

Republic of Kiribati



Environment Act 1999

Section 53

Environment Regulations 2001

In exercise of the powers conferred by Section 53 of the Environment Act 1999, the Minister acting in accordance with the advice of Cabinet, hereby make the following Regulations:

PART 1

Preliminary

Objective

1. The objective of these Regulations is to prescribe further definitions, forms and other matters necessary for the implementation of the Act.

Authorising provision

2. These Regulations are made under section 53 of the *Environment Act 2000*.

Commencement

3. These Regulations come into operation on the day they are published at the Public Office of the Beretitenti.

Definitions

4. In these Regulations-

"Act" means the Environment Act 1999.

"adverse affect" means any effect caused by any activity or operation that results in a reduction in the quality of the environment or public health;

"beneficial use" means a use conducive to public health, safety, aesthetic enjoyment or other benefit;

"water" means marine, estuarine and fresh water and includes a body of water, a natural watercourse, a swamp or wetland, groundwater, and water in an artificial holding facility but does not include water in a sewerage system or other passage for the purpose of trapping pollution.

Definition of 'pollution'

5. In addition to the definition of pollution in section 2 of the Act, 'pollution' includes-

(1) **contamination of land** or its associated ground water by a substance which, in the opinion of an Environmental Inspector taking into account the guidelines in Schedule 1, causes or is likely to cause-

- (a) the chemical or biological condition of the soil to be adversely affected; or
- (b) the land to be unsafe or unfit for human occupation; or
- (c) harm to the health or welfare of human beings; or
- (d) significant offense to human senses; or
- (e) degradation of the capacity of the land to support flora or fauna; or
- (f) the beneficial use of the groundwater to adversely affected.

(2) **contamination of water** by a substance or an organism which, in the opinion of an Environmental Inspector taking into account the guidelines in Schedule 2-

- (a) is floating on the water, dissolved, suspended or otherwise dispersed in the water or is deposited on the bed of the water; and
- (b) causes or is likely to cause-
 - (i) the physical, chemical or biological condition of the waters to be adversely affected; or
 - (ii) the beneficial uses of the water to be adversely affected.

(3) **contamination of air** by a substance which, in the opinion of an Environmental Inspector taking into account the guidelines in Schedule 3 causes or is likely to cause-

- (a) harm to the environment; or
- (b) unreasonable inconvenience to a person; or
- (c) an objectionable odour.

(4) **noise** which, in the opinion of an Environmental Inspector taking into account the guidelines in Schedule 4, offensively intrudes on individual, community or commercial amenity due to-

- (a) the volume, tonality, and any impulsive character of the noise; and
- (b) the time of day and duration of the noise; and
- (c) the background noise levels at the time the noise is generated; and
- (d) the location of the noise to a sensitive receptor such as a dwelling, maneaba, sleeping platform, school, hospital or medical centre, church or recreation area.

Definition of "waste"

6. In addition to the definition of "waste" in section 2 of the Act, "waste" means-

- (a) **household domestic waste** from households except disposable nappies;
- (b) **building and demolition waste** including bricks, concrete, paper, plastics, glass, metal, timber and other building materials resulting from the construction, demolition, alteration and repair of buildings and other developments such as roads, causeways, docks, airfields but does not contain hazardous waste or any other type of waste;
- (c) **hazardous waste** including wastes which contains explosives, gases, flammable solids, flammable liquids, corrosive substances, toxic substances, oxidising agents, organic peroxides, asbestos or substances which emit flammable gases;
- (d) **clinical waste** including human tissue, body fluids, blood, faecal material, materials and equipment which is visibly blood stained with body fluids or faecal matter, materials and equipment which has been used to penetrate the skin, laboratory specimens or culture and any other waste resulting from medical, nursing, dental, pharmaceutical or any other related clinical activity;
- (e) **quarantine waste** resulting from the confiscation of food and plants by the customs service;
- (f) **ballast water** pumped into and out of ships for the purpose of ballasting the boat;
- (g) **waste oil** including any oil which is not contained within a process, machine or engine and for which there is no further use.

