



**PA 4963/07**

**TO CONSTRUCT TANK FARM FACILITIES WITHIN  
THE FREEPORT TERMINALS.  
TOTAL CAPACITY 48,000 CU MTS,  
MALTA FREEPORT TERMINALS, BIRZEBBUGIA**

**TERMS OF REFERENCE**

FOR THE PREPARATION OF AN

**ENVIRONMENT PLANNING STATEMENT**

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Final Version  
4<sup>th</sup> December, 2007

## TERMS OF REFERENCE

FOR THE PREPARATION OF AN  
ENVIRONMENT PLANNING STATEMENT  
FOR THE

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TOTAL CAPACITY 48,000 CU MTS,  
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- Note 1:** *Environmental Impact Assessment is the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made*" (IAIA, 1999)<sup>1</sup>. The EPS is to document clearly and impartially the impacts of the proposal, the proposed mitigation measures and impact significance. In accordance with best practice, this shall be carried with professionalism, rigour, fairness, objectivity, impartiality and balance.
- Note 2:** The Malta Environment and Planning Authority (MEPA) reserves the right to request additional details and studies should the findings of the EIA not be sufficient to adequately inform the decision making process or if the EIA identifies matters which should be subject to further (or new) studies.  
All requirements set out in these terms of reference must be complied with. If there are any sections that the consultant deems that they are not relevant to this study, the consultant shall inform MEPA accordingly fully justifying his/her reasoning.  
Should, during the process of the EIA the consultant discover that any environmental feature/s not included in these Terms of Reference that need to be studied, the consultant shall inform MEPA immediately, justifying his/her reasoning.
- Note 3:** Difficulties, including technical difficulties and lack of information, encountered by the consultants in compiling the required information shall be made clear. All references to published works and sources of information shall be duly acknowledged. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the consultation period. Any material which is based on proprietary data which is not available shall not be incorporated by reference.
- Note 4:** Experts contributing to the EIA should be specifically asked to consider impact interactions and to communicate information between each other.
- Note 5:** Important reference texts in this case are to include Subject Plans, Local Plans, etc.
- Note 6:** A list of all permits, licenses and other forms of authorization (other than the development planning permit) which must be obtained by the applicant in terms of any other law in implementing the development if permission is granted must be included in the EPS. If consultants are uncertain whether an authorisation is necessary, they shall so indicate in the EPS.
- Note 7:** Following the review of the EPS, MEPA usually submits comments to the EIA consultants for further clarifications. Once the consultants respond to these comments to the satisfaction of MEPA, a second draft of the EPS, that includes these clarifications, must be prepared. MEPA will only accept an Addendum containing these

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<sup>1</sup> International Association for Impact Assessment (IAIA). (1999). *Principles of Environmental Impact Assessment Best Practice*. Document published by the IAIA in cooperation with the Institute of Environmental Assessment, UK.

clarifications if the clarifications are few or where the EPS is still easy to follow with the Addendum.

**Note 8:** Any requirement for confidentiality of any section of the EPS must be justified and a formal request in this regard must be submitted to MEPA. Should MEPA grant confidentiality for specified sections, alternate material that excludes confidential details must be provided for public consultation.

An Environmental Planning Statement (EPS) is to be prepared for the proposed development at Birzebbugia, as required by the Environmental Impact Regulations, 2007 (Schedule IA, Section 7.6.2.2, Category II). The components of the EPS are to be:

- i. a **technical report**, in conformity with Sections 1-5 and their contents as outlined below. This report should describe the project in its totality;
- ii. a **separate appendix** containing all original survey reports as prepared by individual consultants for specific topics;
- iii. a separate **non-technical summary** of all sections of the technical report (to be also provided in digital format and in both the Maltese and English languages). This summary should include any assumptions made in the report; key features of the site (including surroundings) and proposed development; key impacts and any proposed mitigation measures to minimise costs (externalities) and maximise benefits arising from the proposed development. Technical terms, lists of data and detailed explanations of scientific reasoning should, where possible, be avoided; and
- iv. A **digital copy** of the final version of all elements of the EPS, which includes all of the above, including any plans, maps, photographs, graphs, and any other contents of graphical/visual nature contained within the EPS.

