water and Wastewater” published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation of the United States.

FIFTH SCHEDULE ¹

[Regulation 15 (2)]

FORM A

ENVIRONMENTAL PROTECTION ACT

Application to Discharge Effluents

1. Name of Applicant
2. Year of Incorporation and Registration Number of Business Name.....
3. Location of Business Premises

¹ This Schedule was amended by S.I. 102 of 2009.

- 4. Description of plant facilities, out-fall location(s), Effluent Characteristic(s).....
.....
.....
.....
.....
.....

- 5. A listing of all toxic substances used or manufactured on the site.....
.....
.....

- 6. Does the establishment have any other permit issued to the facility? (State type).....
.....
.....

7. Description of pollution abatement/monitoring facilities on site (including details of year of installation, capacity, etc., and also copies of design plans and sewerage and/or drainage plans

.....
.....
.....

8. A listing of all chemicals in use at the facility (trade names not acceptable):.....

.....
.....
.....

9. Present discharge (outfall) locations (illustrate) and position of inspection tap for compliance monitoring

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.....

.....

10. Volume of raw water consumption

11. Source of energy at facility and quantitative estimate of consumption on a monthly basis

.....

.....

.....

12. Production capacity:

(a) current production capacity

(b) estimated production capacity as a result of any proposed expansion.....

.....

(c) estimated waste load (lbs., BOB, metals, etc., per year)

.....

Date

Applicant

FORM B

ENVIRONMENTAL PROTECTION ACT

LICENCE TO DISCHARGE EFFLUENT

The Department of the Environment hereby grants a licence to discharge effluents pursuant to an application for registration dated ____ day of _____ 20_____ in respect of the following—

Full Name and Address of Licence Holder.....

.....

.....

Location of site to which licence relates.....

.....

.....

Mode of Discharge of Disposal to which this Permit relates.....

.....

Type/Volume/Quality of Waste/Wastes/Waste stream of which discharge or disposal is authorised.....

.....

This Permit is granted subject to the following conditions—.....

.....
.....
.....
.....
.....

Date

Chief Environmental Officer

CHAPTER 238

POLLUTION REGULATIONS

ARRANGEMENT OF REGULATIONS

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2. Definition.

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Emission of contaminants into the environment

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4. Emission of contaminant from industry.
5. Abatement of contamination.

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Air pollution generally

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7. Temporary emission of contaminants.

PART IV*Particulate emissions from stationary sources*

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9. Opacity of plume or effluent.
10. Escape of plume or effluent.
11. Airborne dust.
12. Illicit burning.
13. Establishment of disposal sites.
14. Fuel burning equipment.
15. Process industries.
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FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

SEVENTH SCHEDULE

EIGHT SCHEDULE

NINTH SCHEDULE

TENTH SCHEDULE

ELEVENTH SCHEDULE

TWELFTH SCHEDULE

THIRTEENTH SCHEDULE

FOURTEENTH SCHEDULE

CHAPTER 328**POLLUTION REGULATIONS***(Section 45)**[20th April, 1996.]***PART I***Preliminary*

Short title. **1.** These Regulations may be cited as the

POLLUTION REGULATIONS.

Definitions. **2.**—(1) In these Regulations, unless the context otherwise requires—

CAP. 328. “Act” means the Environmental Protection Act;

“air” means the unconfined portion of the atmosphere excluding any structure or underground space;

“air contaminants” include smoke, vapours, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid, mist, aerosols, aerosol droplets, odours, particulate matter, windborne matter, radioactive materials, noxious chemicals or any other like materials in the outdoor atmosphere;

“air pollution” means the presence in the outdoor atmosphere of one or more air contaminants or a combination thereof in sufficient quantities which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant or animal life or cause damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part

of a community or obscures visibility or which in any way reduces the quality of the ambient air below the standards as determined by the Department;

“air pollution control equipment” means equipment used to eliminate, reduce or control the discharge of air contaminants into the ambient air;

“air pollution source” means any physical facility, arrangement, device, contrivance, condition or structure which may emit contaminants;

“ambient air” means that portion of the atmosphere, external to buildings, to which the public has access;

“atmosphere” means the layer of air surrounding the earth;

“authorised officer” means a designated officer as defined in section 2 of the Act;

“BTU” means British Thermal Unit, which is the quantity of heat required to raise the temperature of 1 pound of water to 1 degree Fahrenheit;

“Chief Environmental Officer” means the Chief Environmental Officer appointed under section 3 (1) of the Act;

“CFC” means any chlorofluorocarbons specified in Part II of the Sixth Schedule or any mixture of such chlorofluorocarbons;

60 of 2002

“combustion” means the burning of matter;

“contaminant” means a solid, liquid or gaseous matter, microorganism, odour, radiation or a combination of any of the foregoing that is likely to alter the quality of the environment in any way;

“Department” means the Department of the Environment, established under the Act;

“discharge” means the release, escape or emission of a contaminant into the ambient air;

“dust” means finely divided solid particulate matter occurring naturally or created by mechanical processing, handling or storage of materials in the solid state;

“emission” means any act of passing into the atmosphere an air contaminant or a gas stream, visible or invisible;

60 of 2002.

“end user” means any technician working in the refrigeration and air conditioning sector;

“equivalent opacity scale” means a measurement index for ranking plumes in terms of opacities equivalent to opacities on the Ringlemann Scale using per cent opacity as the unit of measurement;

“existing source” means any source of pollution which is not a new source;

“fuel” means any material which is burned for the purpose of producing energy;

“fugitive dust” means uncontrolled dust;

“fume” means solid particulate matter resulting from the condensation and subsequent solidification of vapours of melted solid materials;

“heat input” means the quantity of heat in terms of BTUs generated by fuels fed into fuel burning equipment under conditions of complete combustion;

60 of 2002.

“importer” includes any individual or company who or which imports, exports, trans-ships or transits any scheduled substance through Belize;

“motor vehicle” means any self-propelled vehicle designed for transporting persons or property on roads and public highways;

“new source” means any source of air pollution or potential source of air pollution, the construction or modification of which was commenced after the effective date of these Regulations; and in the context of the foregoing definition “commenced” means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into an agreement that is binding in law to undertake or complete within a reasonable time, a “continuous program of construction or modification, construction” means fabrication, erection or installation of an affected facility, and “modification” means any physical change in, or change in the method of, operation of an effected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility which results in the emission of any air pollutant (to which a standard applies) not previously emitted but routine maintenance, and “repair and replacement” shall not be considered physical change;

“opacity” means the degree of obscuration of transmitted light;

“operation” means any physical or chemical action resulting in the change in location, form, physical properties or chemical character of a material;

“particulate matter” means any finely divided liquid or solid material, other than uncombined water;

“per cent opacity” means a unit of measurement shown on the equivalent opacity scale;

“permanent production curtailment” means the reduction of sulfur input on a continuing basis;

“person” includes an individual, any public or private corporation, company, partnership, firm, association or society

of persons, the Government of Belize, and any of its departments or agencies;

“plume” means visible effluent;

“pollutant” means a contaminant or a mixture of several contaminants present in the environment in a concentration or quantity greater than the permissible level prescribed by these Regulations;

“positive control” means permanent production curtailment or the operation of emission control equipment of sulfur removal techniques or any combination thereof;

“PPM” means parts per million by volume;

“process” means one operation or more, including equipment and technology, used in the production of foods or services or the control of by-products or waste;

“process source” means the last operation or process which produces an air contaminant resulting from the separation of the air contaminant from the process material or the conversion of constituents of the process materials into air contaminants and which is not an air pollution abatement operation;

“process weight rate” means a rate established as follows—

- (a) for continuous or long-run, steady-state process source, the total weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof;
- (b) for cyclical or batch process sources, the total process weight for a period which covers a complete operation or an integral number of cycles divided by the hours or actual process operation during such period;

“quota year” means the period specified in Part IV of the Sixth Schedule. Sixth Schedule.

“Ringlemann chart” means a standardised device employing a graduated series of opacities according to the Ringlemann scale;

“Ringlemann scale” means a standardised rank of opacities using the Ringlemann number as the unit of measurement employed when determining the opacity of a plume;

“smoke” means particulate matter resulting from incomplete combustion;

“source of contamination” means any activity or condition causing the emission of a contaminant into the environment;

“soot” means the carbonaceous particulate product of incomplete combustion which may be a component of smoke;

“standard conditions” means the gas temperature of 60 degrees F and gas pressure of 14.7 pounds per square inch absolute;

“vapour” means the gaseous form of a substance normally occurring in a liquid or solid state;

“vapour pressure” means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form;

“volatility” means the capability of a substance to vaporize or change to vapour form;

“water” means surface water, ground water and storm water wherever located including natural and artificial drainage courses.

(2) A word or phrase not specifically defined in these Regulations shall have the meaning assigned to it in the Act.

PART II

Emission of contaminants into the Environment

Emission of
contaminants
generally.
60 of 2002.

3.—(1) No person shall emit, deposit, issue or cause the emission, deposit, issuance or discharge into the environment of—

- (a) a contaminant from a domestic, commercial, agricultural, recreational, industrial, or any other source; or
- (b) a contaminant, the presence of which in the environment is prohibited by these Regulations or is likely to affect the life, health, safety, welfare or comfort of human beings or cause damage to or otherwise impair the quality of the environment,

unless a prior permit to do so has been granted by the Department upon such terms and conditions as it may determine.

60 of 2002.

(2) Where the discharge of any pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the premises, vessel, vehicle or container shall be bound to prevent or mitigate the pollution caused as a result of such discharge and shall also forthwith inform the Department of the fact of such occurrence or apprehension of such occurrence and provide the Department with—

- (a) a brief description of the emission;
- (b) an assessment of any damage or potential damage to the public health or the environment associated with the emission;

- (c) a description of the emergency response plan and resources to address the discharge;
- (d) evidence that he has taken or is taking steps to mitigate damage or contamination resulting from the emission.

(3) Every person who fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine of five thousand dollars or to imprisonment for one year.

60 of 2002.

4.—(1) No person shall undertake to operate an industry, carry on an activity, use an industrial process or increase the production of any goods or services if it appears likely that this will result in an emission, deposit, issuance or discharge of contaminants into the environment resulting in a change in the quality of the environment unless a permit to do so has been granted by the Department upon such terms and conditions as the Department may determine.

Emission of contaminant from industry.

(2) The Department may, in considering an application from a major industry for permission to emit a contaminant into the atmosphere, cause a study to be made, or request the applicant to carry out a study, on the impact which such emission is likely to have on the environment, and the Department may also require the applicant to carry out certain research experiments in respect of that industry.

(3) For the purposes of subregulation (2), “major industries” include—

- (a) mining industries;
- (b) sugar manufacturing and rum distilling industries;
- (c) oil refineries;
- (d) cement factories;

- (e) power generating industries;
- (f) chemical factories;
- (g) salt factories;
- (h) food processing industries or plants; and
- (i) such other industries as may be designated by the Minister.

Abatement of
contamination.

5.—(1) The Department may, if it considers it necessary for ensuring the protection or sanitary condition of the environment, order the person responsible for a source of contamination to use any class or type of apparatus, or method as specified by the Department, to abate or eliminate the emission, deposit, issuance or discharge of a contaminant.

(2) Without prejudice to subregulation (1), the Department may, if it considers it necessary for ensuring the supervision of the quality of the environment, order the person responsible for a source of contamination to install, within the time and at the place specified by the Department, any class or type of equipment or apparatus or method for measuring the concentration, quantity or quality of any contaminant; and the Department may further order such person to submit to the Department, in the form specified, any data collected from such equipment, apparatus or method.

PART III

Air pollution generally

Emission of
contaminants
into the air.

6.—(1) No person shall cause, allow or permit contaminants to be emitted or discharged either directly or indirectly, into the ambient air from any source.

(2) Nothing in subregulation (1) shall be interpreted as prohibiting the discharge or emission of—

- (a) uncontaminated aqueous steam into the open air unless such discharge constitutes a safety hazard; or
- (b) contaminant emissions inside of buildings except as this may be related to the ultimate release of contaminants into the ambient air.

(3) Control methods utilized to comply with the requirements of these Regulations shall not create air contaminants in concentrations in excess of emission standards specified in the First Schedule.

First Schedule.

(4) Notwithstanding the emission standards specified in these Regulations, no person shall cause the ground level concentration outside the boundaries of his operation to exceed the limits so specified.

7.—(1) Subject to subregulation (2), emissions in excess of the prescribed limits which are temporary and due to unavoidable breakdown of equipment or disruption of operations shall not be considered a violation of these Regulations if—

Temporary emission of contaminants.

- (a) the Department is immediately notified of any such occurrence and a time period for correction of the breakdown or disruption is proposed;
- (b) the Department considers the proposed time-period for repair reasonable;
- (c) the breakdown or disruption is considered by the Department to be unavoidable and not the result of negligence; and

- (d) the Department is provided with daily and weekly reports and is immediately notified when corrective measures have been accomplished; and
- (e) the Department is provided with an assessment of damages or potential risks to human health associated with the breakdown or disruption.

(2) The person responsible for the emission of contaminants into the ambient air in the circumstances described in subregulation (1) shall submit a written report to the Department which shall include the cause and nature of the emission, the estimated quantity of contaminants emitted, the time of the emission and steps taken to control the emission and to prevent a recurrence.

(3) The Department may, subject to such conditions as may be imposed by the Department, grant an exemption to a person responsible for a source of contamination in the circumstances of start-up, shut-down or scheduled maintenance if the person responsible for the source of contamination notifies the Department, within twenty-one days prior to such occurrence, of the nature, duration and unavailability of the emissions and such other information as may be requested by the Department.

(4) Where start-up or shut-down of equipment is a normal operating condition, the Department may grant a continuing specified period of time within which there must be compliance with these Regulations.

PART IV

Particulate emissions from stationary sources

Power
generating
installations.

8.-(1) Power generating installations-

- (a) which are new sources, shall not emit more than 0.80 pounds of sulfur dioxide, maximum two-hour average, per million BTU when the oil is fired;
- (b) which are existing sources, shall not emit more than 1.0 pound of sulfur dioxide, maximum two-hour average, per million BTU when low sulfur oil is fired;
- (c) which are existing sources, shall not emit more than 2.2 pounds of sulfur dioxide, maximum two-hour average, per million BTU when high sulfur oil is fired;
- (d) which are new sources, shall not emit more than 0.80 pounds of sulfur dioxide, maximum two-hour average, per million BTU heat input when coal is fired;
- (e) which are existing sources, shall not emit more than 1.0 pound of sulfur dioxide, maximum two-hour average, when coal is fired.

(2) Any permit issued for the operation of an existing source or any renewal or modification of such permit shall include a clause indicating that when the conditions justifying the use of high sulfur oil no longer exists the permit shall be modified accordingly.

(3) This Regulation applies to an installation operated for the purpose of producing electrical power with a resulting discharge of sulfur dioxide in the installation effluent gases.

(4) For the purposes of this regulation—

- (a) “low sulfur oil” means fuel oil containing less than 0.90 per cent by weight of sulfur; and

- (b) “High sulfur oil” means fuel oil containing 0.90 per cent or more by weight of sulfur.

Opacity of plume or effluent.

9. Except as otherwise provided in these Regulations relating to specific types of sources, the opacity of any plume or effluent shall not be as great as, or greater than, that designated as No. 2 on the Ringlemann Scale or percent opacity equivalent to No. 2 on the Ringlemann Scale.

Escape of plume or effluent.

10.—(1) No person shall cause or permit a building or its appurtenances, open area, or road or alley to be used, constituted, repaired, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

(2) Dust and other types of particulates shall be kept to a minimum by such measures as wetting-down, covering, landscaping, paving, treating, detouring or by other reasonable means.

Airborne dust.

11. No person shall cause or permit the extracting, crushing, screening, handling or conveyance of materials or other operations likely to give rise to airborne dust without taking reasonable precautions, by means of spray bars or wetting agents, to prevent particulate matter from becoming airborne.

Illicit burning.

12. No person shall within any urban area cause or permit—

- (a) the burning of refuse or other combustible material so as to cause a nuisance to any other person; or
- (b) the burning of refuse in a commercial area instead of making provision for adequate cleaning.

Establishment of disposal sites.

13.—(1) The Department may permit the use of disposal sites where burning may be carried out for the purpose of disposing

of solid waste and combustible material at such times and under such conditions as it determines.

(2) The site, for the purpose of subregulation (1), shall be authorized on the basis of the environmental and atmospheric conditions of the area.

14.—(1) No person shall cause or permit the emission of particulate matter into the atmosphere, caused by the combustion of fuel, from any fuel burning operation in excess of the quantity established by the standards of the Department.

Fuel burning equipment.

(2) The maximum allowable emission of particulate matter in pounds per hour per BTU of heat input shall be based upon a 24-hour arithmetic average and calculated directly from the heat input according to established procedures adopted by the Department.

(3) For the purposes of these Regulations—

- (a) the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet;
- (b) the heat input value shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater;
- (c) the total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

15.—(1) No person shall cause or permit the discharge of particulate matter into the atmosphere, in any one hour from an existing process source, except from incineration and fuel-burning equipment, the total quantity of which is in excess of the amount specified by the Department.

Process industries.

(2) The rate of emission shall be determined on the basis of the process weight rate.

Sulfur plants.

16.—(1) No person shall cause or permit the acid discharge into the atmosphere of—

- (a) more than 4.0 pounds of sulfur dioxide per ton of sulfur acid produced (calculated as 100 per cent H₂SO₄); maximum two-hour average; or
- (b) more than 0.15 pounds of sulfuric acid mist per ton of sulfur acid produced (calculated as 100 per cent H₂SO₄), maximum two-hour average, expressed as H₂SO₄, from facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation's acid, hydrogen sulfide, organic sulfides and mercaptans or acid sludge.

(2) This Regulation shall not apply to existing sources such as metallurgical plants or other facilities when conversion to sulfuric acid is utilized as a means of controlling emission to the atmosphere of sulfur dioxide or other sulfur compounds.

Other industries.

17. No person shall cause or permit the discharge of reduced sulfur into the atmosphere from any other industry, other than those referred to in regulations 8 to 16, which includes sulfur equivalent from all sulfur emissions, including but not limited to sulfur dioxide, sulfur trioxide and sulfuric acid, in excess of 10 per cent of the sulfur entering the process as feed.

PART V

Emission of organic compounds from stationary sources

Reservoir, tanks,
etc.

18.—(1) No person shall place, store or hold in any reservoir, stationary tank or other container, having a capacity of 50,000 or more gallons, any gasoline or any petroleum product that has

a rebate pressure higher than 5.0 pounds per square inch absolute or greater under actual storage conditions, unless such reservoir, tank or other container is a pressure tank that maintains working pressure sufficient at all times to prevent hydrocarbon vapour or gas loss to the atmosphere, or is equipped with one of the following vapour loss control devices, properly installed in good working order and in operation—

- (a) a floating roof consisting of a pontoon type or double-deck type roof resting on the surface of the liquid contents and equipped with a closure seal to close the space between the roof-ease and tank-well and a vapour balloon or vapour dome, designed in accordance with standards approved by the Department;
- (b) other equipment approved by the Department to be of equal efficiency for preventing discharge of hydrocarbon gases and vapours into the atmosphere.

(2) Any other petroleum storage tank which is constructed or extensively remodelled on or after the commencement of these Regulations shall be equipped with a submerged filling device or acceptable equivalent for the control of hydrocarbon emissions.

(3) Subregulation (2) above shall only apply to new sources.

19. All facilities for dock loading or unloading of petroleum products, with a vapour pressure of 5.0 pounds per square inch absolute or greater at loading pressure shall provide for submerged filling or acceptable equivalent for the control of hydrocarbon emissions.

Loading of volatile organic compounds.

20. All pumps and compressors which handle volatile organic compound shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.

Pumps and compressors.

Organic solvents
and other volatile
compounds.

21. Materials such as solvents and other volatile compounds, including but not limited to paints, acids, alkalies, pesticides, fertilizer and manure, stored in commercial quantities, shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution; and where means are available to effectively reduce the contribution to air pollution from evaporation, leakage or discharge, the installation and use of control methods, devices or equipment shall be required.

PART VI

Emissions of carbon monoxide from stationary sources

Industrial
sources.

22. No person shall cause or permit the emission from any industrial plant or factory, carbon monoxide emissions above the prescribed level without the use of complete secondary combustion of waste gases generated by any process source.

PART VII

Emissions of nitrogen oxides

Nitric acid
plants.

23. No person shall cause or permit the discharge from, a nitric acid plant producing weak nitric acid, which is 30 to 70 per cent in strength, either by increased pressure or atmospheric pressure process, of more than 3.0 pounds of total oxides of nitrogen per ton of acid produced, maximum two-hour average, expressed as nitrogen dioxide.

Sources of air
pollution.

24.—(1) The owner or operator of any major stationary source of air pollution may be requested by the Department, in writing, to maintain adequate monitoring of the amount of pollutants emitted from such source as may be deemed necessary to determine whether such sources are in compliance with the relevant emission standards.

(2) Where the Department is satisfied that the levels of air pollution exceed any relevant emission standards, then the owner or operator of any source of air pollution may be requested by the Department in writing, to carry out performance tests on the efficiency of its process and emission control in order to determine whether or not the emissions from the process are in excess of the standards established by the Department or such other standard that is acceptable in that industry.

(3) The owner or operator of any source of air pollution—

- (a) shall permit the Department to conduct performance tests and provide the necessary access to sampling points; or
- (b) shall provide the Department with a written report of the results of performance tests carried out by him; or
- (c) shall provide in a timely manner complete and accurate information in respect of any request for information from the Department or in response to any inspection by the Department of the nature and sources of air pollution.

(4) Performance tests shall be conducted and reported according to procedures established by the Department.

PART VIII

Emission from combustion engines

25.—(1) No person shall cause a vehicle to discharge into the atmosphere contaminants in excess of the quantity specified by the Department.

Exhaust
emission
standard.

(2) The quantity of emission from motor vehicle engines shall be set according to the type of vehicle engine and the model year of the vehicle.

(3) Motor vehicles shall be subject to testing of carbon monoxide, hydrocarbon and crankcase pressure which shall be carried out in accordance with levels and procedures to be prescribed by the Minister.

(4) The testing of a motor vehicle shall be carried out at the time of inspection; but any vehicle with visible emission may be subjected to such testing.

(5) Where a motor vehicle has been tested in accordance with subregulations (3) and (4) and defects have been discovered in the exhaust emission, the owner of the vehicle shall be so notified and requested to correct the defects within 15 days of such notification at which time the vehicle shall be returned for retesting.

Visible
contaminants.

26.—(1) No person shall cause or permit the discharge into the atmosphere of any contaminant from a gasoline or diesel engine in excess of the quantity specified by the Minister for a motor vehicle operating under normal conditions.

(2) The intensity of the emission shall be measured in terms of its density when compared to the Ringlemann Chart.

PART IX

Water Pollution

Control of water
pollution.

27. The Department may for the purpose of ensuring the control and abatement of water pollution classify receiving bodies of water according to present and projected future use.

Haulage of
wastewater.

28.—(1) The Department may designate disposal areas for the receipt of wastewater from cesspool emptiers.

(2) The Department may give directions as to the times during which the hauling of wastewater is permitted.

29.—(1) Where it appears to the Department that any waters have been or are likely to be polluted, the Department may serve on the owner or occupier of the land where the act or omission took place, or on the pollutant a notice requiring him to stop or prevent the acts or omissions causing the pollution.

Notice to abstain from pollution practices.
60 of 2002.

(2) Any person who refuses or fails to comply with a notice served under this Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and where the offence is a continuing offence, he shall be liable to a further fine not exceeding one thousand dollars for each day on which the offence continues after conviction.

60 of 2002.

30.—(1) Without prejudice to regulation 29, where it appears to the Department that any poisonous, noxious or polluting matter is likely to enter, or is, or was present in any waters, the Department may, after consultation with any agency or department of Government having functions in relation to water and water resources, carry out such operations as it considers appropriate to prevent entry or remedying or mitigating any pollution caused, or restoring the waters, so far as is reasonably practical to do so, to the state in which the water were prior to contamination.