PART 2

Development Control, Environment Impact, Assessment, Review and Monitoring

s.14 Application form to carry out a prescribed development

7. The application form to carry out a prescribed development under section 14 of the Act is set out in Schedule 5.

Additional factors the Minister shall take into account when determining if a developer is required to submit a report or statement under section 14 (2) of the Act

8. In determining whether the developer is required to submit a report under section 14 (2) (a) or (b), the Minister acting in accordance with the advice of the Cabinet shall take into consideration-

- (a) the level of public interest or likely public interest in the proposed development;

- (b) the level of political interest or likely political interest in the proposed development;
- (c) the prospective developer's previous record of complying with Government policies, plans, programs, land use planning and zoning requirements;
- (d) the cumulative impacts of multiple developments in the area affected by the proposed development; and
- (e) the Republic of Kiribati's commitment to international treaties and protocols.

Form of the Initial Environmental Evaluation Report

9. The form of the initial environmental evaluation report required under section 24 of the Act is set out in Schedule 6.

Form of an Environmental Impact Statement

10. The form of an Environmental Impact Statement required under section 24 of the Act is set out in Schedule 7.

Part 3

Pollution Control and Licensing

Prescribed premises

11. For the purposes of section 34, a prescribed premise for which the occupier must hold a pollution control licence to discharge waste etc is-
- (a) an area of land or building where an activity listed in Schedule 8 is conducted; and
 - (b) an area or building which the Minister acting in accordance with the advice of Cabinet considers will have such a significant impact on the environment that it should be licensed under this Part.

Pollution control licence application form

12. The application form for a pollution control licence required under section 35 of the Act is set out in Schedule 9.

Amendment of pollution control licence by the Secretary

13. (1) The Secretary may, with the agreement of the Cabinet, amend a pollution control licence issued under section 35 of the Act by giving one month's written notice to the licensee of that change.

Part 4

Miscellaneous

State of Environment Reporting

14. (1) The Secretary for the Ministry of Environment and Social Development shall issue a state of environment report every 2 years.

(2) The report may contain the following environmental indicators-

- (a) climate change, including CO₂ emission intensities and greenhouse gas concentrations;
- (b) ozone layer depletion, including ozone depleting substances and stratospheric ozone;
- (c) air quality, including air emission intensities and urban air quality;
- (d) waste including waste generation and waste recycling;
- (e) water quality, including sea water quality and waste water treatment;
- (f) water resources, including rate of use of water resources and public supply and price;
- (g) fish resources including fish catches and consumption (local & national) and fish catches and consumption (international);
- (h) biodiversity including endemic, introduced and threatened species and protected areas;
- (i) GDP, population growth and population density;
- (j) consumption, including private consumption and government consumption;
- (k) energy intensity, mix and prices;
- (l) Transport, including road traffic, vehicle intensities, road fuel prices and road taxes; and
- (m) any other environmental matter which the Secretary believes should be included in the interests of the public.

(3) The Secretary may require, by written notice, a licensee, developer, Council, Ministry or person to present information relevant to the report.

(4) A licensee, developer, Council, Ministry or person shall comply with a request of the Secretary within one month of receiving it.

Fees

15. The fee for lodgement of-

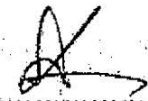
- (a) an application to carry out a prescribed development under section 14 is \$10;
- (b) an Initial Environmental Evaluation Report under section 16 is \$15
- (c) an Environmental Impact Statement under section 16 is \$30;
- (d) an application for a pollution control licence under section 35 is \$30.
- (e) An annual return required as a condition of a pollution control licence is \$10

Dated this 13..... day of December 2001



 Hon. KATAOTIKA TEKEE
 Minister of Environment and Social Development

Published by exhibition at the Public Office of Te Beretitenti this 13..... Day of December 2001.