## **1. A DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The description of the proposed development is to include consideration of the aspects outlined below. This description must take into account the whole development and any ancillary facilities connected with, or arising due to, the project (such as any infrastructure required) during the construction and operational stages. Where relevant, this section should include maps, plans, diagrams, models and/or photography.

### **1.1 Justification for the Proposal**

#### *1.1.1 Objectives*

A description shall be provided of the economic and other objectives that the proposed development seeks to address, and whether such objectives stem from current international obligations and national, regional or local policy, plans and guidance.

#### *1.1.2 Demand*

This shall be accompanied by a description of the current and expected demand for all types of uses being proposed (storage, boilers, etc). The study shall explain how the proposal (its size and nature) will address this demand. In addition, given the present use of the site as a container storage, a justification for the change in to oil storage shall be indicated in economic terms.

A justification why ship to ship bunkering shall be carried out in contrast to ship to shore transfer of fuel shall also be submitted.

#### *1.1.3 Future developments*

Future developments/needs of the oil tanking facility, especially in the context of the Freeport activities shall also be addressed.

### **1.2 A Description of the Physical Characteristics and Features of the Project including Constructional Features of the Project**

1.2.1 Description of the proposed development including details of the proposed site layout showing the design (size, area, height, volume, proposed elevations [*scale 1:100*]), layout [to include hard and soft landscaping (*scale 1:500*)], method of construction, external colour scheme, texture, external appearance, location of all tanks and buildings, details of bunding systems, including capacity, construction standard, piercing of bunds and how these will be sealed and rainwater drainage setup and layout. Details of proposed access arrangements. Details of piping arrangements used to upload and unload vessels, including exact position of dosing pumps.

1.2.2 Details on tank design including measures to control emissions of volatile organic compounds.

1.2.3 Proposed facilities (including infrastructure, storage, servicing facilities, security etc) in terms of size, area, height and volume, proposed elevations, layout [to include hard and soft landscaping], method of construction, external colour scheme and texture. Details of structures (including boundary walls, fences, gates, lighting poles, etc.) shall also be submitted.

1.2.4 Land use requirements and site details should be identified, including land take required for facilities ancillary to the proposed development. Proposed facilities on the ground (including infrastructure, storage, servicing facilities, security etc.) in terms of size, area, height and volume, proposed elevations, layout, method of construction, etc.

- 1.2.5 Proposed project management arrangements during construction and operation phases. These should include a description of:
- expected duration of construction;
  - alternative technologies considered during construction;
  - types and quantities of raw materials and primary resources including water, energy, stone and other resources to be consumed, retained and disposed of;
  - measures to reduce consumption of primary resources; and
  - season, frequency and duration of interventions on the land.
- 1.2.6 Identification of the routes that construction vehicles will use to and from the site, the number and size of construction vehicles and their respective frequency of use, and the time of day when construction traffic is likely to be heaviest.
- 1.2.7 Facilities for the on site servicing of equipment, vehicles and other machinery.
- 1.2.8 A description of which parts of the fuel storage facility will be a stand-alone system managed by the Freeport, and which parts will interlink/connect to OilTanking.