Operations by Department regarding pollution of water.
60 of 2002.

(2) Any expenditure reasonably incurred by the Department in carrying out operations in accordance with subregulation (1) are, subject to subregulation (3), recoverable by the Department as a debt against the person who caused or permitted the poisonous, noxious or polluting matter, as the case may be, to be present at the place from which it was likely in the opinion of the Department to enter waters or, as the case may be, to be present in such waters; and accordingly, without prejudice to any penalty imposable on such person or persons, such sums

60 of 2002.

may be recoverable in a District Court, without limit of amount, as a civil debt.

60 of 2002.

(3) A person shall not be liable to pay for any sums expended by the Department pursuant to this regulation if he satisfies the court that such sums were incurred unnecessarily.

60 of 2002.

(4) Any person who wilfully obstructs the Department or any person authorized in that behalf in the exercise of its powers under this Regulation commits an offence under this Act and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

Dumping waste.
60 of 2002.

31. No person shall dump or discharge or cause or permit the dumping or discharge of any waste in any inland waters or in the marine environment.

Marine Crafts

Dumping of
refuse etc. on
waters.

32.—(1) No person shall dump, deposit, place, throw or leave rubbish, refuse, debris, bidge, filthy or odoriferous objects, substances or other trash, from a marine craft on any waters or the shorelines of any waters of Belize.

(2) No person, whether or not he is the owner, operator, guest or occupant of a boat, shall remove, place, leave or discharge or cause to be removed, placed, left or discharged any container of inadequately treated wastewater in any waters of Belize.

Toilet on marine
craft.

33.—(1) No marine toilet on any vessel operated upon the waters of Belize shall be constructed and operated so as to permit the discharge of any inadequately treated wastewater into the waters of Belize, whether directly or indirectly.

(2) Any marine toilet located on or within any vessel operated in the waters of Belize shall have securely affixed to the interior discharge opening of such toilet a suitable treatment

device, or some other treatment device or method approved by the Department, in operating condition and properly constructed and fastened.

(3) No person shall discharge or cause to be discharged into the waters of Belize any wastewater from a boat unless such wastewater is passed through a treatment device, described in subregulation (2) that is affixed to the interior discharge opening of the marine toilet.

PART X

Pollution of Land

34.—(1) A person shall not pollute land so that the condition of the land is so changed as to make or be reasonably expected to make the land or the produce of the land—

Pollution of land generally.

- (a) noxious or poisonous;
- (b) harmful or potentially harmful to the health or welfare of human beings;
- (c) poisonous, harmful or potentially harmful to animals, birds or wildlife;
- (d) poisonous, harmful or potentially harmful to plants or vegetation;
- (e) obnoxious or unduly offensive to the senses of human beings; or
- (f) detrimental to any beneficial use made of the land.

(2) Without in any way limiting the generality of subregulation (1) a person shall be deemed to have polluted land in contravention of that subregulation if—

- (a) that person causes or permits to be placed in or on any land or in any place where it may gain access to any land any matter whether solid, liquid or gaseous which–
 - (i) is prohibited by or under these Regulations; or
 - (ii) does not comply with any standard prescribed for that matter; or
- (b) that person establishes on any land–
 - (i) a refuse dump;
 - (ii) a garbage tip;
 - (iii) a soil and rock disposal site;
 - (iv) any other site for the disposal of or as a repository for solid or liquid waste,

60 of 2002.

without the written permission of the Department.

60 of 2002.

(3) A person who contravenes any of the provisions of this Regulation shall be guilty of an offence and liable to a penalty of not more than five thousand dollars.

Leaching contamination.

35. No person shall cause any seepage or leaching contamination of the adjacent soil, ground water or surface water.

Directions by the Department.

36.–(1) The Department may issue, in respect of a person operating a site for elimination or storage of waste or a solid waste treatment plant and disposal system directions it considers appropriate respecting–

- (a) the quality of the service;

- (b) the reports to be submitted;
- (c) the terms and conditions upon which the operation shall be carried on; and
- (d) the standards to be attained and the code of practice to be followed.

(2) Where an operator fails to comply with a direction under subregulation (1) the Department may—

- (a) cancel or suspend the permit issued in respect of that operator; or
- (b) execute any work, at the expense of the operator, that may be necessary to cause the operator to comply with the established standards.

37.—(1) No person shall, without the written permission of the Department, construct any building on a site that was formerly used for the elimination of waste.

No building or sites used for elimination of waste.

(2) No person shall, without the prior written permission of the Department, sell or offer for sale any building on a site that was formerly used for the elimination of waste.

38. No person shall deposit waste in a place other than on a site approved by the Department for the elimination or storage of waste or for the operation of a waste treatment plant or a waste management system.

Deposit of waste.

39. For the purposes of regulations 35 to 38—

Interpretation.

- (a) “waste” includes solid or liquid residue from industrial, commercial or agricultural activities, rubbish, household garbage, used lubricants, demolition debris, pathological waste material, bodies of animals, motor

vehicle wrecks, chemical and radioactive material, and empty containers;

- (b) “waste management system” means a combination of technical and administrative operations for the removal, collection, transport, storage, treatment and final disposal of waste.

PART XI

Noise Abatement

Unreasonable noise emissions on premises.

40.—(1) A person who on any premises uses or causes or allows to be used any equipment in such a way as to cause or allow it to emit unreasonable noise from those premises commits an offence.

(2) A prosecution for an alleged offence under subregulation (1) may be instituted only by—

- (a) any three or more persons, each of whom is the occupier of the premises and claims to be directly affected by that alleged offence;
- (b) an authorized person; or
- (c) a police officer.

Installation of equipment emitting unreasonable noise.

41. A person who installs on or in any premises any equipment which he knows or would have known had he exercised reasonable care, that when so installed and operated emits an unreasonable noise, commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for a term of not less than three months.

42.—(1) If an authorized person considers that an unreasonable noise has been or is being emitted from any premises, the authorized person may—

Noise abatement directions.

- (a) direct, either orally or in writing, as he considers appropriate—
 - (i) the person whom he believes to be the occupier of those premises to cause the emission of that unreasonable noise to cease; or
 - (ii) any person whom he believes to be making or contributing to the making of that unreasonable noise to cease making or contributing to the making of that unreasonable noise; or
- (b) take such measures or cause such measures to be taken as the authorized person or police officer considers necessary to abate the emission of that unreasonable noise or to remove the likelihood of any unreasonable noise being emitted.

(2) A person who does not without reasonable excuse comply with a direction given by an authorized person under subregulation (1) commits an offence.

(3) A direction given under subregulation (1) shall have effect for such period not exceeding 7 days as is specified in that direction, but may within that period be revoked by the authorized person who gave it or by any other person authorized by the Department for that purpose.

43.—(1) An authorized person may, for the purpose of enabling him to give direction, or to take or cause to be taken any measures, in respect of noise emitted from any premises or to

Powers of entry in respect of noise abatement directions.

ascertain whether or not an offence under regulation 40(1) has been committed on any premises—

- (a) enter such premises, with the aid of such other authorized persons as he considers necessary; and
- (b) whether or not he enters such premises, require any person—
 - (i) whom he considers on reasonable grounds was or to have been present in or on such premises at any time when the noise was being emitted; and
 - (ii) to whom he has given an oral or written warning of his obligation to furnish him with his name and address and with the name and address of the occupier of those premises,

to furnish him with the names and addresses so requested by him.

(2) A person who does not comply with a requirement made under subregulation (1)(b) commits an offence.

(3) An authorized person shall not, if he exercises the power referred to in subregulation (1)(a), use force in so doing unless he is accompanied by a police officer.

Excessive noise emissions from vehicles or vessels.

44.—(1) A person who is the owner or driver of a vehicle or vessel which does not comply with any noise emission standard prescribed for the purposes of this subregulation commits an offence.

(2) For the purposes of subregulation (1) above, evidence that a vehicle or vessel was found, upon inspection, measurement or test, made by an authorized person, not more

than six weeks after the commission of the alleged offence, not to comply with the noise emission standard as set in that subregulation shall be sufficient evidence to prove that the vessel or vehicle exceeded the prescribed noise limit.

45. Noise levels in excess of the levels contained in the Second Schedule to these Regulations in respect of the various structures as indicated in that Schedule are prohibited.

Noise levels.
Second
Schedule.

46. Every person who contravenes or fails to comply with any of the provisions of this Part, commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Offences.
60 of 2002.

PART XII

Prohibition of the Manufacture of Ozone Layer Damaging Substances

47. For the purposes of this Part, “scheduled substance”–

Scheduled
substance
defined.

(a) means a substance listed in the Third Schedule to these Regulations be it virgin, used, recycled or reclaimed;

Third Schedule.
101 of 2009.

(b) in regulations 48 and 49, does not include a substance listed in the Third Schedule that is a manufactured product (other than one used solely for the transportation or storage of the substance) and the substance is used in the operation of the manufactured product or the mere dispensing of the contents of the product that constitutes the intended use of the substance, or that is part of a manufactured product solely because the substance was used in the process of manufacturing the product.

Manufacture of scheduled substance prohibited.

48. For the purpose of protecting the ozone layer, the manufacture of all scheduled substances is prohibited except where a licence is obtained for the purpose of research or academic instruction and in quantities not exceeding one kilogram of the substance in a 12-month period.

Importation of equipment containing scheduled substances (especially CFCs).
Fifth Schedule.
60 of 2002.

49.—(1) The importation into Belize of equipment, using or containing any scheduled substances or mixtures of such substances, listed in the first column of the Fifth Schedule shall be prohibited with effect from the dates specified in the second column of that Schedule.

60 of 2002.

(2) This regulation shall not apply to the importation of CFC-based propellants in metered dose inhalers for medical use.

60 of 2002.

(3) Owners or importers of any vehicle whose air conditioning system is using CFC-12 or a mixture of CFC-12 shall before any such vehicle is allowed to enter into Belize, be required to retrofit any such vehicle with a non-Ozone Depleting Substance, or permanently disable the air conditioning system, at any of Belize's border points before the Customs Department releases the vehicle for entry into Belize.

60 of 2002.

(4) Where any retrofit is done pursuant to subregulation (3), a certificate shall be issued by the retrofitter, in accordance with the Ninth Schedule.

Ninth Schedule.

Licence to import or export scheduled substances especially CFC Gas).
Sixth Schedule.
Seventh Schedule.
60 of 2002.

50.—(1) Only an individual or company listed in Part I of the Sixth Schedule shall apply, on the form prescribed in Seventh Schedule, to the Chief Environmental Officer for a license to import or export any of the scheduled substances or mixtures of such substances.

(2) There shall be a fee of three hundred dollars per ton of CFC quota payable to the Department in respect of any licence or permit issued.

- (3) The individuals or companies listed in Part I of the Sixth Schedule shall only import or export scheduled substances in accordance with—
- (a) a licence granted by the Department pursuant to the Eight Schedule; and Eight Schedule.
 - (b) their respective annual quota allocations for CFC's specified in Part III of the Sixth Schedule. Sixth Schedule.
- (4) Subject to subregulation (3), the total quantities of CFC's that may be imported in respect of each year shall not exceed the respective quantities specified in Part IV of the Sixth Schedule. 60 of 2002.
Sixth Schedule.
- (5) In the event of any disaster or national emergency the Government may directly import any scheduled substance; where the Government imports any scheduled substance; the quantity imported shall be subtracted on a prorated basis from the quota entitlement of the importers listed in Part III of the Sixth Schedule. 60 of 2002.
Sixth Schedule.
- (6) Any licence issued pursuant to this Regulation shall be valid for a period of twelve (12) months. 60 of 2002.
- (7) An importer of any scheduled substance may, with the approval of the Department, transfer to any other importer listed in Part I of the Sixth Schedule, up to 50% of his annual quota allocation in any given quota year. 60 of 2002.
Sixth Schedule.
- (8) Any individual or company operating in any free zone in Belize, who or which has intention of exporting any scheduled substance, must first apply to the Chief Environmental Officer for a permit authorizing the trans-shipment or transit through Belize of the scheduled substance. 60 of 2002.
- (9) Applicants under subregulation (8) shall comply with regulation 52. 60 of 2002.

Licence to import or export HCFCs, HFCs or any other type of refrigerant gases or mixtures thereof.
101 of 2009.

Seventh Schedule.
Third Schedule.

(10) Any individual or company can apply, on the form prescribed in Seventh Schedule, to the Chief Environmental Officer for a license to import or export any type of scheduled substances including Hydro Chloro-fluorocarbons (HCFCs), Hydro Fluorocarbons (HFCs), or any other type of refrigerant gases or mixtures thereof, as listed in PART 6, 7, 8 and 9 of the Third Schedule, except Chlorofluorocarbons (CFCs), in accordance with—

- (a) a license granted by the Department pursuant to the Eight Schedule.
- (b) any license issued pursuant to subparagraph (a) shall be valid for a period of 30 calendar days.

101 of 2009.

(11) All imports or exports of any scheduled substance shall comply with regulation 51.

Labelling.
60 of 2002.

51.—(1) Subject to subregulation (2), the labelling of retail containers containing any scheduled substance, especially CFC's or mixtures of CFC's, shall conform to the requirements of the Belize National Standard Specification for Labelling (Part 2: Labelling of Pre-packaged Goods-BZS 1: 1998.)

60 of 2002.

(2) Notwithstanding the provisions of subregulation (1), the labelling shall provide the following—

- (a) name or registered number of the ODS content;
- (b) net weight of the ODS content (including mixtures);
- (c) country of Origin;
- (d) contacts of manufacturer;
- (e) brand name.

52.—(1) Importers and end users of scheduled substances, especially CFC’s, HCFCs, HFCs or any other kind of refrigerant gases or mixtures thereof, are required to keep a record of their purchases and report annually to the Department the total quantity of scheduled substances (especially CFC gases, HCFCs, HFCs or any other kind of refrigerant gases or mixtures thereof) purchased and used.

Reporting of data on purchases and use of CFCs, 60 of 2002, 101 of 2009.

(2) The Department may inspect any record of a purchase and imports of a scheduled substance (especially CFC gases) kept by any importer or end user.

60 of 2002, 101 of 2009.

(3) Any accidental discharge of CFCs into the environment shall be reported immediately to the Department.

60 of 2002.

(4) End users are required to submit to the Department quarterly reports, in the format prescribed in the Tenth Schedule.

60 of 2002. Tenth Schedule.

(5) Any trans-shipment or transit through Belize of any scheduled substance shall not be recorded as “imports” into Belize.

60 of 2002.

53.—(1) The Minister may, after consultation with the Department, by Order published in the *Gazette* amend Part I of the Sixth Schedule to remove the name of a registered importer if—

Cancellation of Licence. 60 of 2002.

(a) the company or person ceases to import or export any scheduled substance; or

(b) the importer’s license is revoked in accordance with regulation 53(2)(b).

(2) Any Importer who imports or exports any scheduled substance in breach of the quota allocation for CFCs in any quota year shall be liable, in addition to any penalty, to a reduction of his quota allocation in the following quota year as follows—

60 of 2002.

- (a) 50% reduction of the allocation in respect of a first breach; and
- (b) in the event of a second breach, the licence shall be revoked.

Prohibitions.
60 of 2002.

54.—(1) The refilling and or re-charging of equipment (such as refrigerators and freezers) originally charged with refrigerant 134a, with CFC- 12 is prohibited with effect from 1st January, 2003.

60 of 2002.

(2) The recharging of air conditioning units of vehicles, originally charged with 134a, with CFC-12 is prohibited with effect from 1st January, 2003.

60 of 2002.

(3) The importation of cans of less than sixteen ounces (16oz) containing CFCs is prohibited with effect from 1st January 2003.

60 of 2002.

(4) The importation of CFC-11 is prohibited with effect from 1st July, 2002.

101 of 2009.

(5) The importation of Chloro-fluoro-carbons (CFCs) or mixtures containing CFCs, and equipment or parts containing CFCs is prohibited with effect from the 1st of January 2010.

Offences.
60 of 2002.

55.—(1) Any person who contravenes the provisions of this Part commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to six months imprisonment or to both such fine and imprisonment.

60 of 2002.

(2) Where an offence under these Regulations is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued, and liable to a fine of not less than one hundred dollars for each day on which the offence is committed or continued.

(3) Any person who wilfully discharges CFCs into the atmosphere shall be liable to prosecution pursuant to these Regulations. 60 of 2002.

(4) Any scheduled substance imported without a license or permit from the Chief Environmental Officer shall be liable to seizure by the Department. 60 of 2002.

PART XIII

Other Pollution Control Measures for The Petroleum Industry

56.—(1) No flaring of petroleum or process gas shall be carried out within a radius of one (1) mile from a human settlement especially a village, town, city, resort, farm or hotel. Offences. 101 of 2009.

(2) Whenever flaring is required, only Efficient Flaring Heads will be used in order for emissions from the flare to be completely smokeless, and the minimum standards required shall be as follows—

- (a) for each flare system it is necessary to establish the maximum quantity of waste gas, which can be handled. It is also required to establish the minimum quantity of pilot and purge gas to ensure safe, stable operation and readiness to take the maximum quantity of waste gas. There is need to measure of pilot, purge and vet gas to the flare. The composition and sulphur should be determined. After establishing base data, the refineries should aim towards using essentially pilot and purge gases in the flare. Under this condition the flare should be completely smokeless. The above may be achieved by a combination of the following techniques—

- (i) reducing relief gas to flare by management/good housekeeping practices; and
 - (ii) balancing the refinery fuel gas system; and
 - (iii) installing a gas recovery system; and
 - (iv) using high integrity relief valves; and
 - (v) applying advanced process control;
- (b) the flow rate of pilot, purge and vent gas to flare are to be monitored. In addition, vent gas should have on/off flow indicator. The opacity of the flare is to be measured;
- (c) for normal to 20% of max flare capacity the flare should be smokeless. At higher capacities low smoke is desirable. The flare system is to provide safe, reliable stand-by system to meet short periods of venting due to start-up, shutdown and emergencies. Pilot should be under monitoring and under continuous detection. Flare should be under observation;
- (d) quantity of gas vented to the flare should be reported. The periods of venting should be recorded and target is to have it for less than 5 minutes in consecutive two hours and 24 hours in a year. Noise level is to be measured and reported.

57.—(1) All petroleum refineries, including refinery processing units, shall comply with the minimum national standards for the discharge of effluent and emissions contained in the Eleventh Schedule and Twelfth Schedule, respectively.

Minimum national standards for effluent and emissions. Schedule 11. Schedule 12. 101 of 2009.

(2) Without prejudice to subregulation (1) above, all petroleum refineries, including refinery processing units, shall also comply with the following national minimum emission standards—

- (a) in case of mixed fuel (gas and liquid) use, the limit is to be computed based on heat supplied by gas and liquid fuels;
- (b) all the furnaces/boilers with heat input of 10 million kilo calories/hour or more shall have continuous systems for monitoring of SO₂ and NO_x. Manual monitoring for all the emission parameters in such furnaces/boilers shall be carried out once in two months;
- (c) all the emission parameters in furnaces/boilers having heat input less than 10 million kilo calories/hour shall be monitored once every three months;
- (d) in case of continuous monitoring, one hourly average concentration values shall be met 98% of the time in a month. Any concentration value obtained through manual monitoring, that exceeds the limiting concentration value, shall be considered as non-compliance;
- (e) data on Ni + V content in the liquid fuel (in ppm) shall be reported. Ni + V content in the liquid fuel could be monitored once every six months, if liquid fuel source & quality are not changes. In case of changes, measurement is necessary after each change.

(3) The minimum national standards for emissions for fluids catalytic cracking (FCC) regenerators shall be as contained in the Twelfth Schedule, including the following—

Schedule 12.

- (a) in case part feed is hydro-processed, the emission values shall be calculated proportional to the feed rates of untreated and treated feeds;
- (b) FCC regenerators shall have continuous systems for monitoring of SO₂ and NO_x. One hourly average concentration values shall be met 98% of the time in a month, in case of continuous monitoring. Manual monitoring for all the emission parameters shall be carried out once in two months;
- (c) any concentration value obtained through manual monitoring, if exceeds the limiting concentration value, shall be considered as non-compliance;
- (d) data on Sulphur (weight %), Ni (ppm) and V (ppm) content in the feed to FCC shall be reported;
- (e) limit of CO emissions shall be met except during annual shut down of CO boiler for statutory maintenance.

(4) The minimum national standards for emissions from sulphur recovery units shall be as contained in the Twelfth Schedule, including the following—

Schedule 12.

- (a) sulphur recovery units (SRUs) having capacity above 20 tonnes/day shall have continuous systems for monitoring of SO₂. Manual monitoring for all the emission parameters shall be carried out once in a month;

- (b) data on sulphur dioxide emissions (mg/Nm³) shall be reported;
- (c) sulphur recovery efficiency shall be calculated on a monthly basis, using quantity of sulphur recovered.

(5) The minimum national standards for emissions from the storage of volatile liquids (general petroleum products excluding benzene) shall be as contained in the Twelfth Schedule, including the following—

Schedule 12

- (a) requirements for seals in floating roof tanks—
 - (i) IFRT & EFRT are to be provided with double seals with minimum vapour recovery of 96%;
 - (ii) primary seal shall be liquid or shoe mounted for EFRT and vapour mounted for IFRT. Maximum seal gap width shall be 4cm and maximum gap area will be 200 cm²/m of tank diameter;
 - (iii) secondary seal will be rim mounted. Maximum seal gap width shall be 1.3 cm and maximum gap area will be 20 cm²/m of tank diameter;
 - (iv) material of seal and construction should ensure high performance and durability.
- (b) fixed roof tanks shall have vapour control efficiency of 95% and vapour balancing efficiency of 90%.
- (c) inspection and maintenance of storage tanks should be carried out under strict control. For the inspection, API RP 575 may be adopted.

In-service inspection with regard seal gap should be carried out once in every six months and repair to be implemented in short time. In future, possibility of non-stream repair of both seals shall be examined.

(6) The minimum national standards for the storage of benzene shall be as follows—

- (a) FRT with vapour to incineration with 99.9% of removal efficiency for volatile organic compounds (VOC);
- (b) EFRT with double seals, emission-reducing roof fitting and fitted with fixed roof with vapor removal efficiency of at least 99%.

(7) In respect of the storage of solvents for lube-base oil production (Furfural, N-Methyl-2-Pyrrolidone (NMP), Methyl Ethyl Ketone (MEK), Toluene and Methyl Isobutyl Ketone (MIBK)), IFRT with double seals and inert gas blanketing, with vapour removal efficiency of at least 97% shall be complied with.

(8) In respect of the storage of off-gas from bitumen tanks, the odorous off-gas shall be disposed of in an incinerator or other proper burning device approved by the Department of the Environment.

(9) In respect of the storage of off-gas from liquid sulphur storage, the vent from the sulphur storage tanks shall be fed to sour gas or to a proper abatement system.

(10) In respect of LPG odorant plants, the designs and operation of the plants shall ensure an odour-free environment and comply with guidelines set for the purpose by the Department of the Environment.

(11) The following national minimum standards shall be observed for the purpose of reducing pollution to water, soil and ground water from petroleum refineries, petroleum refinery complexes, and petroleum refinery units; namely—

- (a) the system design, level of automation and operation should ensure minimum oil carry over during the water drainage operation. Oil carry over in turn will result in VOC emission from the effluent from different stages and higher oil content in the effluent discharge;
- (b) proper instrumentation/operating procedure and additional level alarm must be observed to avoid overflowing that may lead to soil contamination;
- (c) for avoiding persistent leakage from tanks, the refineries should follow regular tank inspection, leak detection from tank bottoms, provision of double tank bottoms or impervious membrane liner below the tank bottom and there should be ground water monitoring;
- (d) in order to avoid consequences of major oil spills from storage tanks, impermeable tank farm bund containment system shall be implemented across the petroleum industry.

(12) The minimum national standards for controlling fugitive emissions from equipment leaks shall be as contained in the Twelfth Schedule, including the following approach, components, applicability, and leak definition; namely—

Schedule 12.

