ENVIRONMENTAL LICENSING AT THE MINISTRY OF ENVIRONMENT

RECOMMENDATIONS AND PRELIMINARY PLAN OF ACTION

September 5, 2008

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EXECUTIVE SUMMARY

The Ministry of Environment (MoEnv) wishes to develop a modern environmental licensing system that ensures environmental protection and at the same time is consistent with growing investment and robust economic growth. The European Union (EU) concluded an 18-month consulting project in 2007 with comprehensive recommendations to MoEnv, including for an integrated Environmental Impact Assessment (EIA) and Environmental Licensing regulation. This report discusses the reasons that MoEnv's Licensing Department decided not to implement the EU's recommendations and, in response, presents recommendations for an alternative, step-by-step approach to developing a practical environmental licensing system in Jordan.

It is very important to strike the proper balance between environmental protection and unchecked development to prevent the types of extreme environmental degradation that have occurred in many countries during periods of rapid development, and is beginning to occur in a few areas of Jordan. Jordan has the opportunity, through the leadership of MoEnv and the Licensing Department, to leap over that unfortunate period of degraded environment and damaged health which so often follows development.

THE EU PROJECT

The Licensing Department believes that the EU's recommended environmental licensing system cannot be implemented in Jordan. In the judgment of the Department, the recommended system has the following shortcomings that make it impractical for Jordan:

- Process is too lengthy (would add 6-9 months to Jordan's existing process) and will discourage potential investors.

- System of integrated and single medium licenses is complicated and unclear.

- System goes beyond common practice, even in developed countries. It reflects EU mandates for member nations, but few have actually implemented the system.

- Recommendations for increased public participation are impractical given staffing levels and Jordanian culture. Existing staff is stretched to the limit and cannot accommodate additional public meetings. In any case, such meetings are not useful because Jordanian culture is not environmentally aware, and stakeholders represent only their own narrow interests.

- The EU's recommended method of categorizing facilities that must conduct an EIA (based on capacity) is not superior to the current method in Jordan (based on industry sector), and Jordan's method avoids implementation difficulties inherent in the EU method.

RECOMMENDATIONS OF THIS REPORT

To avoid the difficulties identified in the EU's proposed systems, we recommend an approach that would introduce improvements in phases:

- In the short and medium term, enhance the existing land use approval and EIA systems and build capacity in the Licensing Department
- In the long term, adopt a combined EIA/Environmental Licensing regulation

This recommended approach is based on certain critical assumptions:

- An agreement can be reached with the Jordan Institution of Standards and Metrology to issue sector-specific Technical Standards that incorporate a requirement for facilities to apply Best Available Technology (BAT) to reduce releases of pollutants. The responsibility for developing these standards will be part of the negotiations.

- Additional resources can be made available. As enhancements are phased in, resources will be needed for training existing staff and adding staff (at least to fill the four existing, vacant positions). Additional staffing needs will be determined during detailed scoping and planning carried out in the near term.

INTRODUCTION

This report has two purposes. First, in Section 2, we present the results of our team's review of previous capacity-building projects for the Licensing Department at Jordan's Ministry of Environment (MoEnv), including the reasons that the EU's recommendations could not be implemented. Second, we present recommendations for the general framework of a modern environmental licensing system in Jordan, along with a plan of action for completing and implementing the recommended system, in Section 3. Such a plan of action would be implemented in phase II of the USAID work.

This report is one of three produced for this project. Separate reports have been prepared by the project team to address, in detail, the current environmental approval processes implemented by MoEnv's Licensing Department, and the legal mandate for the current process and potential legal constraints on improvements to the system. The two other reports were very useful in supporting the recommendations in this report. The Process report provides the background we used in evaluating the strengths and weaknesses of the current system, that is, where the current system functions like an environmental licensing system and where enhancements are needed to bring the system up to international standards. The Legal report provides the legal framework used in evaluating the potential for enhancing the existing system versus developing new legal authorization for a functional licensing system.

FRAMEWORK

A number of considerations form the framework for the recommendations presented in this report. These include the following:

- Basics of the environmental licensing process
- Guiding principles of environmental licensing
- Current status of environmental licensing in Jordan
- Assumptions for moving forward

These considerations are discussed in greater detail below.

BASICS OF THE ENVIRONMENTAL LICENSING PROCESS

The overriding purposes of an environmental licensing system are to assure that the environmental consequences of a proposed facility are known prior to its construction, that these environmental impacts are within what is allowable under the applicable laws and regulations, and that the requirements that apply to the facility are clearly set out to facilitate tracking and enforcement. These purposes lead to the basic licensing steps:

Definition of the Project

The prospective facility defines the project in an application for an environmental license that includes a detailed description of the project and the environmental impacts projected to result from it.

Evaluation of the Impacts for Compliance

Typically, the facility also submits an evaluation identifying all environmental requirements that apply and demonstrating that the proposed equipment will comply with all these requirements.

The reviewing agency reviews the facility's submissions to verify that the projected impacts have been correctly calculated, the applicable requirements properly identified, and compliance adequately demonstrated.

