

**Minutes of a Meeting of the Environmental Authority  
Held on Wednesday 2 December 2020  
At the Department of Environment and Natural Resources, Botanical Gardens, Paget  
and Remotely using Zoom Teleconference**

**PRESENT:** Mr. Eugene Saunders, Chair  
Mrs. Susan Armstrong, Member, remote access  
Mr. Andrew Barnes, Member, remote access  
Mr. Willie Ferguson, Member, remote access

**ADVISORS:** Dr. Geoff Smith, Environmental Engineer, DENR  
Dr. Shaun Lavis, Hydrogeologist, DENR  
Mr. Kirk Outerbridge, Chief Engineer, Public Works, remote access  
Mr. Tarik Christopher, Principal Engineer (Water & Sewage), Public Works  
Ms. Patricia Hollis, Environmental Officer, DENR, Recording Secretary

**ABSENT:** Mr. James Morrison, Member  
Mr. Jonathan Starling, Member  
Mr. Paul McDonald, Acting Senior Planner, Dept of Planning  
Mr. Tom Crossan, Chief Environmental Health Officer  
Mr. Armell Thomas, Senior Environmental Health Officer, remote access

**1. Confirmation of Minutes**

The Minutes of the meetings held on 4 November 2020 and 19-24 November 2020 were approved and signed by the Chair. The Authority noted that the meeting held 19-24 November was held by e-mail and for the avoidance of doubt ratified all decisions made.

**2. ELBOW BEACH Waste Water Treatment Plant Update**

The EA noted that no effluent data has been submitted by Elbow Beach since August 2020. Whilst the hotel is still closed, the waste water treatment plant is receiving sewage from two restaurants and Fritholme Gardens condominiums. It is expected that Water Infrastructure Group Ltd (WIG) will be submitting the annual report in due course. Funding for the second disposal borehole is being sought.

**3. CORPORATION OF HAMILTON Waste Water Treatment Plant**

It was noted that the Corporation of Hamilton (CoH) is not in compliance with its Operating Licence OL-142 because they are not able to achieve the conditioned improvements in treatment which states that mechanical primary treatment with subsequent sterilisation shall be incorporated into the Front Street Facility. The CoH has been working continually towards improving the level of treatment to the 600,000 US Gallons per day of sewage discharged to the Seabright Outfall since 2010 when their engineering consultants, Associated Engineering Ltd, provided a road map of the necessary trials and staged improvements in this process. It is noted that the next stage of installing mechanical primary treatment with civil works and a bank loan will require authorisation by the Ministry of Public Works, as for all municipalities. The CoH has written to the Permanent Secretary of Public Works, and copied the Minister of Home Affairs, to request a resolution to this matter by either approving the development or appealing the Operating Licence conditions.

**4. AWMF Raw Ash Disposal**

The Authority took note that the Ministry of Works continues to dispose of unconsolidated ash at the Airport Waste Management Facility, contrary to their Operating Licence conditions. The current site at the facility that is above the water table, away from any revetments and protected from the wind is expected to reach capacity within the next few months.

**5. BELCO Update on Remedial Actions to address Pollution Complaints**

The Members were given an update on the BELCO pollution complaints:

- Belco has submitted monthly updates for June through October 2020 to the Dept of Environment and Natural Resources. These have been shared with residents in the Belco area;

- BDA#4, the trailer-mounted sensor system, presently located in Ocean Lane, has been in operation since 2 October 2020. BIOS has been overseeing its operation and is providing data to DENR;
- There have been less than 5 days of SSW winds since October 2020. On 30 October, BDA#4 recorded 24-hours SO<sub>2</sub> at 109 µg/m<sup>3</sup> (where the BDA limit is 150 µg/m<sup>3</sup> and UK/EU limit is 125 µg/m<sup>3</sup>). This compares to similar high values recorded at Langton Hill site once a year in 2013, 2016, 2017 and Q1 of 2020.
- Residential Tank water quality data has been received and disseminated. The results do not show a BELCO signature of pollutants in the water.
- Tank sediment data has been received and is being prepared for presentation and dissemination. The analyses show predominantly a road vehicle source for dioxins and furans. It was noted that the levels of dioxins and furans detected are extremely low.
- BELCO is working with MAN, the North Power Station engine manufacturers, and the general contractor, BWSC, to address the soot emissions. It was acknowledged that the engines were configured for natural gas and they need costly adjustments for HFO. BELCO has added shims to the cylinders to get a better, longer combustion and is using LFO (ULSD) as the fuel to start and shut down the engines. DENR understands that the Regulatory Authority is engaging an independent power engineer to participate in the discussions between BELCO, MAN, and the main contractor.