 Secretary to the Cabinet

Schedule One

Guidelines on Maximum Acceptable Limits of Certain Soil Pollutants

(Section 2 and Regulation 5)

Action Level – an action level is a level at which the Environment Inspector will request further investigations to determine the likely environmental and health impacts of the contaminant(s).

Once a risk assessment of a contaminant has been prepared the Environment Inspector will assess the need for remediation works.

Substances	Action Level (mg/kg)
Arsenic (total)	100
Barium	
Beryllium	20
Cadmium	20
Chromium (III)	12%
Chromium (IV)	100
Chromium (total)	
Cobalt	100
Copper	1000
Lead	300
Manganese	1500
Methyl Mercury	10
Mercury (organic)	15
Nickel	600
Vanadium	
Zinc	7000
Aldrin and Dieldrin	10
Chlordane	50
DDT + DDD + DDE	200
Heptachlor	10

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Polycyclic aromatic hydrocarbons (PAHs)	20
Benzo(a)pyrene	1
Phenol	8500
PCBs (total)	10
Petroleum hydrocarbon	90
<C16 - C35 aromatics	
<C16 - C35 aliphatics	5000
<C35 aliphatics	56000
Boron	3000
Cyanides (complexed)	500
Cyanides (free)	250

Schedule Two

Guidelines on Maximum Acceptable Limits of Certain Water
Pollutants in the Coastal and Lagoon Waters of Kiribati

(Section 2 and Regulation 5)

Parameter	Unit	Limitation Values
Temperature	°C	< or = 30
Odour	-	Unobjectionable
pH	-	6.5 - 8.5
Turbidity	-	6.5 - 8.5
P as PO ₄	µg/l	5 - 15
NO ₄	µg/l	10 - 100
NH ₄	µg/l	< 5
Oil and fat sheen	-	None
Faecal coliforms, boating	MPN/100ml	1000
Faecal coliforms; swimming	MPN/100ml	150
Faecal coliforms; protection of human consumers of fish* ¹	MPN/100ml	14
Tributyltin	µg/l	0.002
Gasoline* ²	µg/l	0.05
Kerosene* ²	µg/l	0.1

¹ 14 MPN/100ml with no more than 10% of samples exceeding 43 MPN/100ml.

Levels above limitation values have been found to cause tainting of fish flesh and other aquatic organisms.

Schedule Three

Guidelines on Maximum Acceptable Limits of Certain Air Pollutants

(Section 2 and Regulation 5)

(1) **Visible Smoke.**

No source shall emit visible smoke. Visible smoke is to be assessed using the Ringelmann Smoke Chart.

Schedule Four

Guidelines on Maximum Acceptable Noise Limits

(Section 2 and Regulation 5)

In assessing the offensiveness of noise the Environment Inspector will consider the following increases as clearly detectable

Background +5dB(A) for daytime

Background + 3dB(A) for nighttimes

Schedule Five

Application Form for Carrying out a Prescribed Development

(Section 14 and Regulation 7)

APPLICATION TO CARRY OUT A PROPOSED
PRESCRIBED DEVELOPMENT

Section 14 of the Environment Act 2000

To: Honourable Minister, MESD
This Ministry/Division/Council/Business/Church/Group/Organisation-
(insert name)

applies to the Honourable Minister for his consideration of

(insert name of proposed development):

to determine whether the applicant for the proposed development will be required to prepare an Initial Environmental Evaluation (IEE) or Environmental Impact Statement (EIS) under section 14 (2) of the Environment Act or whether these requirements may be dispensed with under section 14 (4), the applicant provides the following information:

- I. Type of Project¹:
- II. Location of Project²:
- III. Scale (size) of Project³
- IV. Proposed Implementation Dates:
- V. Any Other Relevant Information⁴:

Infrastructure, Natural Resources (e.g. Fisheries or Agriculture), Industry, Power, Tourism, Transport or Other (please state)

Actual site and map reference for proposed development (provide maps where possible)

Physical size, level of finance required, area covered, number of people likely to be affected, number of employees (if relevant), etc.

