

GUYANA

No. 9 of 2000

REGULATIONS
MADE UNDER
ENVIRONMENTAL PROTECTION ACT 1996
(No. 11 of 1996)

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**IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 68 (1)
OF THE ENVIRONMENTAL PROTECTION ACT 1996, I HEREBY
MAKE THE FOLLOWING REGULATIONS: -**

PART I

PRELIMINARY

- Citation. 1. These Regulations may be cited as the Environmental Protection (Air Quality) Regulations 2000.
2. In these Regulations, unless the context otherwise requires -
- Interpretation
- (a) "activity" means any of the activities mentioned in regulation 4(1);
 - (b) "ambient air quality standards" means those limits that define the allowable concentration of a particular contaminant in a given area;
 - (c) "air pollution episode" means an occasion when air contamination is at such a level and for such period of time that the air contamination may pose a danger to human health;
 - (d) "air pollution index" means a series of numbers expressing the relative levels of air pollution and taking into consideration one or more air contaminants;
 - (e) "applicant" means a person who applies for an environmental authorisation for the purposes of these Regulations and includes a person appointed under a duly registered power of attorney;
 - (f) "application" means an application for an environmental authorisation made in accordance with these Regulations;
 - (g) "commerce" means of or pertaining to business, trade or manufacture;
 - (h) "compliance schedule" means a schedule of measures including a sequence of interim requirements that leads to compliance with these Regulations;
 - (i) "emission" means air contaminant;
 - (j) "equipment" includes apparatus, device, mechanism or structure;
 - (k) "existing industries" means any industry pertaining to the manufacture, processing, handling, transport, storage or disposal of materials (including raw materials, materials in the process of manufacture, manufactured materials, by-products and waste materials) that entered into operation before the commencement of these Regulations;
 - (l) "facility" includes -

- (i) any office, room or building, and any place, spot or land, whether open or enclosed;
 - (ii) any aircraft, hovercraft, ship, boat, pleasure craft or other vessel whether afloat or not, and any vehicle;
 - (iii) any electrical installation, subterranean installation or installation on land including the foreshore and other land intermittently covered by water;
 - (iv) any offshore installation and any other installation, whether floating or resting on the seabed or the subsoil thereof or resting on other land covered with water or the subsoil thereof; and
 - (v) any dam or other installation designed to hold liquid or store it on a long-term basis;
- (m) "fuel-burning equipment" includes equipment designed to burn fuel but does not include an internal combustion engine;
- (n) "incinerator" includes equipment used for the burning of waste;
- (o) "industry" includes premises wholly or mainly used (whether for profit or not) for agricultural purposes or for scientific research or experiment which may entail an air pollutant being emitted into the atmosphere;
- (p) "installation" means the aggregate of all electrical generating plants owned and managed at any one site and includes the developed property, waste disposal sites, waste water treatment facilities or other facilities associated with it;
- (q) "mobile sources" means any source of air pollution other than stationary sources, including but not limited to motor vehicles, off-road vehicles, marine vessels and aircraft;
- (r) "new" in relation to a motor vehicle, means a motor vehicle that has not been previously used;
- (s) "opacity" means,
- (i) colour of a visible emission in shades of grey to black, or
 - (ii) degree to which a visible emission obstructs the passage of light;
- (t) "point of emission" means the point at which a contaminant enters the natural environment;
- (u) "visible emission" means any contaminant which can be detected by the naked eye;

(v) "source" means any public, institutional, commercial or industrial structure, installation, plant, building or facility, that emits or has the potential to emit any regulated air pollutant from any process;

(w) "stationary source" means any source of air pollution that is produced by a fixed or stationary location, including but not limited to electrical installations.

PART II

POWER TO ISSUE ENVIRONMENTAL AUTHORISATION

Registration

3. Subject to regulation 5(2), any person who emits air contaminants shall register with the Agency.

General
requirement to
apply for an
authorization

4. (1) Subject to paragraph (3), a person who, at the commencement of these Regulations, emits any air contaminant in the construction, installation, operation, modification or extension of any facility relating to -

- (a) industry;
- (b) commerce;
- (c) agriculture; or
- (d) any institution,

shall apply to the Agency for an environmental authorisation within one year of the commencement of these Regulations or such later time as the Agency may determine.

(2) Any person proposing to engage in any of the activities mentioned in paragraph (1) shall submit an application to the Agency at least ninety days before the date on which the emission is due to commence.

(3) The Agency may at any time request a person who engages in any of the activities specified in paragraph (1) to submit an application to the Agency for an environmental authorisation.

(4) An application for an environmental authorisation shall be in accordance with the procedures set out in regulation 18 of the *Environmental (Authorisations) Regulations, 2000*.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months

Restrictions on air
contaminants.

5. (1) No person who engages in any of the activities specified in regulation 4(1) shall emit or cause or permit the emission of any air contaminant into the atmosphere unless that person holds an environmental authorisation.