- (a) **Approach:** Approach that will be employed for controlling fugitive emissions from equipment leaks is to have proper selection, installation and maintenance of non-leaking

or leak-tight equipment. Following initial testing after commissioning, the monitoring for leak detection is to be carried out as a permanent on-going Leak Detection and Repair (LDAR) programme. Finally, detected leaks are to be repaired within an allowable time frame.

(b) **Components to be covered:** Components that shall be covered under LDAR programme include–

- (i) Block valves;
- (ii) Control valves;
- (iii) Pump seals;
- (iv) Compressor seals;
- (v) Pressure relief valves;
- (vi) Flanges - Heat Exchangers;
- (vii) Flanges - Piping;
- (viii) Connectors - Piping;
- (ix) Open ended lines; and
- (x) Sampling connection. Equipment and line sizes more than 1.875 cm or ¾ inch are to be covered.

(c) **Applicability:** LDAR programme would be applicable to components (given at (b) above) for the following products/compounds–

- (i) Hydrocarbon gases;

- (ii) Light liquid with vapour pressure @ 20°C > 1.0 kPa; and
- (iii) Heavy liquid with vapour pressure at 20°C between 0.3 to 1.0 kPa.
- (d) While LDAR will not be applicable for heavy liquids with vapour pressure <0.3 kPa, it will be desirable to check for liquid dripping as indication of leak.
- (e) **Leak definition:** A leak is defined as the detection of VOC concentration more than the values (in ppm) specified below at the emission source using a hydrocarbon analyzer according to measurement protocol (US EPA–453/R-95-017, 1995 Protocol for equipment leak emission estimates may be referred).
- (f) In addition, any component observed to be leaking by sight, sound or smell, regardless of concentration (liquid dripping, visible vapour leak) or presence of bubbles using soap solution shall be considered as leaking.

(13) The minimum national standards for VOC emissions from wastewater collection and treatment shall be as follows–

- (a) all contaminated and odorous wastewater streams shall be handled in closed systems from the source to the primary treatment stages (oil-water separator and equalization tanks);
- (b) the collection system shall be covered with water seals (traps) on sewers and drains and gas tight covers on junction boxes;

- (c) oil-water separators and equalization tanks shall be provided with floating/fixed covers. The off-gas generated shall be treated to remove at least 90% of VOC and eliminate odour. The system design shall ensure safety (prevention of formation of explosive mixture, possible detonation and reduce the impact) by dilution with air/inert gas, installing LEL detector including control devices, seal drums, detonation arrestors, etc. The system shall be designed and operated for safe maintenance of the collection and primary treatment systems;
- (e) wastewater from aromatics plants (benzene and xylene plants) shall be treated to remove benzene/aromatics to a level of 10 ppm before discharge to effluent treatment system without dilution.

(14) The frequency for sampling the parameters for the minimum national standards for the discharge of effluent and emissions for all petroleum refineries, including petroleum refinery units, shall be done in accordance with these Regulations and the requirements in the Eleventh Schedule and Twelfth Schedule.

Schedule 11.
Schedule 12.

(15) The analytical methods for the parameters referred to in subregulation (14) above shall be done in accordance with standard methods acceptable to the Department of the Environment or those contained in the Fourteenth Schedule.

Schedule 14.

Monitoring and
maintenance of
equipment.
Schedule 13.
101 of 2009.

58–(1) All equipment used in the petroleum industry shall be monitored on a regular basis in accordance with the Thirteenth Schedule so as to detect and repair leaks.

(2) The following minimum national standards shall apply to the monitoring, detection and repair of leaks referred to in subregulation (1) above–

- (a) the percentage leaking components shall not be more than 2% for any group of components monitored excluding pumps/compressors. In case of pumps/compressors it shall be less than 10% of the total number of pumps/compressors, or three pumps and compressors, whichever is greater;
- (b) refineries shall prepare an inventory of equipment components in the plant. After the instrumental measurement of leaks, emission from the components shall be calculated using stratified emission factors (USEPA) or any other superior factors. The total fugitive emission shall be established;
- (c) the following types of monitoring methods may be judiciously employed for detection of leaks–
 - (i) instrumental method of measurement of leaks;
 - (ii) audio, visual and olfactory measurement of leaks;
 - (iii) (AVO) leak detection system; and
 - (iv) soap bubble method of measurement of leaks.

(3) The data on the time of measurement of the leak, the concentration value for leak detection, the time of repair of the leak, and the time of measurement and concentration value after the repair of the leak shall be documented and maintained by the petroleum refineries in respect of all components.

(4) The following additional standards shall also apply in respect of equipment referred to in subregulation (1) above–

- (a) pressure relief and blow down systems shall discharge to a vapour collection and recovery system or to flare;
- (b) open-ended lines shall be closed by a blind flange or plugged;
- (c) totally closed-loop shall be used in all routine samples;
- (d) low emission packing shall be used for valves; and
- (e) high integrity sealing materials shall be used for flanges.

Prohibitions.
101 of 2009.

59—(1) No person shall install a petroleum refinery or a unit that produces fuel with a sulphur content of more than 2.00% by mass.

(2) Subject to subregulation (3) below, no person shall combust any petroleum or petroleum oils with a sulphur content of more than 2.00% by mass.

(3) The Department of the Environment may authorize in writing, the use of heavy fuel oils with a sulphur content of between 1.00% and 3.00% by mass where such use does not produce emissions which exceed critical loads and which are permitted under any other law.

Offence and
penalty.
101 of 2009.

60. A person who fails to comply with the minimum national standards set out in these Regulations and in the Eleventh, Twelfth, Thirteenth and Fourteenth Schedules commits an offence and shall be liable on summary conviction to a fine of not less than twenty thousand dollars or to imprisonment for a period not exceeding two years, or to both such fine and period of imprisonment.

PART XIV

Miscellaneous

61.—(1) Notwithstanding anything to the contrary in these Regulations, the Department may by notice in writing direct—

Notice to clean up pollution. 60 of 2002.

- (a) the owner, occupier, or agent of any premises upon or from which pollution has occurred or been permitted to occur;
- (b) the person who has caused or permitted the pollution to occur;
- (c) any person who appears to have abandoned or dumped any industrial waste or potentially hazardous substance; or
- (d) any person who is handling industrial waste or potentially hazardous substances in a manner which is likely to cause an environmental hazard,

to take the clean-up measures as specified in the notice.

(2) The Department may specify in the notice any condition, requirement, restriction, performance, standard or level that it thinks fit, including—

- (a) a condition or requirement that things specified in the notice are to be done to the satisfaction of the Department; and
- (b) a condition or requirement that things specified in the notice are to be done forthwith or by any day or date or within or over any period as specified in the notice; and

- (c) a condition or requirement that clean-up measures are to be carried in stages by any day or date within or over any period as specified in the notice; and
- (d) a condition or requirement that any measurement, recording, sample, report, plan, drawing, document, calculation, test, analysis, or thing be lodged with the Department or be approved by the Department before any clean-up measures or things specified in the notice are carried out.

Abatement of pollution in certain areas.

62.—(1) Notwithstanding anything to the contrary in these Regulations, where—

- (a) pollutants have been or are being discharged;
- (b) a condition of pollution is likely to arise;
- (c) any industrial waste or potentially hazardous substance appears to have been abandoned or dumped; or
- (d) any industrial wastes or potentially hazardous substances are being handled in a manner which is likely to cause an environmental hazard,

the Department may conduct a clean-up or cause a clean-up to be conducted as the Department considers necessary.

(2) The Department may recover any reasonable costs incurred by the Department in taking any action under subregulation (1) from the person who caused the action to be taken or the occupier of the premises on which anything referred to in subregulation (1)(a) to (d) has occurred, in any court of competent jurisdiction as a debt due to the Department.

(3) If the Department cannot recover costs under subregulation (2) from the occupier of the premises on which anything referred to in subregulation (1)(a) to (d) has occurred because the occupier cannot be found the costs shall become a charge on the property of the occupier after an advertisement has been published three times in a newspaper, circulating in the area where the property is situated.

(4) The advertisement shall specify—

- (a) the purpose of the advertisement and the provision of these Regulations under which it is made; and
- (b) the amount in respect of which the charge is to be imposed; and
- (c) the land on which the charge is to be imposed.

63.—(1) If the Department is satisfied that a process or activity which is being carried on or is proposed to be carried on at any premises or the use or proposed use of any premises—

Pollution
abatement
notice.

- (a) has caused or is likely to cause pollution;
- (b) has caused or is likely to cause a failure to comply with—
 - (i) any standard prescribed by these Regulations;
 - (ii) any condition in a licence or permit; or
- (c) has created or is likely to create an environmental hazard;

the Department may serve a pollution abatement notice on the occupier of those premises specifying the reason for which the pollution abatement notice is served.

(2) A pollution abatement notice may require the owner, the occupier, or agent of any premises on whom it is served to do any one or more of the following—

- (a) to cease carrying on or not commence the process, activity or use;
- (b) to carry on, modify or control the process, activity or use in the manner specified in the pollution abatement notice;
- (c) to supply to the Department plans, specifications and other information as is specified in the pollution abatement notice showing how the process, activity or use will be carried on, modified or controlled;
- (d) to take the measures including the installation, alteration, maintenance or operation of any apparatus, plant or structures as maybe specified in the pollution abatement notice;
- (e) to comply with—
 - (i) any standard prescribed by these Regulations;
 - (ii) any condition in a licence or permit;
- (f) to provide monitoring equipment and carry out a monitoring program as specified in the pollution abatement notice.

(3) If premises are premises on which more than the prescribed quantity or the prescribed concentration of a notifiable chemical are stored, processed or used, the pollution abatement notice may require the occupier of any premises on whom it is served to provide the Department with financial security satisfactory to the Department.

(4) A requirement contained in a pollution abatement notice may be expressed to be general or limited in operation as to particular times, places or circumstances.

(5) A pollution abatement notice may specify a period of time within which any requirement specified in the pollution abatement notice is to be complied with.

(6) The Department may by notice of amendment in writing served on the occupier of any premises on whom a pollution abatement notice has been served—

- (a) extend the period, if any, for compliance with a requirement specified in the pollution abatement notice if the Department is satisfied that the circumstances of the case justify an extension of that period; and
- (b) revoke or amend any requirement specified in the pollution abatement notice.

(7) A pollution abatement notice and any notice of amendment of a pollution abatement notice shall not take effect until a day specified in the pollution abatement notice or notice of amendment being a day not less than 30 days after the day on which the pollution abatement notice or notice of amendment is served.

(8) An owner, occupier, or agent of any premises on whom a pollution abatement notice or a notice of amendment has been served under this Regulation who contravenes a requirement specified in the notice shall be guilty of an offence and liable to a penalty of not more than ten thousand dollars and in the case of a continuing offence to an additional penalty of not more than one hundred dollars for each day during which the offence continues.

60 of 2002.

64.—(1) Unless otherwise directed by the Department, any contractor, owner or operator who carries on quarry or mining,

Site abandonment.

manufacturing, power generating or related activities shall, prior to closing down operations on any site—

- (a) remove all equipment and installations, structures, plants, appliances from the relinquished area or site in a manner agreed with the Department pursuant to an abandonment plan; and
- (b) perform all necessary site restoration activities in accordance with the directives of the Department, and shall take all other action necessary to prevent hazards to human life, property or to the environment.

(2) In order to ensure compliance with the requirements of subregulation (1) the Department may require the contractor, etc., to post a bond or guarantee acceptable to the Department, or in the alternative, to fund a reserve for future estimated abandonment and site restoration costs.

Special powers of authorized officers where imminent danger to life or limb or to the environment.

65.—(1) Notwithstanding anything to the contrary in these Regulations—

- (a) if—
 - (i) pollutants have been or are being discharged;
 - (ii) a condition of pollution is likely to arise;
 - (iii) any industrial waste or potentially hazardous substance appears to have been abandoned or dumped; or
 - (iv) any industrial waste or potentially hazardous substance is being handled; and

- (b) an authorized officer is of the opinion that there is or is likely to be imminent danger to life or limb or to the environment –

the authorized officer may give such directions either orally or in writing as the authorized officer considers appropriate to remove, disperse, destroy or, dispose of, abate, neutralize or treat any pollutant, waste substance, environmental hazard or noise.

(2) Any costs incurred in complying with subregulation (1) by any person who is not the person who caused or permitted the situation described in subregulation (1)(a) are to be reimbursed to that person by the Department.

(3) Where the Department has reimbursed any costs under subregulation (2) the Department may recover the costs from any person proved to have been the person who caused or permitted the situation described in subregulation (1)(a) in any court of competent jurisdiction as a debt due to the Department and when recovered must be paid into the Consolidated Revenue Fund.

(4) No matter or thing done by an authorized officer or by any person under a direction given by an authorized officer shall, if the matter or thing was done in good faith in the exercise of the power conferred by these Regulations on an authorized officer, subject the authorized officer or that person personally to any action, liability, claim or demand whatsoever.

(5) Any person who contravenes without reasonable cause a direction given by an authorized officer under subregulation (1) shall be guilty of an offence.

66. If any segment or element of the environment is polluted as a result of a discharge, emission or deposit of any substance from or on any premises on which there is conducted any commercial or industrial undertaking, the occupier of the premises is deemed to have polluted that segment or element of

Presumption that occupier caused discharge etc.

the environment unless the occupier adduces evidence that the discharge, emission or deposit was unrelated to the commercial or industrial undertaking.

Owner and master of ship each guilty of pollution from ship.

67. If an offence is committed against these Regulations with respect to the discharge or emission of wastes or pollutants or noise from any ship, the owner and the master of the ship are each guilty of the offence.

Furnishing of information.
60 of 2002.

68.—(1) The Department may by notice in writing served on the occupier of any premises or any previous occupier of the premises require that occupier to furnish to the Department within fourteen days or such longer period as is specified in the notice such information as to any manufacturing, industrial, or trade process carried on in or on the premises or as to any waste which has been, is being or is likely to be discharged from, or any noise which has been, is being or is likely to be emitted from, or any waste which is being or is likely to be stored on, those premises as is specified in the notice.

(2) Any person who contravenes any requirement made under this Regulation shall be guilty of an offence.

(3) Any information furnished or statement made to the Department pursuant to any requirement made under subregulation (1) shall not, if the person furnishing the information or making the statement objects, at the time of furnishing the information or statement, to doing so on the ground that it might tend to incriminate him, be admissible in evidence in any proceedings against that person for an offence except the offence of refusing or failing to comply with the requirements of a notice given under this Regulation.

Environmental audits.
60 of 2002.

69. The Department may by notice require the owner or operator of any factory, industrial plant or similar facility to undertake an environmental audit on the processes utilized in such factory, industrial plant, or similar facility, the type of pollution effluent discharged by such factory, industrial plant, or similar facility, as well as the steps being taken to control or reduce pollution,

and to submit the environmental audit to the Department within such time as may be specified by the Department.

70.—(1) The Department shall develop, promote and implement appropriate incentive programmes which encourage the voluntary use of effective environmental management systems and the achievement of improvements in environmental quality, including—

Environmental
incentive
programmes.

- (a) the establishment of a voluntary facility environmental audit programme which allows for the exercise of enforcement discretion by the Department with respect to liability which might otherwise arise, if an offence or violation is detected as a result of such an audit programme and voluntary disclosure to the Department—,
- (b) the establishment of environmental certification or labelling programmes which allow the Department to distinguish or designate specific persons, activities or products which the Department certifies as demonstrating or representing significant environmental management qualities;
- (c) the operation of deposit refund systems for specified materials to increase the level of recycling, reuse or other authorised disposition; and
- (d) any other programmes or mechanisms which may further the objectives of the Act.

(2) With the approval of the Minister the Department may impose pollution charges or user fees to encourage the protection and conservation of the environment.

(3) For purposes of this Regulation, “facility environmental audit programme” means a comprehensive investigation and evaluation system designed and implemented at a facility for the purpose of—

- (a) detecting and preventing violations of environmental requirements or the commission of offences under these Regulations; and
- (b) identifying opportunities for achieving improvements in environmental programmes at the facility.

Washing of motor vehicles.

71. No person shall wash any motor vehicle or any other type of vehicle in any river or stream.

Offence.
60 of 2002.

72.—(1) Where no penalty is specifically provided in the Act, a person who contravenes these Regulations is guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years and in the case of a continuing offence, to a further fine not exceeding one hundred dollars for each day or part thereof during which the offence continues after a conviction is first obtained.

60 of 2002.

(2) In imposing any fine, the magistrate may order that the fine imposed, or a portion of such fine, be paid into an environmental fund established by the Department.

Savings in respect of other offences.

73. Where an act or omission constitutes an offence under these Regulations and is also an offence under any other law, nothing in these Regulations shall affect the operation of such other law and the accused person may be charged and tried under such other law, notwithstanding the provisions of these Regulations.

Fees.
Fourth Schedule.
60 of 2002.

74. The fees set out in the Fourth Schedule shall be paid in respect of the permits specified in the Fourth Schedule.

75. (1) The Department may, in performing any of its functions under these Regulations, from time to time, require any person, officer or other authority to furnish to it or to any prescribed authority or officer any reports, returns, statistics, accounts and other information that may be required for the purposes of these Regulations and such person, officer, or other authority shall be bound to do so.

Department may collect information. 60 of 2002.

(2) A person who fails to comply with subregulation (1) on being required by the Department to do so, commits an offence and is liable on conviction to a fine not exceeding five thousand dollars.

60 of 2002.

76.—(1) Any person who—

Additional offences. 60 of 2002.

- (a) fails to manage any pollutants, hazardous materials, processes or wastes in accordance with any permit, licence or lawful instruction of the Department or contrary to these Regulations;
- (b) knowingly or fraudulently mislabels wastes, pesticides or chemicals;
- (c) aids or abets the illegal trafficking in wastes, chemicals, pesticides or hazardous processes, wastes or substances

commits an offence and shall upon conviction be liable to a fine of not less than five thousand dollars and not more than twenty thousand dollars or to imprisonment for two years.

(2) Any person who discharges or emits any pollutant into the environment otherwise than in accordance with these Regulations commits an offence and shall be liable, upon conviction, to a fine of not less than ten thousand dollars or to imprisonment for ten years or to both such fine and imprisonment.

60 of 2002.

MADE by the Minister of Tourism and the Environment this
10th day of April, 1996.

(HENRY YOUNG)

Minister responsible for the Environment.

FIRST SCHEDULE

[Regulation 6]

CONCENTRATION OF AIR CONTAMINANTS

	Concentration in micrograms per meter cube			
	SPM	SO ₂	CO	NO _x
A. Industrial and mixed use	500	120	5000	120
B. Residential & Rural	200	80	2000	80
C. Sensitive	100	30	1000	30

1. CEMENT**Standard for particulate matter emissions.**

Capacity	Other area
200 tpd and less	400 mg/Nm ³
Greater than 200 tpd	250 mg/Nm ³

2. THERMAL POWER**(a) Standard for particulate matter emission.**

Boiler size	Other area
Less than 200MW	350 mg/Nm ³
200 MW & above	150 mg/Nm ³

(b) Standard for Sulphur dioxide control (through stack height)

Boiler size	Stack height
Less than 200MW	H=14 (Q) 0.3
200 MW to less than 500 MW	220 meters
500 MW & more	275 meters

Q=Sulphur Dioxide emission in kg/hr

H=Stack height in meters

3. IRON & STEEL

Standard for particulate matter

Process	Emission Limits
Sintering plant	150 mg/Nm ³
Coke oven	–
Blast furnace	–
Steel making during normal operation	150mg/Nm ³
Steel making during oxygen lancing	400mg/Nm ³

4. FERTILIZER (UREA)

Standard for particulate matter emission

Process	Emission Limit
Drilling Tower	50mg/Nm ³

5. FERTILIZER (PHOSPHATIC)

Standard for fluoride and particulate matter,

Process	Emission Limit
Acidification of rock phosphate	25 mg/Nm ³ as total fluoride (F ⁻)
Granulation, Mixing, Rock Grinding	150 mg/Nm ³ of particulate matter from each process

6. SULPHURIC ACID**Standard for sulphur dioxide and acid mist emission**

Process	Sulphur dioxide emission	Acid mist emission
Single conversion Single absorption	10 Kg/tonne of concentrated (100%) acid produced	50mg/Nm ³
Double conversion Double absorption	4kg/tonne of concentrated (100%) acid produced	50mg/Nm ³

7. CALCIUM CARBIDE**Standard for particulate matter emission.**

Source	Emission Limit
Kiln	250mg/Nm ³
Arc Furnace	150 mg/Nm ³

8. COPPER, LEAD AND ZINC SMELTING

Standard for particulate matter and other oxides of sulphur.

Concentrator	150 mg/Nm ³ for particulate matter
Smelter & Converter	Off-gases must go for H ₂ SO ₄ manufacture. No release of SO ₂ SO ₃ shall be permitted from the smelter or converter

9. CARBON BLACK

Standard for particulate matter emission.

Year of commissioning	Emission Limit
All plants	150 mg/Nm ³

10. NITRIC ACID

Standard for oxides of nitrogen, NO_x

3Kg of NO_x per tonne of weak acid (before concentration) produced

SECOND SCHEDULE

[Regulation 45]

NOISE LEVEL

Noise Level According to the dB (A) Scale (as defined by the International Electronics Commission.

		Structure A		Structure B		Structure C		Structure D		Structure E	
Duration of Noise		D	N	D	N	D	N	D	N	D	N
1.	More than 9 hrs	60		60		70		70		85	
2.	More than 3 hrs, less than 9 hrs	70		70		75		75		90	
3.	More than 30 mins	75		75		80		80		100	
4.	More than 30 mins		45		45		45		45		90
5.	More than 15 mins and less than 1 hr	70		70		90		90		105	
6.	More than 10 mins and less than 30 mins		45		50		50		50		90
7.	More than 5 mins and less than 15 mins	70		85		100		90		90	
8.	More than 2 mins and less than 5 mins	90		95		100		100		95	
9.	Less than 10 mins		50		70		70		70		80
10.	Less than 2 mins.	100		100		105		100		110	
11.	Noise from infrequent (less than 4 times per week) explosions	109		109		114		114		114	

D = Day N = Night

- Structure A: any building used as a hospital, convalescent home, old age home, or school.
- Structure B: any residential building
- Structure C: any building in an area that is used for residential and one or more of the following purposes: commerce, small scale production, entertainment.
- Structure D: any residential apartment in an area that is used for the purposes of industry, commerce or small-scale production
- Structure E: any building used for the purposes of industry, commerce, or small-scale production in an area used for the purposes of industry, commerce, or small scale production.

THIRD SCHEDULE¹*[Regulation 47 and 48]*

SCHEDULED SUBSTANCES

PART I

Chlorofluorocarbons (CFC)

Chemical Name		Common Name
CFCl ₃ –	Trichlorofluoromethane	CFC11
CF ₂ Cl –	Dichlorodifluoromethane	CFC12
C ₂ F ₃ Cl ₃ –	Trichlorotrifluoroethane	CFC113
C ₂ F ₄ Cl ₂ –	Dichlorotetrafluoroethane	CFC114
C ₂ F ₅ Cl –	Chloropentafluoroethane	CFC115

PART 2

Halons

Chemical Name		Common Name
CF ₂ BrCl –	Bromochlorodifluoromethane	halon 1211
CF ₃ Br –	Bromotrifluoromethane	halon 1301
C ₂ F ₄ Br –	Dibromotetrafluoroethane	halon 2402

¹ This Schedule was amended by S.I. 101 of 2009.