Issuance of an Enforceable License

The reviewing agency issues a license for the proposed facility that is "enforceable as a practical matter." The license specifies what equipment is to be constructed, what environmental requirements apply to each piece of equipment, and how the facility will meet these requirements. For each piece of equipment, the license includes the applicable environmental limitations (including the time period over which it applies – hourly, daily, etc.) and how the facility will demonstrate and document compliance with these requirements (including, as necessary, monitoring, recordkeeping, reporting, and testing).

(Tracking and Enforcement)

Although the actual licensing process ends when the license is issued to the facility, the license is intended to facilitate subsequent tracking and enforcement. As described above, an enforceable license clearly specifies the environmental requirements that apply to the facility, and creates an ongoing obligation for the facility to track and document its performance in complying with these requirements and to report any instances of noncompliance to the reviewing agency. Regular inspections are carried out to verify that the facility continues to operate as licensed and is properly monitoring its operations.

GUIDING PRINCIPLES OF ENVIRONMENTAL LICENSING

International norms in environmental licensing are characterized by certain unifying principles:

- Transparency
- Enforceability
- Support for Sustainable Development
- Tiered Processing

TRANSPARENCY

Transparency refers to the clarity, consistency, and openness of the licensing system. In a transparent system, a prospective facility knows in advance what will be required of it and on what basis decisions will be made. A transparent system includes the following elements:

- **Clear and consistent requirements.** These include objective applicability provisions defining which facilities must obtain a license, guidelines on the content and level of detail required in application materials, and clear criteria for when a facility can (or cannot) be approved for a license.

- **Open and predictable decision-making.** This often involves evaluation templates that list the elements which must be considered and the reviewing agency's judgment and rationale on each, or some other public record of the decision-making process and outcome.

- **Meaningful consultation with stakeholders.** This includes a process that is open to the public, with specific stages at which stakeholder input is actively sought and considered. All application and decision materials (except limited items that are considered to be confidential business information) are available to the public. Stakeholders who have been active in the process are afforded a mechanism to appeal the decision.

ENFORCEABILITY

As noted previously, environmental licenses must be "enforceable as a practical matter." That is, the content of the license must be such that there is no ambiguity about what the facility must do to comply with the applicable environmental requirements or the terms of its license. An enforceable license includes the following elements:

- **Clear and specific statement of the environmental requirements that apply to the facility.** Where possible, these should be stated as quantitative limitations and include the averaging period over which they apply (e.g., hourly or daily). In other cases, these may be restrictions on the raw materials input into the process or standards for design, equipment, work practices, or operation and maintenance. In some cases, they may include limits on process throughput or hours of operation. The license should spell out the regulatory basis for each requirement (e.g., a national regulation limiting emissions of SO_2 from power plants).

- **The means the facility will use to comply with these requirements.** The license should indicate what measures the facility will use to comply with each applicable environmental requirement. For limitations on the release of pollutants, this may be through the use of inherently low polluting production technology (pollution

prevention) or through add-on equipment to capture or destroy pollution after it has been formed. For work practice or operational standards, the facility may assure compliance through such measures as a training and labeling program. Where a facility may wish to change its means of compliance over time, it is wise to include the potential alternatives in the license to avoid the need for a revision to the license in the future.

- **The methods the facility will use to demonstrate that it complies with the requirements.** Ideally, each applicable regulation will include provisions defining how compliance is demonstrated. Where this is not the case, this must be developed during the licensing process. For quantitative limits on the release of pollutants, there may be an initial demonstration of compliance based on a manual test of emissions (e.g., a "stack test"), followed by a different method for demonstrating ongoing compliance such as periodic inspections for leaks, simple monitoring of process or control device operating parameters, tracking of raw materials composition and usage, or continuous monitoring of pollutant emissions. (Where monitoring devices are used, the license should include or cite specifications for sensitivity, accuracy, and precision, along with quality assurance procedures, all of which ideally would be specified in the applicable regulations.) For other types of requirements, compliance may be demonstrated by such methods as periodic inspections or audits, or tracking and keeping records of material usage, operating hours, maintenance activities, or other pertinent parameters. Whatever method is used, the license must clearly spell out what results constitute compliance/ violation of the applicable requirement.

- **The methods the facility will use to document compliance with the requirements.** The license should specify the recordkeeping and reporting requirements that will be used to document the compliance demonstrations for each environmental requirement. Ideally, these requirements will be included in the applicable environmental regulation, but must be developed during licensing if they are not. Alternatively, there may be recordkeeping and reporting requirements that apply across many regulations unless they are superseded by specific provisions within a regulation. Records must be available for inspection by the environmental authorities, and regular reports of any periods where the facility failed to comply with the applicable requirements are generally required. A periodic (e.g., annual) "compliance certification" may be required in which the facility certifies that it has complied with all its requirements or identifies any instances where it has failed to comply.

SUPPORT FOR SUSTAINABLE DEVELOPMENT

"Sustainable development" has been defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs.[1] Environmental licensing can work in support of sustainable development by providing an impetus to minimize negative environmental impacts through minimizing the use of energy and resources (including hazardous materials), the creation and release of air and water pollutants, and the generation of liquid, solid, and hazardous wastes. This is often

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[1] United Nations, "Report of the World Commission on Environment and Development: Our Common Future." 1987

accomplished through a requirement for case-by-case analysis to determine the best practical outcome for a particular facility, such as the Best Available Techniques (BAT) requirement under the EU's Integrated Pollution Prevention and Control (IPPC) system.

