

NATIONAL ENVIRONMENT AND PLANNING AGENCY
Enforcement Branch Post Planning/Permit/License Monitoring

Inspection Date: 5 August 2014 Report in Series: 1 of 2014

Time of Inspection: 9:45 a.m.

Permitted Activity: To carry out Geotechnical Investigations

Location of Activity: Old Harbour Bay, St. Catherine

Applicant: China Harbour Engineering Company Limited

Reference No.: 2014-14017-BL00010

Name of Contact: (name redacted)

Contact Telephone #: (number redacted)

E-Mail:

Investigating Officer: Yannique Ewers

Present were: (names redacted)

Description of Licenced Activity: Beach Licence for the use of the foreshore and the floor of the sea (Pursuant to the section 11 of the Beach Control Act 1956)

Observations and Comments:

A group of men were seen on Little Goat Island. They alleged that they were fixing their geotechnical equipment as it was damaged at sea. Mr (name redacted), a representative from NHL (the sub-contractor) stated that CHEC gave him the go ahead to commence drilling activities. He confirmed a phone call made by (name redacted) to NEPA on Thursday 31 July 2014 that CHEC had commenced drilling activities on the eastern end of the harbor. He stated that marker buoys were placed at the coordinates on the eastern end of Little Goat Island as outlined in the permit. However, no such buoys were found upon surveying the area.

Compliance Table:

No	General Condition	Level of compliance	Comments/Action
10	No sign or notice may be erected or placed upon or in the Licensed Area unless the size, wording and location thereof have previously been approved in writing by the Authority.	Full	A sign was observed which speaks to the beach licence application.
11	The Licensee shall, prior to the commencement of the licensed activity, post a sign in a prominent place on the licensed area using the same design and words as set out in the Fourth Schedule of this Licence.	NA	A sign was observed on Little Goat Island. No Fourth Schedule was found on file therefore this could not be assessed. Upon assessing the file in house, it was duly noted that other signs are present on site. However, these signs were not observed upon assessing the site.

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			Other signs should be put up in prominent places including the Old Harbour Bay area where most residents live.
17	The Licensee shall not modify the physical nature of the Licensed Area or construct or carried out any modification in connection with the Licensed Area except under a Licence granted by the Authority pursuant to the Beach Control Act.	Full	No modification to the environment was observed.
No	Specific Condition	Level of Compliance	Comments/Action
1	The Licensee shall comply with all the representations made in the application number 2014-14017-BL00010 dated 10 January 2014 received and date stamped 24 January 2014 by the Natural Resources Conservation Authority and documents entitled 'Implementation Plan of Geotechnical Investigation for the First-Stage Container Terminal Project in Portland Bight Port, Jamaica' with the exception of table 2.1 Borehole Coordinates dated January 2014 received and date stamped 24 January 2014; "First Phase of Jamaica Portland Container Terminal Statement for Changing of Engineering Survey & Geotechnical Investigation" dated 24 April 2014 received and date stamped 1 May 2014 and any accompanying addenda	NC	The document states that three working days were to be used to prepare the work site. Work commenced prior to submission of requisite documents to the NEPA and so this work was not assessed. Drilling is slated for 37 working days. NEPA was not knowledgeable of this work plan and work was said to commence in the week of the 28 July 2014. Methods used for drilling could not be assessed based on that. Only one worker at the Little Goat Island was wearing PPE; others were not. No portable toilets are on site. No Emergency Response Plan was submitted prior to work. Diameter of the drill was not measured however Mr Hill stated that it is within the confines of the permit.
2	The Licensee shall, at least seven (7) working days prior, submit a schedule for the drilling activity to the Manager, Enforcement Branch of the National Environment and Planning Agency, 10 Caledonia Avenue, Kingston 5, or EnforcementManager@nepa.gov.jm .	NC	No schedule has yet been submitted. On site verbal instructions were given to cease the drillings pending the submission the schedule as it was considered to be very important to the effective monitoring of the project.
3	Any changes in the schedule referenced in Specific Condition 2 shall be submitted to the Manager, Enforcement Branch of the National Environment and Planning Agency, 10 Caledonia Avenue, Kingston 5, or EnforcementManager@nepa.gov.jm , at least seven (7) working days prior to the implementation of these changes.	NA	Not assessed as no schedule has yet been submitted.
4	In order to avoid interference to other waterway users, the Licensee shall notify users of the waterway of the scheduling of the works and shall as much as it is possible, prevent obstruction to the normal waterway traffic. Such notification shall be by way of a widely circulated newspaper in Jamaica seven days prior to the start of the works. Standard navigational aids warning users of the waterway of the works shall be employed.	NC	No article of that nature has been circulated though work is being conducted.
5	The Licensee shall ensure that boreholes are drilled only at the GPS Coordinates outlined below as stated in document titled	NA	This could not be assessed as the schedule for drilling was not submitted to the NEPA and so the