PART 3

Other Fully Halogenated Chlorofluorocarbons

Chemical Name		Common Name
CF ₃ Cl	– Chlorotrifluoromethane	CFC13
C ₂ FCl	– Pentachlorofluoroethane	CFC111
C ₂ F ₂ Cl ₄	– Tetrachlorodifluoroethane	CFC112
C ₃ FCl ₇	– Heptachlorofluoropropane	CFC211
C ₃ F ₂ Cl ₆	– Hexachlorodifluoropropane	CFC212
C ₃ F ₃ Cl ₅	– Pentachlorotrifluoropropane	CFC213
C ₃ F ₄ Cl ₄	– Tetrachlorotetrafluoropropane	CFC214
C ₃ F ₅ Cl ₃	– Trichloropentafluoropropane	CFC215
C ₃ F ₆ Cl ₂	– Dichlorohexafluoropropane	CFC216
C ₃ F ₇ Cl	– Chloroheptafluoropropane	CFC217

PART 4

Carbon Tetrachloride

Chemical Name		Common Name
CCl ₄	– Tetrachloromethane	Carbon Tetrachloride

PART 5

Methyl Chloroform

Chemical Name		Common Name
C ₂ H ₃ Cl ₃ – 1,1,1	– Trichloroethane	Methyl Chloroform

PART 6

Hydrochlorofluorocarbons (HCFC)

Chemical Name	Common Name
CHF ₂ Cl – Chlorodifluoromethane	HCFC 22
C ₂ HF ₄ Cl ₂ – Dichlorotrifluoroethane	HFC 123
C ₂ HF ₄ Cl– Chlorotetrafluoroethane	HCFC 124
C ₂ H ₃ FCl ₂ – Dichlorofluoroethanes	HCFC 141
CH ₃ CFCl ₂ –1,1–Dichloro–1–fluoroathane	HCFC 141b
C ₂ H ₃ F ₂ Cl– Chlorodifluoroethane	HCFC 142
CH ₃ CF ₂ Cl–1–Chloro–1,1–difluoroethane	HFCH 142b

PART 7

Hydrofluorocarbon (HFC)

Chemical Name	Common Name
CF ₃ CH ₂ F–1,1,1,2–Tetrafluoroethane	HFC 134a
CHF ₂ CH ₃ –1,1–Difluoroethane	HFC 152a
CF ₃ CHF ₂ –Pentafluoroethane	HFC 125
CF ₃ CH ₃ –1,1,1–Trifluoroethane	HFC143a
CH ₂ F ₂ –Difluoromethane	HFC 32
CHF ₃ –Trifluoromethane	HFC 23
CF ₃ CH ₂ CHF ₂ –1,1,1,3,3–Pentafluoropropane	HFC 245fa

PART 8

Hydrofluorocarbon Mixtures (HFC)

Mixture	Common Name
R 143a/125/134a	R 404A
R 143a/125	R 507A
R 32/125/134a	R 407A
R 32/125/134a	R 407B
R 32/125/134a	R 407C
R 32/125	R 410A
R 23/116	R 508A
R 23/116	R 508B

PART 9

Other Blends

Mixture	Common Name
CFC 12/HFC 152a	R 500
HCFC22/HCFC 124/HFC 152a	R 401 (MP 39)
HFC 134a/Iso-butane/Octofluoropropane	R 413A (MO49)
HCFC-22/R-600a/HCFC-142b	R-406A
HCFC-22/HFC-143a/HFC-125	R-409A (FX 10)

HCFC-22/HCFC-124/HCFC-142b

R 409A (FX 56)

HCFC-22/HFC-152a

R-415B

Including any other kind of refrigerant gases such as
Hydrocarbons.

FOURTH SCHEDULE

[Regulation 74]

FEES

Permit to emit contaminants into the environment under regulation 3 or regulation 4	\$500
Permit to construct building on site formerly used for the elimination of waste under regulation 4.	\$1000

FIFTH SCHEDULE

[Regulation 49]

<u>Equipment</u>	<u>Effective Date</u>
Domestic refrigerators and freezers.	1/1/03
Industrial refrigeration units	1/1/03
Commercial refrigeration units, including Display Cabinets, bottle coolers and Soda fountains	1/1/03
Aerosols, foams and solvents which use or are made up of the following ozone depleting substances	1/1/03
CFC-11	
CFC-12	
CFC-113	
CFC-114	
CFC-115	
Vehicular air conditioning units	1/1/03
Halon-based fire fighting equipment	1/7/02

SIXTH SCHEDULE

[Regulations 2 and 50(1)]

PART I

List of Licensed Refrigerant importers

LICENSED IMPORTERS

Midway Convenience Store
Enrique Martinez & Sons

PART II

CFC to be imported under the Quota System

CFC-11 (CFC-13) –	Until 2002
CFC-12 (CFC2CL2) –	Until 2010
CFC-113 (C2F3CL3) –	“ “
CFC-114 (C2F4CL2) –	“ “
CFC-115 (C2F5CL) –	“ “
R502 (51.2% CFC-115 and 48.8% HCFC 22)	“ “

PART III

Annual Quota Allocations for Imports of CFCs

Importers

Quota Allocations

Enrique Martinez & Sons	50%
Midway Convenience Store	50%

PART IV

CFC Imported Quotas 2001 – 2008

Jan 2002 to Dec 2002	25 metric tonnes
Jan 2003 to Dec 2003	20 metric tonnes
Jan 2004 to Dec 2004	15 metric tonnes
Jan 2005 to Dec 2005	10 metric tonnes

SEVENTH SCHEDULE

[Regulation 50(1)]

APPLICATION FORM

APPLICATION FOR LICENSE TO IMPORT/EXPORT
SCHEDULE SUBSTANCES (OZONE DEPLETING
SUBSTANCE)

1. Name of importer:
.....
2. Address of Importer:
.....
3. Description and Quantity/Volume of Substances to be
imported/Exported:
.....
4. Country of Origin of Substance:.....
.....
5. Supplier's Name and Address:
.....
6. Port of Entry:
.....
7. Has any previous application been made? Yes..... No.....

If yes, please state When and Quantity Imported:

.....

.....
Date

.....
Applicant's Signature

For Official Use Only

Approved/Not Approved

Note:

Chief Environmental Officer

EIGHTH SCHEDULE
[Regulation 50(3)]

ENVIRONMENTAL PROTECTION ACT (CAP. 328)

LICENCE TO IMPORT/EXPORT SCHEDULED SUBSTANCE

THE DEPARTMENT OF THE ENVIRONMENT HEREBY GRANTS A LICENCE
TO:

To Import/Export scheduled substances pursuant to an application for
importation/exportation dated the _____ day of _____.

Location of the Importing/Exporting company or person: _____

Type, Quota of scheduled substance for which this licence is being authorised:

Type: _____

Quota: _____

This LICENCE is granted subject to the following conditions:

1. Only a maximum volume/quantity of scheduled substances will be permitted to be imported/exported as per the annual quota stated above.
2. A maximum of 50% of the above quota will be permitted for transfer to another scheduled importer/exporter.
3. This licence is valid for one year only.
4. This licence can be revoked by the chief Environmental Officer at any time, pursuant to regulations 48.

This Licence expires: 31st December, 20____.

Date

Chief Environmental Officer

NINTH SCHEDULE

[Regulation 49(4)]

RETROFIT CERTIFICATION

Name of Importer:

Address: _____

Item: _____

Nature of Retrofit:

Type of Gas removed from system: _____

Type of Gas System Retrofitted to: _____

Name of Retrofitter: _____

Remarks: _____

TENTH SCHEDULE

[Regulation 52(4)]

QUARTERLY REPORT FORM
ODS RETROFITTING

Reporting Period: _____

Type of Equipment	Number retrofitted	Previous total	Year to date
Refrigerator			
Deep Freezer			
A/C Unit (window)			
A/C Unit (heavy duty vehicle)			
A/C Unit (motor vehicle)			
A/C Unit (other)			
Refrigerated Truck			
Other			

TOTAL

Comments:

Port of Entry:

Signed _____

Signature of Supervisor _____

Date _____

Date _____

ELEVENTH SCHEDULE ¹*[Regulations 57 (1)(14) & 60]*NATIONAL MINIMUM EFFLUENT STANDARDS FOR
PETROLEUM REFINERY

S. No.	Parameter	Limiting value for concentration (mg/l, except for pH)	Limiting value for quantum (kg/1000 tonne of crude processed, except for pH)	Averaging Period
Parameters to be monitored daily: grab samples for each shift with 8-hours' interval				
1	Ph	6.0 - 8.5	-	Grab
2	Oil & Grease	5	2	-do-
Parameters to be monitored daily: composite sample (with 8-hours' interval) for 24-hours flow weighted average				
3	BOD _{3 days, 27°C}	15	6	24-hours
4	COD	125	50	-do-
5	SS	20	8	-do-
6	Phenols	0.35	0.14	-do-
7	Sulphides	0.5	0.2	-do-
8	CN	0.2	0.08	-do-
Parameters to be monitored once in a month: composite sample (with 8-hours' interval) for 24-hours flow weighted average				
9	Ammonia as N	15	6	-do-
10	TKN	40	16	-do-
11	P	3	1.2	-do-
12	Cr (VI)	0.1	0.04	-do-
13	Total Cr	2.0	0.8	-do-
14	Pb	0.1	0.04	-do-
15	Hg	0.01	0.004	-do-
16	Zn	5.0	2	-do-
17	Ni	1.0	0.4	-do-
18	Cu	1.0	0.4	-do-
19	V	0.2	0.8	-do-
Parameters to be monitored once in month: grab samples for each shift with 8-hours' interval				
20	Benzene	0.1	0.04	Grab
21	Benzo(a) Pyrene	0.2	0.08	-do-

¹ This Schedule was inserted by S.I. 101 of 2009.

TWELFTH SCHEDULE¹

[Regulations 57 & 60]

NATIONAL MINIMUM EMISSIONS STANDARDS FOR
PETROLEUM REFINERY

A. Minimum National Standards for Emissions from furnace and boilers:

S. No.	Parameter	Limiting concentration in mg/Nm ³ , unless stated	
		Refineries, furnaces, boilers	
1	Sulphur Dioxide (SO ₂)	Gas firing	50
		Liquid firing	850
2	Oxides of Nitrogen (NO _x)	Gas firing	250
		Liquid firing	350
3	Particulate Matter (PM)	Gas firing	5
		Liquid firing	50
4	Carbon Monoxide (CO)	Gas firing	100
		Liquid Firing	150
5	Nickel + Vanadium (Ni + V)	Liquid Firing	5
6	Hydrogen Sulphide (H ₂ S) in fuel gas	–	150
7	Sulphur content in liquid fuel, weight %	–	2.0

B. Minimum National Standards for Emissions from Fluid Catalytic Cracking (FCC) regenerators:

S. No.	Parameter	Limiting concentration in mg/Nm ³ , unless stated
		Refineries or FCC
1	Sulphur Dioxide (SO ₂)	500 (for hydro-processed feed) 850 (for other feed)
2	Oxides of Nitrogen (NO _x)	350
3	Particulate Matter (PM)	50
4	Carbon Monoxide (CO)	300
5	Nickel + Vanadium (Ni + V)	2

¹ This Schedule was inserted by S.I. 11 of 2009

6	Opacity, %	30
---	------------	----

C. Minimum National Standards for Emissions from Sulphur Recovery Units:

S. No.	Plant capacity (Tonnes/ day)	Parameter	Refineries or SRU
1	Above 20	Sulphur recovery, %	99
		H ₂ S, mg/Nm ³	10
2	5 – 20	Sulphur recovery, %	98
3	1 – 5	Sulphur recovery, %	96
4	-	Oxides of Nitrogen (NO _x) mg/Nm ³	250
5	-	Carbon Monoxide (CO) mg/Nm ³	100

D Minimum National Standards for Emissions from Storage of volatile liquids: Storage of general petroleum products:

Requirements on type of storage tanks shall be as follows

S. No.	Total Vapour Pressure (TVP), kPa	Tank Capacity, m ³	Type of Storage Tank
1	> 10	4 – 75	Fixed Roof Tank (FRT) with pressure valve vent
2	10 – 76	75 – 500	Internal Floating Roof Tank (IFRT) or External Floating Roof Tank (EFRT) or Fixed Roof Tank with vapour control or vapour balancing system
3	10 – 76	> 500	Internal Floating Roof Tank or External Floating Roof Tank or Fixed Roof Tank with vapour control system
4	> 76	> 75	Fixed Roof Tank with vapour control system

E. Minimum National Standards for Emissions from Loading of Volatile Products:

S. No.	Item	Standards
1	Applicable products	Gasoline, Naphtha, Benzene, Toluene, Xylene
2	Type of loading: (i) Road tank truck (ii) Rail tank wagon	(i) Bottom loading (ii) Top submerged
3	Vapour collection: Road tank truck/ Rail tank wagon	Annual leak testing
Emission control for Road tank truck/ Rail tank wagon loading		
4	Gasoline and Naphtha: (i) VOC reduction, % or (ii) Emission, mg/m ³	(i) 99.5 or (ii) 5
6	Benzene: (i) VOC reduction, % or (ii) Emission, mg/m ³	(i) 99.99 or (ii) 20
7	Toluene/Xylene: (i) VOC reduction, % or (ii) Emission, mg/m ³	(i) 99.98 or (ii) 150

F. Minimum National Standards for Fugitive Emissions from Equipment Leaks:

S. No.	Component	General Hydrocarbon (ppm)	Benzene (ppm)
1	Pump/Compressor	7500	2500
2	Valves/Flanges	6000	1500
3	Other components	6000	1500

THIRTEENTH SCHEDULE ¹*[Regulations 58 & 60]*MONITORING AND REPAIR SCHEDULE FOR LEAKS
DETECTION IN PETROLEUM INDUSTRY

1. **Below is the Schedule for the frequency for monitoring of leaks and schedule for repair of leaks:**

S. No.	Component	Frequency of monitoring	Repair schedule
1	Valves/Flanges	Quarterly (semi-annual after two consecutive periods with < 2% leaks and annual after 5 periods with < 2% leaks)	Repair will be started within 5 working days and shall be completed within 15 working days after detection of leak for general hydrocarbons. In case of benzene, the leak shall be attended immediately for repair.
2	Pump seals	Quarterly	
3	Compressor seals	Quarterly	
4	Pressure relief devices	Quarterly	
5	Pressure relief devices (after venting)	Within 24 hours	
6	Heat Exchangers	Quarterly	
7	Process drains	Annually	
8	Components that are difficult to monitor	Annually	
9	Pump seals with visible liquid dripping	Immediately	Immediately
10	Any component with visible leaks	Immediately	Immediately

¹¹ This Schedule was inserted by S.I. 101 of 2009

11	Any component after repair/replacement	Within five days	–
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FOURTEENTH SCHEDULE ¹

[Regulations 57(15) & 60]

**RECOMMENDED ANALYTICAL METHODS IN
PETROLEUM INDUSTRY**

1. With regard to captive power plants, the standards prescribed for furnaces shall be applicable.
2. Emission monitoring shall be carried out as per regulations set by the Department.
3. The following methods may be used for measurement of pollutant concentrations in the **emissions**:

S. No.	Parameter	Method of measurement
1	Sulphur Dioxide (SO ₂)	USEPA CFR-40 Part 60 Appendix A Method 6
2	Oxides of Nitrogen (NO _x)	USEPA CFR-40 Part 60 Appendix A Method 7
3	Particulate Matter (PM)	USEPA CFR-40 Part 60 Appendix A Method 5
4	Carbon Monoxide (CO)	USEPA CFR-40 Part 60 Appendix A Method IOA/ Combustion analyzer with electro chemical detector/ NDIR detector
5	Nickel + Vanadium (Ni + V)	USEPA CFR-40 Part 60 Appendix A Method 29
6	Hydrogen Sulphide (H ₂ S)	USEPA CFR-40 Part 60 Appendix A Method 15

4. The following methods may be used for measurement of pollutant concentrations in the **effluent**:

S. No.	Parameter	Method	Reference
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¹ Inserted by S.I. 101 of 2009

1	Ph	By electrometric method using pH meter	APHA, 20 th edition 1998 4500 - H+B Page 4-87 to 4-91
2	Oil & Grease	Soxhlet solvent extraction method	APHA, 20 th edition 1998, 5520 D Page 5 - 38

S. No.	Parameter	Method	Reference
3	BOD ₃ days, 27°C	Incubation followed by Winkler's Idometric titration using Azide modification	BIS, 1993, 3025 (part 44)
4	COD	Dichromate oxidation open reflux method followed by titration	APHA, 20 th edition 1998 5520 – B Page 5-14 to 5-15
5	SS	By Gravimetric method 103-105°C	APHA, 20 th edition 1998, 2540 D Page 2-57 to 2-58
6	Phenols	Distillation followed by Direct Photometric method	APHA, 20 th edition 1998 5530 B & D Page 5-41 & 5-43 to 5-44
7	Sulphides	Iodometric Titration method	APHA, 20 th edition 1998 4500 S ²⁻ -F Page 4-167
8	CN	Distillation followed by Argentometric titration	APHA, 20 th edition 1998 4500 CN-C & D Page 4-37 to 4-39
9	Ammonia as N	Distillation followed by phenate method	APHA, 20 th edition 1998 4500 NH ₃ B & F Page 4-104, 105 and 108 & 109
10	TKN	Digestion followed by distillation and titration	APHA, 20 th edition 1998 4500 N org B Page 4-124 to 125
11	PO ₄ -P (available)	Spectrophotometric method using stannous chloride reduction method	APHA, 20 th edition 1998 4500 P D Page 4-145 to 146
12	Cr (VI)	Spectrophotometric method using Diphenyl Carbazide	APHA, 20 th edition 1998 3500 Cr B Page 3-66 to 3-68
13	Total Cr	Oxidation followed by spectrophotometric method using Diphenyl Carbazide	APHA, 20 th edition 1998 3500 Cr B Page 3-66 to 3-68
14	Pb	Nitric Acid Digestion followed by AAS method (Direct Air-Acetylene Flame)	APHA, 20 th edition 1998 3030E & 311 B Page 3-8 & 3-17 & 18

15	Hg	By mercury analyzer (cold vapour generation technique)	APHA, 20 th edition 1998 3112 B Page 3-22 to 24
16	Zn	Nitric acid digestion followed by ASS method	APHA, 20 th edition 1998 3030E & 311 B Page 3-8 & 3-17 & 18

S. No.	Parameter	Method	Reference
17	Ni	Nitric acid digestion followed by ASS method	APHA, 20 th edition 1998 3030E & 311 B Page 3-8 & 3-17 & 18
18	Cu	Nitric acid digestion followed by ASS method	APHA, 20 th edition 1998 3030E & 311 B Page 3-8 & 3-17 & 18
19	V	Acid digestion followed by AAS method (Direct Nitrous Oxide–Acetylene flame)	APHA, 20 th edition 1998 3111 B & D Page 3-17 & 18 and 3-20 to 21
20	Benzene	Gas chromatograph Method (Purge and Trap Technique) or Liquid-liquid extraction GC/MS Method	6410 B Page 6-59 to 72
21	Benzo(a) Pyrene	Liquid-liquid extraction Chromatographic Method	APHA, 20 th edition 1998, 6440 B Page 6-79 to 84

CHAPTER 328**ENVIRONMENTAL PROTECTION (POLLUTION
FROM PLASTICS) REGULATIONS****ARRANGEMENT OF REGULATIONS****PART I***Preliminary*

1. Short title.
2. Interpretation.

PART II*Importation of restricted products*

3. Permit to import a restricted product.
4. Permit application.
5. Grant of a permit to import a restricted product.
6. Conformity assessment for biodegradability.
7. Form of permit to import a restricted product.
8. Conditions of permit.
9. Transferability and renewability of permit.
10. Register of restricted products.
11. Cancellation or refusal of a permit.

12. Importation of restricted product without a permit.
13. Customs Department to deal with restricted products imported without a permit.

PART III

Manufacture of a restricted product

14. Licence to manufacture a restricted product.
15. Licence application.
16. Grant of licence to manufacture a restricted product.
17. Form of licence to manufacture a restricted product.
18. Conditions of licence.
19. Cancellation or refusal to grant a licence.
20. Procedure on refusal or cancellation of a licence.
21. Renewal of licence to manufacture a restricted product.
22. Manufacture of a restricted product without a licence.
23. Failure to report.

PART IV

Prohibited products

24. Importation of prohibited products.
25. Manufacture of prohibited products.

-
26. Sale of prohibited products.
 27. Possession of prohibited products.
 28. Exemption during national emergencies.
 29. Permit to import raw materials of prohibited products.
 30. Licence to manufacture prohibited products using imported raw materials.
 31. Conditions for permits or licences under regulation 29 or 30.

PART V

Miscellaneous

32. Electronic applications.
33. Transitional.
34. Commencement.

CHAPTER 328

(Section 6, 7, 21, 45)

**ENVIRONMENTAL PROTECTION (POLLUTION
FROM PLASTICS) REGULATIONS**

CAP. 328.
R.E. 2020.
8 of 2020.
124 of 2020.

(Gazetted 15"January, 2020)

1. These Regulations may be cited as the

Short title.

**ENVIRONMENTAL PROTECTION (POLLUTION
FROM PLASTICS) REGULATIONS.**

2. In these Regulations–

Interpretation.

“Belize Bureau of Standards” means the Bureau of Standards established under section 3 of the Standards Act;

CAP. 295.

“barrier bags and plastics” means any plastic that is an integral part of the packaging in which goods are sealed for sale and are used for packaging unpacked perishable foods;

“bio-based” means the amount of bio-based carbon in the material or product as a percent of the weight (mass) of the total organic carbon in the product;

“bio-based plastic” means plastics that are biodegradable by nature and produced from natural origins;

“biodegradability” means the ability of a substance to be broken down into simpler substances by living things especially by microorganism;

“biodegradable” or “biodegrade” means material–

- (a) capable of undergoing decomposition into carbon dioxide, methane, water, inorganic compounds, or biomass in which the predominant mechanism is the enzymatic action of microorganism, that can be measured by standardized tests, in a specified period of time, reflecting available disposal condition;
- (b) capable of being broken down chemically by living organisms into non-toxic substances, within a specified period of time; or
- (c) that can be decomposed into non-toxic substances by the action of naturally occurring microorganisms, within a specified period of time;

“biodegradable plastic” means—

- (a) plastics that can be degraded by living organisms or microorganisms into water, methane and inorganic compounds or non-toxic residue, within a specified period of time; or
- (b) a degradable plastic in which degradation results from the action of naturally occurring microorganisms such as bacteria, fungi and algae, within a specified period of time;

“certification” means third-party attestation that products, processes, systems or persons conform to established standards;

“commercially biodegradable plastic” means any plastic that has a minimum bio-based content that is greater than fifty percent, and capable of biodegrading within three hundred and sixty-five days into an innocuous product by the action of living organisms as part of an approved disposal process;

“compostable plastic” means any plastic that undergoes degradation by undergoing biological decomposition in a compost site, such that the plastic is not distinguishable or leaves no toxic residue and breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials;

“compostable” means material that—

- (a) is biodegradable; and
- (b) is capable of undergoing biological decomposition in a composite site, such that the material is not distinguishable or leave toxic residue and breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials;

“conformity assessment” means demonstration that specified requirements relating to a product, process, system, person or body are fulfilled, typically conducted through quality assessment services such as sampling, inspections, testing, calibration or certification;

“degradable” means material that—

- (a) with respect to specific environmental conditions, undergoes degradation to a specific extent within a given time measured by a specific standard test method; and
- (b) is broken down by bacterial (biodegradable), thermal (oxidative), or ultraviolet (photodegradable) action;

“Department” means the Department of the Environment established under section 3 of the Act;

CAP.328.

“environmentally degradable plastic” means a plastic that is designed to undergo a significant change in its chemical structure under one or more combined environmental conditions, resulting in a loss of some properties that may vary as measured by standard test methods appropriate to the plastic and the application in a period of time that determines its classification;

“independent testing laboratory” means any laboratory recognized under the international accreditation framework recognized and registered by the Belize Bureau of Standards;

“international accreditation framework” includes—

- (a) the International Laboratory Accreditation Cooperation; and
- (b) the International Accreditation Forum; "national standards" means standards made by the Belize Bureau of Standards;

“plastic” means a material that—

- (a) contains as an essential ingredient one or more organic polymeric substances of large molecular weight;
- (b) is solid in its finished state; and
- (c) at some stage in its manufacture or processing into finished articles, can be shaped by flow;

Schedule II

“prohibited product” means any single-use plastic product specified in Schedule II;

Schedule I

“restricted product” means any single-use plastic product specified in Schedule I;

“single-use plastic product” means plastic products that are designed or intended for one time use before disposed or recycled; and

“third-party certification” means an assurance given by an independent testing laboratory, that a product, service or system meets the requirement of established standards.

