



Energy & Industry Department, Prime Minister's Office



ENVIRONMENTAL PROTECTION & MANAGEMENT ORDER

FEB 2016



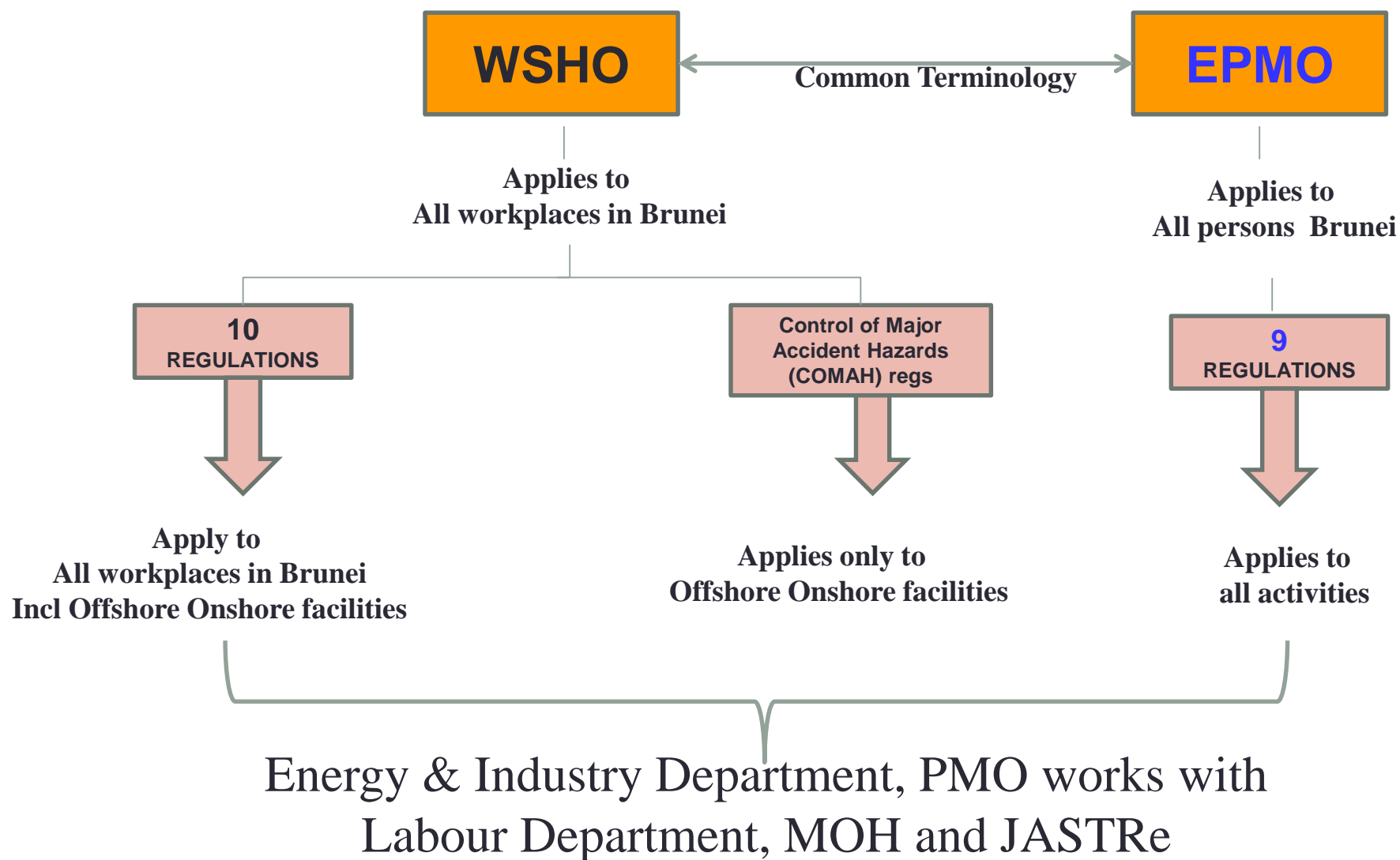
TOPICS TO BE COVERED

- **EPMO Legislation**
- **Practical approach – FAQ**
- **Way Forward**





WSHO – EPMO ALIGNMENT





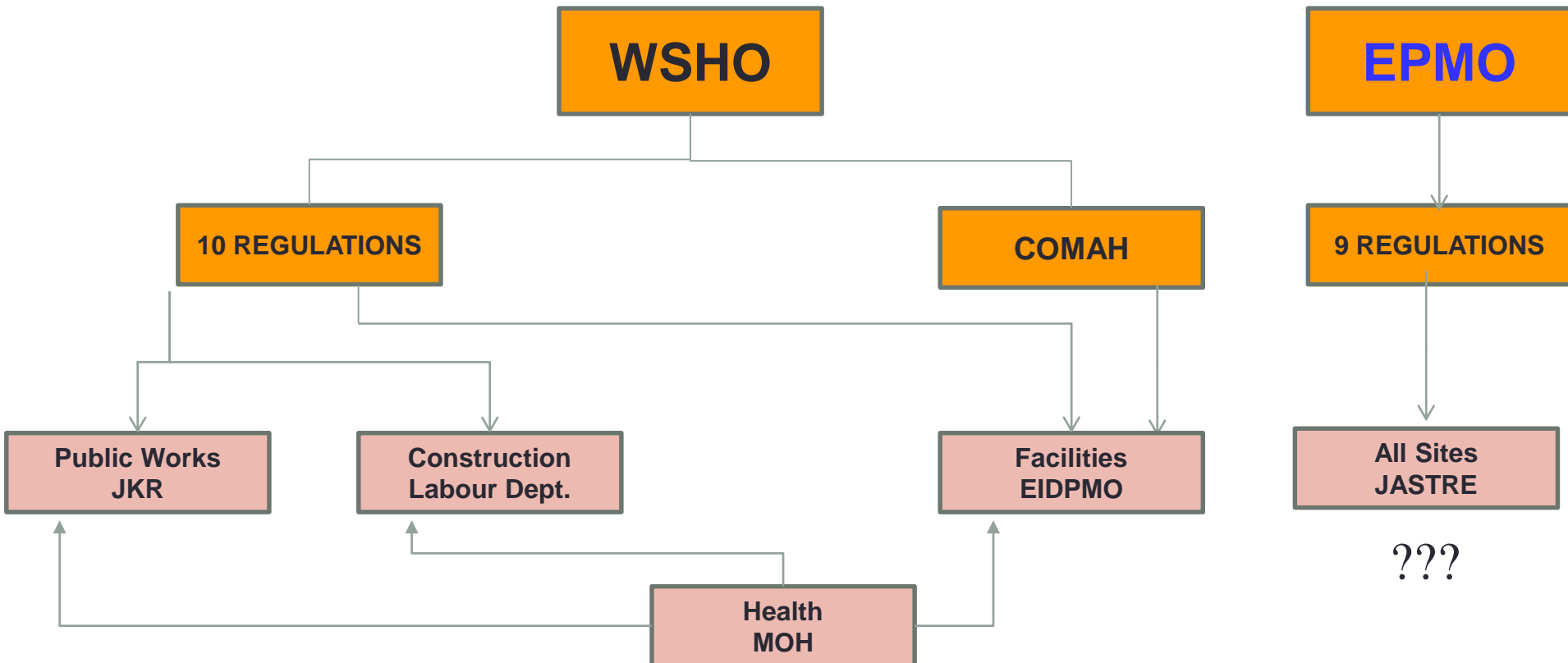
WSHO – When will the regulations go live?

WSHO	Order	1 AUG 2013
WSHO amendment	Order	1 JAN 2014
COMAH	regulations	1 JAN 2014
Construction	regulations	12 JUNE 2014
General Provisions	regulations	
Incident Reporting	regulations	
Risk management	regulations	
Safety Officers	regulations	
Safety Committees	regulations	
Registration of factories	regulations	IN DRAFT
First Aid	regulations	
Abrasive/Blasting	regulations	
Ship Building	regulations	
EPMO	Order	2016 ???
EPMO Regulations	regulations	2016-17 ???