(2) Paragraph (1) shall not apply to stationary sources that are households that do not contain industrial or commercial facilities.

Charge on
operating
conditions.

6. (1) Where at any stationary source a failure to operate in the normal manner or a change in operating conditions occurs, or a shut-down of the source or part thereof is made for some purpose, resulting in the emission of air contaminants that may result in quantities or concentrations in excess of those allowed in regulation 8, the owner or operator of the source of air contamination shall-

- (a) immediately notify the Agency and furnish it with particulars of such failure, change or shut-down; and
- (b) furnish the Agency with the particulars in writing, as soon as is practicable, of such failure, change or shutdown.

(2) If the Agency considers it advisable, it may authorise, in writing, the continuance of such operation for such period of time as it considers reasonable in the circumstances and may impose upon the owner or operator such terms and conditions for such continued operation as it considers necessary in the circumstances.

Application for
variance.

7. A person granted with an environmental authorisation may make an application to the Agency to vary any provision thereof on submission of supporting particulars in accordance with the provisions of regulation 21 of the *Environmental Protection (Authorisations) Regulations 2000*.

PART III

PARAMETER LIMITS AND CONTROL OF CONTAMINANTS

Parameter limits
for stationary
sources.
First Schedule.

8. (1) The Agency shall, at any time after the commencement of these Regulations, establish the parameter limits with respect to any of the contaminants specified in the First Schedule.

(2) No new stationary source or facility shall emit any contaminant in concentrations greater than those established as parameter limits under paragraph (1).

(3) The Agency shall, on a case-by-case basis fix, in accordance with compliance schedule the date and the manner in which every existing stationary source shall comply with the parameter limits for each contaminant established under paragraph (1).

(4) The Agency in imposing conditions on an environmental authorisation for an existing stationary source shall be guided by the parameter limits established under paragraph (1).

(5) The Agency may amend the parameter limits established under paragraph (1), with respect to any of the contaminants.

(6) Any person who contravenes paragraphs (2) or (3) shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.

Agency may
waive
applicability.

9. Notwithstanding the provisions of Regulation 8, the Agency may in respect of any stationary source waive the applicability of any parameter limit or of any contaminant mentioned in the First Schedule.

National ambient
air quality
standards

10. (1) The Agency shall establish the desirable national ambient air quality standards

(2) In exercising its powers under these Regulations, the Agency may take into account the national ambient air quality standards specified under paragraph (1).

(3) The Agency may vary the established national ambient air quality standards with respect to any parameter limit or of any air contaminant.

Measuring
instruments

11. (1) The Agency may use measuring instruments for the purpose of assessing the air quality.

(2) Measuring instruments shall, for the purpose of these Regulations, include-

- (a) any apparatus for separating air impurity from the gas or liquid medium in which it is carried;
- (b) any device to indicate or record air pollution or give warning of excessive air pollution; and
- (c) any other device used for the purposes of measuring air pollution.

Control of air
emissions

12. (1) No person shall emit or cause to be emitted, the concentration of a contaminant at a point of emission exceeding those established as parameter limits under regulation 8.

(2) For the purposes of these Regulations, emissions shall be analysed in accordance with the latest edition of the methods specified in the Second Schedule or in accordance with such other methods of analysis as the agency thinks fit.

Second schedule.

Offence to burn.

13. (1) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste except the fuel or waste for the burning of which the equipment or incinerator was designed.

(2) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste at a greater rate than the rate for which the equipment or incinerator was designed.

Management of
air contaminants.

14. (1) Within six months after the commencement of these Regulations, every stationary source shall submit an inventory of the air contaminants that are produced in during its operations to the Agency.

(2) The Agency shall develop and implement a programme for the management of such contaminants which shall include the identification and registration of significant sources of air contaminants into the environment.

PART IV

FEES

Fees payable for registration, etc.

15. The fees to be charged for an application -

- (i) for registration;
- (ii) for variance;
- (iii) for written authorisation for changed conditions; and
- (iv) to carry out works in the construction or alteration of any building, shall be those specified in regulation 9 of the *Environmental Protection (Authorisations) Regulations 2000*.

PART V

NEW SOURCES OF AIR EMISSIONS

Prohibition against new and altered sources of air emissions.

16. (1) No person obtaining a variance under regulation 7 from the Agency shall -

- (a) carry out any work on any premises that may result in a new source of air emission or cause a material change in the quantity or quality of the emission from an existing source;
- (b) construct on any land, building, erection or alteration designed or used for a purpose that may cause the land or building to result in a new source of air emission.

(2) Paragraph (1) shall not apply to -

- i. routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing; or
- ii. any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted there from by these Regulations.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable, on summary conviction to a fine of not less than sixty thousand dollars nor more than one hundred and fifty thousand dollars.

Requirement and approval of plans.