The more information provided to the EIAO, the less time needed to make a decision. Supply as much information as possible to ensure a quick response to your Screening request. Attach supplementary information if available.

Environment Regulations

The applicant will provide all necessary support to the Honourable Minister for the determination of the level of assessment required. The Honourable Minister will give a decision on the project within 15 days of lodging of this application.

Signed by:

Project Coordinator (please print name):

Contact Address and Telephone Number

Schedule Six

Initial Environmental Evaluation Report Form

(Section 24 and Regulation 9)

Initial Environmental Evaluation Report

A proponent of an existing or proposed prescribed development may be required to fill out this form under sections 14 and 15 of the *Environment Act*

1. Applicant's details

Applicant's name

Name of the project manager

Contact address and telephone number of the Applicant and project manager

Is the prescribed development an existing or proposed development?

2. Describe the development including-

- (a) purpose and objectives of the existing or proposed development; and
- (b) location, size and design of the development- please attach designs, maps and plans.

3. Describe the aspects of the proposal having or likely to have a substantial or important impact on the environment including-

- (a) quantities of materials needed during construction (in the case of a proposed development) and operation of the development (whether existing or proposed); and
- (b) the nature of any production processes intended to be employed during construction (in the case of a proposed development) and the operation of the development (whether existing or proposed).

4. Indicate the potential or actual impact of the development on the environment including-

- (a) identify the impact of the development to land, air, water and human environments;
- (b) the magnitude of the impacts, that is, how much are they expected to change the environment;
- (c) the geographic area over which the impacts are expected or occurring; and
- (d) the duration in time that the impacts are expected to last.

5. Describe any reasonable alternatives to the development including any enhancement of the environment including-

- (a) any reasonable alternative proposals to the one being submitted; and
- (b) the reasons for the choice of the proposed development.

6. State any intended investigations or studies of the possible impact on the environment before the prescribed development is implemented.

7. Describe and assess the effectiveness of any safeguards or standards intended to be adopted or applied for the protection of the environment including-

- (a) how the expected impacts will be avoided or mitigated by effective management of the prescribed development;
- (b) an assessment of the effectiveness of the safeguards or standards which will be applied for the protection of the environment; and
- (c) any remedial plans for the decommissioning of the prescribed development.

8. State any intended monitoring and reporting of the impact of the prescribed development including-

- (a) any monitoring program of data collection for important environmental parameters so that information on performance of the project can be collected and analysed.

9. Address any further matters that the Minister, acting in accordance with the advice of Cabinet has specified.

Signed by:

Project Coordinator (please print name):

Submission of this form- Please submit five bound copies of this form to
The Environmental Impact Assessment Officer
Environment Protection and Conservation Division
Ministry of Environment and Social Development
PO Box 234, Bikenibeu
Tarawa

Schedule Seven

Environmental Impact Statement Form

(Section 24 and Regulation 10)

Environmental Impact Statement

Sections 20 and 24

A proponent of an existing or proposed prescribed development may be required to fill out this form under sections 14 and 15 of the *Environment Act*.

1. Applicant's details

Applicant's name

Name of the project manager

Contact address and telephone number of the applicant and project manager

Is the prescribed development an existing or proposed development?

2. Give a clear and concise non-technical summary of the overall findings of the environmental Impact Assessment.

3. Provide a list of contributors to this document and their contact details.

4. Fully describe the development including-

- (a) the purpose and objectives of the development;
- (b) a statement of the need for the development;
- (c) indicate the consequences of not implementing or carrying out the development;
- (d) The location, size and design of the development (with accompanying designs, plans and maps);
- (e) quantities of materials needed during construction and operation of the development;
- (f) the quantity and nature of any waste products arising from implementation or operation of the development;
- (g) the nature of any production process employed at the development;
- (h) implications for the use and conservation of energy;
- (i) any aspects or operations having or likely to have a substantial or important impact on the environment, whether positive or negative; and
- (j) reasons for choice of the development; and