TIERED PROCESSING

Modern environmental licensing systems recognize that the rigor of the licensing requirements should match the environmental significance of the facility. This assures that society's resources are directed toward those facilities with the greatest potential for reducing pollution in a cost-effective manner. Accordingly, licensing systems typically include cut-offs to sort facilities based on production capacity or projected pollution release rates. The most rigorous requirements are applied to largest, most significant facilities, with less stringent requirements for medium-sized facilities and minimal or no requirements for the smallest facilities.

STATUS OF ENVIRONMENTAL LICENSING IN JORDAN

The current process for environmental approvals in Jordan is described in detail in a report prepared by Al Jidara as part of this project.2 Some salient features of the current process are summarized below, along with areas for improvement.

- The current system is not a <u>licensing</u> system. That is, there is no independent requirement for a facility to obtain and abide by an environmental license, and none is issued.

    o This is counter to international norms.

    o This tends to reduce **enforceability** since there is not a free-standing regulation that clearly requires an environmental license or specifies the requirements for such a license.

- There are requirements for facilities to obtain environmental <u>approval</u> as a condition for obtaining a license from other authorities, such as the Greater Amman Municipality (GAM) or the Jordan Investment Board (JIB). This approval is granted in the form of a letter.

    o In most cases, facilities are referred to MoEnv by another agency to obtain environmental approval before the other agency will grant a final license (such as a business license) needed by the facility to construct or operate its project.

    o The **transparency** of the referral process is lacking in that specific criteria for which facilities must obtain environmental approval have not been established, and different agencies apply different *ad hoc* criteria (often simply based on "judgment").

- The environmental approval process consists of two primary steps, depending on the type of facility:

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[2] Amal Awwad and Serina Haddad, Al Jidara, "Environmental Licensing at Ministry of Environment: Understanding the Current Environmental Licensing Process." August 14, 2008.

- o Land Use Approval – all facilities.
- o Environmental Impact Assessment (EIA) – certain specified types of facilities.

- Land Use Approval process.

  - o Decision related to permissible land use nominally made by the Central Licensing Committee made up of representatives from related Ministries (MoEnv, MoMA, Ministry of Health, Ministry of Water and Irrigation, etc.).

  - o **Transparency** of this decision process is mixed:

  - o There are some written approval criteria (for a number of types of facilities) and land use regulations, which provide a transparent basis for some decisions.

  - o Although there is a form on which to record the decision and reasons for it, the decision-making process could be more standardized and better documented.

  - o The process is coordinated by the MoEnv Department of Licensing, and it appears that most decisions are made within the Department and presented to the Committee to be rubber stamped (based on observing one meeting).

  - o There is no public participation or other consultation associated with this process, or any subsequent public disclosure of applications and decisions. While there is a database of decisions, it is not searchable in any meaningful way or available to the public.

  - o Approved projects have conditions attached, which for factories include a general listing of health and environmental requirements. This has the effect of a **rudimentary environmental license**.

- **Enforceability** is limited because many of the listed environmental requirements consist of citations to the applicable requirements, and neither the conditions nor the applicable requirements include provisions for demonstrating or documenting compliance. In addition, it is not clear that there is an evaluation of whether the facility will comply with these requirements as it is proposed.

- **Support for Sustainable Development** is lacking because the environmental requirements do not require the application of BAT.

  - o Certain types of facilities must go through the EIA process. Such projects that would otherwise receive land use approval are given conditional approval pending completion of the EIA process.

  - o The EIA referral process has good **transparency** because it is based on facility types specified in Annexes to the EIA Regulation.

  - o This represents a degree of t**iered processing** as some types of significant facilities are subjected to the EIA process.

- EIA process.

  - o There is an EIA Regulation that specifies a fair amount of the process as well as content of the required EIA studies. There are two types of EIAs, which represents a degree of **tiered processing**:

- A Comprehensive EIA is required for facilities that typically have a wide range of significant environmental impacts. These types of facilities are listed Annex 2 of the regulation. MoEnv estimates that 99% of EIAs that are required are Comprehensive EIAs. Comprehensive EIAs:

  - Are very comprehensive in terms of defining the project and determining the associated impacts. Must consider a wide range of potential impacts, including air, water, land, waste, noise, odor, ecosystem effects, etc.

  - Must identify the environmental requirements that apply, specify the mitigation methods that will be used, and demonstrate that the facility will meet the applicable requirements. (Must also specify mitigation measures for other potential environmental impacts, even if specific requirements do not apply.)

  - Must prepare an Environmental Management Plan (EMP) that specifies mitigation measures and associated monitoring to assure the continued effectiveness of the measures and compliance with applicable requirements. Approval of the EIA is conditioned on the facility's continued adherence to the EMP, which then functions as a rudimentary environmental license.