### **1.3 A Description of the Operational Features of the Project**

- 1.3.1 Residues and emissions by source, type, quantity, composition and concentration. These should include estimated noise levels and vibration within the plant and at the site boundary; discharges to water (e.g. discharges from storage tanks, fuel spillages, fuel emissions, pipeline leaks, transport and refuelling spillages, and storm water run-off); emissions to air (including volatile organic compounds, sulphur oxides, nitrogen oxides, carbon monoxide and carbon dioxide, ozone, heavy metal compounds); emissions from the boilers vis-a-vis compliance with the NEC Directive (NO<sub>x</sub> and SO<sub>2</sub>); light, and other deposits/residues into land and soil; their disposal and/or reuse.
- 1.3.2 Power (the connected load in MW or MVA and the overall power factor). Estimates of the energy consumption requirements, including an assessment of the expected energy use in kWh), split in terms of end-use (lighting, climate cooling/heating/ventilation, plant, etc.) and which reflects the expected use of the facilities. The level of energy consumption that a development could entail should be identified.
- 1.3.3 An assessment of the extent to which the development could be self-sufficient, e.g. utilising a Combined Heat and Power (CHP) plant to meet the heating and electrical power needs. Energy efficiency considerations in the design and operation of the overall development, including both the tank farm infrastructure (pumps, heating system, etc.) as well as the associated buildings design/services.
- 1.3.4 A description of the precautions used during filling of tanks. An oil pollution response plan shall be submitted including a clear indication of responsibility and set-ups for contingency plans, oil spill response, malfunctions, repairs etc.
- 1.3.5 Details of the proposed boilers including thermal output of any boilers and estimated fuel use are requirements.
- 1.3.6 An indication of which vessels will the service cater for (vessels entering Freeport to load/ unload, or also offshore vessels). Also, an assessment of the expected increase in

maritime traffic in the area shall be submitted (either through vessels needing refueling or bunkering barges).

- 1.3.7 Since the proposal may, directly or indirectly contribute to Greenhouse gas (GHG) emissions, the following should be submitted<sup>2</sup>:
- a) the expected annual and total GHG emissions during the construction, operation and decommissioning phases of the proposal (special emphasis should be made on the operational period);
  - b) the proposal's contribution to total national GHG emissions on an annual basis; and
  - c) the intensity of GHG emissions per unit of all fuels stored and per unit of fuel used in the boiler. Discuss how it compares with similar projects and technology performance.

#### **1.4 Waste Management**

The Waste Management Section (WMS) is aimed at identifying the waste management requirements which will arise from the project, as well as proposing solutions how this waste should be managed using the Best Practicable Environmental Options.

- 1.4.1 The WMP should cover all waste streams and target the following stages of the project:
- Site Clearance phase;
  - The Construction phase;
  - The Operational phase; this phase should also address waste management infrastructure required during the operational phase, and which should be included into the design of the project.

N.B. All information and waste analysis estimates requested below under section 3 'General Requirements', should be presented separately for the 3 different phases of the project, as listed above.

##### 1.4.2 General requirements:

- 1.4.2.1 A general policy statement and commitment by the developer to reduce waste generation and minimise landfill disposal where possible; Every possible effort should be made to minimise waste generated and to divert waste generated from the project to reuse/recycling, rather than disposal;
- 1.4.2.2 Identify those processes or activities (resulting from the project in question) that would result in waste generation;
- 1.4.2.3 The identification of all possible waste streams expected to be generated. This section shall also include wastes generated from any ancillary facilities required on the site and wastes which may arise in the form of accidental spillages and leakages from the operation of on-site machinery, as well as waste arising from the water treatment system to be employed on site (ref. section 1.1.3 of the PDS);
- 1.4.2.4 The relevant European Waste Catalogue Code for each waste stream identified, as per schedule 1, and the corresponding H code (if applicable) for each waste stream as per schedule 2, of the Waste Management (Permit and Control) Regulations as published by LN 337 of 2001, should be submitted;

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<sup>2</sup> Given the absence of local guidelines on climate change it is recommended to use '*Incorporating Climate Change Considerations in Environmental Assessment: General Guidance for Practitioners*' prepared by the Canadian Federal-Provincial-Territorial Committee on Climate Change and Environmental Assessment (available on [http://www.ceaa-acee.gc.ca/012/014/climatechange\\_e.pdf](http://www.ceaa-acee.gc.ca/012/014/climatechange_e.pdf))

1.4.2.5 The projected quantities for each type of waste (details of assumptions made and the methodologies adopted for achieving such estimates should also be included);

