

Auto body repair shops need a CEC too.

There are over 400,000 cars on the roads of Trinidad and Tobago, so it is no surprise that tyre shops, service stations and auto body workshops are common businesses country wide. Unfortunately, for those who live close to the latter, noise, painting fumes, and dust can be everyday problems and sometimes health hazards.

That's why the EMA has come up with a list of 44 activities that by law require a Certificate of Environmental Clearance (CEC) before these projects can begin. These activities can be found in the CEC (Designated Activities) Order, 2001 as amended by the CEC (Designated Activities) (Amendment) Order, 2007. The list includes activities that are considered to have the potential for significant adverse effects or risks to human health and the environment.

Thankfully, automotive repair garages and auto body shops fall under Designated Activity 43(a) and it is stated, under section 35(2) of the Environmental Management (EM) Act (2000), "no person shall proceed with any activity which the Minister has designated as requiring a Certificate unless such person applies for and receives a Certificate from the Authority."

So if you are thinking of opening an auto body repair shop, this important message applies to you.

For years, residents of Calcutta Settlement Road No. 2, Freeport complained about dust, noise and fumes associated with the operations of one particular auto body shop and upon investigating, the EMA's Compliance Officers found that there was a breach of Section 35 (2) of the EM Act.

Sahadeo Kurjah applied for a CEC in August 2003 for the establishment of an autobody garage. Instead of furnishing the EMA with the requested information to process the CEC application, he continued to operate his garage without obtaining the said Certificate. This meant that residents continued to be plagued day after day with noise, dust and fumes from his shop. The Compliance Department of the EMA actively tried to engage Mr. Kurjah in voluntary compliance, however he continued to operate without completing the CEC process.

He was therefore served a Notice of Violation, in April 2007 and when no representation was made, the EMA, in following the next step of the legal proceedings, applied to the Environmental Commission to enforce an Administrative Order in January, 2008.

The matter was heard by the Environmental Commission (a superior court of record which deals exclusively with environmental concerns) in February.

It was then that the Commission ordered that the Respondent (Sahadeo Kurjah) to immediately cease operations of his auto body workshop in Freeport and desist from further operation until a CEC has been issued by the EMA. His second application (March 2008), was made for the relocation of the auto body garage to the other side of the compound, with respect to the expansion/modification of the garage. However,

Kurjah never ceased his operations during the processing of the application and as such he continued to be in violation of the EM Act, 2000.

It was therefore a great victory, when on May 8th, 2008, the Environmental Commission granted the EMA's application to enforce an Administrative Order against the owner of the automotive repair shop, Sahadeo Kurjah, for violation of the EM Act and the CEC Rules.

He was also ordered to pay damages (a sum of \$7,806.70 as an Administrative Civil Assessment) for breach of environmental requests, i.e.: his failure to apply for and obtain a CEC as well as, the actual costs incurred by the EMA in respect to the violation.

This particular case was unique, but here's how it works.

According to section 63 of the EM Act, 2000, whenever the EMA reasonably believes that a person is in violation of an environmental requirement, a Notice of Violation shall be served requesting modifications to the activity or inviting the person to make representations to the Authority within a specified time.

Failing this the Authority will issue an Administrative Order, which can direct the person to immediately cease and desist from the violation, and remedy any environmental conditions or damages to the environment arising out of the violation. Other enforcement actions include, seeking a restraining order to prohibit the continued violation, or prevent the activity which will likely lead to a violation; seeking an order for the closure of any facility or a prohibition against the continued operation of any processes or equipment at such facility in order to halt or prevent any violation.

In this case, the EMA's Compliance officers said that, "For years, we were trying to get him to voluntarily comply. His shop was operating six days a week from 9am to 4pm and the immediate residents complained of the inadequate control of the paint fumes, noise from the machinery/equipment, spray painting in an open area and dust associated with auto repair works such as straightening, painting and detailing."

While the EMA understands that many people earn their livelihoods from businesses such as these, they must also respect the role of the EMA and also the environmental conditions of their neighbours, as many of these shops are located within residential areas.

To know if you need to apply for a CEC visit the EMA's website, www.ema.co.tt or call the Port-of-Spain Office at 628-8042 or their La Romaine office at 697-7619 and 697-1377.

Courtesy the Environmental Management Authority