  - **Transparency.** The general requirements for the EIA are available to all in the EIA regulation. In addition, the regulation requires consultation during the scoping process, which takes place to guide the preparation of the ToR for the EIA study. However, apparently consultation is frequently not conducted during the scoping process, and no other opportunities for participation by the public or other stakeholders are offered. The final EIA study is considered the intellectual property of the consultant who prepared it, and it is not made public, nor is there any subsequent public disclosure of applications or decisions. The database of decisions is not searchable in any meaningful way or available to the public. There is a form on which the decision and reasons for it are recorded, but the decision-making process could be more standardized and better documented.

  - **Enforceability**. The facility is required to operate according to the EMP, which contains the mitigation measures and associated monitoring. However, the EMP is not readily enforceable. The EIA study we were permitted to examine, although very comprehensive in its breadth, was far to non-specific in its terms to be enforceable as a practical matter. In many cases, it indicated what the facility "should" do, rather than what it "must" do.

  - **Support for Sustainable Development.** The EIA process supports sustainability in the breadth of the potential impacts that must be considered. In addition, it provides support in that the facility is required to establish the baseline conditions in the area that the facility will impact and, thus, to consider the cumulative impact of the facility in combination with existing facilities. However, support is lacking in that MoEnv can only

require the facility to comply with applicable environmental requirements, which do not require the application of BAT.

- **Tiered Processing.** The scoping process for ToR development allows for a measure of tiered processing by tailoring the analysis to the potential impacts of the facility.

- Issues identified by Licensing Department personnel included lack of technical expertise for specifying ToR content (standardized ToRs for common industries would be helpful), contentiousness over the amount of baseline data to be required (time and expense to gather), variable quality of EIA studies prepared by approved contractors (and the pressure to approve the EIAs regardless), and the concern that a longer and more expensive process could discourage needed investment.

o A Preliminary EIA is required for facilities that may or may not have significant environmental impacts. These types of facilities are listed in Annex 3 of the regulation.

- The EIA regulation spells out a process for specified types of facilities to prepare a preliminary EIA study evaluating whether the facility is likely to result in significant environmental impacts. Based on this report, the facility may be required to conduct a Comprehensive EIA or may be excused from doing so.

- In practice, the Preliminary EIA process is implemented as a limited EIA that is complete in itself. That is, it is not used to determine whether to require the facility to conduct a Comprehensive EIA.

- **Transparency.** Process is less transparent than the Comprehensive EIA in that there is not even nominal consultation with stakeholders in the scoping phase.

- **Enforceability.** Although we were not able to examine a Preliminary EIA study, we expect that they are no more enforceable than a Comprehensive EIA, and probably less so.

- **Support for Sustainable Development.** Process provides less support for sustainability because it does not require the facility to consider the full range of potential environmental impacts, or to establish baseline conditions and determine cumulative impacts.

- **Tiered Processing.** Process involves tiered processing in that the scope of the EIA study is determined at the beginning of the process.

PREVIOUS CAPACITY-BUILDING PROJECTS

This section summarizes the results of our review of material on the outputs from other projects implemented previously to build the capacity of the Licensing Department at MoEnv. We briefly discuss three projects:

- A GTZ (German development assistance program) project in the mid-1990's
- The European Union (EU) project completed in 2007
- The World Bank (WB) Country Environmental Assessment (CEA) of 2008

The discussion primarily focuses on the EU project and the reasons that its recommendations were not adopted by the Licensing Department.

In comprehensive environmental programs, an EIA is intended to be a planning tool to address facilities with the potential for very significant environmental impacts. As such, the EIA typically addresses broadly potential impacts and mitigation measures. The EIA process is complemented by an independent (but sometimes integrated or concurrent) environmental licensing process that addresses a range of facilities types and sizes, includes more detailed analyses, and results in a detailed, enforceable environmental license.

THE GTZ PROJECT

The existing Environmental Impact Assessment (EIA) process was developed based on a GTZ project from the mid-1990's. However, we did not obtain any material describing this project or its outputs.

Because information is lacking, it is not clear whether the GTZ project addressed only the EIA process, or included both EIA and environmental licensing components. There is some indication that at the time the EIA process was adopted, an environmental licensing system was rejected.

EUROPEAN UNION PROJECT

The EU project was an 18-month effort that addressed many MoEnv programs, including the operations of the Licensing Department. The EU project was comprehensive, and included in-depth analysis of the current Jordanian laws and regulations, a master plan for upgrading Jordan's environmental regulations, recommended language for certain new environmental regulations (including an EIA/Environmental Licensing regulation), and recommendations for reorganizing MoEnv, including staffing levels and job descriptions.

Many of the EU's recommendations are currently being implemented by MoEnv, including the reorganization of MoEnv which was put into effect nearly 1 year ago. The Inspections & Environmental Control Department has a new regulation pending based on the EU recommendations, and its staff are laying the groundwork for its implementation.

However, the Licensing Department did not accept the EU recommendations for a new EIA/Environmental Licensing regulation, primarily because of the environmental licensing component. Our team interviewed the management in the Licensing Department and compiled the following information on why the Department believes that the recommended system is unworkable in Jordan.[3] This information is summarized in Table 1.