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	<p>“ First Phase of Jamaica Portland Container Terminal Statement for Changing of Engineering Survey & Geotechnical Investigation” dated 24 April 2014 received and date stamped 1 May 2014.”</p> <table border="1"> <thead> <tr> <th>NAME</th> <th>LONG.</th> <th>LAT.</th> </tr> </thead> <tbody> <tr><td>L01</td><td>77°2'48.07"W</td><td>17°56'43.78"N</td></tr> <tr><td>L02</td><td>77°2'51.62"W</td><td>17°56'11.61"N</td></tr> <tr><td>L03</td><td>77°2'54.65"W</td><td>17°55'39.63"N</td></tr> <tr><td>L04</td><td>77°2'57.31"W</td><td>17°55'7.08"N</td></tr> <tr><td>L05</td><td>77°2'59.21"W</td><td>17°54'45.35"N</td></tr> <tr><td>Q01</td><td>77°3'8.33"W</td><td>17°54'7.91"N</td></tr> <tr><td>Q02</td><td>77°3'23.97"W</td><td>17°53'54.64"N</td></tr> <tr><td>Q03</td><td>77°3'40.51"W</td><td>17°53'42.86"N</td></tr> <tr><td>X01</td><td>77°4'48.55"W</td><td>17°53'15.15"N</td></tr> <tr><td>X02</td><td>77°4'19.61"W</td><td>17°53'25.18"N</td></tr> <tr><td>D01</td><td>77°4'24.53"W</td><td>17°52'34.77"N</td></tr> <tr><td>D02</td><td>77°4'1.02"W</td><td>17°52'21.44"N</td></tr> <tr><td>D03</td><td>77°4'10.6"W</td><td>17°53'4.17"N</td></tr> <tr><td>M01</td><td>77°4'32.84"W</td><td>17°52'20.73"N</td></tr> <tr><td>M02</td><td>77°4'20.94"W</td><td>17°52'14.07"N</td></tr> <tr><td>M03</td><td>77°4'9.63"W</td><td>17°52'7.56"N</td></tr> <tr><td>M04</td><td>77°3'57.51"W</td><td>17°52'0.81"N</td></tr> <tr><td>M05</td><td>77°4'41.3"W</td><td>17°52'25.6"N</td></tr> <tr><td>C01</td><td>77°4'22.6"W</td><td>17°51'59.49"N</td></tr> <tr><td>C02</td><td>77°4'40.94"W</td><td>17°51'55.67"N</td></tr> <tr><td>C03</td><td>77°4'16.7"W</td><td>17°51'41.34"N</td></tr> <tr><td>H01</td><td>77°4'32.74"W</td><td>17°51'36.3"N</td></tr> <tr><td>H02</td><td>77°4'45.75"W</td><td>17°50'32.38"N</td></tr> <tr><td>H03</td><td>77°4'58.48"W</td><td>17°49'28.99"N</td></tr> <tr><td>H04</td><td>77°5'8.27"W</td><td>17°48'40.82"N</td></tr> <tr><td>H05</td><td>77°2'35.98"W</td><td>17°43'9.21"N</td></tr> <tr><td>H06</td><td>77°2'19.93"W</td><td>17°42'42.59"N</td></tr> </tbody> </table>	NAME	LONG.	LAT.	L01	77°2'48.07"W	17°56'43.78"N	L02	77°2'51.62"W	17°56'11.61"N	L03	77°2'54.65"W	17°55'39.63"N	L04	77°2'57.31"W	17°55'7.08"N	L05	77°2'59.21"W	17°54'45.35"N	Q01	77°3'8.33"W	17°54'7.91"N	Q02	77°3'23.97"W	17°53'54.64"N	Q03	77°3'40.51"W	17°53'42.86"N	X01	77°4'48.55"W	17°53'15.15"N	X02	77°4'19.61"W	17°53'25.18"N	D01	77°4'24.53"W	17°52'34.77"N	D02	77°4'1.02"W	17°52'21.44"N	D03	77°4'10.6"W	17°53'4.17"N	M01	77°4'32.84"W	17°52'20.73"N	M02	77°4'20.94"W	17°52'14.07"N	M03	77°4'9.63"W	17°52'7.56"N	M04	77°3'57.51"W	17°52'0.81"N	M05	77°4'41.3"W	17°52'25.6"N	C01	77°4'22.6"W	17°51'59.49"N	C02	77°4'40.94"W	17°51'55.67"N	C03	77°4'16.7"W	17°51'41.34"N	H01	77°4'32.74"W	17°51'36.3"N	H02	77°4'45.75"W	17°50'32.38"N	H03	77°4'58.48"W	17°49'28.99"N	H04	77°5'8.27"W	17°48'40.82"N	H05	77°2'35.98"W	17°43'9.21"N	H06	77°2'19.93"W	17°42'42.59"N		<p>precise coordinates of drilling could not be observed. Mr Hill stated that marker buoys were placed in the eastern section of the site but this was not observed as true.</p>
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6	<p>The Licensee shall notify the Agency in the event that a change in the location of any of the boreholes become necessary and shall not conduct the activity in any new areas without the express written consent of the Agency.</p>	Full	<p>CHEC requested a change in the borehole locations in a letter dated 28 April 2014 and stamped 1 May 2014.</p>																																																																																				
7	<p>The Licensee shall submit to the Agency a detailed report outlining the total area impacted to facilitate the drilling of the boreholes, the route to be constructed and the methodology that will be used to create the access routes and working footprint of the drilling activity. This report shall also indicate what type and quantity of vegetation has been so impacted.</p>	NA	<p>This condition is related to the landward (Goat Island & Mainland) aspect of the project which was not yet started.</p>																																																																																				
8	<p>Pursuant to condition # 7 the Licensee shall ensure that the access routes to be created on the Goat Islands do not disrupt the hydrological regime of the wetlands that will be impacted as a result of the drilling activity. Prior to the start of any access route construction areas requiring the installation of conduits to allow for hydrologic flows is to be identified and shall be submitted to the Agency for approval.</p>	NA																																																																																					
9	<p>The Licensee shall inform the Agency of the proposed mechanisms to prevent the</p>	NA	<p>Cannot be assessed as it is tied to S.C 7 & 8</p>																																																																																				