1.4.2.6 An assessment of alternatives for proposed management of the waste streams identified which should include:

- a) Measures to be taken for the separation of the different waste streams identified, on site of the scheme;
- b) Infrastructural elements required for the temporary storage and management of waste on site of the scheme;
- c) Measures to be adopted to ensure protection of the surrounding environment from such wastes whilst these are being stored on site of the scheme;
- d) Measures to be adopted in the event of accidental spillages occurring on site;
- e) Information about eventual management/disposal off-site arrangements for solid and liquid wastes identified. **Details of waste management facilities and waste contractors/operators proposed shall be provided.** It must be shown that all waste streams are disposed of in sites duly permitted to accept that particular waste stream; Any agreements reached with permitted waste management facilities including WasteServ Malta Ltd should also be included in the WMS;
- f) A description of the means of transportation to be used to remove waste from site of the scheme. This shall also include information on measures to be taken to protect the surrounding environment during transport of waste/s;

1.4.2.7 Layout plan (to scale) of site indicating and adequately labelled:

- All temporary/permanent waste management infrastructure required including bunded areas for storage of waste fuels, wheel-wash facilities, ablution facilities etc, as applicable;
- Flow of surface water runoff, as laid to falls to the water treatment system etc, as applicable;

1.4.2.8 Cross-sections (to scale) of all waste management infrastructure required.

## **1.5 Consideration of alternatives**

### **1.5.1 *Alternative Technologies***

An assessment of the alternative technologies (during construction and operation) should be considered. This section should contain a detailed explanation of the proposed technology to be used (including that for reducing emissions) and an assessment of alternative technologies which can be used to achieve the objectives of the proposed development. The use of Best Available Techniques (BAT), considering the geographical location and local environment shall also be addressed. The information shall be presented in tabular format indicating technologies and associated environmental impacts, in sufficient detail.

### **1.5.2 *Alternative Sites and/or Layouts***

An identification of alternative sites (including the proposed site and other suitable sites, both within and outside of the Freeport area), based upon the possibilities and constraints posed by physical characteristics and features of the project, its operational features, and land-use requirements. A description of the sites and site-specific environmental impacts shall be provided. A comparative analysis of the alternative development layouts is to be provided together with a zero option assessment (that is, an assessment of the way the site would develop if it were left in its current state).

- 1.5.3 The findings on the environmental impacts of alternative technologies shall be combined with those on the environmental characteristics and environmental impacts in alternative sites. This will enable the identification of best technology/site combinations. The technical and planning reasons why a particular technology and site was selected in preference to all the others must be clearly explained. The discussion should cover construction, operation and distribution aspects.

## **2.0 A DESCRIPTION OF THE PROPOSED SITE AND ITS SURROUNDINGS.**

This description is identified by area of influence for each relevant parameter. The area of influence for each parameter shall be determined by the consultants who shall also justify the extent of the chosen area of influence. This must be approved by the Malta Environment & Planning Authority prior to commencement of the EIA. This description should include:

### **2.1 Land and Sea Uses**

Including settlements, workplaces, production, commercial, recreational, marine activities and other uses. Details including nature and magnitude, distance from the site etc. should be included. The number and type of marine traffic in the area shall be identified.

### **2.2 Air quality including odour**

This section shall clearly establish and identify the current background levels of pollution, including odour. Details on prevailing wind and climate conditions shall also be included, amongst other relevant parameters.

### **2.3 Quality of the Marine Environment**

Characterization of the physicochemical characteristics of water in the area.

### **2.4 Landscape, topography and visual assessment**

This should include a landscape characterisation of the area and visual amenity of the area. 'Non-visual' aspects of the development should also be considered and include those impacts which reduce the possibility for the public to enjoy the landscape including emissions, noise, etc.

### **2.5 Any other relevant environmental features**

## **3.0 PLANNING, POLICIES AND LEGISLATION**

3.1 The relevance of Maltese legislation and Maltese planning policy (notably the Structure Plan and Local Plans for the surrounding areas) and its compatibility (or otherwise) with the development or its impacts should be described and analysed. In particular, policies on the following should be noted: conservation areas and zones, protected buildings and sites, areas of natural beauty, areas of scientific, ecological, archaeological, agricultural, architectural, historical, antiquarian or artistic value, aquifer protection and run-off, transport policies (including parking standards), marine protection.