The EU recommended a system where certain specified types and sizes of facilities would be required to conduct an EIA. The list of facilities that would be required to undergo an EIA was based on Jordan's current list with some additions, and the EU recommended adding size thresholds for several facility types (although the size thresholds were not included in many cases). Large facilities on a separate list of types and sizes of facilities would be required to obtain an Integrated Pollution Prevention and Control (IPPC) environmental license, which would address all environmental concerns. The IPPC list would overlap with the EIA list, so that many facilities that were required to conduct an EIA would also be required to obtain an IPPC license. Smaller facilities on a third list would be required to obtain simpler permits that addressed a single medium of concern for that type of facility.

Table 1 : General Remarks on EU Recommendations	
Point	**Explanation**
Time consuming	It is important for Jordan to remain competitive when it comes to the overall processing time among countries in the region and in comparison with world practice so as not to discourage investment.
	The EU recommended model would extend the processing time up to 6-9 months
	Jordan's current system only requires the following:
	• 1 week: from application date to decision date, during which the Licensing Department conducts an inspection and decides on both the land-use and the need for an EIA study.
	• 45 days: from receipt of an EIA study to the decision date
Lack of clarity	The overall concept proposed by the EU is unclear, especially when it comes to the single medium and integrated licensing concept.
	Jordan current system adopts the essence of this concept. During the EIA scoping sessions, areas of focus are defined to include only relevant environmental components. The Licensing Department believes that Jordan needs a generic TOR for each sector due to a lack of expertise to define TORs themselves.
Complexity	It is important for the solution to accommodate Jordanian culture, which is not environmentally aware.
	Jordan's current system is adequate to the needs of its stakeholders:
	• The Ministry • The Investors • The Consultants • Other stakeholders

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[3] Adapted from "Environmental Licensing at Ministry of Environment: Understanding the Current Environmental Licensing Process." Amal Awwad and Serina Haddad, Al Jidara, August 14, 2008.

Table 1 : General Remarks on EU Recommendations

Point	Explanation
Implementation world-wide	The EU's recommended model is only implemented in few (one or two) countries. It is not even implemented in the most developed countries. Jordan's current system: • Is considered one of the most advanced systems in the region. • Is not a Jordanian invention. It is a result of Jordan's work with the WB and GTZ.

The EU's proposed EIA process includes two periods of Public Participation: one for scoping, and the second for disclosing the results of the EIA study. The Licensing Department currently implements only the first, while the Aqaba Special Economic Zone (ASEZA, which has an independent IEA process) implements both.

TABLE 2 : REMARKS ON EU ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS

Point	Explanation
Capacity	The Licensing Department handles a huge number of transactions with limited number of staff. Two public participation sessions are too much with the current capacity. ASEZA publishes the EIA results in its venue, which is well known to the public. ASEZA handles only a couple of projects per year.
Transparency and Culture	The Licensing Department prefers to avoid implications of disclosing results because stakeholders usually advocate their personal interests, such as how this will affect their own property's value. In addition they raise other nepotism/favoritism issues.
Consultancy Copy rights	The Licensing Department has 12 accredited consultants for EIA studies. An EIA study is considered the property of its author.

There are different methodologies that can be used to categorize sources to decide on the need to conduct an EIA:

1. Threshold: based on the type and production capacity of the facility, which was recommended by the EU without providing many of the thresholds.

2. Sectoral: based on industry type alone, which the Licensing Department indicated is the WB and GTZ methodology that is implemented in Jordan.

Table 3: Notes on EU Industry Categorization

Point	Explanation
Basis	Just a different methodology
Capacity	The EU should have defined all the thresholds. The Licensing Department does not have the expertise to determine the appropriate industry

	thresholds. This would require specialized staff and additional studies. The Licensing Department has the capacity for neither.
Implementation difficulties	Applicants will provide inaccurate information on their production to avoid comprehensive EIAs

In our judgment, many of the Licensing Department's comments on the EU's recommended EIA and environmental licensing systems are valid. The proposed system is somewhat complex, and it would involve additional time to process applications for licenses. In addition, it would require greater resources to expand the capacity of the Licensing Department in terms of staff and expertise. The Department is correct that many developed countries, including the United States, have not implemented this type of integrated system to address all environmental concerns in a single license.

On the other hand, some of the EU's recommended actions simply reflect what is customary and expedient. For example, many countries have found that systematic and well-organized public participation provides an excellent check on the system and can be an effective deterrent to such problems as nepotism and favoritism. In addition, in such areas as environmental awareness within Jordan and the region, MoEnv and the Licensing Department have the opportunity to take the lead.

In the recommendations in the Section 3 below, we believe we have charted a middle course toward improvement of the existing system in Jordan. While we believe that the ultimate goal is a free-standing environmental licensing system, we believe that it is advisable to work to enhance the existing EIA system to make it function more like a licensing system for the immediate future.

WORLD BANK PROJECT

The WB recently conducted a CEA for Jordan. As part of that process, the WB assessed the EIA system in Jordan (both that administered by the Licensing Department and ASEZA'a). We reviewed the Power Point presentation slides that the WB used to present its findings March 2008. It should be noted that the WB was concerned with the EIA process exclusively, while our charge is address to environmental licensing.