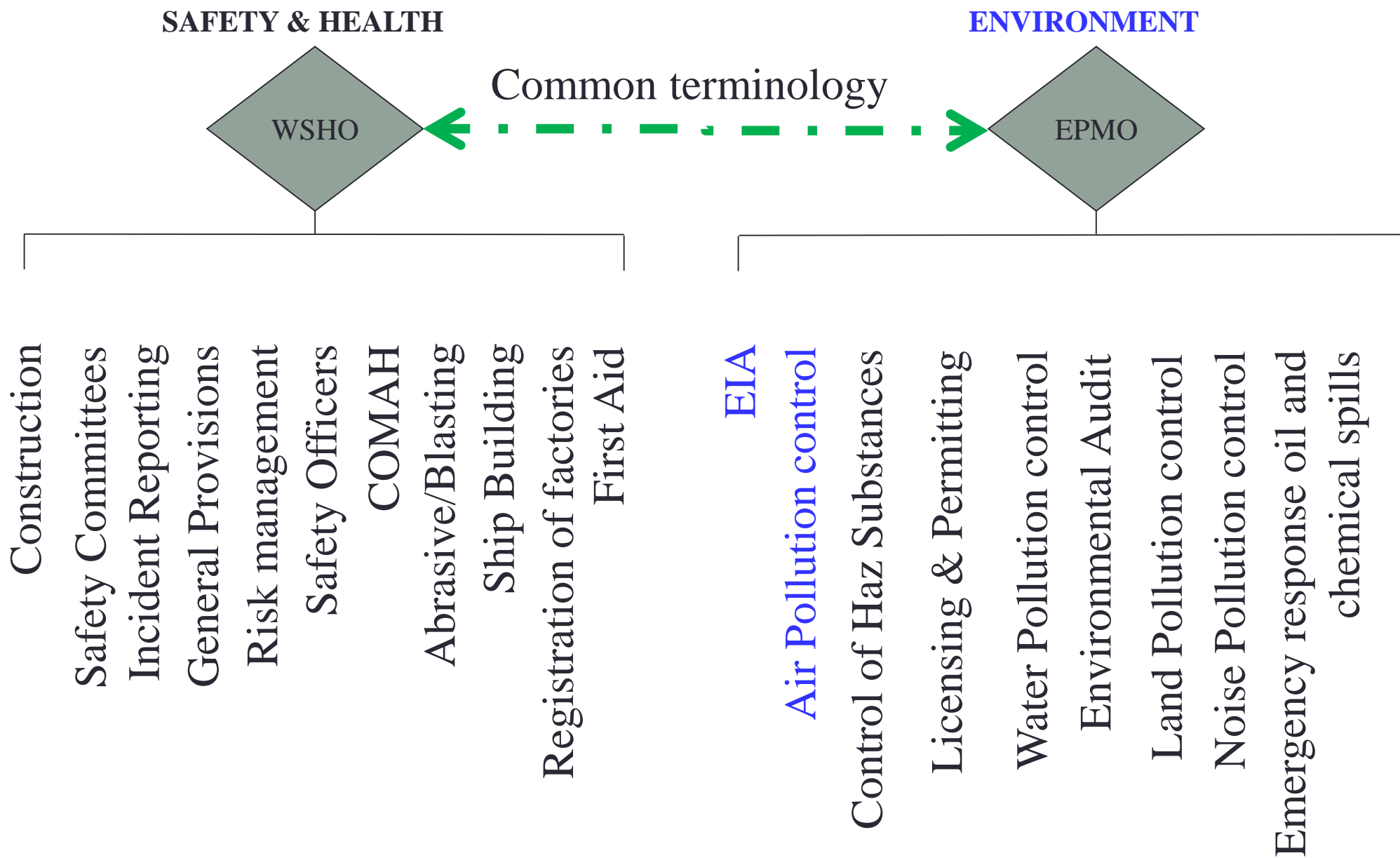
Who is the Regulator?

The WSHO give powers to the Commissioner of Labour to regulate all S&H matters related to the WSHO. However he can delegate those powers. Environmental matters presently reside with the Director of JASTRE





Safety, Health & Environment Legislation





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- Order shall apply to the **territory of Brunei Darussalam**
- “environmental incident” is an event where there has been a **detrimental impact** resulting in pollution or damage to air, water or land
- “environmental impact” means the likely impact of any prescribed activity **on various aspects of the environment**, and includes the impact on land (*includes water and air*)
- “**material change**” means **any change in environmental impact** that is significant to require a **re-submission of the notification** of prescribed activities to the Authority or any authorised officer, and includes –
 - (a) physical changes to the premises;
 - (b) changes to operational parameters of the facility;
 - (c) change in risk profile or environmental impact;



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- “**waters**” means **all waters**, whether manageable or not, included **within Brunei Darussalam**, and shall be deemed to include territorial waters;
- “**works**” includes **any activity**, whether commercial or not, that may have an **impact on the environment**.