3.2 Policies of other ministries will provide an important context for the proposed development. Reference should also be made to environmental regulations, policies concerning waste treatment, transport, public health, agriculture and tourism.

3.3 International polices or conventions which may affect the site or area. For instance details about compliance with European Union regulations, directives and conventions should also be considered, their relevance to the project highlighted, as well as how compliance will be achieved.



3.4 The following legislation is particularly relevant, but not exclusive, to the proposal:

- **EU Council Directive 96/82/EC:** The control of major-accident hazards involving dangerous substances (Seveso II);
- **Act XXVII of 2000:** Occupational Health and Safety Authority Act;
- **Legal Notice 37 of 2003:** Control of Major Accident Hazard (COMAH) Regulations;
- **Legal Notice 45 of 2002:** Work Place (Provision of Health and, or Safety Signs) Regulations;
- **Legal Notice 121 of 2003:** Minimum requirements for the use of personal protective equipment at work regulations, 2003;
- **Legal Notice 282 of 2004:** Work Equipment (Minimum Safety and Health Requirements) Regulations;
- **Legal Notice 44 of 2002:** Work Place (Minimum Health and Safety Requirements) Regulations;
- **Legal notice 36 of 2003:** General Provisions for Health and Safety at Work Places Regulations.

#### **4.0 ASSESSMENT OF ENVIRONMENTAL IMPACTS AND RISKS OF THE PROPOSED DEVELOPMENT.**

All significant impacts of the proposed project (as described in Section 1), both **during construction and during operation**, should be assessed, given the environmental characteristics of the site outlined in Section 3 and the policies outlined in Section 4. A descriptive and quantitative analysis (including magnitudes and timing) of the impacts of the proposed development should be made, and presented in summary chart format. The various techniques, methods and assumptions used in the analysis and predictions should be outlined. It is recommended that impact assessment should include:

- i. description of impact;
- ii. magnitude and significance
- iii. duration (temporary and permanent);
- iv. extent (in relation to site coverage and surroundings and associated features);
- v. whether direct or indirect;
- vi. adverse or beneficial;
- vii. reversible or irreversible effects of the impact and extent of irreversibility as well as a description of any associated conditions / assumptions for irreversibility;
- viii. sensitivity of resources to impacts;
- ix. probability of impact occurring;
- x. confidence levels/limits to impact prediction;
- xi. scope of mitigation / enhancement; and
- xii. residual impacts

**Worse case scenarios such as spills and other risks should be assessed where relevant.**

#### **4.1 Effects on Land and surrounding land and sea uses**

Including the physical effect of the development on the local topography e.g. via earth-moving, soil stability and erosion; chemical emissions, deposits and waste. Specific reference to sensitive receptors should be made.

Impacts due to increased maritime traffic in conjunction with the proposal.

#### **4.2 Effects on Hydrology**

The assessment shall describe whether the development will have any impacts upon or pose a risk to the mean sea level aquifer. Any effects of the development springs, drainage patterns, wells, channels, run-off, coastal and valley hydrology should be included.

Discharges to land, sea and sewer will be identified, clearly quantifying the estimates and their likely contents.

The contamination of surface water should be identified and assessed. This assessment shall consider the effect of leaching storage products into the bedrock and effects on the hydrosphere.

Proposals for the collection and disposal/re-use of uncontaminated and potentially contaminated rainwater runoff generated within the site boundaries shall be indicated.

#### **4.3 Effects on the Marine Environment**

Impact on water quality and communities resulting from the discharge into the marine environment, surface runoff and leaching of stored materials. The impact shall also consider worst case scenarios such as spillage with due consideration of cumulative impacts with the existing tank facilities. The extent of the impact should also be identified and an assessment of the associated environmental risks to water, sediment, biota and public health that this would entail.

#### **4.4 Effects on Air Quality including Odour**

Including emissions to air during construction and operation by source, type, concentration, composition and the distribution of each. This shall include identified chemical emissions (including VOC), particulate matter and odour. Reference shall be made to impacts during spray painting of tanks and air emissions from increased vessel traffic.

A description of the "good practice" techniques that shall be employed so that dust emissions during construction are minimized shall be submitted.