The WB found that the EIA system administered by the Licensing Department has many features that are compatible with WB and EU guidelines EIAs, but there are also several areas of weakness. Among the shortcomings identified are weak implementation of several aspects of the current EIA system in terms of the analyses conducted, poor enforcement and follow-up, lack of public consultation and disclosure, and a highly centralized system. The WB recommended some gap-filling measures to address these problems, many of which are addressed in our recommendations in the following section.

RECOMMENDATIONS FOR JORDAN

ASSUMPTIONS FOR MOVING FORWARD

The recommendations presented below are predicated on the following assumptions:

- **Environmental Licensing is a cornerstone of environmental protection and sustainable development.**

  o A system of enforceable environmental licenses (or equivalent instruments) provides a necessary framework for thoughtful consideration of the potential impacts of proposed projects, as well as the means to ensure that facilities comply with applicable environmental requirements.

- **An environmental licensing system that includes many of the elements of the EU recommendations represents the goal that Jordan should strive for, over time.**

  o The EU's recommended system represents the "gold standard" for a system that is transparent, enforceable, supportive of sustainable development, and tiered to match the significance of a facility. (It should be noted that many developed nations, such as the United States, also should strive for such a system.)

- **Implementing improvements in Jordan's environmental licensing system will require commitment from all parts of MoEnv.** However, the situation within MoEnv is mixed in this regard:

  o The leadership of MoEnv wishes to move forward rapidly, as evidenced by the Ministry's 2008 Legal Master Plan. This plan reflects the EU's review of the existing system of environmental regulation and the recommended areas for improvement, including the legal bases for the EIA system and environmental licensing.

  o The Licensing Department within MoEnv does not believe it has the capability to adopt a new system of environmental licensing. The Director of the Department is concerned about the complexity of a new licensing system, the increased processing time and delay that would be imposed of subject facilities, and the lack of resources and technical expertise within the Department to implement a new system. The Director wishes, instead, to work to improve the existing process.

- **Given the situation within MoEnv, the most productive way to move forward is to begin by making changes to enhance the existing land use approval/EIA process to make it function more like an environmental licensing system.** Note, however, that if the higher priority is to conform to international standards for legislation and "rule of law" principles, a different course of action may be more appropriate.

  o The enhancements to the existing systems must support stated MoEnv priorities. These priorities include Sustainable Development and expanded collaboration with stakeholders.

  o The following prerequisites can be met:

- The Jordan Institution for Standards and Metrology (JISM) will collaborate with MoEnv to develop needed Technical Standards in a timely fashion. This is crucial because under the current legal framework, MoEnv is empowered only to enforce the JISM Technical Standards. Thus, to require BAT under the existing system, BAT requirements must be incorporated into Technical Standards. If cooperation from JISM cannot be obtained, a new legal basis for BAT must be created.

- Additional resources can be made available as needed. As enhancements are phased in, resources will be needed for training existing staff and adding staff (at least to fill existing, vacant positions).

RECOMMENDATIONS

In formulating these recommendations, we were faced with a fundamental choice: whether to recommend the "ideal" approach or to recommend a more practical approach. In a perfect world, MoEnv would adopt an EIA/Environmental Licensing regulation in the near term that includes many (or all) of the elements recommended by the EU, and then set about implementing it. However, we do not live in a perfect world, and the EU's attempt at the ideal approach was not successful. For this reason, we are recommending what we believe to be a more practical approach – beginning with enhancements to the current land use approval and EIA processes to make them function like an environmental licensing system over time. We adopted this approach in hopes of actually bringing about timely improvements. However, we concede that this may not be the appropriate course if considerations external to our review are of primary importance. For example, if investment by multinational companies or development assistance from international agencies depends on conforming to international standards for legislation and rule of law principles, it may be more important to develop and adopt explicit regulations for environmental licensing in the near term. It should be noted that many of the same actions will be necessary to implement either approach.

Based on the framework presented above, we recommend the following approach to improving environmental licensing in Jordan:

- Continue to work within the existing land use approval and EIA processes for the immediate future.
- Enhance these processes to work more like a licensing system over time by improving transparency, enforceability, support for sustainable development, and tiered processing.
- In the longer term, as capacity is built, adopt an integrated EIA/Environmental Licensing regulation to provide more explicit underpinnings to the process.

We believe that this approach will allow the development of a system that is functionally an environmental licensing system and, at the same time, holds the greatest promise for actually being implemented in a timely manner given the current climate within the Licensing Department at MoEnv

In the paragraphs below, we present the main components of the recommended approach in the near-term, mid-term, and long-term. In each case, they are primarily presented in terms of the environmental licensing principle that will be enhanced.

NEAR-TERM ACTIONS

We recommend that the following actions be taken within approximately 6 months. We believe that these actions can be undertaken within the existing legal framework.

- **Transparency**

  The primary emphasis here is to open the existing processes to public scrutiny and to standardize decision-making. Public scrutiny can, in itself, serve as an impetus for improved performance and consistency.

  - **Land Use Approval Process.** Develop a consistent set of criteria for which facilities must obtain land use approval and distribute it to the other authorities that refer facilities to MoEnv for such approvals. Consider holding a workshop to train personnel from these authorities in the criteria, if determined to be useful.

