

Information Statement

Public Authority: Environmental Authority

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Introduction

This document is the Information Statement for the Environmental Authority. In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be in writing using the application form, and submitted to the Ministry Information Officer (see Section G for contact details). A request must identify the record, the subject and time period, and may specify the manner in which access is preferred. Please note there is a small fee levied for reproducing materials (as per the Government Fees Regulations 1976, and as listed on the application form).

Key, including definitions

- The Ministry means **the Environment**
- The Department means the Environment and Natural Resources (DENR)
- PATI means Public Access To Information
- [] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Governing Legislation [s5(1)a]

Insert structure of Authority (a chart – if helpful, and some explanatory text):

Clean Air Act 1991 Section 3, Part (2) The Authority shall consist of—

- (a) a member appointed by the Minister to be the Chairman of the Authority;
- (b) a member appointed by the Minister responsible for Health;
- (c) a member appointed by the Minister responsible for Works; and
- (d) such number of members not exceeding four as the Minister may think fit to appoint in addition.

Current names of the Environmental Authority members for 2015 have yet to be published in the Royal Gazette.

Insert Governing Legislation:

- Clean Air Act 1991
- Clean Air Regulations 1993
- Clean Air Rules 1993
- Water Resources Act 1975

Section B1: Legislated Functions, Powers and Duties of the Authority [s5(1)b]

Insert power, duties and functions of the Authority (cite Act or Policy):

The Environmental Authority considers applications for constructing and operating Controlled Plants as defined under the Clean Air Act 1991 and may grant approval through conditioned Construction Permits and Operating Licences.

The Environmental Authority also considers applications for importing and exporting Controlled Chemicals (as defined under the Clean Air Regulations 1993) and may grant approval of Chemical Import Permits and Chemical Export Permits. The Authority also provides Permissions for use or release of Controlled Chemicals.

The Environmental Authority may grant conditioned Water Rights to persons wishing to abstract water via a well or dispose of water via a borehole to the groundwater.

Section B2: Obligations under PATI Act [s5(1)b]

(same for all public authorities)

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]

7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. **To do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided [s5(1)c]

Insert a summary of services and programmes provided by the authority:

Application forms for the public or companies to apply for:

- Construction Permits,
- Operating Licences,
- Chemical Import/Export Permits,
- Chemical use/release Permissions and
- Water Rights

are available at the:

- Department of Environment and Natural Resources (DENR) offices Botanical Gardens, Paget or
- Government Administration Building (GAB), Hamilton or
- www.gov.bm

The fee payment amount is shown on the application forms from the above locations and is consistent with the Government Fees Regulations 1976 (www.bermudalaws.bm).

The transaction can be completed by the applicant at the licencing clerks located at either; (i) DENR or the (ii) GAB or (iii) via posting the completed application and cheque to the Environmental Authority, PO Box 834, Hamilton, HM CX.

The Environmental Authority considers the above application forms with the required supporting material at its; (i) monthly meetings (Last Thursday in the month), (ii) extra-ordinary meetings or via (iii) email meetings coordinated by the Environmental Engineering Section of DENR.

The Environmental Authority considers objections after a 2 week advertised period for Construction Permits for new Controlled Plants and associated rebuttals from the applicants. For re-issues the Environmental Authority also considers complaints from neighbours, exceedances of standards and whether any conditions of the Operating Licences, Permits or Water Rights were not met over the preceding licence periods.

All of the above considerations of the Environmental Authority reflect in the types of conditions applied to the appropriate licence, permit or water right and also determine whether the Authority may or may not grant the licence, permit or water right. Decisions by the Authority

are decided by a majority voting decision of the members present, once there is a quorum (*i.e.* 3 or more Authority members).

Section D: Records held [s5(1)d]

List and describe the classes of records held by the authority:

Minutes for all meetings are posted on the noticeboard in the reception area of DENR.

All agenda's, minutes and presentation files are stored on the Government server in Hamilton. This data is not currently put on the website.