#### **4.5 Effects on Public Health**

This shall assess the effects on the health of both on-site personnel and of the population within the relevant area of influence, including cumulative impacts on the bathing water quality..

#### **4.6 Visual & Landscape Impact**

Including views from and into the site and the impact of the proposed development and alternatives on the visual amenity of the site. This should refer to both the proposed development and any other ancillary developments associated with it, and also any alternatives.

In such submissions the following are required:

- a) The point from where the photo is taken and a copy of the basephoto shall be submitted for approval by MEPA. These points shall be submitted on a map together with the visual angle which should not be greater than 50 degrees (preferably 45). This is the angle subtended by a normal lens to give an undistorted image on an image recorder;
- b) A copy of the base photograph used in the preparation of the photomontage (this should enable a comparison of the situation as existing and as proposed - hence the size of the photograph depicting the situation as at present is to be of the same size as the photomontage);
- c) Each photo and/or photomontage image should be **at least** A3 in size. Strips which are A3 size in width but not in length will **not** be acceptable except for **additional** illustrative material depicting photographic stitching;
- d) There should be documentation of the date and time at which the photo /base photo was taken;
- e) Photos should be of good quality, with faithful colour reproduction. These photos shall be taken in good weather and unless otherwise directed, taken at least 2 hours

after sunrise and 2 before sunset. Colours should not be digitally or otherwise manipulated. Image should have a printing density of 200 dots per inch or better. In some instances, digital images having a resolution of 1024 x 728 or better should be requested for multimedia presentation purposes;

- f) Photos should be taken in such a manner that near field objects do not overpower or dominate features near the image plane passing through the project area;
- g) The features on the map shall tally with that in the photos/photomontages submitted, with features fitting within the depicted angle;
- h) Photomontages shall be taken from a height of 1.7m above ground level (unless specific obstacles justify heightening the viewing point – in which case this should be made clear in the document submitted or unless MEPA asks for a different viewing height which may include aerial shots);
- i) In the photomontages, the additional/replacement structures or features shall have a scale which proportionately tallies with the existing nearby features; and
- j) The levels (above mean sea level) of key features of the structure should be identified.

#### **4.7 Climate Change**

##### *GHG Impacts*

The proposal's direct, indirect and offsite GHG emissions and related impacts should be identified during all phases and for all element of the proposal.

##### *Impacts of CC on the proposal*

The phases or elements of the proposal that are sensitive to variations in or changes to specific climate parameters (e.g. precipitation, wind, water levels, temperature, humidity, etc.) should be identified. The potential impacts that these changes may have on elements of the proposal shall be identified including the possible impacts resulting from changes to multiple parameters.

The adaptability of the project to the predicted effects of climate change shall be discussed.

#### **4.8 Risk Assessment**

A quantitative risk assessment shall be carried out to identify the form, dimensions, significance and characteristics of risks *posed* by the development (including risk of damage from handling or storing toxic or harmful substances, risk of accident), and also *mitigated* by the development (e.g. search and rescue in case of accident), if any.

#### **4.9 Other Environmental Effects**

Other environmental effects other than those identified in sections 4.1 – 4.8 shall be described and their impacts assessed.

#### **4.10 Secondary Impacts**

Mainly arising from the extraction and consumption of resources necessary to implement the project, as well as from developments supporting the project (e.g. new roads, sewers, power lines, pipelines, telecommunications), such as water, energy, construction materials, and the resultant need (if any) of development of new supplies.

#### **4.11 Cumulative Impacts**

Cumulative impacts are those impacts that result from the incremental impacts of an action added to other past, present, and reasonably foreseeable future actions regardless of who undertakes them. This should also include the impacts of the project viewed in terms of other projects.

This shall describe the impacts due to operation of the proposal in conjunction with the present Oil Tanking and proposed LPG plant. This shall take into account the impacts of

land use, air quality, impacts on the marine environment, contamination, impact due to increased vessel movement in the area and risk.