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	increased sedimentation of the water in the wetlands and any natural drainage areas as a consequence of the access route construction and the borehole activity at least Ten (10) working days prior to the commencement of any access route construction or drilling works		
10	The Licensee shall ensure that no more than 21 cores ranging in size from 75-100mm in diameter are removed from the Goat Islands, foreshore and floor of the sea as per document entitled "Implementation Plan of Geotechnical Investigation for the First-Stage Container Terminal Project in Portland Bight Port, Jamaica" dated January 2014 received and date stamped 24 January 2014.	NA	This was not assessed at the investigator had no tool to measure the diameter of the drill and drilling work to the Goat Islands could not be assessed as drilling was not being done at the time of investigation.
11	The Licensee shall monitor turbidity values on a daily basis to ensure that during drilling, turbidity values more than 5 metres away from the site of drilling for each hole does not exceed 10 NTUs above background or ambient condition, whichever is higher. A weekly turbidity report shall be submitted to the Agency for review.	NC	No turbidity report was submitted for the week 28 July 2014 to 1 August 2014. No turbidity tests were being conducted at the time of inspection.
12			
13	The Licensee shall ensure that 48 hours prior to hurricanes or other meteorological events, works should be halted and turbidity values allowed to fall below 10 NTUs or ambient conditions.	NA	This is not applicable as no major meteorological events were imminent prior to investigation.
14	The Licensee shall ensure that equipment being used in the drilling activities are not placed on corals or other sensitive marine fauna.	NA	This could not be assessed as drilling was not being conducted at the time of investigation.
15	The Licensee shall ensure that prior to the start of drilling for each hole the target site is cleared of any slow moving marine organism which would otherwise have been injured by the activity.	NA	This could not be assessed as drilling was not being conducted at the time of investigation.
16	The Licensee shall obtain the expressed written approval of the Authority prior to any changes in number of holes to be drilled in excess of the amount stated in this Licence.	NA	This is not applicable as no written request has been made to increase the number of boreholes. There is no evidence that work has commenced
17	The Licensee shall immediately notify the Authority of any crocodile sighting and shall ensure that every effort in made so as to not disturb the animals in their natural habitat.	NA	This is not applicable as no mention has been made of crocodile sighting
18	The Licensee shall ensure that prior to the commencement of the works, a detailed Emergency Response Plan for any accidental spills – fuel, lubricants or hazardous material and sediment is submitted to the Agency for approval.	NC	No Emergency Response Plan has been submitted.
19	The Licensee shall immediately notify the Agency of any spillage of or accident with any hazardous chemicals, inclusive of all hydrocarbons and environmentally damaging material and shall submit a	NA	This condition is not applicable as there were no spills observed at the time of investigation nor were there any reported incident.