5. Describe the physical, biological and social environment that is or is likely to be affected by the development including-

- (a) climate – temperatures, average rainfall and seasons, wind speeds and directions, humidity levels, and any dominant weather patterns or systems;
- (b) landuse at the development location – whether agricultural, industrial, residential or unused; private or government; whether there are any directions for use of the land under the General or Local Land Use Plans;
- (c) geology and soils – typical rock in the area and constituents of the soils or beach material;
- (d) foreshore description – beach material, shape of coastline, sea currents, and nature of reef area (rock, mud or sand);
- (e) biological marine species, including rare, endangered or threatened species;
- (f) biological terrestrial species, including rare, endangered or threatened species;
- (g) social characteristics of the area likely to be affected by the proposed development; and
- (h) cultural and historical features close to the proposed site; insert list from original draft.

6. Assess the actual or potential impact on the environment of the development including-

- (a) the methods used to predict and assess each impact for constitution, operation and decommissioning stages;
- (b) direct, indirect, primary, secondary, short term, long term, adverse and beneficial impacts;
- (c) the magnitude of the expected impacts, that is, how much are they expected to change the environment;
- (d) the time period of any expected impacts;
- (e) the geographical boundaries of any impacts; and
- (f) any irreversible impacts that will permanently change the environment.

Assess any reasonable alternatives to the development including-

- (a) alternative sites; and
- (b) alternative designs and technologies

8. Justify the prescribed development in terms of environmental, economic, culture and social considerations

9. Specify the environmental management and protection plan for the proposed development, including-

- (a) Describe the measures to prevent or reduce significant adverse impacts and an account of their likely success with estimated costs;
- (b) Describe the measures to enhance beneficial effects and an account of their likely success with estimated costs;
- (c) Describe a monitoring program of data collection for important environmental parameters so that information on the performance of the project can be collected and analysed;
- (d) Provide a clear statement of commitment of the developer to measures included in the environmental management and protection plan and details of how the measures will be implemented;
- (e) Provide a clear statement of agreement by the developer that if unexpected adverse impacts occur, contact will be made immediately with the Environment Unit, Ministry of Environment and Social development to seek advice and implement back up plans

10. Describe residual impacts, which cannot be mitigated or can only be mitigated partially.

11. Describe and assess the estimated cost-effectiveness of any safeguards or standards for the protection of the environment to be adopted or applied including its implementation, monitoring and reporting including-

12. Give sources and references to information relied on and outline any consultations with any persons made during the preparation of the report.

13. Include a site survey report concerning National Heritage items or traditional artifacts as specified by the Minister.

14. Address any further matters as the Minister specifies.

Schedule Eight

Activities at Prescribed Premises Requiring a Pollution Control Licence.

(Section 34 and Regulation 11)

- 1) **Production/processing of the following food or beverages-**
 - (a) brewing, making and processing alcoholic products that have a production capacity of 10,000 litres or more per annum; and
 - (b) commercial slaughtering of animals with an actual or intended processing capacity of more than 800 kilograms live weight per week.
- 2) **Iron and steel production**
 - (a) mineral processing for the production of iron and steel (using methods including chemical, electrical, magnetic, gravity or physio-chemical) or the refinement, processing or reprocessing of iron and steel that involves smelting, casting, metal coating or metal products recovery.
- 3) **Non-metallic industry**
 - (a) lime production of 1 or more tonnes per annum;
 - (b) commercial manufacture of bricks or tiles;
 - (c) extraction of minerals and mining taking place within Kiribati Territorial Waters;
 - (d) radioactive related industries and any activity which involves a radioactive source;
 - (e) manufacture of cement; and
 - (f) plastic manufacture and moulding using synthetic plastic resins, which also requires the bulk storage of liquids
- 4) **Leather, paper, textile and wood industries**
 - (a) leather tanning and processing;
 - (b) textile dyeing facilities;
 - (c) carpet chemical dyeing; and
 - (d) manufacture of paper, pulp and other wood products except local paper recycling and the production of handicrafts;
- 5) **Fish and marine product industries**
 - (a) fish processing of more than 1 tonne live weight of fish per week;
 - (b) land or marine foods processing or farming of more than 1 tonne live weight per week;
 - (c) pet fishing involving the catching of fish with the purpose of selling into the pet fish market;
 - (d) fish pond industries for the commercial production of marine or fresh water organisms;