#### **4.12 Interaction Between Any of the Foregoing**

Experts contributing to the EIA should be specifically asked to consider impact interactions and to communicate information between each other. In

### **5.0 DESIGN OF MITIGATION MEASURES, IDENTIFICATION OF RESIDUAL IMPACTS AND MONITORING PROGRAMME**

#### **5.1 Mitigation Measures**

This should include a description of the measures envisaged to prevent, minimise and where possible offset any significant adverse effects on the environment of the project during both construction and operational phases (including reference to consideration of alternatives in section 1. above). Such measures could include technological features; alternative technological features; operational management techniques; enhanced site-planning and management; aesthetic measures; conservation measures; reduction of magnitude of project; and health and safety measures.

Management measures which will be implemented to mitigate the risk of pollution from accidental spillages of hydrocarbons shall be described.

A description of safety measures envisaged in case of accidents such as spills at sea and on land and fire should also be included.

#### **5.2 Residual Impacts**

Any residual Impacts, that is those impacts that cannot be mitigated or those remaining impacts following implementation of mitigation measures, should also be described, quantified and presented in tabular format.

#### **5.3 Monitoring Programme**

Consultants must propose a monitoring program which should take into account monitoring of those features considered to have a negative or an uncertain impact. In particular, monitoring of air and water quality of the surrounding area is suggested.

The program must be proposed at different stages: before, during and after construction. Details regarding type of and frequency of monitoring must also be given. This program shall include an audit and evaluation of forecasts, predictions and mitigation measures made in the EPS.

### **Appendix 1: Sub-Regulations 28 and 29 and the EIA Regulations.**

**Environmental Impact Assessment Regulations, 2001  
Regulation 28 and Regulation 29 of the EIA Regulations, 2001**

**Regulation 28  
List of Consultants (Extract from the EIA Regulations)**

**28. (1)** The environmental impact statement shall list the registration number and the names of the consultants and contributors responsible for the preparation of the environmental impact statement, environmental survey reports, appendices, non-technical summary and other components of the statement.

**(2)** The consultants who are responsible for a particular analysis, including analysis in the environmental survey reports, shall be identified.

**(3)** All consultants and contributors employed in the environmental impact assessment shall sign a declaration stating that the particular study (or part thereof) was solely carried out by them and that they take responsibility for any statement and conclusion contained therein. This signed declaration shall be included with each environmental survey report included with the environmental impact statement.

**Signed declaration in accordance with Regulation 28 (3)**

Director General  
MEPA

I \_\_\_\_\_, who carried out the study (or part thereof) on \_\_\_\_\_ for the EIA of PA xxxx/xx for the proposed \_\_\_\_\_, hereby declare that such study was solely carried out by me and take responsibility for any statement and conclusion contained therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

*This declaration is to be included with each environmental survey report included with the EPS.*

**Regulation 29  
Conflict of Interest (extract from the EIA Regulations)**

**29. (1)** In the interest of fairness, objectivity and the avoidance of bias, all consultants shall required to sign and abide by a declaration that they have no personal or financial interest in the proposed development.

**(2)** The Director of Planning and the Director of the Department shall not approve consultants or consultancy firms that are in any way associated with any company, association

or grouping that has any direct or indirect personal, association or grouping that has any direct or indirect personal, professional or financial interest in the proposed development.

**(3)** The Director of Planning and the Director of the Department shall not approve any environmental impact statement or environmental planning statement produced by a consultant or group of consultants, one or more of whom does not comply with the provisions of sub-regulations (1) or (2) of this regulation.

**Signed Declaration in accordance with Regulation 29 (1)**

Director General  
MEPA

I \_\_\_\_\_, hereby declare that I, to the best of my knowledge, have no personal<sup>3</sup>, or financial interest in the proposed development, namely \_\_\_\_\_.

Moreover, I declare that I am not in any way associated with any individual, company, association or grouping that has any direct or indirect, personal, professional or financial interest in the abovementioned proposed development.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

*Such declaration is to be sent to MEPA when proposing the list of EIA Consultants prior to their approval or otherwise.*

<sup>3</sup> Personal refers to first degree relations (father and son or brother and sister, husband and wife).