

LEGAL NOTICE NO. 13

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, CHAP. 35:05

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 96(2) OF THE
ENVIRONMENTAL MANAGEMENT ACT

THE AIR POLLUTION (FEES) REGULATIONS, 2014

1. These Regulations may be cited as the Air Pollution (Fees) Citation
Regulations, 2014.

2. (1) In these Regulations—

Interpretation

“air pollutant” has the meaning assigned to it in the Rules;

“emitter facility” means a facility—

(a) from which an air pollutant is emitted; and

(b) which is used for any activity listed in Schedule 3
of the Rules;

“employee” means any person who has entered into or works
under a contract with an employer to do any skilled,
unskilled, manual, technical, clerical or other work for hire
or reward, whether—

(a) the contract is expressed or implied, verbal or in
writing, or partly oral and partly in writing; and

(b) it is a contract of service or apprenticeship or a
contract personally to execute any work or labour,

and includes any other person sub-contracted by that
person to do such skilled, unskilled, manual, technical,
clerical or other work for hire or reward;

“the Rules” means the Air Pollution Rules, 2014.

(2) Subject to subregulations (3) and (4), emitter facilities shall be categorised as either—

- (a) mini and micro, which comprises not more than five employees, and has less than \$250,000.00 in assets and less than \$250,000.00 in sales per annum;
- (b) small, which comprises at least six but not more than twenty-five employees, and has at least \$250,000.00 but not more than \$1,500,000.00 in assets and at least \$250,000.00 but not more than \$5,000,000.00 in sales per annum;
- (c) medium, which comprises at least twenty-six but not more than fifty employees, and has at least \$1,500,000.00 but not more than \$5,000,000.00 in assets and at least \$5,000,000.00 but not more than \$10,000,000.00 in sales per annum; and
- (d) large, which comprises more than fifty employees and has more than \$5,000,000.00 in assets and more than \$10,000,000.00 in sales per annum.

(3) Where an emitter facility satisfies any two of the three criteria within the definition of a category under subregulation (2), that emitter facility shall be deemed to fall within that category for the purposes of these Regulations.

(4) Notwithstanding subregulation (3), where an emitter facility meets the criteria for the number of employees and the value of assets for a particular category, but exceeds the upper limit for sales per annum in that category, the emitter facility shall be placed in the highest category within which its sales per annum falls.

Fees
Schedule

3. (1) For the purposes of the Rules, the fees set out in the Second, Third, Fourth and Fifth Columns of the Schedule are payable, where applicable, in respect of the matters set out in the First Column of the Schedule.

(2) The services for which charges are payable under subregulation (1) include the consideration of applications and the use of specialized expertise external to the Authority.

Non-refund of
fees

4. Fees paid under these Regulations are non-refundable.

5. Charges paid to the Authority pursuant to Item 2 of the Schedule which exceed \$10,000.00 shall require a statement of expenses from the Authority identifying the cost items which resulted in the charges exceeding \$10,000.00. ^{Charges exceeding \$10,000.00}

6. An emitter facility shall not be authorized to change its categorization unless it demonstrates to the Authority that it satisfies regulation 2(3) for two consecutive years. ^{Change of categorization}

7. In the case of an emitter facility whose financial statements have not yet been audited at the date of the application, the Authority may, for the purpose of categorizing the facility, consider data derived by the facility from a *bona fide* financial estimate or projection. ^{Financial estimate or projection}

SCHEDULE					
Item No.	First Column	Second Column	Third Column	Fourth Column	Fifth Column
	Description and Type of Fee	Mini and Micro	Small	Medium	Large
1.	Rules 4(1) and 4(2) Application for Registration Certificate	\$120.00	\$2,500.00	\$7,000.00	\$9,500.00
2.	Rule 5(2)(c) and 31(2)(b) Collection of terms of reference for air quality assessment	\$3,500.00	\$3,500.00	up to \$150,000.00	up to \$600,000.00
3.	Rule 7(3) Application for transfer of Registration Certificate	\$400.00	\$400.00	\$400.00	\$400.00
4.	Rule 11(2) Application for permit	\$200.00	\$4,000.00	\$12,000.00	\$16,000.00
5.	Rule 18(2) Annual permit fee on grant of permit	\$600.00	\$12,000.00	\$35,000.00	\$50,000.00
6.	Rules 21(1) and 21(2) Application for changes after grant of permit	\$500.00	\$500.00	\$500.00	\$500.00
7.	Rule 24(3) Application for transfer of permit	\$400.00	\$400.00	\$400.00	\$400.00
8.	Rule 25(1) Application for renewal of permit	\$200.00	\$4,000.00	\$12,000.00	\$16,000.00

<i>Item No.</i>	<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>
	Description and Type of Fee	Mini and Micro	Small	Medium	Large
9.	Rule 25(7) Annual permit fee on grant of renewed permit	\$600.00	150 % of previous permit annual fee	150 % of previous permit annual fee	150 % of previous permit annual fee
10.	Rule 34(3) Application for extract from Air Polluters Register				
	–Black and white 8½" x 11"	\$1.00	\$1.00	\$1.00	\$1.00
	–Black and white 8½" x 14"	\$1.00	\$1.00	\$1.00	\$1.00
	–Black and white 11" x 17"	\$5.00	\$5.00	\$5.00	\$5.00
	–Colour copies and large maps	Cost + 10%	Cost + 10%	Cost + 10%	Cost + 10%
11.	Rule 36(1) Confidentiality claims	\$500.00	\$500.00	\$500.00	\$500.00

Dated this 19th day of December, 2014.

G. SINGH
*Minister of the Environment and
Water Resources*