The Authority for Environmental Matters –
Director of JASTRe under Ministry of
Development

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*Complaints section for submitting queries
and reporting matters*





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- **“notification of prescribed activities”** means a **written report** as set out in the Second Schedule
- **Delegation of powers**

5. (1) The Authority may, with the approval of the Minister, **delegate** the exercise of all or any of the duties imposed and the **powers** conferred on him by this Order to such person as he may think fit, subject to such conditions as the Authority may specify
- **Duty of person**

7. It shall be the duty of **every person** in Brunei Darussalam –

 - (a) to take, so far as is reasonably practicable, such **measures** to ensure the **protection and management of the environment** and the prevention, reduction, or control of any potential hazard that may cause pollution or damage to the environment; and
 - (b) to **comply** with the requirements of this Order and any regulations made thereunder.



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➤ Written notification for undertaking of prescribed activities

9. (1) It shall be the **duty of every person**, who intends to carry out the **prescribed activity** as set out in the **First Schedule**, before he undertakes such prescribed activity to **submit a written notification to the Authority** or any authorised officer **at such time** that will enable him to take into account any matters relating to the environmental issue.

(2) Such **written notification** shall be accompanied with the details as required in the **Second Schedule**.

(3) **If** the Authority, on receipt of the written notification is of the opinion that the notification **does not satisfy** the requirements in subsection (2), he shall, as soon as practicable, **notify the person** intending to carry out the prescribed activity to **revise and resubmit** his notification to ensure compliance with this Order or any regulations made thereunder.

➤ Environmental officer

10. (1) For the purposes of this Order, any person who undertakes a prescribed activity shall **appoint an environmental officer**.



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➤ **Penalty for carrying out any prescribed activity without notification**

26. (1) Any person carrying out any prescribed activity set out in the First Schedule **without written notification** to the Authority or any authorised officer as required under section 10(1) is **guilty of an offence** and liable on conviction to a fine not exceeding \$1,000,000, imprisonment for a term not exceeding 3 years or both.

FIRST SCHEDULE : PRESCRIBED ACTIVITIES

PART II : INDUSTRIAL ACTIVITIES

6. Marine –

Any activities in Brunei Darussalam waters.

8. Hazardous Substance –

(a) activities related to construction, refurbishment and decommissioning of

(i) pipelines;

(ii) onshore and offshore workplaces and facilities

(b) **processing, transporting, handling, storing and disposal.**



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SECOND SCHEDULE

DETAILS IN WRITTEN NOTIFICATION OF PRESCRIBED ACTIVITY

1. **Name** of the person in charge of the activity and **address in Brunei Darussalam**.
2. **Identification**, by position held, of the person giving information.
3. **Nature and size of prescribed activity** proposed which is to be carried out.
4. **Location** where activity will be taking place.
5. **Date** the activity will **commence and duration**.
6. **Explanation** in simple terms of the activity or **activities to be undertaken**.
7. An **assessment of the impact** the activity will have on the environment, social and the public including the **measures adopted** to identify the baseline; reduce, mitigate, control and monitor air, land, noise and water pollution from the activity. This includes any **potential cross border** impact on neighbours and **details of any cumulative impact** that may occur due to the activities of the owner or occupier or any person and that of his neighbours.
8. Measures undertaken to **manage and mitigate** the detrimental impact to the environment.
9. Confirmation that the **person in charge** of activity has made adequate arrangements, **to respond and recover from environmental incidents**, including liaison and arrangements required with **relevant emergency services**.



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FAQ

❖ Environment incident reporting. Who do we report to?

Report to Director of JASTRe/EIDPMO. [JASTRe (www.env.gov.bn)]

Contact Person is Martinah Binti Hj Tamit : martinah.tamit@env.gov.bn

❖ Reporting format or time to get the enforcing authority if any?

IIN (Detrimental impact on the environment, land/air/water pollution.) As soon as reasonably practicable – 24 hours time frame. [JASTRe/Labour/Health/Marine/EIDPMO]

Under COMAH **6 hours inform EIDPMO D.O.** – IIN

“major accident” means –

(a) an **occurrence** such as a loss of containment, fire or explosion resulting from uncontrolled developments in the course of the operation of any facility, and leading to **serious danger** to human health, property or the **environment**, immediate or delayed, inside or outside the facility, and involving one or more **hazardous substances**;

❖ Example or type of Environment Incident that need to be reported?

Significant incident Actual 3 Potential 4 on 6x6 RAM matrix; Tiered response as per NOS COP;
when in doubt report



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FAQ

- ❖ **Second Schedule: as Drilling / Marine contractors, do we need to provide the Environment Department with all the requested details?**

Notification information to be submitted by **all operators** [*soft copy excel matrix/hardcopy*]

Routine activities covered by **annual notification** to the Authority (EIDPMO HSSE Division and JASTRe)

- ❖ **Will our HSE case be sufficient in covering those areas?**

Refer Safety Case sections where relevant and summarize where not covered. Authority will comment (if needed) as per EPMO Section 9(3)

- ❖ **When should we submit the Notification?**

As early as possible to be able to take into consideration any **comments from the Authority**.