17. (1) Where a person intends to undertake any activity within the meaning of regulation 16 he shall make application to the Agency therefor together with the fee prescribed in regulation 8 of the *Environmental Protection (Authorisations) Regulations 2000*.

(2) The Agency may grant such application either subject to any condition that the Agency considers necessary and may require the applicant -

- (a) to repair, alter, replace or install emission control equipment;

(b) to conduct a sampling and monitoring programme at the applicant's own expense or bear the cost of such programme within such period or at such time and in such manner as the Agency may specify; or

(c) to do all other acts or things that the Agency considers necessary.

PART VI

MOBILE SOURCE EMISSIONS CONTROL

Restrictions on sale on new and used imported vehicles.

18. (1) Within three years after the commencement of these Regulations or such other time as the Agency may determine, no person shall make available for sale in Guyana any new or used imported vehicle unless such vehicle meets or better the exhaust emission standards established by the Agency and is equipped with a fully functioning emissions control system or some other diagnostic technology for monitoring exhaust emissions.

Cap. 51:02.

(2) The requirements of paragraph (1) are in addition to the requirements that may be imposed under the *Motor Vehicles and Road Traffic Act* and nothing in these Regulations relieves a person from the requirements of that Act.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable, on summary conviction to a fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars and to imprisonment for six months.

Emissions from vehicles generally.

19. (1) Within three years after the commencement of these Regulations or such other time as the Agency may determine, the Agency shall establish exhaust emission standards and every motor vehicle shall comply with such standards

(2) The provisions of paragraph (1) shall not apply to a motorcycle.

Coordination

20. For the purposes of regulations 18 and 19 the Agency shall coordinate with the Ministry responsible for issuing fitness certificates for motor vehicles.

PART VII

OFFENCES AND PENALTIES

Prohibition against construction, etc

21. No person shall construct, alter, demolish, drill, blast, crush, sandblast or screen anything or cause or permit the construction, alteration, demolition, drilling, blasting, crushing, sandblasting or screening of anything so that a contaminant other than heat, sound, vibration or radiation greater than the ambient air quality standards is emitted into the air.

Offence to store

22. No person shall store, handle or transport any solid, liquid or gaseous material or substance in such manner that an air contaminant is released into the atmosphere.

Offence and
penalty.

23. Where a person commits an offence under these Regulations in respect of which a penalty is not prescribed, any person who commits such offence shall be liable, on summary conviction to a fine of not less than thirty thousand dollars nor more than eighty thousand dollars.

PART VIII

GENERAL PROVISIONS

Air Pollution
Monitoring Index.

24. (1) The Agency may as soon as practicable after the commencement of these Regulations cause to be prepared from time to time an index to be known as the Air Pollution Monitoring Index for any area in Guyana.

(2) Where the Air Pollution Monitoring Index for any area indicates increasing air pollution that may lead to an air pollution episode, the Agency, in consultation with the Ministry responsible for health, may order curtailment of the operation of sources of air pollution in the manner mentioned in paragraphs (3) and (4).

(3) Where the Air Pollution Monitoring Index reaches the number in excess of the designated Air Advisory Level, and meteorological forecasts indicate a six-hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Agency may require owners or operators of sources of air pollution to make preparation for the curtailment of such operations as may be specified by the Agency.

(4) Where the Air Pollution Index reaches the number designated as the First Air Pollution Alert, and meteorological forecasts indicate a six-hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Agency may require owners or operators of sources of air pollution to curtail such operations as are specified by the Agency.

(5) Any person who contravenes paragraphs (3) or (4) shall be guilty of an offence and shall be liable, on summary conviction to a fine of not less than seventy thousand dollars nor more than three hundred thousand dollars and to imprisonment for three months.

FIRST SCHEDULE

(reg. 8)

ENVIRONMENTAL (AIR QUALITY) REGULATIONS 2000

**LIST OF CONTAMINANTS THE PARAMETER LIMITS OF WHICH ARE
TO BE SPECIFIED**

(i)	Smoke
(ii)	Solid particles
(iii)	Sulphuric acid mist or sulphuric trioxide
(iv)	Fluoride compounds
(v)	Hydrogen chloride
(vi)	Chlorine
(vii)	Hydrogen sulphide
(viii)	Nitric acid or oxides of nitrogen
(ix)	Carbon monoxide

SECOND SCHEDULE

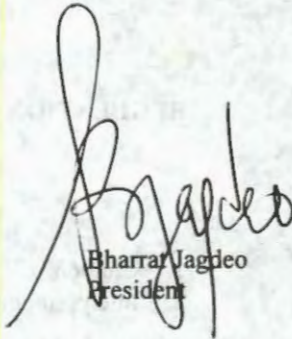
(reg. 12)

ENVIRONMENTAL (AIR QUALITY) REGULATIONS 2000

STANDARD METHODS OF ANALYSIS OF EMISSIONS

British Standard Ringelmann Chart (BS 2742C): 1969

Made this 28th day of November, 2000.



Bharrat Jagdeo
President