PART II

Importation of restricted products

3. A person shall apply to the Department for a permit to import a restricted product as specified in Schedule I.

Permit to import a restricted product. Schedule I.

4.-(1) An application for a permit to import a restricted product shall—

Permit application.

(a) be in the form set out in Schedule III; and

Schedule III.

(b) be accompanied by a non-refundable fee of twenty-five dollars.

(2) If the restricted product being imported is biodegradable, compostable or degradable, the application, as set out in Schedule III, shall include, where applicable—

Schedule III.

(a) product certification and safety data sheet; or

(b) third-party certification showing that the product has undergone a conformity assessment at an independent testing laboratory.

5.-(1) The Chief Environmental Officer may grant a permit to import a restricted product if satisfied that the—

Grant of a permit to import a restricted product.

- (a) restricted product is not a single-use plastic product listed in Schedule II;
- (b) product is intended for use as a barrier bag and plastic, intended for medical purposes or pharmaceutical purposes, if the restricted product is listed in Schedule II;
- (c) applicant has paid the non-refundable fee under regulation 4(1)(b);
- (d) permit application is complete and accurate;
- (e) information about the product to be imported is accurate; and
- (f) applicant provides any other information or documentation as may be required by the Chief Environmental Officer.

(2) If the restricted product is made of material that is biodegradable, compostable or degradable, the Chief Environmental Officer shall grant a permit if the requirements under subregulation (1) are satisfied, and if—

- (a) the restricted product meets
 - (i) national standards; or
 - (ii) acceptable third-party certification from an independent testing laboratory; and
- (b) the restricted product—
 - (i) is classified as a commercially biodegradable plastic, and labelled as bio-based plastic, or biodegradable plastics, or compostable plastic, or environmentally degradable plastic; or

- (ii) has undergone a conformity assessment in accordance with regulation 6.

6.–(1) The Department may require that a conformity assessment for determination of the biodegradability of a restricted product is conducted at a testing facility approved by the Department, if–

Conformity assessment for biodegradability.

- (a) the restricted product is classified as commercially biodegradable plastic;
- (b) it is the first time importation of the restricted product;
- (c) the product does not have an accepted third-party certification or the certification is older than five years; or
- (d) the Department deems it necessary to ensure that the product complies with national standards and is a commercially biodegradable plastic that is made of material that is biodegradable, or compostable, or degradable.

(2) Notwithstanding subregulation (1), the Department may randomly conduct conformity assessments to determine the biodegradability and bio-based content of the restricted product.

(3) The importer or manufacturer of a restricted product shall bear the cost of conducting any conformity assessment to determine biodegradability and bio-based content under subregulation (1) and (2).

7. A permit to import a restricted product shall be–

- (a) in the form set out in Schedule IV;
- (b) for one-time importation; and

Form of Permit to import a restricted product. Schedule IV.

(c) valid for one hundred and eighty days.

Conditions of permit.

8. The Department may impose such conditions on a permit to import a restricted product as the Chief Environmental Officer considers appropriate.

Transferability and renewability of permit.

9. A permit granted for the importation of a restricted product shall not be—

(a) transferrable; or

(b) renewable.

Register of restricted products.

10. The Department shall keep a register of all restricted products that—

(a) have successfully completed a conformity assessment;

(b) have an acceptable third-party certification;

(c) complies with national standards;

(d) have been imported as a barrier bag or plastic, or imported for medical purposes or pharmaceutical purposes;

(e) have been imported through a permit under regulation 5;

(f) have been manufactured through a licence under regulation 15.

Cancellation or refusal of a permit.

11. The Chief Environmental Officer may cancel or refuse to grant a permit for the importation of a restricted product if satisfied that—

Schedule II

(a) the restricted product intended to be imported is listed in Schedule II;

- (b) the restricted product intended to be imported is listed in Schedule II and is not intended for use for medical purposes, pharmaceutical purposes, or as a barrier bag or plastic;
- (c) the information provided in the application is false or misleading;
- (d) the importer has breached a condition of the permit;
- (e) the imported product fails to meet the criteria for a commercially biodegradable plastic;
- (f) the imported product fails to meet national standards; or
- (g) the imported product is determined to be unsafe or detrimental to human health or the environment.

12.—(1) Any person that imports a restricted product specified in Schedule I without a permit commits an offence and is liable on summary conviction to a fine, whichever is greater, that is—

Importation of restricted product without a permit.

- (a) not less than ten thousand dollars but not exceeding twenty thousand dollars; or
- (b) three times the assessed value of the imported restricted product, but not exceeding twenty thousand dollars.

(2) Notwithstanding anything in these Regulations, a person may, at a border crossing or an international airport, enter into the country on his person a maximum of ten single use plastic products, described in Schedule II, without being subject to prosecution or confiscation.

(3) If a person enters at a border crossing or an international airport with more than ten single-use plastic products described in Schedule II, the products will be confiscated upon entry.

Custom Department to deal with restricted products imported without a permit. CAP.49.

13.—(1) The Customs Department, in coordination with the Department, shall deal with any restricted product imported without a permit in accordance with the provisions of the Customs Regulation Act.

Confiscation and return of restricted product. Schedule V.

(2) Where the Department shall deal with any restricted product imported without a permit, the Department shall confiscate the restricted product and issue a Notice of Return prescribed in Schedule V.

(3) The importer of any product confiscated under subregulation (2) shall return the restricted product to the place of origin within 30 days of the date of issue of the notice and shall pay the costs for the return.

(4) Where the Department pays for the return of a restricted product to the place of origin, the cost so incurred shall constitute a civil debt upon the importer and shall be recoverable as such.

PART III

Manufacture of restricted products

Licence to manufacture a restricted product.

14.—(1) A person shall apply to the Department for a licence to manufacture a restricted product.

(2) Where a person has more than one manufacturing facility, that person shall apply for a licence to manufacture a restricted product for each facility.

15. An application for a licence to manufacture a restricted product shall—

Licence application.

(a) be accompanied by a non-refundable fee of five hundred dollars;

(b) be in the form set out in Schedule VI; and

Schedule IV.

(c) if the restricted product being manufactured is made of material that is biodegradable, compostable or degradable, the application shall include, if applicable—

(i) product certification and safety data sheet; or

(ii) third-party certification showing that the product has undergone a conformity assessment at an independent testing laboratory; or

(iii) documentation to show that the product meets the criteria to be labelled as bio based plastic, biodegradable plastics, compostable plastic or environmentally degradable plastic.

16. The Chief Environmental Officer may grant a licence to manufacture a restricted product if—

Grant of licence to manufacture a restricted product.

(a) the applicant has paid the non-refundable fee under regulation 15(a);

(b) if the restricted product intended to be manufactured is listed in Schedule II and the product is intended for use for medical purposes or pharmaceutical purposes or as a barrier bag or plastic;

- (c) the licence application is complete and accurate;
- (d) the applicant has environmental clearance through the signing of an environmental compliance plan;
- (e) for renewal applications, the applicant is in compliance with its environmental clearance and environmental compliance plan;
- (f) the applicant is current with importation and manufacturing reporting requirements; or
- (g) the applicant provides any other information or documentation as may be required by the Chief Environmental Officer.

Form of licence to manufacture a restricted product. Schedule VII.

17. A licence to manufacture a restricted product shall be—

- (a) in the form set out in Schedule VII; and
- (b) valid until December 31st of the year granted.

Conditions of licence.

18.—(1) The Department may impose such conditions on a licence to manufacture a restricted product as the Chief Environmental Officer considers appropriate.

(2) Notwithstanding subregulation (1), every licence granted shall be subject to the following conditions—

- (a) every restricted product shall conform to national standards;
- (b) if the restricted product is made of material that is biodegradable, compostable or degradable, the holder of the licence shall provide evidence that the restricted product is

a commercially biodegradable plastic and the product meets—

- (i) national standards or has acceptable third-party certification, where applicable; and
 - (ii) the criteria to be labelled as bio-based plastic, biodegradable plastics, compostable plastic or environmentally degradable plastic;
- (c) the facility is compliant with all environmental laws and has environmental clearance;
- (d) the owner has a signed Environmental Compliance Plan and its operations are compliant with the conditions of the Environmental Compliance Plan;
- (e) the licence is displayed in a conspicuous location in the facility;
- (f) the licensee submits a quarterly report, in a format specified by the Department, on the products manufactured in the facility which shall include—
- (i) name of product manufactured by facility;
 - (ii) Harmonized System Code of the product manufactured, if for export;
 - (iii) type and composition of products manufactured at the facility;
 - (iv) quantity and volume, as applicable, of product being manufactured;

- (v) intended purpose, use of product, or sector for which the product is intended;
 - (vi) description of product manufactured by facility;
 - (vii) whether the product manufactured is intended for use as barrier bags and plastics, and provide details on use, sale, and distribution;
 - (viii) whether the product is non-biodegradable, biodegradable or compostable, or degradable;
 - (ix) if biodegradable, whether the product manufactured is made of bio-based plastic, or biodegradable plastics, compostable plastic or environmentally degradable plastic, and provide quantities;
 - (x) the product registration number, where the product is biodegradable;
- (g) all production reports shall be submitted to the Department in a specified format within fifteen working days after the end of each quarter;
- (h) any other conditions stipulated by the Chief Environmental Officer and set forth in the licence.

Cancellation or refusal to grant a licence.

19.-(1) The Chief Environmental Officer may cancel or refuse to grant a licence to manufacture a restricted product if satisfied that—

- (a) the restricted product intended to be manufactured is listed in Schedule II;
- (b) if the restricted product intended to be manufactured is listed in Schedule II and is not intended for use for medical purposes or pharmaceutical purposes, or as a barrier bag or plastic;
- (c) the information provided in the application is false or misleading;
- (d) the applicant has breached a condition of the licence;
- (e) the applicant is not in compliance with its environmental clearance and environmental compliance plan; or
- (f) the product to be manufactured is determined to be unsafe or detrimental to human health or the environment.

(2) The Chief Environmental Officer may cancel a licence to manufacture a restricted product upon the request of a licence.

20.—(1) The Department shall, in writing, notify an applicant or licence, if the Chief Environmental Officer—

Procedure on refusal or cancellation of a licence.

- (a) refuses to grant a licence; or
- (b) cancels a licence.

(2) A notice under subregulation (1) shall—

- (a) state the reason for the refusal or cancellation; and

- (b) allow the applicant or licensee a period of twenty-one days to respond in writing to any of the grounds for refusal or cancellation.

(3) Within twenty-one days of the receipt of a response under subregulation 2(b), the Chief Environmental Officer shall, in writing, notify the applicant or licensee of his decision to—

- (a) grant a new licence;
- (b) revoke the cancellation of an existing licence;
or
- (c) refuse to grant the licence.

(4) Where the applicant or licensee, as the case may be, disagrees with the decision of the Chief Environmental Officer, the applicant or licensee may apply to the court for judicial review, within twenty-one days of the decision of the Chief Environmental Officer.

Renewal of licence to manufacture a restricted product. Schedule VI.

21.—(1) An application for the renewal of a licence to manufacture a restricted product shall be—

- (a) in the form set out in Schedule VI; and
- (b) submitted during the period of 1st October to 1st December of the year the licence shall expire.

(2) An applicant who fails to apply for the renewal of a licence to manufacture a restricted product within the time specified in subregulation (1)(b) shall pay an additional fee of one hundred dollars.

Manufacture of a restricted product without a licence.

22. Any person that manufactures a restricted product without a licence commits an offence and is liable on summary conviction to—

- (a) a fine, not less than ten thousand dollars but not exceeding twenty thousand dollars;
- (b) imprisonment for a term not exceeding six months;
- (c) closure of the facility; or
- (d) a combination of any of the above.

23.—(1) Any licensee that fails to report in accordance with regulation 18(2)(f) commits an offence and is liable on summary conviction to a fine of—

Failure to report.

- (a) two thousand five hundred dollars for the first offence;
- (b) five thousand dollars for the second offence; or
- (c) ten thousand dollars for the third offence, and cancellation of licence.

(2) Any licensee who submits false or misleading information under regulation 18(2)(f) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

PART IV

Prohibited products

24.—(1) A person shall not import prohibited products specified in Schedule II, unless the product is imported for health and safety reasons and is used—

Importation of prohibited products.

- (a) for medical purposes and pharmaceutical purposes, provided that provisions of Part II are applied;

- (b) as a barrier bag and plastic, provided that provisions of Part II are applied, and unless no reasonable alternative already exists on the local market.

(2) Any person that imports prohibited products contravenes subregulation (1), commits an offence and is liable on summary conviction to the cost to return the imported prohibited product or the cost to dispose of the imported prohibited product in a manner approved by the Department, and—

- (a) a fine, whichever is greater, that is—
 - (i) not less than ten thousand dollars but not exceeding twenty thousand dollars; or
 - (ii) three times the assessed value of the imported prohibited product;
- (b) imprisonment for a term not exceeding six months; or
- (c) both a fine and imprisonment along with the cost to dispose or return the imported prohibited product.

Manufacture of prohibited products.

25.—(1) A person shall not manufacture any prohibited products specified in Schedule II, unless the product, necessary for health and safety, is used—

- (a) for medical purposes and pharmaceutical purposes, provided provisions of Part III are applied;
- (b) as a barrier bag and plastic provided provisions of Part III are applied, and unless no reasonable alternative already exists on the local market.

(2) Any person that manufactures a prohibited product contravenes subregulation (1), commits an offence and is liable on summary conviction to the cost of disposal of the prohibited product in a manner approved by the Department, and—

- (a) a fine, whichever is greater, that is—
 - (i) not less than ten thousand dollars but not exceeding twenty thousand dollars; or
 - (ii) three times the assessed value of the imported prohibited product;
- (b) imprisonment for a term not exceeding six months; or
- (c) both a fine and imprisonment along with the cost of disposal.

26.—(1) A person shall not sell a prohibited product specified in Schedule II, unless the product is necessary for health and safety reasons and is used for medical purposes, pharmaceutical purposes, or as a barrier bag or plastic.

Sale or prohibited products.

(2) Any person that sells a prohibited product in contravention of subregulation (1), commits an offence and is liable on summary conviction to the cost of disposal of the prohibited product in a manner approved by the Department, and—

- (a) a fine, whichever is greater, that is—
 - (i) not less than ten thousand dollars but not exceeding twenty thousand dollars; or
 - (ii) three times the assessed value of the prohibited product;

- (b) imprisonment for a term not exceeding six months; or
- (c) both a fine and imprisonment along with the cost of disposal.

Possession of prohibited products.

27.-(1) A person shall not possess more than ten prohibited products.

(2) If a person is in possession of more than ten prohibited products but less than one hundred, the prohibited products in excess of ten shall be confiscated.

(3) A person in possession of more than one hundred prohibited products commits an offence and is liable on summary conviction to one of the following—

- (a) if the person is in possession of more than one hundred pieces but less than five hundred pieces of a prohibited product—
 - (i) a fine that is three times the assessed value of the product or one thousand dollars; whichever is greater; and
 - (ii) the cost to dispose the prohibited product in a manner approved by the Department; or
- (b) if the person is in possession of more than five hundred pieces of prohibited product—
 - (i) a fine that is three times the assessed value of the product or five thousand dollars; whichever is greater; and
 - (ii) the cost to dispose the prohibited product in a manner approved by the Department.

28. These regulations are exempt during–

Exemption during national emergencies.

(a) declared disaster emergency under the Disaster Preparedness and Response Act; or

CAP.145.

(b) declared issues of national security or state of emergency.

29.–(1) A person shall apply to the Department for a permit to import the raw material of any prohibited product for use in research or academic purposes.

Permit to import raw materials of prohibited products.

(2) The provisions of Part II shall apply to an application under subregulation (1).

30.–(1) A person shall apply to the Department for a licence to manufacture prohibited products using raw material imported under regulation 29 for use in research or academic purposes.

Licence to manufacture prohibited products using imported raw materials.

(2) The provisions of Part III shall apply to an application under subregulation (1).

31. A permit or licence granted under regulation 29 or 30, as the case may be, shall–

Conditions for permits or licences under regulation 29 or 30.

(a) be valid for a specific amount of the prohibited product, to be determined by the Chief Environmental Officer; and

(b) for a specific period of time, as may be necessary for the research or academic purpose, as determined by the Chief Environmental Officer.

PART V

Miscellaneous

Electronic applications.

CAP 229:03.

32. Applications for licences or permits under this Regulation may be submitted electronically to the Department in accordance with the Electronic Transactions Act.

Transitional.
124 of 2020.

33.—(1) Notwithstanding regulations 24, 25, 26 and 27, a person shall be allowed to—

- (a) import prohibited products for three months after enactment of the date of this legislation;
- (b) manufacture prohibited products until January 15, 2021;
- (c) sell prohibited products until April 15, 2021; and
- (d) possess prohibited products until July 15, 2021.

(2) Notwithstanding the definition of “commercially biodegradable plastic”, the requirement to show that a commercially biodegradable plastic is capable of being broken down within three hundred and sixty–five days (365) days into an innocuous product by the action of living organisms, as part of an approved disposal process, shall not come into effect until one year after enactment of this legislation.

Commencement.

34. These Regulations shall come into force on January 15th, 2020.

SCHEDULE I

[Regulation 3]

RESTRICTED PRODUCTS

Note This List only applies to single-use plastic products

Note The items in **Bold** are not restricted and are for guidance/reference purposes only to identify Tariff Heading. Further guidance notes on Tariff Codes and Description of Goods can be found in Chapter 39 Plastics and Articles Thereof

HS Code	Description of Goods
39.02	Polymer of propylene or of other olefins, in primary forms
3902.10.00.00	-Polypropylene
39.03	Polymers of styrene, in primary forms
3903.11.00.00	-Polystyrene: --Expansible
39.20	Other plates, sheets, film, foil and strip, or plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials
3920.10.00.00	-Of polymers of ethylene
3930.20.00.00	-Of polymers of propylene
3920.30.00.00	-Of polymers of styrene
39.23	Articles of conveyance or packing of goods, of plastics, stoppers, lids, caps, and other closures, of plastics
3923.10.10.00 3923.10.90.00	Boxes, cases, crates and similar articles: ---Egg Boxes ---Other
3923.21.00.00 3923.29.00.00	-Sacks & bags (including cones): --Of polymers of ethylene (inclusive of plastic bags and single-use plastic products classified as barrier bags and barrier plastics) --Of other plastics
3923.50. 10.00 3923.50.90.00	Stoppers, lids, caps and closures: ---Lids and caps ---Other

3923.90.10.00	Other: ---Cups, other than tableware or 39.24
3923.90.10.10	---Plates and Trays (inclusive of single-use plastic
3923.90.90.00	products classified as barrier bags and barrier plastics) ---Other
39.24	Tableware, kitchenware, other household articles and hygiene or toilet articles, of plastic
3924.10.10.00	-Tableware and kitchenware
3924.10.20.00	---Cups, forks, knives, plates, spoons, tumblers
3924.10.90.00	---Drinking straws ---Other

SCHEDULE II

[Regulation 3]

Prohibited products

Note* This list only applies to single-use plastic products

Note* The single use plastics listed below are prohibited as per PART IV

Note* This schedule describes single use plastic products to be phase-out of the market

Note* This schedule only applies to single use plastic products in Schedule I that are made of and/or wholly composed entirely of plastic (90% or more of the total polymer content), wherein the product description and/or classification is as follows–

- Single Use Styrofoam clamshell
- Single Use Styrofoam food containers
- Single Use Styrofoam soup containers
- Single Use Styrofoam plates
- Single Use Styrofoam cups and lids
- Single Use Styrofoam and Plastic Plates (not classified as Barrier Bags and Plastics)
- Single Use Plastic carrier bags commonly referred to as shopping bags and/or T-shirt bags
- Single Use Plastic and Styrofoam disposable food containers, cutlery, and eating utensils

- Single Use Plastic forks, knives, spoons, sporks, cutlery, etc.
- Single Use Plastic plates
- Single Use Plastic bowls
- Single Use Plastic cups
- Single-use disposable drinking straws
- Single Use Plastic cups and lids (not classified as barrier bags and plastics)
- Single Use Plastic and Styrofoam containers (not classified as barrier bags and plastics)

Further detailed description to provide guidance to General Public, Customs & Excise Department, and the Department of the Environment on application of Schedule II–

- Food Containers, i.e. receptacles such as boxes, plates, bowls, trays, etc., with or without cover, used to contain food or liquids that is intended for immediate consumption from the receptacle either on-the-spot or as take-away without preparation, composed of either plastic or Styrofoam or both.
- Cups for liquids, beverages, etc., with or without cover, lids, that is intended for immediate consumption from the receptacle either on-the-spot or as take-away without preparation, composed either of plastic or Styrofoam or both.
- Plastic carrier bags, i.e. shopping bags, lightweight plastic bags, commonly referred to as T-Shirt bags, designed and intended for one-time use to transport goods

NOTE* The phase-out of the products described in Schedule II should not include products used for medical purposes, pharmaceutical purposes, and as barrier bags and plastics, necessary for health and safety, unless a reasonable alternative already exists on the local market.

SCHEDULE III*[Regulation 4]**Application for Permit to Import a Restricted Product*

1. Name of Applicant importing restricted product: _____
2. Name of Business (if applicable): _____
3. Contact Information:
 - Address: _____
 - Phone Number: _____
 - Email: _____
 - Any other contact Information: _____
4. Taxpayer Identification Number (T.I.N): _____
5. Name of Product being imported: _____
6. HS Code of Product – Please tick the restricted product HS Code for restricted product being imported:
 - 3902.10.00.00 -Polypropylene
 - 3903.11.00.00 -Polystyrene–Expansible
 - 3920.10.00.00 -Of polymers of ethylene
 - 3920.20.00.00 -Of polymers of propylene
 - 3920.30.00.00 -Of polymers of styrene
 - 3923.10.10.00 ---Egg Boxes
 - 3923.10.90.00 ---Other
 - 3923.21.00.00 --Of Polymers of ethylene (inclusive of plastic bags and single-use plastic products classified as barrier bags and barrier plastics)
 - 3923.29.00.00 --Of other plastics
 - 3923.50.10.00 ---Lids and caps
 - 3923.50.90.00 ---Other
 - 3923.90.10.00 ---Cups, other than tableware or 39.24
 - 3923.90.10.10 ---Plates and Trays (inclusive of single-use plastic products classified as barrier bags and barrier plastics)
 - 3924.10.10.00 ---Cups, forks, knives, plates, spoons, tumblers (single-use plastic cutlery and eating utensils)
 - 3924.10.20.00 ---Drinking straws

3924.10.90.00 ---Other

None of the above

Other HS Code: _____

6. Description of product to be imported:

7. Type and composition of product:

8. Quantity of product (number/weight/volume etc.)

9. Origin of product: _____

10. Contact Information of Manufacturer of product being imported

Name: _____

Address: _____

Phone Number: _____

Email: _____

Any other contact Information _____

11. Purpose/Use of product:

12. Is the restricted product listed in Schedule II?

Yes or No

If yes, please tick which product is being imported:

- Plastic Carrier bags
- Styrofoam Clamshells
- Styrofoam Food Containers
- Styrofoam Soup Containers
- Styrofoam Plates
- Styrofoam Bowls
- Styrofoam Cups
- Styrofoam Lids
- Styrofoam Trays
- Plastic Plates
- Plastic Trays
- Plastic Containers
- Plastic Bowls
- Plastic Cups
- Plastic Food Containers
- Plastic Lids
- Single-use plastic cutlery and eating utensils (forks, knives, spoons, sporks, etc.)
- Single-use plastic disposable drinking straws

- None of the above

13. Is the restricted product being imported intended to be used as a barrier bag and plastic?

- Yes or No

14. Is the restricted product being imported intended to be used for:

- (a) Medical purposes? Yes or No
- (b) Pharmaceutical purposes? Yes or No
- (c) Barrier bag or plastic? Yes or No

15. If intended for use as barrier bags or plastics, please specify:

- (a) Intended sector for use: _____
- (b) Describe of distribution / point or sale: _____
- (c) State if you are the wholesaler, distributor, retailers, or end-user of product: _____
- (d) Please state intended end-user of product (if known): _____

16. State if the product is:

- Biodegradable
- Non-biodegradable
- Compostable
- Degradable

If product is NON-BIODEGRADABLE, please move to question 23.