Activity may require further Environmental Screening, an Environmental Management Plan or you may be asked for an Environmental Impact Assessment. (Refer EPMO Section 9(3))

The Authority may delay the start of the activity if there is adequate reason that the assessment is not adequate and lacks controls in place. (Refer EPMO Section 19)



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FAQ

❖ What should the Notification look like?

You could submit a matrix with a reference section, aligned with the Second Schedule, and a document describing the intent of the submission to the Authority.

[LINK](#)

ITEM	REQUIREMENT	DOC/FACE LOCATION	AUTHORITY COMMENTS	Y/N	Comments from Occupier
General Submission Requirements					
(1)	Signature page with Occupier's Name and Position supporting the information.		Subtable information provided.		
(2)	Date notified the Authority				
(3)	Company Name is correct				
(4)	General Summary and Scope of activity undertaken.				
(5)	Review of the initial action plan to ensure actions to meet the new work requirements of the EPOD are closed out to timely manner.				
ITEM	REQUIREMENT	DOC/FACE LOCATION	AUTHORITY COMMENTS	Y/N	Comments from Occupier
Schedule 2: Written Notification					
1	Name and Address in brown for the purpose of doing work of the prescribed activity and any material changes there to				
2	A confirmation that the occupier has agreed to be assessed the submission the Authority.				
3	Nature and size of prescribed activity proposed				
4	Location where activity will be taking place				

➤ Section 13 - Power to take samples, is there no consideration for procedures of the site?

There is an understanding that samples are taken bearing in mind the safe practices of the site.

➤ Who is “a person who appears to be carrying out the activities” for example over spilling of an oil tank – Who will be prosecuted? Is it MD or department head?

Depending on the severity of the accident or incident and potential, an environmental inquiry or investigation will ascertain the breach of the legislation. Penalty or prosecution will be based on proven liability.



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FAQ

❖ Which standards will the company be tested against?

Approved Code of Practice (ACOP) are based on good industry practices that currently exist or in the future. The Authority will ratify these and notify all relevant stakeholders of such ACOPs. Environmental regulations will be developed that will further provide legal advice on standards. A company or individual cannot be tried in court for a breach against an ACOP. It would have to be proven that the breach was against the law. E.g. World Bank EHS Guidelines, Brunei signatory of Basel Convention.

❖ Qualification of the Environmental Officer?

The Authority will advise on this matter in 2016, after engaging with Industry

❖ Can we use the COSC document for the submission of Notification against Second Schedule?

The COSC presently does not provide adequate details on environmental matters, however there is a consideration to include details and submit to JASTRe/EIDPMO

➤ What is the limit that the authorized officer/inspector could look through Company records (confidential documents)?

You are legally obliged to assist and cooperate with the Authority (refer Section 12, 24 & 25)



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FAQ

❖ **Spill quantity reportable to JASTRe?**

This is dependent on the type of spilled substance, its impact on the environment and whether external support is required for remediation. NOSCOP uses Tiered response, above 8 m³ is Tier 2

❖ **Is there any standard outlines as to what is needed in an EIA submission?**

Not at this time, however EIA regulations will be developed very soon. If the information provided is not adequate, the Authority will request more details.

❖ **Can a joint document used for 2 companies, re: notification as per Second Schedule?**

No, each operator is to notify the Authority as person in charge will differ.

❖ **Recycling, is there any requirement in the Environment Order on Recycling?**

Waste management & recycling are implied under the EPMO. When the country has adequate systems in place, specific regulations for recycling will be a consideration. There are companies within Brunei who handle recycling, details within JASTRe website (www.env.gov.bn)

❖ **Waste Management procedures exist in some companies, can they be included in the notification?**

Yes, they will help to justify the process followed by the Company



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Way Forward

- ☐ Delegation of Authority by JASTRe to EIDPMO for enforcing EPMO across Oil & Gas, Energy Sector in planned
- ☐ New regulations expected in 2016-17 beginning with **Environmental Impact Assessment** and **Air Pollution regulations**
- ☐ 2016 will be an interim phase for building awareness and embedding the legislative requirements under EPMO by Industry



Thank You

Q & A