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	detailed report to the Agency on the clean-up activities as per MARPOL 73/78, Annex I, Regulation 26 within seven days (7) days of the date of the incident.		
20	The Licensee or its agents shall not permit the discharge of waste, including but not limited to sullage waste, oily waste or chemicals or any poisonous noxious or polluting matter into the water or on the ground, as a result of the works.	Full	No discharge of waste was observed at the time of investigation.
21	The Licensee shall ensure that there is no refueling of any marine vessel at sea within the drilling area unless provided for specifically in a Licence from this Authority.	Full	No refueling was observed.
22	The Licensee and its agents shall ensure that there is no blasting or use of explosives in connection with this licensed activity.	Full	No blasting was observed.
23	The Licensee shall ensure that any solid waste generated during the drilling works is disposed of at a municipal dumpsite approved by the National Solid Waste Management Authority (NSWMA).	NA	Not applicable as the drilling activities have not generated any solid waste.
24	All equipment, left over materials, equipment parts and any other material incidental to the Works shall be dismantled and removed from the floor of the sea and from shore based facilities at the completion of the Works and in any event, prior to the expiry of this Licence to the satisfaction of the Agency.	NA	This condition is not yet applicable as the project is still in progress.
25	The Licensee shall ensure that all vessels to be used in the drilling operations receive the requisite approval from the Maritime Authority of Jamaica (MAJ). A copy of the approval from the MAJ shall be submitted to the Manager, Enforcement Branch, National Environment and Planning Agency, 10 Caledonia Avenue, Kingston 5 or EnforcementManager@nepa.gov.jm prior to the commencement of drilling activities.	NC	No document of vessel approval has been submitted.
26	The Licensee shall ensure that the final report on the results of the borehole investigation is submitted to the Agency within two months following the completion of the drilling activities.	NA	Not applicable as the exercise is yet to be completed.
27	The Licensee shall ensure that all correspondence, notifications, plans, final reports or any other documents being submitted to the Agency pursuant to any General and/or Specific Condition of the Licence are addressed to the Manager, Enforcement Branch, National Environment and Planning Agency, 10 Caledonia Avenue, Kingston 5 or EnforcementManager@nepa.gov.jm .	Full	All submissions were submitted to the Enforcement Manager.
28	The granting of this Licence does not relieve the Licensee from complying with any other statutory obligation or from applying for and obtaining any permission,	Full	Permission letters from statutory bodies such as Port Authority of Jamaica for posting of signage were submitted.

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	certification, permit or licence required by law. These include but are not limited to Building Permission under the Building Act, Planning Permission under the Town and Country Planning Act and Environmental Permits under the Natural Resources Conservation Authority Act.		
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Key

Full: Means the operation was in compliance with the condition or Condition has already been met or Condition is no longer applicable.

Partial: The operation was only partially compliant with the condition

NC: The condition was not being met.

NA: Conditions was not applicable at the time or it could not be assessed because:_____

Site Warning notice issued on site NO

CONCLUSION

Of the 30 conditions listed above 7 had full compliance, 6 had non-compliance, 8 were not assessed and 9 were not applicable.

Therefore compliance was 54%.

- There were no CHEC representatives on site to issue a warning notice to.
- Drilling commenced prior to submission of requisite documents. Several conditions are in breach because several documents were not submitted.
- No marker buoys were observed though Mr Hill stated that they were put in place to mark drilling areas.
- All signs placed in and around the Goat Islands were not observed.

RECOMMENDATIONS

- Ask that a CHEC representative be present on site at each visit or write warning letters in the event that there are further breaches.
- Write a warning letter for breaches stated above warning CHEC to submit documentation that are outstanding prior to further drilling activities.
- In the warning letter request: that marker buoys be put at coordinates where drilling should occur and more signs are put in place.
- Continue monitoring this site so that operation date is fully observed and proper sanctions can be made.

APPENDIX

Photos:



Figure 1: Photo showing drilling equipment, workers not wearing PPE and unauthorized boat used to transport workers. (Photo taken -5 August 2014)

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Figure 2: Photo position of signs observed at Little Goat Island. The sign on the left was authorized specifically for CHEC's Geotechnical Investigation (this was stated in a letter by the Port Authority of Jamaica in a letter dated 13 February 2014 and stamped 14 February 2014. Close up shown in figure 3 (Photo taken -5 August 2014)



Figure 3: Photo showing close up of sign put in place by CHEC. (Photo taken - 5 August 2014)

Dated Submitted to Supervisor:	7 August 2014
Date reviewed by Supervisor:	12Aug 2014
Date of Final Report:	12 Aug 2014