Via DENR the Environmental Authority has access to all licenced activities that it approves with associated conditions of use, including:

- ~4100 Water Rights, renewed every 5 years.
- ~485 Operating Licences renewed annually. Each Licence had one Construction Permit issued before operation was permitted.
- ~400 Permitted Refrigerant Handlers (Programme mandated from 1st March 2015).
- <10 import/export permits every year.
- ~600 registered fuel storage tanks (Above- and Under-Ground)

The Authority also has access to material presented by licencees or environmental studies to determine the various impacts to the environment including; (i) ambient air quality to the requirements of the Clean Air Regulations 1993, (ii) Water quality in groundwater, surface water (*i.e.* ponds) and seawater and (iii) state of the fresh groundwater lenses.

Section E: Administration manuals [s5(1)e]

Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:

Process Flow Diagrams for all licencable activities, including:

- Construction Permits (not currently online, could be made available)
- Operating Licences (New and Reissue) (not currently online, could be made available)
- Water Rights (New and Reissue) (not currently online, could be made available)
- Permitted Refrigerant Handlers (available at www.gov.bm)

Section F: Decision-making documents [s5(1)f]

Insert list and description of all policies and guidelines for decision making in respect to any person. Note "person" includes any company or association or body of persons, whether corporate or unincorporate; [Interpretation Act, 1951]

Operational Policies of the Environmental Authority (EA) include:

(Documents are not currently online, would require editing before public use and to create citation, PATI status and description).

- EA Operational Policy #1. Granting of Water Rights.
- EA Operational Policy #2. Waste water disposal and treatment.
- EA Operational Policy #3. Guidance document for the safe disposal of pharmaceuticals.
- EA Operational Policy #4. Abstraction for Irrigation.

- EA Operational Policy #5. Desalination Plants.
- EA Operational Policy #6. Sale or transfer of water rights for public supply.
- EA Operational Policy #7. Use of groundwater for air conditioning systems.
- EA Operational Policy #8. Petroleum Hydrocarbons in Effluent.
- EA Operational Policy #9. Electrical Generator US EPA Tier Emission Requirements.
- EA Operational Policy #10. Renewable Energy Systems.

Section G: The Information officer [s5(1)g]

Insert name and contact information:

Requests for information shall be in writing and submitted to the Department Information Officer; from where they will be directed to the Authority.

Contact	PATI Mr Drew Pettit Re: Environmental Authority
Mail to	Department of Environment and Natural Resources, #169 South Road Paget, DV04
Visit	Department of Environment and Natural Resources, Botanical Gardens, #169 South Road, Paget
Email	apettit@gov.bm
Tel	236-4201

Section H: Any Other Information [s5(1)h]

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

1. **About us** is available on the government website at: <http://www.gov.bm> then select Ministry of Health from the pull down menu; then select Environmental Authority.
2. **Fees and Remuneration:** The fees for services and the remuneration of board members for service is governed by the following legislation, respectively:
 - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
 - Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.
3. **Annual Budget:** For the annual expenditure for the past fiscal period (31st Mar to 1st Apr), see the online Budget Book at: (www.gov.bm; then select Ministry of Finance; then select the “Budget Book” icon on the right-hand side; then select: Section B - Current Account Estimates; then select the Ministry).

4. The **legislation** listed in this document may be found at Bermuda Laws Online www.bermudalaws.bm.

Section I: Any Other Information As Prescribed [s5(1)i]?

At Dec 2014 there are no Regulations to specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

Locations of Information Statement (*Confirm copies of Information Statement are available at*):

- Office: [The Environmental Authority, c/o The Department of Environment and Natural Resources, Pollution Control Section, 169 South Road, Botanical Gardens, Paget, DV 04] Y
- The Bermuda National Library N
- The Bermuda Archives N
- Available electronically at:
 - PATI website <http://www.gov.bm/Select Cabinet Office from the Government tab> Y
 - Ministry website <http://www.gov.bm> Y
- With the Information Commissioner. N

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Not Yet. We will once complete. N

Date Information Statement was updated:

Sign and Date:  5th October 2016

Ends