17. If the product is biodegradable, or compostable, or degradable, is the product:

- classified as commercially biodegradable plastic
- NOT classified as commercially biodegradable plastic

18. If product is commercially biodegradable plastic, specify type of plastic:

- bio-based plastic
- compostable plastic
- biodegradable plastic
- Environmentally degradable plastic

19. Is product compliant with minimum national standards?

- Yes or No
- Other _____

20. Does the product have third-party certification?

- Yes or No

If yes, state year and certification information

21. If the product is classified as commercially biodegradable plastic, has the product undergone conformity assessment? Yes or No

If yes, provide certification information and state:

year conformity assessment was conducted: _____

name of independent testing laboratory: _____

certification issued: _____

22. Has the product been registered as per regulation 10?

Yes or No

If yes, provide the Product Registration Number

23. If product to be imported is Non-Biodegradable, please specify:

(a) intended sector for use: _____

(b) describe of distribution / point of sale: _____

(c) state name of distributor, retailers, or end-user of product: _____

(d) please state intended end-user of product (if known): _____

24. Please check which documentation (if any) for the restricted product is being submitted along with completed application:

- Copy of Receipt of payment of non-refundable fee (mandatory)
- Material Safety Data Sheet / Safety Data Sheet
- Product Certification (if applicable)
- Third-Party Certification (if applicable)
- Conformity Assessment Documentation (if applicable)
- Notarized translation of documentation / certification – Original (if documents requires translation into English)
- None of the above
- Other: State _____

25. Is all the above information and documentation provided in this application accurate and truthful?

Yes or No

Date: _____

Signature of Applicant: _____

For Official Use Only:

To be filled in by Vetting Officer

Is this a 1st time applicant? Yes or No

Is this the 1st importation of the restricted product? Yes or No

Has the applicant paid the non-refundable fee? Yes or No

Is the application complete? Yes or No

Is the application accurate? Yes or No

Are the documents acceptable? Yes or No

Is the restricted product listed in Schedule II? Yes or No

Is the restricted product intended for use as:

Barrier bags and plastics Yes or No

Medical purposes Yes or No

Pharmaceutical purposes Yes or No

Is the restricted product biodegradable, or compostable, or degradable?

Yes or No or Not Applicable

If biodegradable, or compostable, or degradable:

Is it classified as commercially biodegradable plastic? Yes or No

Does it meet all the requirements and/or standards? Yes or No

Does it have acceptable 3rd party certification? Yes or No

Has the product undergone a conformity assessment within the last 5 years?

Yes or No or Not Applicable

Notes: _____

Recommend approval to grant permit to import: Yes or No

If No, Provide Reasons: _____

Note:

*Provide any other documentation/importation as may be required by the Chief Environmental Officer.

*Pursuant to regulation 11, if the information provided in this application is false or misleading, the Chief Environmental Officer may refuse the grant of a permit or cancel the permit if already issued.

SCHEDULE IV

[Regulation 7]



**ENVIRONMENTAL PROTECTION ACT (CAP. 328)
PERMIT TO IMPORT RESTRICTED PRODUCT**

THE DEPARTMENT OF THE ENVIRONMENT HEREBY GRANTS A PERMIT
TO:

(Name of Importer and Name of Business, where applicable) located at *(address of importer/ business)* to import a restricted product pursuant to an application for importation dated the ___ day of *(month)*, 20__.

Type and quota of restricted product for which this permit is being authorized:

HS Code of Product: _____

Production Description: _____

Type: _____

Quotation: _____

Dates of issue: *(day, month, year)* _____

Date of Expiration: *(day, month, year)* _____

Date: _____

Signature: _____

Chief Environmental Officer
Department of the Environment

This PERMIT is granted subject to the following conditions:

1. Is for one (1) time importation only.
2. Valid for one hundred and eighty (180) days from date of issue.
3. Is not transferrable.
4. Is not renewable.
5. Any other conditions stipulated by the Chief Environmental Officer.

SCHEDULE V
*[Regulation 13 (2)]***NOTICE OF RETURN**

Dear _____

Please take notice that the restricted product listed below shall be returned to the place of origin within 30 days of the date of issue of this notice.

This Notice of Return is issued as a result of the importation of the restricted product without a permit pursuant to regulation 13(2) of the Environmental Protection (Pollution from Plastics) Regulations.

IMPORTER:

Name/Business Name: _____

Address: _____

Phone Number: _____

Email: _____

RESTRICTED PRODUCT

Name of Product:

HS Code of Product:

Description of Product Imported:

Quantity of Product:

Origin of Product:

Note: * Pursuant to regulation 13(3) of the Environmental Protection (Pollution from Plastics) Regulations, the importer of any product confiscated, is responsible to pay the costs for return of the restricted product or be subject to legal action.

Date of Issuance: _____

Signature: _____

Chief Environmental Officer
Department of the Environment.

SCHEDULE VI
[Regulation 15]

Application for Licence to Manufacture a Restricted Product

First time application Renewal

1. Name of Owner: _____
2. Contact Information of Owner: _____
Address: _____
Phone Number: _____
Email: _____
Any other contact information: _____
3. Name of Registered Business: _____
4. Contact Information of Registered Business
Mailing address: _____
Location address: (if different) _____
Phone number: _____
Email: _____
Any other contact information: _____
5. Taxpayer Identification Number (T.I.N.) _____
6. Does the manufacturing facility have Environmental Clearance?
 Yes or No
7. Does the manufacturing facility have a signed Environmental Compliance Plan?
 Yes or No

If yes, provide date of Environmental Compliance Plan: _____

8. For renewal applications, is the operation of the manufacturing facility compliant with the obligations set forth in the Environmental Clearance and Environmental Compliance Plan?
 Yes or No

9. Is the business compliant with all current importation and manufacturing reporting requirements?
 Yes or No

10. Provide name of product to be manufactured by the facility:

11. HS Code of product manufactured (if exported):

12. Description of product manufactured: _____

13. Type and composition of product manufactured:

14. Purpose/Use of product:

15. Is the restricted product listed in Schedule II?
 Yes or No

If NO, please move to question 19.

If YES, Please tick product to be manufactured:

- Plastic Carrier bags
- Styrofoam Clamshells
- Styrofoam Food Containers
- Styrofoam Soup Containers
- Styrofoam Plates
- Styrofoam Bowls

- Styrofoam Cups
- Styrofoam Lids
- Styrofoam Trays
- Plastic Plates
- Plastic Trays
- Plastic Containers
- Plastic Bowls
- Plastic Cups
- Plastic Food Containers
- Plastic Lids
- Single-use plastic cutlery and eating utensils (forks, knives, spoons, sporks, etc.)
- Single-use plastic disposable drinking straws
- None of the above
- Other, please state

16. Is the restricted product to be manufactured intended to be used as a barrier bag and plastic? Yes or No

17. Is the restricted product to be manufactured intended to be used for:

- (a) medical purposes? Yes or No
- (b) pharmaceutical purposes? Yes or No
- (c) barrier bag or plastic? Yes or No

18. If intended for use as barrier bags or plastics, please specify:

- (a) Intended sector for use: _____
- (b) Describe of distribution / point or sale: _____
- (c) State if you are the wholesaler, distributor, retailers, or end-user of product: _____
- (d) Please state intended end-user of product (if known): _____

19. State if the product is:

<input type="checkbox"/> Biodegradable	<input type="checkbox"/> Non-biodegradable
<input type="checkbox"/> Compostable	<input type="checkbox"/> Degradable

If product is Non-Biodegradable, please move to question 26.

20. If the product is biodegradable, or compostable, or degradable, is the product:

- classified as commercially biodegradable plastic
 NOT classified as commercially biodegradable plastic

21. If product is commercially biodegradable plastic, specify type of plastic:

- bio-based plastic
 compostable plastic
 biodegradable plastic
 Environmentally degradable plastic

22. Is product compliant with minimum national standards?

- Yes or No
 Other _____

23. Does the product have third-party certification?

- Yes or No

If yes, state year and certification information

24. If the product is classified as commercially biodegradable plastic, has the product undergone conformity assessment? Yes or No

If yes, provide certification information and state:

year conformity assessment was conducted: _____

name of independent testing laboratory: _____

certification issued: _____

25. Has the product been registered as per regulation 10?

- Yes or No

If yes, provide the Product Registration Number

26. If product to be imported is Non-Biodegradable, please specify:
- (a) intended sector for use: _____
 - (b) describe of distribution / point of sale: _____
 - (c) state name of distributor, retailers, or end-user of product: _____
 - (d) please state intended end-user of product (if known): _____
27. Please check which documentation (if any) for the restricted product is being submitted along with completed application:
- Copy of Receipt of payment of non-refundable fee (mandatory)
 - Material Safety Data Sheet / Safety Data Sheet
 - Product Certification (if applicable)
 - Third-Party Certification (if applicable)
 - Conformity Assessment Documentation (if applicable)
 - Notarized translation of documentation / certification – Original (if documents requires translation into English)
 - None of the above
 - Other: State _____
28. Is all the above information and documentation provided in this application accurate and truthful?
- Yes or No

For Official Use Only:

To be filled in by Vetting Officer

- | | | | |
|--|------------------------------|----|-----------------------------|
| Is this a 1 st time licence to manufacture product? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |
| Is this a renewal licence to manufacture product? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |
| Has the applicant paid the non-refundable fee? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |
| Is the application complete? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |
| Is the application accurate? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |
| Is the applicant compliant with reporting requirements? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |
| Is the applicant in compliance with Environmental Clearance and Environmental Compliance Plan? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |
| Is the restricted product listed in Schedule II? | <input type="checkbox"/> Yes | or | <input type="checkbox"/> No |

Is the restricted product intended for use as:

- Barrier bags and plastics Yes or No
 Medical purposes Yes or No
 Pharmaceutical purposes Yes or No

Is the restricted product biodegradable, or compostable, or degradable?

- Yes or No or Not Applicable

If biodegradable, or compostable, or degradable:

- Is it classified as commercially biodegradable plastic? Yes or No
 Does it meet all the requirements and/or standards? Yes or No
 Does it have acceptable 3rd party certification? Yes or No
 Has the product undergone a conformity assessment within the last 5 years?
 Yes or No or Not Applicable

Notes: _____

Recommend approval to grant permit to import: Yes or No
 If No, Provide Reasons: _____

Note:

*Provide any other documentation/information as may be required by the Chief Environmental Officer.

*Pursuant to regulation 19, if the information provided in the application is false or misleading, the Chief Environmental Officer may refuse the grant of a licence to manufacture the restricted product.

SCHEDULE VII

[Regulation 17]



ENVIRONMENTAL PROTECTION ACT (CAP. 328)
MANUFACTURE RESTRICTED PRODUCT

THE DEPARTMENT OF THE ENVIRONMENT HEREBY GRANTS A
LICENCE TO:

to manufacture _____ restricted products pursuant to an application for manufacture dated the _____ day of _____, 20____.

Located at _____

Type of restricted product for which this licence is being authorised:

Type: _____

Name of Product: _____

Description of Product: _____

Product Registration Number: _____

Dates of issue: (day, month, year)

Date of Expiration: 31st December (year of issue)

Date: _____

Signature: _____

Chief Environmental Officer
Department of the Environment

This Licence is granted subject to the following conditions:

1. Is for one (1) time manufacturing facility only
2. Valid until 31st December of the year it was granted.
3. Is not transferrable.
4. Restricted product manufactured conform to national standards.

5. Manufacturing facility is compliant with Environmental Laws of Belize.
6. Licence is displayed in a conspicuous location in manufacturing facility.
7. Licensee submits quarterly reports, in format specified by the Department of the Environment, on products manufactured.
8. Production reports are submitted within 15 working days after end of each quarter.
9. Any other conditions stipulated by the Chief Environmental Officer.

MADE by the Minister responsible for the environment, this
14th day of January, 2020.

GODWIN HULSE

*Minister of Agriculture Fisheries, Forestry, Environment,
Sustainable Development, and Immigration*

CHAPTER 328

**ENVIRONMENTAL PROTECTION (CLEAN
DEVELOPMENT MECHANISM)**

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Interpretation.
3. Designation of DNA.
4. Functions of DNA.
5. Establishment of advisory committee.
6. Functions of the advisory committee.
7. CDM application requirement.
8. DNA procedure.
9. Conditions for refusal.
10. Appeals against refusal.
11. Project proponent to finance DNA.
12. Commencement.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

CHAPTER 328

**ENVIRONMENTAL PROTECTION (CLEAN
DEVELOPMENT MECHANISM) REGULATIONS.**

CAP. 328.
R.E. 2020.
85 of 2011.

(Section 45)

(Gazetted 3rd September 2011)

1. These Regulations may be cited as the

Short title.

**ENVIRONMENTAL PROTECTION (CLEAN
DEVELOPMENT MECHANISM) REGULATIONS.**

2. –In these Regulations–

Interpretation.

“Advisory committee” means the committee established under regulation 5;

“CDM Executive Board” means the governance body established under Decision 17/CP.7 to oversee the implementation and administration of the CDM, under the authority and guidance of the Conference;

“Certified Emissions Reductions” or “CER” means the formal commodity transferred to project-developing entities in states specified in Annex I of the convention or Annex B of the Kyoto Protocol for the amount of emission reductions achieved in the process of CDM project implementation;

“Clean Development Mechanism” or “CDM” means the mechanism under Article 12 of the Kyoto Protocol.

“Clean Development Mechanism Project” or “CDM Project” means a sustainable development project activity proposed or established under the UNFCCC rules and the Kyoto Protocol for

approval by the Designated National Authority under regulation 7;

“Conference” means the conference of Parties to the Convention;

First Schedule.

“Convention” or “UNFCC” means the United Nations Framework Convention on Climate change, adopted in New York on 9 May 1992, a copy of the English text of which is set out in the First Schedule to these Regulations, and includes the Annexes to the Convention and any amendments thereto, substitutions of, that Conventions or the Annexes that are, or will become binding on the Government of Belize;

“Decision 3/CMP.1” or “Decision 17/CP.7” means the Conference decision on the modalities and procedures for a clean development mechanism defined in the Kyoto Protocol;

“Designated National Authority” or “DNA” means the national authority designated under regulation 3;

“Designated Operational Entity” means an entity designated by the Executive Board pursuant to paragraph 3(c) of Decision 3/CMP.1;

S.I. 107 of 1995

“Environmental Impact Assessment” or “EIA” means the assessment pursuant to the Environmental Impact Regulations;

“Kyoto Protocol” means the Protocol to the Convention adopted at the Third Conference of the Parties to the UNFCCC Kyoto, Japan on December 11th, 1997, and includes the Decisions, Annexes and any amendments thereto;

Second
Schedule.

“Letter of Approval” means the letter issued by the Designated National Authority giving the approval for implementation of a CDM Project in Belize as set out in the Second Schedule;

“Project Design Document” or “PDD” means a document detailing a proposed project activity prepared and submitted by

a project proponent to the designated operational entity for validation;

“Project Proponent” means the person submitting a CDM project for approval;

“Sustainable Development” means development that meets the present needs of the people without compromising the ability of future generations to meet their own needs in accordance with the criteria as set out in the Third schedule;

Third Schedule.

“Validation” means the process of independent evaluation of a project activity by a designated operational entity against the requirements of the CDM on the basis of the PDD;

“Verification” means the periodic independent review of *ex post* determination by the designated operational entity of the mention reductions in anthropogenic emissions by sources of greenhouse gases that have occurred as a result of a registered CDM project activity during the verification period.

3.–(1) The Chief Executive Officer of the Ministry is the designated National Authority for Belize.

Designation of the DNA.

(2) The Chief Executive Officer may delegate its functions under regulation 4 to one or more officers in the Department of Meteorology or any other Department within the Ministry.

4. The Designated National Authority shall–

Functions of the DNA.

(a) receive, process and consider applications for CDM project under regulation 7;

(b) receive, process and consider applications for approval by project design documents and where appropriate provide comments on project design documents;

- (c) issue letters of approval to project proponents in respect of application for CDM Projects;
- (d) establish and maintain a register of designated operational entities contemplated in paragraph 20 of Decision 17/ CP.7;
- (e) liaise with and render assistance to any designated operational entity on request;
- (f) establish and maintain a register of all Belize CDM projects validated, verified or certified by designated operational entity;
- (g) establish advisory committees as the DNA deems necessary pursuant regulation 5;
- (h) request technical advice from experts during the process of project evaluation, including the hiring of consultants to undertake site visits (the cost of which is to be borne by the Project Proponent);
- (i) implement these Regulations;
- (j) perform such other functions or duties as maybe required in order to give effect to the provisions of the Kyoto Protocol.

Establishment of the advisory committee.

5.—(1) Where a project application from a project proponent is received, the designated national authority may appoint and advisory committee to scrutinize the Project and make assessment against the sustainable development criteria as specified in the Third Schedule.

Third Schedule.

(2) The advisory committee is comprised of at least five technical persons, at least one of whom shall be an expert from a non–state actor and any other four experts whom the DNA

deems appropriate and qualified for the assessment of a particular Project.

(3) Members of the advisory committee are appointed for the duration of evaluation of each CDM project.

(4) An organization, on request by the DNA, may nominate an officer to represent the organization on the advisory committee—

Provide that a project proponent shall not serve as member advisory committee.

6.—(1) The advisory committee shall consider the application of the project proponent against these Regulations, the Convention and the Kyoto Protocol, and recommend to the DNA whether or not the Project should be approved.

Functions of the advisory committee.

(2) The advisory committee may recommend to the DNA to request for technical experts from such experts as it may wish to consult during the process of project evaluation, including the hiring of consultants, at a cost to be borne by the project proponent, to conduct site visits as required and to advise during project evaluation.

7.—(1) Any person who intends to apply for approval of a CDM project must, before making such application, identify and select, as contemplated in paragraph 37 of Decision 17/CP. 7, a designated operational entity to validate the proposed project as contemplated in paragraph 35 of Decision 17/CP.7.

CDM application requirement.

(2) The designated operational entity under subregulation (1) may provide validation or provisional validation of the CDM project, as the case may be, and the project proponent must attach at least a draft validated project design document to the application for approval.

(3) The project proponent shall apply for approval of a CDM Project to the Designated National Authority on the form set out in the Fourth Schedule.

Fourth Schedule.

(4) An application under subregulation (3) shall be accompanied by the following—

- (a) at least a draft validation PDD;
- (b) duly completed Project Identification Note as set out in the Fifth Schedule;
- (c) copy of the Department's Report of the EIA;
- (d) any other information or documentations as the DNA may require validating the accuracy of documentation or for evaluation purposes.

Fifth Schedule.

DNA procedure. **8.—(1)** The DNA shall—

- (a) within ten (10) working days of the receipt of an application by the project proponent, issue a formal letter acknowledging receipt of the application and may issue a “letter of no objection”;
- (b) within thirty (30) working days of the receipt of an application by the project proponent, conduct an initial evaluation of the application generally against all rules that apply;
- (c) pursuant to paragraph (b), the DNA may request additional information, documentation or action from the project proponent and the project proponent may resubmit the complete application package along with the modifications made to the application in fulfilling the DNA request.

(d) subject to subregulation (2), immediately commence with the full evaluation of the project proponent's application on the basis of the application documents and any comments received from public stake holders, as tested against the sustainable development criteria in the Third Schedule.

Third Schedule.

(e) after consideration of the recommendation of the advisory committee and of any other documentation, the DNA shall issue the final decision on the approval or non-approval of the project.

(2) Where formal public consultation during EIA under regulation 18 of the Environmental Impact Assessment Regulations, was not undertaken, the Designated National Authority shall—

SI 107 of 1995.

(a) post the information submitted in the Fourth Schedule and Fifth Schedule on its website within ten (10) working days of its determination; and

Fourth Schedule.
Fifth Schedule.

(b) twice publish notices in at least two (2) national newspapers and at least two (2) television stations within Belize, soliciting public comments within a period of thirty (30) working days from the date of first publication.

(3) The cost under subregulation (2) shall be borne by the project proponent.

(4) The DNA shall issue a final decision in the form of the letter of approval as set out in the Second Schedule or letter of refusal after forty-five (45) working days of public scrutiny (if required) or within forty-five (45) working days after the receipt

Second
Schedule.

of the recommendation from the advisory committee or of the acceptance of the application.

Condition of refusal.

9.—(1) The DNA may refuse an application under regulation 7, where the project does not comply with the spirit of the Kyoto Protocol, the intention of stated government policies, or the laws of Belize but the DNA shall provide clear reasons in writing for the rejection of a project to the project proponent.

(2) The project proponent may make such suitable alterations to the project design to ensure that it is aligned with national policies and the laws and resubmit its application to the DNA for consideration and approval.

Appeals against refusal.

10.—(1) Where a project proponent is aggrieved by the DNA's decisions, the project proponent may appeal, in writing, to the Minister within forty-five (45) working days of the date of the decision of the DNA and the project proponent of his decision within forty-five working days from receipt of the appeal.

(2) Subject to subregulation (1), the Minister shall assess the decision taken by the Designates National Authority and determine solely whether it was made in accordance with the Regulations and shall notify the project proponent of his decision within forty-five working days from receipt of the appeal.

Project Proponent to finance DNA.

11. The respective project proponent is to bear all direct cost associated with the review, evaluation and approval of applications for CDM projects to the Designated National Authority.

Protection of DNA.

12. The advisory committee, the DNA or persons performing a function delegated by the DNA shall not be personally liable for any damage or loss arising out of any act or omission, if the act or omission is made in good faith in the course of the implementation of these regulations.

Commencement.

13. These regulations come into force on signature.

FIRST SCHEDULE

[Regulation 2]

UNITED NATIONS FRAMEWORK CONVENTION ON
CLIMATE CHANGE

The Parties to this Convention,

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind.

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind.

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that *per capita* emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs.

Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases.

Noting that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof.

Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated

responsibilities and respective capabilities and their social and economic conditions.

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16th June 1972.

Recalling also that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Reaffirming the principle of sovereignty of States in international cooperation to address climate change.

Recognizing that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply, and that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

Recalling the provisions of General Assembly resolution 44/228 of 22nd December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December, 1988, 44/207 of 22nd December 1989, 45/212 of 21 December, 1990 and 46/169 of 19th December 1991 on protection of global climate for present and future generations of mankind.

Recalling also the provisions of General Assembly resolution 44/206 of 22nd December, 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General

Assembly resolution 44/172 of 19 December 1989 on the implementation of the Plan of Action to Combat Desertification.

Recalling further the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as adjusted and amended on 29th June, 1990.

Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7th November, 1990.

Conscious of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research.

Recognizing that steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas.

Recognizing that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems.

Recognizing also the need for developed countries to take immediate action in a flexible manner on the basis of clear priorities, as a first step towards comprehensive response strategies at the global, national and, where agreed, regional levels that take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect.

Recognizing further that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change.

Recognizing the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions.

Affirming that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty.

Recognizing that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial.

Determined to protect the climate system for present and future generations.

Have agreed as follows—

ARTICLE 1

DEFINITIONS*

For the purposes of this Convention—

1. “Adverse effects of climate change” means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.
2. “Climate change” means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.
3. “Climate system” means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.
4. “Emissions” means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.
5. “Greenhouse gases” means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.
6. “Regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

7. “Reservoir” means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored.

8. “Sink” means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere.

9. “Source” means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere.

*Titles of articles are included solely to assist the reader.