  - **Land Use Approval Process.** Develop a decision-making template for land use approval. This will likely be in the form of checklists.

  - **Land Use Approval Process.** Open the process to the public, making available all applications [minus any information shown to be confidential business information (CBI)], decision-making templates, approval letters, and conditions.

  - **Land Use Approval Process.** Open meetings of the Central Licensing Committee to the public and publicize the schedule for these meetings.

  - **EIA Process.** Open the full process to all stakeholders (defined to include the general public), making all documents associated with the process available (minus any CBI). It is especially important to make the final EIA study (including EMP) and the conditions placed on approval public and readily accessible.

  - **EIA Process.** Ensure that every Comprehensive EIA undergoes the mandated scoping process, open to all stakeholders. This can be scaled to match the significance of the facility but, at a minimum, must include notifying the residents in the area to be impacted by the facility and relevant government agencies and NGOs.

  - **EIA Process.** Open meetings of the Technical Review Committee to the public and give public notice of these meetings and their planned agendas.

  - **EIA Process.** Develop a decision-making template for EIA approval. This will likely include checklists, as well as more substantive analysis.

  - **EIA Process.** Review the current Preliminary EIA practices to determine whether they should be more closely matched to the letter of the regulations. This determination will be based on the potential for improving outcomes by changing the current system.

- **Enforceability**

  This early phase begins to create the framework for the additional requirements that will be developed in the next phase.

  - **Coordinate with the Inspections & Environmental Control Department (IEC).** Work with IEC to understand and coordinate with their new system. As a first step, integrate IEC's new facility categories into the land use approval and EIA processes to ensure that the outputs from these processes identify the proper category for each facility.

  - **Land Use Approval Process.** Add specificity to the standard environmental requirements that are attached to non-EIA approvals. Prepare versions specific to different types of facilities where different requirements apply.

  - **EIA Process.** Require that the facility include much greater specificity in the EMP regarding the limits on the release of pollutants and how compliance will be assured (i.e., monitoring with QA, record-keeping, and reporting). This can be specified during the scoping process for the EIA study.

- **Sustainable Development**

  Emphasis is on efforts to determine whether it is practical to use the existing legal framework to add BAT requirements to the existing process. Pending such requirements, voluntary measures must be used as there is currently no legal basis to require performance beyond the applicable Technical Standards.

  - **Open discussions with the Jordan Institution of Standards and Metrology (JISM) regarding preparation of new Technical Standards for environmental performance.** As noted in the Assumptions above, a crucial component of this approach is collaboration with JISM to incorporate BAT principles into Technical Standards. It must be determined as quickly as possible whether JISM is willing and able to devote the necessary resources to this effort in a timely fashion. If not, the approach to be used in the mid-term and long-term must be reevaluated.

  - **Ascertain what activities are currently underway** to encourage sustainable development in Jordan and determine how best to coordinate with them.

- **Other actions**

  The following actions do not clearly fall into the categories above.

  - **EIA Consultants.** Change procedures to allow the use of any environmental consultants for preparation of EIA studies, but hold the consultants to

consistently high standards for these reports (as specified during scoping). If desired, the Licensing Department can maintain a list of consultants who have prepared EIA studies that were accepted. This action will support the development of a robust environmental services sector in Jordan, which is a SABEQ goal.

o **Licensing Department Mission.** While all governmental entities should avoid creating unnecessary impediments to economic development, MoEnv's primary role is to protect the environment. This should be emphasized so that the Licensing Department will not feel unduly pressured to accept inferior EIA studies and EMPs. At the same time, department employees should be coached to treat all stakeholders in the system as the customers for the service that the Department is providing. Consider developing a Mission Statement for the Department.

o **Planning: Implementation, Resource Needs, and Funding.** Map out detailed plans for implementing the subsequent phases of this project and determine resource needs in terms of infrastructure, staffing, training, and consultant support for initial development and implementation and for ongoing maintenance of the program. Evaluate potential sources of funding to provide needed resources.

o An issue to resolve on the funding side is the fee schedule, considering that the existing fees are set in the EIA regulation. First, need to determine if there is legal flexibility to augment these fees with additional "fee-for-service" charges. Then, even if there is such flexibility, need to decide whether it is more desirable to support the program with user fees or to support development activities by providing low-cost land use approval and EIA processes.

MID-TERM ACTIONS

We recommend that the following actions be phased in over approximately the next 2 years. Some of these actions will require enabling legal action, but many will not.

▪ **Transparency**

o **Opportunity for Stakeholders to Appeal Decisions.** To serve as a check on the system, it is important for all stakeholders to have administrative and legal recourse to challenge decisions. Under the current EIA regulation, the facility owner can appeal an EIA denial to the Minister, then to the courts. There are no provisions explicitly allowing appeal of an EIA decision by any other stakeholders, and no provisions for anyone to appeal a land use decision by the Central Licensing Committee in the land use approval process. A legal analysis should be undertaken immediately to determine what authorization is necessary to provide appeal mechanisms. Those mechanisms, if any, that can be authorized and made enforceable under Instructions issued by the Minister should be developed and phased in during this period. Any mechanisms that require a basis in a Regulation or Law should be considered in the long term.

