



Investigating Complaints of Pollution

In our last feature we looked at how you can be a steward of the environment by reporting pollution and other environmental violations to the Environmental Protection Agency. You should now have an understanding of the EPA's complaint process; including where you can file the complaint and the information that will be required from you. It was also highlighted that some environmental complaints are dealt with by other organisations and that the Agency will help guide you to them if necessary.

As promised, this week's article will focus on how the EPA addresses complaints so that you can have a better understanding of the importance of this process and be confident enough not to turn a blind eye to any environmental violations.

Screening of Complaints

When a complaint has been received and recorded, the matter then goes through a prescribed screening process to ensure that it can be addressed by the Agency, to identify the Programme Area (PA) of the EPA which will assume responsibility for investigating the complaint, and to determine the urgency of the matter. The complaint is also inputted into a database by the Field and Data Management Technician who will also categorise it as either a new or reoccurring issue. This will help in the decision-making procedure on the best way to address the complaint.

If another regulatory body is better suited to investigate the complaint, the complainant is notified and is provided with the relevant contact details.

Assignment of Complaints to the Relevant Programme Areas

There are several technical PAs at the Agency which are designed to manage authorisation, compliance monitoring, and enforcement for activities that would impact different aspects of the environment. For example, a complaint regarding fumes from spray painting activities or noise from the construction or operation of a facility is likely to be assigned to the Air Quality and Noise Management PA.

Once the complaint has been entered into the database, it is then forwarded to the Senior Environmental Officer (SEO) of the PA identified to investigate the matter. The complaint will further be categorized based on the location of the reported pollution. It is more economically feasible and time-efficient to group investigations for complaints occurring in the same geographical area. The SEO supervises the Environmental Officers of the PA to ensure that investigations are done in a timely manner.

Field Inspections and Reporting

Inspections are scheduled based on the urgency of the matter, location of the activity or facility, and the current workload of the PA. Depending on the nature of the reported pollution, PAs may be required to jointly address the issue. Inspections are always conducted in a professional manner. As such, the identity of complainants is always kept confidential. Additionally, it is not compulsory that either the complainant or the alleged polluter is informed prior to the investigation of the activity or facility. During the course of the investigation it is not unusual that the inspecting Officers will also interview nearby residents, business operators, etc., who are likely to be impacted by the reported pollution. Based on the nature of the complaint, several environmental tests may be performed, e.g., water and/or soil sampling, air quality tests, noise level readings. Once the investigation is completed, an inspection report is prepared with the findings of the inspection as well as recommendations of measures needed to mitigate any pollution that was observed or to prevent further pollution. The inspection report is reviewed by senior Officers who will determine the final measures that are to be implemented by the polluter. All of the EPA's decisions are evidence-based.

Taking Action

The actions taken by the EPA to resolve the complaint may differ based on the nature of the complaint. Generally, for new matters, the Agency writes to the polluters, clearly outlining the mitigation measures the polluter needs implement within a specific deadline. The complainant is also updated at this stage on actions that have been taken by the Agency.

For reoccurring complaints, any inspections after the initial inspection will be considered as a 'follow-up inspection'. Follow-up inspections are carried out after the deadline has passed for the implementation of mitigation measures which were given based on a previous inspection. If the polluter has complied with the recommendations provided by the Agency and the complainant is no longer being affected, the complaint may be closed. It must be noted that the EPA can close a complaint even if the complainant claims to be affected, as long as it is observed that adequate measures have been put in place to mitigate and prevent pollution.

Non-Compliance by Polluters

If there is non-compliance with the measures recommended, the polluter will be warned and more follow-up inspections will be done. If the Agency is satisfied that enough time has been granted for the pollution to be addressed, legal proceedings may be initiated which can result in a Prohibition Notice or Court Injunction against the polluting activity. Non-compliance with a Prohibition Notice is an offence and violators will be liable to a fine of not less than three hundred thousand dollars nor more than seven hundred and fifty thousand dollars and imprisonment for one year. Non-compliance with a Court Ordered Injunction is Contempt of Court and violators will be liable to be brought before the Court and punished accordingly. Contravening the Environmental

Protection Act, makes an offender liable to fines of up to two million dollars and imprisonment for five years, with corporations up to four million dollars and, where the offender is liable to serve time, imprisonment for ten years, but this will vary depending on the nature of the contravention. **Note that all activities, whether authorised or not, are subject to the EP Act and regulations.**

As can be seen, the EPA takes complaints about environmental violations very seriously and will do what is necessary to ensure compliance with the Environmental Protection Act, Cap 20:05, Laws of Guyana and its Regulations. However, be reminded that in order to do this, the Agency needs your participation and support!

You can share your ideas and questions by sending letters to: “Our Earth, Our Environment”, C/O ECEA Programme, Environmental Protection Agency, Ganges Street, Sophia, GEORGETOWN, or email us at: eit.epaguyana@gmail.com or follow us on Facebook and Instagram.