ARTICLE 2

OBJECTIVE

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

ARTICLE 3

PRINCIPLES

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, *inter alia*, by the following—

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.
3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.
4. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.
5. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties,

particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

ARTICLE 4

COMMITMENTS

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall—

- (a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;
- (b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;
- (c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that

control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;

- (d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;
- (e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;
- (f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;
- (g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and

development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;

- (h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;
- (i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and
- (j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following—

- (a) Each of these Parties shall adopt national¹ policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These

¹ This includes policies and measures adopted by regional economic integration organizations.

policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

- (b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon

dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

- (c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;
- (d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;

- (e) Each of these Parties shall—
- (i) Coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and
 - (ii) Identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;
- (f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned;
- (g) Any Party not included in Annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph

1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in Annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in Annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention

related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on—

- (a) Small island countries;
- (b) Countries with low-lying coastal areas;
- (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;
- (d) Countries with areas prone to natural disasters;
- (e) Countries with areas liable to drought and desertification;
- (f) Countries with areas of high urban atmospheric pollution;
- (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;
- (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and

- (i) Land-locked and transit countries. Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

ARTICLE 5

RESEARCH AND SYSTEMATIC OBSERVATION

In carrying out their commitments under Article 4, paragraph 1(g), the parties shall—

- (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;
- (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research

capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and

- (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

ARTICLE 6

EDUCATION, TRAINING AND PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall—

- (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities—
 - (i) The development and implementation of educational and public awareness programmes on climate change and its effects;
 - (ii) Public access to information on climate change and its effects;
 - (iii) Public participation in addressing climate change and its effects and developing adequate responses; and

- (iv) Training of scientific, technical and managerial personnel.
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
 - (i) The development and exchange of educational and public awareness material on climate change and its effects; and
 - (ii) The development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

ARTICLE 7

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. 2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:

- (a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;

- (b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
- (c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
- (d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the Parties, *inter alia*, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;
- (e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;

- (f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;
- (g) Make recommendations on any matters necessary for the implementation of the Convention;
- (h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;
- (i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;
- (j) Review reports submitted by its subsidiary bodies and provide guidance to them;
- (k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;
- (l) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and
- (m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such

procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 8

SECRETARIAT

1. A secretariat is hereby established.
2. The functions of the secretariat shall be—

- (a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
- (b) To compile and transmit reports submitted to it;
- (c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
- (d) To prepare reports on its activities and present them to the Conference of the Parties;
- (e) To ensure the necessary coordination with the secretariats of other relevant international bodies;
- (f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
- (g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.

3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

ARTICLE 9

SUBSIDIARY BODY FOR SCIENTIFIC AND
TECHNOLOGICAL ADVICE

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:

- (a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;
- (b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;
- (c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;
- (d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting

endogenous capacity- building in developing countries; and

- (e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

ARTICLE 10

SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, this body shall:

- (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;
- (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2(d); and

- (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

ARTICLE 11

FINANCIAL MECHANISM

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.

2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.

3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:

- (a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;
- (b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;
- (c) Provision by the entity or entities of regular reports to the Conference of the Parties on its

funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and

- (d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.

4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.

5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

ARTICLE 12

COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:

- (a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be

promoted and agreed upon by the Conference of the Parties;

- (b) A general description of steps taken or envisaged by the Party to implement the Convention; and
- (c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends.

2. Each developed country Party and each other Party included in Annex I shall incorporate in its communication the following elements of information—

- (a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4, paragraphs 2(a) and 2(b); and
- (b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2(a).

3. In addition, each developed country Party and each other developed Party included in Annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.

4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be

needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.

5. Each developed country Party and each other Party included in Annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.

6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the procedures for the communication of information may be further considered by the Conference of the Parties.

7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

8. Any group of Parties may, subject to guidelines adopted by the Conference of the Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfilment of their obligations under this Article, provided that

such a communication includes information on the fulfilment by each of these Parties of its individual obligations under the Convention.

9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.

10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

ARTICLE 13

RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions regarding the implementation of the Convention.

ARTICLE 14

SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice, and/or
- (b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a recommendatory award, which the parties shall consider in good faith.

7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.

8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.

ARTICLE 15

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated

by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

6. For the purposes of this Article, “Parties present and voting” means Parties present and casting an affirmative or negative vote.

ARTICLE 16

ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

1. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto. Without prejudice to the provisions of Article 14, paragraphs 2(b) and 7, such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

2. Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3 and 4. An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the

adoption of the annex, except for those Parties that have notified the Depository, in writing, within that period of their non-acceptance of the annex.

3. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depository.

4. The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above.

5. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

ARTICLE 17

PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.

3. The requirements for the entry into force of any protocol shall be established by that instrument.

4. Only Parties to the Convention may be Parties to a protocol.

5. Decisions under any protocol shall be taken only by the Parties to the Protocol concerned.

ARTICLE 18

RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

ARTICLE 19

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention and of protocols adopted in accordance with Article 17.

ARTICLE 20

SIGNATURE

This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations at Rio de Janeiro, during the United Nations Conference on Environment and Development, and thereafter at United Nations Headquarters in New York from 20th June, 1992 to 19th June, 1993.

ARTICLE 21

INTERIM ARRANGEMENTS

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21st December, 1990, until the completion of the first session of the Conference of the Parties.

2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice. Other relevant scientific bodies could also be consulted.

3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to fulfil the requirements of Article 11.

ARTICLE 22

RATIFICATION, ACCEPTANCE, APPROVAL OR
ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

ARTICLE 23

ENTRY INTO FORCE

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

ARTICLE 24

RESERVATIONS

No reservations may be made to the Convention.

ARTICLE 25

WITHDRAWAL

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

ARTICLE 26

AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at New York this ninth day of May one thousand nine hundred and ninety-two.

ANNEX I AND ANNEX II COUNTRIES

Annex I

- Australia
- Austria
- Belarus *
- Belgium
- Bulgaria
- Canada
- Czechoslovakia *
- Denmark
- European Economic Community
- Estonia*
- Finland
- France
- Germany
- Greece
- Hungary*
- Iceland
- Ireland
- Italy
- Japan
- Latvia *
- Lithuania*
- Luxembourg
- Netherlands
- New Zealand
- Norway
- Poland*
- Portugal
- Romania *
- Russian Federation*
- Spain
- Sweden
- Switzerland
- Turkey

- Ukraine*
- United Kingdom of Great Britain and Northern Ireland
- United States of America

Annex II

- Australia
- Austria
- Belgium
- Canada
- Denmark
- European Economic Community
- Finland
- France
- Germany
- Greece
- Iceland
- Ireland
- Italy
- Japan
- Luxembourg
- Netherlands
- New Zealand
- Norway
- Portugal
- Spain
- Sweden
- Switzerland
- United Kingdom of Great Britain and Northern Ireland
- United States of America

Publisher's note: Turkey was deleted from Annex II by an amendment that entered into force 28th June, 2002, pursuant to decision 26/CP.7 adopted at COP.7.

* Countries that are undergoing the process of transition to a market economy.

SECOND SCHEDULE*[Regulations 2, 8(4)]***Letter Of Approval Signifying That The CDM Project Contributes To
The Sustainable Development Of Belize**

To the CDM Project Proponent(s)

RE: CDM Project/ Executive Board ref.....

The name, address and telephone number and other contact details of the Project Participant	
Description of the area occupied by the Project	

The above Clean Development Mechanism project has been approved by the Designated National Authority of Belize.

This certifies further that–

1. Belize is a signatory to the Kyoto Protocol;
2. The Designated National Authority is authorized under the Environmental Protection Act No.22 of 1005, Regulations Approved under Statutory Instrument No. 85 of 2011 to issue Clean Development Mechanism Project letters of Approval;
3. The participation of Belize in the Project is voluntary;
4. It is confirmed that the Project activity assists in supporting sustainable development in Belize;
5. It is confirmed that the Project activity complies with the laws of Belize;
6. The Project Proponent is authorized to participate in the CDM Project;
7. The Project Proponent is authorized to sell, transfer or cede the title and all rights to the greenhouse gas emission reductions generated by the CDM Project;

Yours truly,

.....
 Chief Executive Officer and Designated National Authority
 Ministry of Natural Resources and the Environment

DESIGNATED NATIONAL AUTHORITY OF BELIZE

THIRD SCHEDULE
[Regulations 2, 5, 8(1)(c)]

Performance against the Sustainable Development Criteria of the DESIGNATED NATIONAL AUTHORITY

Fill in the following section by ticking the appropriate box:

Criteria
Environmental: explain whether the proposed CDM Project results in significant increased environmental damage/degradation.
Social: explain whether the proposed CDM Project result in significant loss of employment or livelihoods.
Economic: explain whether the proposed CDM Project significantly harms the economy of the country.

Once complete, fill in the following sections

Criteria and Indicators	Project Proponent's Assessment Give Details in One Paragraph	Office Use
Economic: Does the proposed CDM Project contribute to national economic development?		
Amount of foreign currency leaving Belize due to the project activity		
Impact of the Project on foreign direct investment		
Impact of the Project on existing economic activity in the area		
Impact of the Project on the cost and use of energy in Belize		

Impact of the Project on the cost/use of infrastructure such as roads and water systems.		
Impact of the Project on community access to natural resources in Belize		
Impact of the Project on the sustainable use of water, and minerals or other non-renewable natural resources		
Impact of the Project on the efficiency of resource utilization		
Implications for the transfer of technology to Belize arising from the Project		
Contribution of the Project to the development of underdeveloped areas, sectors or specially designated development nodes.		
How is the Project aligned with local, national and/or regional developmental objectives, including sectoral priorities and programmes of the Government of Belize (e.g. Horizon 2030, national, regional, local and sectoral development plans)?		
Demonstration and replication potential of the Project in Belize		
Alignment with national, regional and local development		

Impact of the Project on the provision of, or access to , basic services to the area		
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Criteria and Indicators	Project Proponent’s Assessment	Office Use
Social: Does the Project contribute to social development in Belize?		
Alignment with national social policies		
Impact of the Project on employment levels		
Impact of the Project on community social structures		
Impact of the Project on social and cultural heritage		
Impact of the Project on the provision of social amenities to the community in which it is situated		
Impacts of the Project on the local skills development		
Impact of the Project on the relocation of communities		
Impact of the Project on energy used and distribution		

Criteria and Indicators	Project Proponent's Assessment	Office Use
Environmental: Does the Project conform to the provisions of the Belize Environmental Protection Act?		
Impact of the Project on air quality e.g. NOx and SOx		
Impact of the Project on water pollution		
Impact of the Project on the generation or disposal of solid waste		
Any other positive or negative environmental impacts of the Project (such as impacts on noise, safety, visual impact, or traffic)		
Impacts on indigenous biodiversity and local ecosystems		
Changes in local or regional biodiversity arising from the Project		

FOURTH SCHEDULE
[Regulations 7(3), 8(2)(a)]

APPLICATION FORM

Project reference number (office use only)	
Date received (office use only)	

**Submission of A CDM Project
For Approval by the DESIGNATED NATIONAL AUTHORITY**

NOTES ON COMPLETING THIS APPLICATION FORM
<ul style="list-style-type: none"> ■ Please provide this application form in both hard-copy (one copy) and electronic formats (MSWord) ■ Please ensure that all fields are filled in as far as possible to allow for proper consideration of the proposed Project. ■ Please indicate if information is not available for any particular item and reasons for the unavailability if such information. ■ Please attach any other permits or authorizations that may be of relevance to the submission (such as Environmental Impact Assessment records of decision).

Project Partners	
Name(s) of Organization	
Organizational Category	Select most applicable (please put an X in the appropriate box): <ul style="list-style-type: none"> <input type="checkbox"/> National Government <input type="checkbox"/> Government Agency <input type="checkbox"/> Municipality <input type="checkbox"/> Private Company <input type="checkbox"/> Non-Governmental Organisation <input type="checkbox"/> Other (specify)
Postal Address	
Contact Person(s)	
Email address(es)	
Telephone number(s)	Office:
	Cell:
Fax Number(s)	

Project Proponent	
Name(s) of Organization	
Contact Person(s)	
Organizational Category	Select most applicable (please put an X in the appropriate box): <input type="checkbox"/> National Government <input type="checkbox"/> Government Agency <input type="checkbox"/> Local Authority <input type="checkbox"/> Private Company <input type="checkbox"/> Non-Governmental Organisation <input type="checkbox"/> Other (specify):
Postal Address	
Contact Person(s)	
Email address(es)	
Telephone number(s)	Office: Cell:
Fax Number(s)	

Project Details	
Project Name	
Is your participation in this project voluntary? (please put an X in the appropriate box)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date of Submission	dd/mm/yy
Project Location	Please give an accurate description of the location including maps where applicable.
Type of CDM Project	Please select from the following (please put an X in the appropriate box): <input type="checkbox"/> Energy Supply <input type="checkbox"/> Energy Demand <input type="checkbox"/> Industrial Processes <input type="checkbox"/> Transport <input type="checkbox"/> Waste Management <input type="checkbox"/> Forestry/Land use <input type="checkbox"/> Carbon Sequestration <input type="checkbox"/> Other (please specify)
Greenhouse Gases Targeted	Specify – and provide estimated emissions reductions of each to be provided by the Project (tonnes per year).
Project Start Date	
Project End Date	
First year of CER Delivery	

FIFTH SCHEDULE
[Regulations 7(4), 8(2)(a)]

Project Identification Note (PIN)

Project reference number (office use only)	
Date received (office use only)	

NOTES ON COMPLETING THIS PROJECT IDENTIFICATION NOTE

- Please provide this PIN in both hard-copy (one copy) and electronic formats (MSWord)
- The information submitted to the DESIGNATED NATIONAL AUTHORITY in this PIN will remain confidential.
- Please insure that all fields are filled in as far as possible to allow for proper consideration of the propose *project*. Please indicate if information is not available for any particular item and reasons for the unavailability of information

Part A: Project Participant Details

Project Name	
Date of Submission of PIN	

Project Participant	
Name	<i>Name of Project company/participant (Note: this is the name of the Project owner NOT the name of any other party acting on behalf of the Project owner)</i>
Organizational Category	<i>Select most applicable: National Government/ Government Agency/ Provincial Government/ Municipality/ Private Company/ Non-Governmental Organization/ Other (give details)</i>
Legal Status	<i>For example: Privately held company/ limited company/ limited partnership etc.</i>
Street Address	
Postal Address (if different from above)	

Website Address	
Main Activities	<i>(Not more than 1 paragraph)</i>
Summary of Financial Performance in last fiscal year	<i>Summaries financials (total assets, revenues, profits etc) in 5 lines or less</i>
Contact Person(s)	
Telephone	Work: Cell:
Fax	
Email Address	

Project Partners	
Provide the following Information for all <i>Project</i> partners (copy and paste relevant sections of the table if information is to be provided on more than one partner organization)	
Name	
Nature of partner	<i>Describe nature of relationship with partner</i>
Organizational Category	<i>Select most applicable: National Government/ Government Agency/ provincial Government/ Municipality/ Private Company/ Non-Governmental Organization/ Other (give details)</i>
Legal Status (if private company)	<i>For example: Privately held company. Limited company/ limited partnership etc.</i>
Street Address	
Postal Address (if different to Street Address)	
Website Address	

Main Activities	
	<i>(Not more than 1 paragraph)</i>
Contact Person(s)	Name:
Telephone	Work: Cell:
Fax	
Email Address	
Contractual Arrangements	
Contractual arrangements between various entities involved	<i>Provide a brief description of the contractual and/or legal relationship(s) between the various key business entities including owner(s) of the future CERs. (If applicable)</i>

Project Identification Note (PIN)**Part B: *Project Overview (Technical Summary, Location and Schedule)***

Technical Summary of the <i>Project</i>	
Objective of the <i>Project</i>	<i>Describe in less than 5 lines</i>

<p>Project Description <i>Present a brief description of the Project (approximately ½ page A4) Identify the main processes and activities involved in the Project. A flow diagram showing the processes/materials and/or products involved may be used to complement the description (over and above the ½ page A4).</i></p>
<p>Technical Summary of the Project</p>
<p> </p>
<p>Project Constraints <i>Are there any constraints affecting Project operations or commissioning? (Brief description: 1 paragraph or less) Note: these may be due to energy supply, infrastructure, other resources etc.</i></p>

Technology to be employed	<p><i>Describe in less than 5 lines.</i></p> <p><i>Is the technology one that has been previously tried and tested in Belize or internationally? If yes, provide details (1 paragraph)</i></p> <p><i>Have the Project operators had any previous experience or expertise with operating the technology?</i> <i>If yes – provide brief details (1–2 lines)</i></p>
Greenhouse Gases Targeted	<p><i>Identify which greenhouse gas(es) this Project will target.</i></p> <p><i>Note: CDM Project must result in a reduction of one of the following greenhouse gases: CO₂ CH₂ N₂O PCFs SF₆</i></p>
Emission reductions	<p><i>Indicate the expected emission reductions that will occur due to the Project.</i></p>

Technical Summary of the Project	
	<i>Note: please provide annual and total emission reductions in tonnes CO2 equivalent</i>
Baseline and Additionality Assessment	<i>Provide an indication of the baseline and additionality approach to be used, with a brief explanation of why the Project is additional as defined under the Kyoto Protocol.</i>
Monitoring	<p><i>Describe the parameters that will be used as performance indicators that will be monitored to verify that emissions reductions are taking place.</i></p> <p><i>Note: parameters may include emissions output, energy production, energy sales, environmental impacts etc.</i></p>
Type of Project/activities	<i>Identify which type of activity is involved in this Project – and for each, provide brief details</i>
a. Energy Supply	<p><i>Select if applicable: Renewable Energy (excluding biomass)/ Biomass/ Cogeneration/ Improving energy efficiency by replacing existing equipment/minimization of transport and distribution/ fuel switch/ other</i></p> <p><i>Provide details (1-2 lines)</i></p>

b. Energy Demand	<i>Select is applicable: Replacement of existing 'household equipment' / improvement of energy efficiency of existing production equipment/ other</i> <i>Provide details (1–2 lines)</i>
c. Industrial Process	<i>Provide details (1–2 lines)</i>
d. Transport	<i>Select if applicable: More efficient engine for transport/ modal shift/ fuel switch/ other</i> <i>Provide details (1–2 lines)</i>
e. Waste Management	<i>Select if applicable: Capture of landfill methane emissions/utilization of wastewater emissions/ other</i> <i>Provide details (1–2 lines)</i>
f. Forest/ land use	<i>Provide details (1–2 lines)</i>
g. Other	<i>Provide details (1–2 lines)</i>
<p>Project Boundary Define the <i>Project Boundary</i> (Approximately 1 paragraph) <i>Note: a Project boundary refers to all emissions which are under the control or directly affected by the Project activity. Such a boundary can encompass equipment, processes and process flows.</i></p>	
Indicate Emissions outside the <i>Project Boundary</i>	<i>Note: Significant and measurable net emissions of GHG that are attributable to the Project outside of the Project boundary</i>

Location of the Project	
District	
Municipality	
Nearest city/large town	
Brief description of the location of the Project site	<i>No more than 3–5 lines</i>

Project Schedule/Timetable	
Earliest <i>Project</i> Start Date	<i>Year/month</i>
When is the expected first year CER delivery	<i>Year</i>
Project Lifetime	<i>No. Years</i>
Project End Date	<i>Year/month</i>
Crediting Period	<i>Has a crediting period for the Project been identified? If yes – which option has been selected (10 years or X times 7 years, with reassessment of baseline for each 7 year renewal?)</i>
Current Status or phase of the Project	<i>Select most applicable: Under discussion/ planning/ preparation/ construction or other actions already commenced/ Other (explain)</i> <i>Please provide brief details (1–2 lines)</i>

DESIGNATED NATIONAL AUTHORITY Approval	<p><i>Has this Project been submitted to the DESIGNATED NATIONAL AUTHORITY for Approval previously?</i></p> <p><i>If yes – provide date of last submission and brief details of the response from the DESIGNATED NATIONAL AUTHORITY (1 paragraph)</i></p> <p><i>Provide details of any other official response by the DESIGNATED NATIONAL AUTHORITY regarding this Project</i></p>
Approval by other bodies	<p><i>Has this Project (or any elements of the Project) been submitted to any other national, provincial or local government departments or agencies for regulatory or legal Approval (excluding EIA process – see Part C). If so – provide brief details.</i></p>

MADE by the Minister this 15th day of August, 2011.

(GASPAR VEGA)

Minister of Natural Resources and the Environment

CHAPTER 328

**ENVIRONMENTAL PROTECTION (HAZARDOUS
WASTE) REGULATIONS**

ARRANGEMENT OF REGULATIONS

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3. Application.
4. Exemptions.

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Requirement For Waste Classification

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PART IX

Investigations, Offences and Penalties

24. Inspection.
25. Offences and penalties.

SCHEDULE

CHAPTER 328

CAP. 328.
R.E. 2020
100 of 2009.

**ENVIRONMENTAL PROTECTION (HAZARDOUS
WASTE) REGULATIONS**

(Sections 7, 26, 44 and 45)

(Gazetted 8th August, 2009.)

Short title.

1. These Regulations may be cited as the—

HAZARDOUS WASTE REGULATIONS.

Interpretation.

2.— In these Regulations, unless the context otherwise requires—

CAP. 328.

“Act” means the Environmental Protection Act;

“carrier” means a person accepting for transportation or transporting wastes for storage, treatment or disposal;

“container” means any portable device in which a waste is stored, including but not limited to drums, barrels, and pails;

CAP. 328.

“Chief Environmental Officer” means the Chief Environmental Officer appointed under the Act;

CAP. 328.

“Department” means the Department of the Environment established under Section 3 of the Act;

CAP. 328.

“Designated Officer” means a designated officer as defined in section 2 of the Act;

“disposal” means the intentional release of untreated hazardous wastes into, or onto land, air or water;

“empty container” means a container that contains less than 2.5 centimetres of residue remaining at the bottom of the container

or less than 3% of the original contents, whichever is the lesser amount;

“farmer” means a person engaged in the primary production of an agricultural, horticultural, or arboricultural operation for financial gain;

“generator” means any person whose activity produces hazardous wastes or other wastes, or if that person is not known, the person who is in possession and/or control of those wastes;

“hazardous wastes” means any material or substance characterized as being toxic, corrosive, flammable, reactive, explosive, infectious, or pathogenic that may pose a threat to the environment and human health. and includes waste that are—

- (a) listed in Table 1 of the Schedule; or Schedule
Table 1.
- (b) defined by the criteria specified in Table 2 of the Schedule; or Schedule
Table 2.
- (c) listed in Annex 1 of the Basel Convention on the Transboundary Movement of Hazardous Waste;

“hazardous waste management facility” means a facility for the collection, storage, treatment, or disposal of hazardous wastes which is authorized or permitted to operate for this purpose by the Department;

“incompatible waste” means a hazardous waste that is unsuitable for placement in a particular device, machine or facility because it may cause corrosion or decay of containment materials, or for commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases;

“treatment” includes, in relation to waste, any thermal, physical, chemical or biological processes that change the characteristics of waste in order to reduce its volume or hazardous nature or facilitates its handling, disposal or recovery;

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“waste” has the same meaning as in section 2 of the Act.

Application.

3. These Regulations apply to all hazardous wastes unless specifically exempted.

Exemption.

4. These Regulations do not apply to—

- (a) household wastes while in the possession of the householder or while un-segregated in a municipal waste management system;
- (b) wastes, other than pesticides and empty pesticide containers, generated by farmers in—
 - (i) the growing and harvesting of crops, or
 - (ii) the raising of animals, including manures returned to the soil as fertilizers;
- (c) any hazardous waste, excepting those chemicals listed in Table 3 of the Schedule, produced by a generator in an amount less than 5 kilograms if a solid, or 5 litres if a liquid, per month, but only if the total quantity accumulated does not exceed 5 kilograms or 5 litres at any one time;
- (d) domestic sewage;
- (e) wastes resulting from emergency spill clean-ups during emergency clean-up operations, provided the Department has authorized the

Schedule
Table 3.

clean-up activity and has made proper arrangement for the safe disposal of any hazardous waste.