- (e) commercial fishing activities in Kiribati territorial waters; and
- (f) introducing non-native (alien) species of marine life into Kiribati waters

(6) Chemical industry

- (a) pesticide production or use – of 100 litres (or dry weight equivalent) or more of pesticides per annum;
- (b) production of pharmaceuticals;
- (c) fertiliser (except compost) manufacture storage or use located-
 - (d) within 200m of a designated water reserve, or
 - (e) in any other place in quantities of more than 500 kg per annum;
- (d) oil refining; and
- (e) storage of more than 1000 litres of petroleum products.

(7) Agricultural industry

- (a) the commercial production of livestock in excess of 20 pigs and/or 100 chickens and/or 100 ducks, and/or any other livestock;
- (b) agricultural development schemes requiring the introduction of non-native species;
- (c) irrigation or water supply schemes involving the use of more than 500 litres of water;
- (d) commercial logging operations; and
- (e) saw milling, timber milling, timber treatment and copra processing

(8) Public works

- (a) landfilling,
- (b) commercial waste disposal including by way of incinerators, recycling composting and collection systems; and
- (c) Hydropower schemes and desalination plants.

(9) Genetic engineering

- (a) the use of genetically modified organisms or the sale of genetically modified food.

Schedule Nine

Application Form for a Pollution Control Licence

(Section 35 and Regulation 12)

Application Form

Pollution Control Licence

Sections 35 Environment Act

An occupier of premises prescribed under the Environment Regulations is required to obtain a pollution control licence.

1. Applicant's details

- (a) Occupier's name
- (b) Contact address and telephone number of the occupier.

2. Describe the premises including-

- (a) Purpose and objectives of the activities undertaken at the premises.
- (b) Location size and design of the premises- please attach designs, maps and plans

3. Describe the likely or actual pollution emitted from the premises

- (a) Name the pollutants, wastes, noise, odour or radiation likely to be created on the premises in a 12 month period;
- (b) Specify the likely nature and quantities (where relevant) of each pollutant, waste, noise, odour or radiation created on the premises in a 12 month period.
- (c) Specify how each pollutant, waste, noise, odour or radiation will be managed at the premises, including whether and how they will be treated on site or discharged into the environment
- (d) Calculate the annual load of pollutants, waste or radiation proposed to be discharged into the environment each year from the premises.
- (e) Provide an assessment of the impact of the discharge of pollutants, waste, noise, odour or radiation from the premises on the environment.

4. Specify how the applicant proposes to control the pollution.

- (a) Specify the control equipment, which the applicant proposes to employ, and the expected impact this will have on the discharge of pollution, waste, noise, odour or radiation from the premises.

- (b) Specify the environmental management program proposed to be taken to minimise the likelihood of pollution, waste, noise, odour or radiation emissions and the expected impact this will have on their discharge from the premises.
- (c) Specify the monitoring equipment and techniques, which the applicant proposes to employ.

5. Any Other Relevant Information:

Attach any additional information required by the Secretary under section 35 of the Act.

The applicant will provide all necessary support to the Honourable Minister for the determination of this application.

Signed by:

Occupier (please print name):

Submission of this form - Please submit five bound copies of this form to
The Environmental Impact Assessment Officer
Environment Protection and Conservation Division
Ministry of Environment and Social Development
PO Box 234, Bikenibeu
Tarawa