## 6. BELCO Annual Operating Licence Reissue Application

The Authority **APPROVED** the issuance of the BELCO annual Operating Licence subject to the following changes:

- To not require Belco personnel to maintain their US EPA visual emission course certification every 6 months unless Belco's Covid-19 risk assessment will allow the sending of personnel overseas for training. It is noted that condition 5.3.5. requires third party stack exhaust assessment by camera which is carried out remotely;
- The addition of Bermuda #4 monitoring station information and updates to the engine asset list;
- Removal of the need to require an additional noise survey from the NPS engines until 2022.
- Inclusion of a condition to address statutory nuisance (i.e. odour and soot) under the Public Health Act 1949. Any non-compliance of this condition would be prosecuted by the Department of Health under the Public Health Act 1949.
- Inclusion of a condition requiring BELCO to address the odours from venting fuel and lubricating oil tanks. Since their recent construction, strong odours of fuel vapours have been noticed around the site. These appear to be coming from newly constructed fuel handling facilities and tanks that outgas near St. John's Road;
- To require that water tank water quality testing be conducted on three (3) properties per year for each licence period. Analyses to include dioxins and furans and PAH's.
- To reduce the 30-min engine start-up and shut-down concession to 20 minutes, and to reduce the opacity limit from 20% to 15%.
- Addition of a new condition under the Oily Waste Management Programme to include: 'The remaining oil plume that exists beneath the Old Power Station (OPS) shall be excavated and treated under a new remediation strategy to the requirements of the RBCA Guidelines in order to strive to meet the Risk Based Screening Levels (RBSL's). This strategy will be expected within a reasonable timeframe once the OPS buildings and engine contents have been removed.

The Authority did not support the addition of conditions to require:

- Engines to be operated at 80% of their nameplate load or higher. This was a stated requirement in the EA letter to Belco in May 2020 after some engines were operated at 50% load during the NPS commissioning.

The Authority **REQUESTED**:

that the amended conditions be sent to BELCO for comment before they are issued.

## **7. Amendment to EA Operational Policy No. 9 - Emergency Back-Up Electrical Generators: Exhaust Emissions and Exterior Sound Guideline.**

The Members were reminded of the need to review the Operational Policy No. 9 to make accommodations for some essential generators that could not be brought into compliance.

The Authority **AGREED** to modify the Operational Policy No. 9 to permit consideration of:

- generators that cannot meet the 45 dBA guideline after all reasonable noise control measures have been explored, or
- where prior approval has been granted by the Department of Planning, or
- if affected neighbours' consent is granted to the increased noise;
- if the generator is needed to support an essential service including:
  - Commercial potable water production;
  - Commercial sewage treatment and pumping systems;
  - Maintaining 24-hr essential medical services for a company or individual;
  - A security company to provide 24-hr security services;
  - A bank to maintain its operations and services;
  - A supermarket, commercial food importer, commercial food storage or restaurant for refrigeration of foodstuff purposes;
  - A communication company to provide 24-hour services;
  - Lighting for emergencies, eg road traffic incident, fires, fuel spillage clean-up;
  - Power to maintain operation at the airport;
  - Power to maintain the operation of lighthouses;
  - Any other service that the EA considers to be essential based on information provided by the applicant

## **8. Applications for Construction Permits and Operating Licences (New)**

### **8.1 CP-613, OL-989 Clarien Bank**

Under the revised Operational Policy No. 9, this application was considered as providing an essential service.

The Authority **APPROVED**:

the application for a 40 kW generator at 161 South Road, Paget DV04 subject to standard conditions and providing the consent of affected neighbours is secured.

### **8.2 OL-484 Cancer & Health**

Under the revised Operational Policy No. 9, this application was considered as providing an essential service.