PART II

Hazardous Waste Management Facility

5. Every operator of a hazardous waste management facility shall keep an operating record, in a form acceptable to the Chief Environmental Officer, of the following information—

General records.

- (a) a description of each waste received, generated or stored including—
 - (i) the name of the waste;
 - (ii) a description of the wastes including the physical, chemical and biological characteristics of the waste;
 - (iii) the physical state of the waste;
 - (iv) the quantity in kilograms or in litres of the waste;
- (b) records of all waste obtained from a generator;
- (c) all results of plant inspections, tank inspections and the comments and data resulting from the inspections;
- (d) all personnel training program documentation;
- (e) a record of all events which resulted in contingency plan implementation;

- (f) all monitoring data collected as required by any approvals, including original strip chart recordings and recordings from continuous monitoring equipment, where applicable;
- (g) calibration and maintenance records of monitoring equipment;
- (h) copies of all approvals issued by the Department;
- (i) copies of all applications for approvals filed with the Department;
- (j) copies of all reports and records required by the Department;
- (k) the results of all physical inventories of waste at the facility.

Safeguards in locating facilities.

6. No person shall establish, construct or operate any hazardous waste management facility—

- (a) in a 100-year floodplain unless the hazardous waste management facility is designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood;
- (b) within 100 meters of any land which is subject to slope failure;
- (c) within a wetland area or an area immediately adjacent to a wetland so that natural drainage from the secure landfill would flow directly into the wetland area;
- (d) in a recharge area of an unconfined area;

- (e) within a minimum of one and a half (1 ½) mile radius of any human settlement including a village, town, city, farm, resort or hotel;
- (f) within 300 meters of any non-intermittent watercourse or any other permanent water body.

7.—(1) A person who operates a hazardous waste management facility shall provide to the Chief Environmental Officer, if the Chief Environmental Officer so requires, financial assurance in a form and amount that the Chief Environmental Officer considers appropriate to cover the cost of reclamation, inventory removal, closure and 20 years of post-closure care for the facility.

Requirement for financial assurance instrument.

(2) The amount of security provided shall be based upon the total of the most current cost estimate for closure together with the most current cost estimate for post closure care and shall be annually adjusted for inflation.

(3) The estimates shall be based on reclamation conducted by a third party.

(4) In determining whether to require financial assurance, the Chief Environmental Officer shall have regard to the volume of hazardous waste at the facility or accepted, the characteristics of the waste, and the nature of the treatment and disposal of such waste.

(5) Within 30 days of any changes to the closure plan or post closure care plan, the operator shall recalculate the closure and post closure care cost estimates and provide these to the Chief Environmental Officer.

8. The Chief Environmental Officer may declare forfeited the financial assurance instrument provided by the operator if—

Forfeiture of financial assurance instrument.

- (a) the operator fails to commence closure in a timely fashion;
- (b) the operator fails to complete closure in a timely fashion
- (c) the operator fails to meet closure or post closure care standards specified in an approval;
- (d) the operator fails to renew an existing financial assurance instrument in a timely fashion;
- (e) the operator fails to adjust the amount of financial assurance for inflation or to account for changes in the closure or post closure care plan;
- (i) the operator has not complied with an environmental protection order issued by the Chief Environmental Officer;
- (g) bankruptcy proceedings are commenced against the operator.

Form of financial assurance.

9. The forms of the financial assurance include bonds and guarantees.

PART III

Storage

Storage facility standards.

10.-(1) A person who stores a hazardous waste shall store it in a manner satisfactory to the Chief Environmental Officer, and in an amount and in a manner such that it will not cause an adverse effect to the environment so that—

- (a) any leakage is contained and prevented from entering into the remainder of the storage site and places beyond, including sewers and the ground underneath the site;
- (b) a secondary containment system is provided as a minimum for liquid hazardous waste;
- (c) the hazardous waste is adequately labelled, stating the identity of the contained hazardous waste;
- (d) incompatible hazardous wastes are stored in such a manner that there will be no contact even in the event of a release;
- (e) routine inspections of the facility are performed;
- (f) the place where the hazardous waste is stored—
 - (i) is secured from public entry,
 - (ii) is prominently identified as a hazardous waste storage site,
 - (iii) is equipped with suitable equipment to handle emergency situations,
 - (iv) is provided with operators trained to respond to emergency situations specific to the waste and other substances stored;
 - (v) has no opening in the secondary containment system that provides a direct connection to any place beyond the containment system,

- (vi) provides no access for surface water to enter the secondary containment system.

(2) For the purposes of this regulation, adequate labelling includes the identity, quantity, data generated and warning placard indicating the hazard associated with the waste.

Storage facilities.

11.—(1) All hazardous waste storage facilities shall be sited, designed, operated, and constructed as approved by the Chief Environmental Officer.

(2) No person shall store hazardous waste on site unless such storage is approved of by the Chief Environmental Officer.

(3) This Regulation shall not apply to storage facilities constructed and operated before the commencement of these Regulations.

PART IV

Transportation

Duties of transporters.

12.—(1) A transporter of hazardous waste shall—

- (a) provide a certificate of collection to the generator of the hazardous waste;
- (b) transport hazardous waste to a facility authorized by the Department for storage, treatment or final disposal, and shall obtain the necessary certificate of receipt of such waste;
- (c) obtain from the generator of the hazardous waste a manifest, which shall be signed for by both of them (transporter and generator), and which shall accompany all collection, transport and delivery processes;

- (d) keep up to date collection and destination records of hazardous waste for inspection purposes, for a period of up to ten years;
- (e) guarantee that all activities (collection, transportation and delivery) shall be carried out without any harm to the public health or the environment;
- (f) adopt all possible measures in order to avoid diluting or mixing of incompatible hazardous wastes;
- (g) provide, every three months, to the Department a report with all information on waste collection, transportation and delivery;
- (h) identify all vehicles with a clear and visible inscription (on both sides and behind) by writing the words “HAZARDOUS WASTE TRANSPORT” in large letters, or by having posted thereon such words;
- (i) present, when collecting wastes, a certificate of authorization given by the Department;
- (j) develop and maintain a contingency plan for spill prevention with control and countermeasure descriptions to designed minimize hazards to public health and the environment;
- (k) have a written emergency procedure for spills including a notification system, identifiable characteristics, source, extent, amount of spills, and access numbers of appropriate authorities;

- (f) provide adequate and continuous training to all his personnel;
- (m) have an insurance to cover any harm coming from the development of this activities;
- (n) carry in the vehicle all the adequate equipment and materials to reduce and minimize the hazards of an eventual waste spill;
- (o) keep a record, in the vehicle, of any accident which may have occurred during the transportation of hazardous wastes;
- (p) have, when transporting hazardous waste by water, a special floatable container, even when it is full of wastes, which shall be independent of the transport unit.

Prohibitions.

13. No transporter shall—

- (a) store hazardous waste for a period exceeding ten days before or after transportation;
- (b) collect, transport or deliver hazardous waste stored in deficient containers;
- (c) accept hazardous waste without having previous acceptance of the treatment or final disposal plant where it will be received;
- (d) transport simultaneously incompatible hazardous waste in the same vehicle.

PART V

Treatment

14. All facilities for the treatment or final disposal of hazardous waste shall be sited, designed, constructed and operated as approved by the Chief Environmental Officer.

Locating a waste treatment facility.

PART VI

Land Disposal

15. No liquid hazardous waste shall be disposed of in a landfill.

Liquid hazardous waste.

16.—(1) The Chief Environmental Officer shall not approve the disposal of solid hazardous wastes, not otherwise prohibited from disposal in a landfill, unless the landfill is provided with at least—

Solid hazardous waste.

- (a) two liners of which at least one is a synthetic liner;
- (b) a leachate collection and removal system;
- (c) a groundwater monitoring system; and
- (d) a leak detection system between the two liners.

(2) The Chief Environmental Officer shall not approve the disposal of liquid hazardous wastes by means of deep well injection unless the following are met—

- (a) the fluids will be injected deep into the earth into brine saturated formation or non-fresh water zones of more than 10,000 mg/l TDS;
- (b) the depth of the well shall be no less than two thousand (2,000) feet;

- (c) assurances are provided to show that fluids injected into the deep sub-surface are likely to remain confined for a very long time;
- (d) the operator of the well can demonstrate that there are no transmissive fractures or faults in the confining rock layers through which injected fluids could travel towards drinking water sources;
- (e) the well casings prevent the bore hole from caving in, and are constructed of a corrosion resistant material such as steel or fiberglass-reinforced plastics;
- (f) in the instance of petroleum water, these must first receive pre-treatment so that the discharge of oil in water does not exceed 30 mg/l or ppm;
- (g) a comprehensive monitoring and documentation programme is developed which has been approved by the Department;
- (h) proper monitoring and documentation of injection pressure and flow rate to ensure peak efficiency of the facility is conducted;
- (i) continuous monitoring of the pressurized annulus fluid around casings is conducted to detect possible leaks.

Guidelines.

17. All hazardous waste management facilities shall be sited, designed, operated, constructed and closed in accordance with such guidelines as may be approved by the Chief Environmental Officer.

PART VII

Landfill Disposal Prohibitions

18.—(1) The generator of a hazardous waste shall be responsible for determining if this hazardous waste is restricted from landfill disposal pursuant to these Regulations.

Determination of landfill disposal restrictions.

(2) The generator shall use a reasonable knowledge of the hazardous waste composition in making the determination under subregulation (1) above.

19. Landfill disposal of the following hazardous wastes is prohibited—

Prohibitions.

- (a) solid hazardous wastes containing 1 or more halogenated organic compounds in a total combined concentration greater than 1000 milligrams per kilogram;
- (b) solid hazardous wastes containing 1 or more of the following non-halogenated organic compounds in a total combined concentration greater than 1000 milligrams per kilogram—
 - (i) acetone;
 - (ii) benzene;
 - (iii) nebutyl alcohol;
 - (iv) carbon disulfide;
 - (v) cresols and cresylic acid;
 - (vi) cyclohexanone;
 - (vii) ethyl acetate;

- (viii) ethyl benzene;
- (xi) ethyl ether;
- (x) isobutanol;
- (xi) methanol;
- (xii) methyl ethyl ketone;
- (xiii) methyl isobutyl ketone;
- (xiv) nitrobenzene;
- (xv) 2-nitropropanone;
- (xvi) pyridine;
- (xvii) toluene;
- (xviii) xylene;
- (c) flammable gasses that exert a measurable pressure on the cylinder, tube, tank or container in which they are held;
- (d) hydrocarbon contaminated solids exhibiting a flash point less than or equal to 61 degrees Centigrade as determined by the closed cup test method;
- (e) flammable substances that are liable to spontaneous combustion under the conditions of disposal or are liable to emit flammable gasses under the conditions of disposal;
- (f) wastes which produce a waste extract that contains one or more substances listed in Column I of Table 2 of the Schedule in

Schedule
Table 2
Column I.

concentrations equal or greater than the concentration specified for each contaminant in Column II of the said Table, if those wastes are to be disposed with municipal garbage;

- (g) earthen materials including gravel, sand clay and soil, that contain more than 100 parts per million by weight of polychlorinated biphenyls;
- (h) hazardous wastes with a pH less than 2.0 or more than 12.5;
- (i) solid hazardous wastes producing a waste extract which contains any substance in a concentration greater than the value for that substance shown in subregulation (f) to (h).

20.—(1) Subject to subregulation (2) below, no person shall import any hazardous waste into Belize without first obtaining written authorization from the Department, provided no such authorization shall be given unless the person establishes to the satisfaction of the Department that—

Ban on importation.

- (a) the hazardous waste will be used as a raw material for an industry in Belize; and
- (b) there will be no harm to the human health and the environment from the use of such hazardous waste.

(2) No person shall import hazardous waste into Belize for the purpose of disposal.

21. No person shall mix hazardous waste with any solid or liquid for the sole purpose of dilution or to avoid the requirements of these Regulations.

Mixing and dilution prohibited.

Subdivision of hazardous waste prohibited.

22. No person shall divide a hazardous waste in order to avoid the requirements of these Regulations or in order to meet the exemptions provided for in regulation 4.

PART VIII

Requirement For Waste Classification

Hazardous waste classification.

23.—(1) Any person generating hazardous waste is responsible for classifying each hazardous waste in a manner approved in writing by the Chief Environmental Officer.

(2) Waste streams shall be individually classified at their source and shall not be analysed following mixing or dilution with other waste streams.

(3) Any person generating a hazardous waste shall keep adequate records of the dates, types and amounts of hazardous waste generated and the date and location where such waste are shipped for disposal.

PART IX

Investigations, Offences and Penalties

Inspection.

24. Any designated officer may enter and inspect any hazardous waste management facility and may inspect and take copies of the records of such facility.

Offences and penalties.

25. Every person who contravenes or fails to comply with any of the provisions of these Regulations commits an offence and shall be liable on summary conviction to a fine of not less than twenty-five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and period of imprisonment.

MADE by the Minister responsible for the Environment
this 27th day of July, 2009.

(HON. GASPAR VEGA)

Minister of Natural Resources and the Environment

SCHEDULE
[Regulations 2, 4 and 19]

TABLE 1

DISCARDED GOODS, CONTAINERS, AND LISTED
WASTE STREAMS

(1) Hazardous wastes listed in this Table consist of—

CAP.328.

- (a) The list of hazardous substances listed in Part I of the Schedule to the Environmental Protection Act.
- (b) Any unrinsed empty container with an internal volume greater than 5 litres which held a substance listed in Column III.
- (c) Any collection of unrinsed empty container with a combined internal volume greater than 5 litres which held substances listed in Table 3.
- (d) Any container with an internal volume greater than 5 litres which contains a substance listed in Table 3 or 1(a) of this Table and which is not an empty container.
- (e) Any collection of containers with a combined internal volume greater than 5 litres which contain substances listed in Table 3 or 1(a) of this Table, and which are not empty containers.
- (f) Pulp mill sludges from processes which involve the use of chlorine or chlorine containing compounds, if the sludges produce a waste extract, which contains any of the following substances in a concentration greater than that shown—

Maximum concentration in waste extract–

<u>Constituent</u>	<u>mg/l</u>
Total Hexachloro-dibenzo-p-dioxins	0.001
Total Hexachloro-dibenzofurans	0.001
Total Pentachloro-dibenzo-p-dioxins	0.001
Total Pentachloro-dibenzofurans	0.001
Total Tetrachloro-dibenzo-p-dioxins	0.001
Total Tetrachloro-dibenzofurans	0.001
2, 4, 6-Trichlorophenol	0.050
2, 3, 4, 6-Tetrachlorophenol	0.010
Pentachlorophenol	0.010

TABLE 2

Discarded Mixtures and Solutions

(1) Hazardous waste defined by criteria in this Table are the following–

- (a) any mixture or solution which produces a waste extract which contains any substances in concentrations which exceed the following levels–

<u>Constituent</u> <u>Column I</u>	<u>Regulatory Levels</u> <u>Column II (mg/l or ppm)</u>
Arsenic	5.0
Barium	100.0
Benzene	.025
Benzo (a) pyrene	0.001
Boron	500.0
Cadmium	0.5
Carbon Tetrachloride	0.25
Chloroform	3.0
Chromium	5.0
Total Cresol	200.0
Cyanide	20.0
1, 2 Dichloroenezene	20.0

1,4 Dichlorobenzene	0.5
1,2 Dichlorobenzene	0.25
1, 1Dichloroethylene	0.35
Dichloromethane	5.0
2, 4 Dinitrotoluene	0.13
2,4 Dichlorophenol	90.0
Fluoride	150.0
Hexachlorobenzene	0.13
Hexachlorobutadiene	0.5
Hexachloroethane	3.0
Lead	1.0
Mercury	0.1
Methylthylketone	100.00
Monochlorobenzene	4.0
Nitrate and Nitrite	1000.
Nitrilotriacetic acid (NTA)	50
Nitrate	100.0
Nitrobenzene	2.0
Pentachlorophenol	6.0
Pyridine	5.0
Selenium	1.0
Silver	5.0
Tetrachloroethylene	10.0
Tetrachlorophenol,2,3,4	10.0
Trichloroethylene	0.25
2, 4, 5 - Trichlorophenol	400.0
2, 4, 6 - Trichlorophenol	0.50
Trihalomethanes	35.0
Uranium	2.0
Vinyl chloride	0.1

(b) Any mixture or solution which cannot be classified as hazardous under column I and II above and which contains 0.01 percent by mass or greater of any of the substances listed in paragraph 1 of Table 1 or the list referred to in paragraph 1(a) of Table 1, provided the listed substance is known to be present or is reasonably expected to be present in the mixture or solution.

TABLE 3

Acetaldehyde, chloro
Acetamid, N-(aminothioxomethyl)-
Acetamide 2-flouro-, sodium salt
Acetimidic acid N – [methylcarbamoyl]
oxy] thio-, methylester
3-(alpha-Acetylbenzyl) – 4 hydroxycoumarin and salts, when present at
concentrations greater than 0.3%
1-Acetyl 2-thiourea
5-(Aminomethyl)-3 isoxazolol
Ammonium picrate
Ammonium vanadate
Arsenic acid
Arsenic (III) oxide
Arsenic (V) oxide
Arsenic trioxide
Arsine, diethyl
Aziridine
Barium cyanide
Benzenamine, 4-chloro-
Benzenamine, 4-nitro
Benzene, (Chloromethyl)
1,2 Benzenediol, 4-[1-hydroxy-2(methylamio) ethyl
Benzenethiol
Benzyl chloride
Beryllium dust
Bis (chloromethyl) ether
Bromoacetone
Brucine
Calcium cyanide
Camphene, octachloro-
Carbamimidoseleoric acid
Carbone bisulfide
Carbon disulfide
Carbonchloride
Chloride cyanide

Chloroacetaldehyde
p-chloroaniline
1-(0-chlorophenyl) thiourea
3-Chloropropionitrile
Copper cyanides
Cyanides (soluble cyanide salts), not elsewhere specified
Cyanogen chloride
Dichlorophenylarsine
Diethylarsine
O,O-Diethyl s-(2-(ethylthio) ethyl] phosphorodithioate
Diethyl-p-nitrophenyl phosphate
O,O-Diethyl O-p-[2-(ethylthio) ethyl] phosphorodithioate
Diethyl-p-nitrophenyl phosphate
O,O-Diethyl O-p razinyl phosphorothioate
Disopropyl fluorophosphate
3,3 Dimethyl-1-(methylthio)-2butanone, O-[methylamino) carbonyl] oxime
O,O Dimethyl O-p-nitrophenyl phosphorothioate
Dimethylnitrosamine
alpha, alpha-Dimethylpenethylamine
4,6-Dinitro-o-cresol and salts
4,6-Dinitro-o-cyclohexylphenol
2,4-Dinitrophenol
Diphosphoramidate, octamethyl-
2,4-Dithiobiuret
Dithiopyrophosphoric acid, tetraethyl ester
Epinephrine
Ethanamine, 1,1-dimethyl-2-phenyl
Ethanamine, N-methyl-N-nitroso-
Ethyl cyanide
Ethylenimine
Famphur
Flourine
Fluoroacetamide
Fluoroacetic acid, sodium salt
Fulminic acid, mercury (II) salt
Hexaethyl tetrasphosphate
Hydrazinecarbothioamide

Hydrazine, methyl-
Hydrocyanic acid
Hydrogen cyanide
Hydrogen phosphide
Isocyanic acid, methyl ester
3 (2H)-Isoxazolone, 5-(aminomethyl)
Mercury, (acetato-o) enyl
Mercury fulminate
Methane, oxybis (chloro-
Methane, tetranitros-
Metahnethiol, trichloro-
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
2-Methylaziridin
Methyl hydrazine
Methyl
Alpha-Naphthylthiourea
Nickly carbonyl
Nickle carbide
Nickle (II) cyanide
Nickle tetracarbonyl
Nitric Oxide
p-Nitroaniline
Nitrogen dioxide
Nitrogen (II) oxide
Nitrogen (IV) oxide
Nitroglycerine
N-Nitrosodimethylamine
N-Nitrosomenthylvinylamine
5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite
Octamethylphosphoramidate
Osmium oxide
Osmium tetroxide
7-Oxabicyclo [2.2.1] heptane-2,3-dicarboxylic acid
Phenol, 2-cyclohexyl, 4,6-dinitro-
Phenol, 2,4-dinitro-6-methyl
Phenol, 2,4-dinitro-6-(1-methyl-propyl)
Phenol, 2, 4, 6-trinitro, ammonium salt

CHAPTER 328**SCRAP METAL RECYCLERS (REPEAL)
REGULATIONS****ARRANGEMENT OF REGULATIONS**

1. Short title.
2. Repeal.

CHAPTER 328

**SCRAP METAL RECYCLERS (REPEAL)
REGULATIONS**

CAP. 320.
R.E. 2020.
36 of 2011
98 of 2012

(Section 45)

(Gazetted 24th November, 2012.)

1. These Regulations may be cited as the

Short title.

**SCRAP METAL RECYCLERS (REPEAL)
REGULATIONS**

2. The Scrap Metal Recyclers Regulations, 2011 is hereby repealed.

Repeal S.I. 36 of
2011

MADE by the Minister responsible for the Environment this
14th day of November, 2012.

(LISEL ALAMILLA)

Minister responsible for the Environment

CHAPTER 328**ENVIRONMENTAL PROTECTION (PROHIBITION OF
THE OPEN-BURNING OF REFUSE AND OTHER
COMBUSTIBLE MATTER) REGULATIONS****ARRANGEMENT OF REGULATIONS**

1. Short title.
2. Interpretation.
3. Prohibition on open-burning.
4. Open-burning of sugar cane fields.
5. Designated officers and enforcement.

CHAPTER 328

**ENVIRONMENTAL PROTECTION (PROHIBITION OF
THE OPEN-BURNING OF REFUSE AND OTHER
COMBUSTIBLE MATTER) REGULATIONS**

CAP. 328.
R.E. 2020.
59 of 2020.
68 of 2020.

(Section 45(2)(p))

(Gazetted 21st April, 2020.)

1. These Regulations may be cited as the

Short title.

**ENVIRONMENTAL PROTECTION
(PROHIBITION OF THE OPEN-BURNING OF
REFUSE AND OTHER COMBUSTIBLE MATTER)
REGULATIONS**

2. In these Regulations—

Interpretation.

“combustible matter” includes—

68 of 2020.

- (a) bush;
- (b) agricultural field;
- (c) pasture;
- (d) grass; or
- (e) vegetation;

“open-burning” means the burning of refuse or combustible matter in such a manner that the products of combustion are emitted directly to the outside atmosphere;

“period of public emergency” means the period stated in the Proclamation issued by the Governor-General and during which

68 of 2020.

the Proclamation remains in force and effect, and any extension made to that period of public emergency by a subsequent Proclamation issued by the Governor General; and

68 of 2020.

“Proclamation” means the Proclamation made by the Governor-General under section 18 of the Belize Constitution declaring that a state of public emergency exists in the entire country of Belize;

“products of combustion” means all particulate and gaseous air contaminants emitted as a result of the burning of refuse or combustible matter; and

“refuse” means any household or yard waste.

Protection of
open-burning.

3.—(1) During the period of public emergency, no person shall cause, suffer, allow, or permit open-burning of any refuse or combustible matter on any private or public land.

(2) A person that contravenes this regulation commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding two years.

Open-burning of
sugar cane fields.

4. Notwithstanding regulation 3, the open-burning of sugar cane fields prior to the harvesting of sugar cane is not prohibited.

Designated
officers and
enforcement.

5.—(1) For the purposes of these Regulations, every member of the Police Department is a designated officer under the Act.

(2) It shall be the duty of every member of the Police Department to enforce, using force if necessary, compliance with these Regulations, and for such purpose any member of the Police Department may, without a warrant—

(a) enter any land; or

- (b) arrest any person who contravenes or is suspected on reasonable grounds of contravening these Regulations.

MADE by the Minister responsible for environment this 20th day of April, 2020.

(HON. OMAR FIGUEROA)

Minister of Fisheries, Forestry, the Environment, and Sustainable Development

(Minister responsible for environment)