The Authority **APPROVED**:

The application for a 150 kW diesel generator at 46 Point Finger Road, Paget, subject to standard conditions and providing the consent of affected neighbours is secured.

### **8.3 CP-693, OL-1097 Ms. M. Sheppard-Lightbourne**

The Authority **TOOK NOTE** that this application for a 20 kW LPG genset at 16 Pearman's Hill, Warwick, has been withdrawn by the Applicant.

### **8.4 CP-687, OL-1091 M. Sheppard Aberdeen**

The Authority **APPROVED** the application for a 20 kW propane generator at 4 Munro Lane, Southampton, subject to standard conditions.

### **8.5 CP-694, OL-1098 Mr Lee Lovett**

The Authority **DEFERRED** the application for a 50 kW diesel generator at 7 South Road, Hamilton Parish pending submission of additional information.

### **8.6 CP-695, OL-1099 Mr Mike Ewles**

The Authority **APPROVED** the application for a 30 kW propane generator at 24 Skyline Road, Smiths, subject to standard conditions, providing the exhaust is directed away from neighbours, and neighbours' consent is received.

### **8.7 CP-696, OL-1100 Invisible Trenching Ltd.**

The Authority **APPROVED** the application for a sand sifter with rock crusher attachment at 10 Marsh Lane, Devonshire, subject to standard conditions, providing no objections are received during the advertised period, and that approval is secured from the Department of Planning.



**9. Applications for Operating Licences (Reissue)**

**9.1 The Authority APPROVED:**

the reissue of operating licences on the two-page printout, subject to standard conditions, with the exception of OL-145 (Grotto Bay WWTP). This was deferred again pending submission of the annual report.

**10. Applications for Chemical Import Permit**

**10.1 Karibuni.**

The Authority **APPROVED** the application submitted by Karibuni. for the import of 50 x 13.6 kg cylinders of R134A, 720 x 11.3 kg cylinders of R507, and 20 x 11.3 kg of R407C subject to standard conditions.

**11. Applications for Water Rights (New)**

The Authority **APPROVED** the applications listed below:

**11.1 WR 5677 Heather and Barry Brewer**, sewage effluent disposal borehole at 15 Riddell's Bay Road, Warwick, subject to standard conditions and providing the borehole is sealed at least 40 feet below sea level.

**11.2 WR 5678 P. Barnett & C. Ross Barnett**, domestic supply well at 13 Long Ridge Pass, Devonshire;

**11.3 WR 5679 Kenneth and Darlene Young**, domestic supply well at 10 South Terrace, Pembroke

**11.4 WR 5680 Michael Araujo**, domestic sewage effluent disposal borehole at 7 & 50 A Addendum Lane, Pembroke, subject to standard conditions and providing the borehole is sealed at least 40 feet below sea level.

**12. Applications for Water Rights (Reissue)**

The Authority **APPROVED:**

the issue of water rights as listed on the three-page printout, subject to standard conditions, with the exception of six indicated as withdrawn.

**13. Amendments to the Water Resources Act 1975**

The Authority **TOOK NOTE** that:

Cabinet approved for drafting instructions for the amendment of the Water Resources Act 1975 and Regulations was granted in October 2020. It is expected that:

- The Water Resources Act 1975 will be amended to extend authority to over the water (i.e. sea), to take samples and more generally to stop work immediately, and to increase penalties.
- The Water Resources (Pollution by Sewage from Boats) Regulations 2018 will be amended to include the use of dye tablets, increase fines, and require live-aboards to provide proof of holding tank emptying.
- New Regulations: Water Resources (Pollution to Ground) Regulations 2021 will be promulgated to establish soil chemical thresholds, spill notification requirements, and access to determine source of pollution.

**14. Amendments to the Clean Air Act 1991**

The Authority **TOOK NOTE** that:

Cabinet approval is being sought for drafting instructions for the amendment of the Clean Air Act 1991. To this end:

- The Regulatory Authority, Dept of Energy and Dept of Health are being consulted regarding the maximum sulphur content in fuels.
- Clean Air Quality limits to be tightened in line with UK/EU Standards and some US Standards.
- New Clean Air Regulations to address offensive odour nuisance from Controlled Plants.

**15. Date of the Next Meeting**

The date of the next meeting will be announced later.



CHAIRMAN

4/2/2021

DATE