- System Performance Review. Develop an instrument for periodically auditing the performance of the Licensing Department, Central Licensing Committee, and the EIA Technical Review Committee in implementing the enhanced system. During this phase, the audit parameters should be developed, including the elements to be evaluated, the methods of evaluation, the frequency of audits, and the party responsible for the audit (should be at least semi-independent, such as personnel in the Minister's Office). Audits should begin in the longer term as the enhanced system is implemented.

- Improved Data Handling and Outreach. Work with other efforts in MoEnv to provide information to stakeholders through a Ministry web site, such as forms, requirements, guidance, and status of facilities going through the EIA process (with associated documents). Upgrade electronic record-keeping system to a more searchable and useful structure.

- **Enforceability**

    - Sector-Specific Technical Supplements. Develop technical materials that specify standard, default requirements by industry and the size of the facility, including ToRs, types and level of detail for analyses, limitations on the release of pollutants, monitoring (with QA), record-keeping, and reporting. (These are expected to draw heavily from materials available from other nations and international organizations.) This may apply to both EIA and non-EIA facilities.

    - Initial tasks are to prioritize sectors (in coordination with IEC), determine which types of requirements are best addressed through development of Technical Standards by the Jordan Institution for Standards and Metrology (JISM), and develop a plan in conjunction with JISM for creating the materials. Subsequently, develop the technical materials per the plan and implement them as they become available. (This work is integrated with BAT development listed below under Sustainable Development.) This effort should continue in the long term to address additional, lower-priority sectors and to update existing materials on a regular schedule.

    - Coordinate with the Inspections & Environmental Control Department (IEC). Continue efforts to integrate the procedures of the Licensing and IEC Departments, with regular communication in both directions to improve the operations of both departments.

- **Sustainable Development**

    - Sector-Specific BAT Requirements. Work with JISM to develop Technical Standards that require facilities to apply BAT. These should be developed by sector according to the priorities established as discussed above under Enforceability. Each Technical Standard should include a general BAT requirement, default levels of BAT, and a provision allowing a facility to establish a different level for BAT on a case-by-case basis. The default BAT

levels can be developed based on materials available from other nations and international organizations. These levels should be updated on a regular schedule thereafter.

- o **Expand MoEnv Support for Cleaner Production (CP).** Begin during this phase by providing information on CP (also referred to as "pollution prevention"), such as a section on the MoEnv web site with links to existing international resources.

- o **Consider Additional Programs to Recognize Superior Performance.** Such programs can encourage voluntary measures to reduce environmental impacts. One example is the Program for Pollution Control, Evaluation, and Rating (referred to as "PROPER"), which is a system for rating and publicizing environmental performance that recognizes facilities for going beyond what is required of them.

- ▪ **Tiered Processing**

  - o **Tiered Requirements.** In the development of sector-specific BAT and other technical materials (as discussed above), incorporate different default requirements based on production or pollution levels as appropriate to the level of potential environmental impacts.

  - o **Annexes to the EIA Regulation.** The EIA regulation includes a provision allowing the Ministry to require an EIA of facilities that are not listed in Annex 2 or 3. Examine the facilities listed in Annexes 2 and 3 to determine whether there are additional types/sizes of facilities that should be brought into the EIA process, based on international norms.

- ▪ **Other**

  - o **Expand Role of Department Staff in Pre-Construction Review.** As more specific requirements come into effect, expand role of staff in reviewing plans and applications for compliance with the applicable environmental requirements in both the land use approval and EIA processes.

  - o **Capacity Building in the Department.** Begin implementing hiring/training plans to build technical capacity in the Licensing Department.

LONG-TERM ACTIONS

In the long term, we recommend adoption of a combined EIA/Environmental Licensing regulation that retains the EIA process as a land use planning tool (as originally conceived) and creates a concurrent environmental licensing process which culminates in issuance of a free-standing license. Such a regulation will consolidate the gains made in the earlier phases of the project, allow MoEnv to directly address any shortcomings that have been found in the existing systems as enhanced, and complete the transition to a true environmental licensing system that conforms to international standards in form as well as substance.

The timing for adoption of this regulation should be determined based on developments over time. The experience gained with the enhanced systems and the departmental capacity built in the earlier phases of the project should ease transition to such a regulation.

An EIA/Environmental Licensing regulation will support continued progress in transparency, enforceability, support for sustainable development, and tiered processing. Some of the following recommendations for the long term can be addressed by that regulation, while others are outside the regulatory sphere.

- **Transparency**

  - **Opportunity for Stakeholders to Appeal Decisions.** If it was not possible to implement such opportunities during the previous phase, develop the legal basis to do so in the EIA/Environmental Licensing regulation (if not before). This is a very important check on the system.

  - **System Performance Review.** Using the instrument developed in the previous phase, carry out periodic audits of the performance of the Licensing Department, Central Licensing Committee, and the EIA Technical Review Committee in implementing the enhanced systems. Use the audit data to identify weaknesses and improve the systems. (Note: The roles of the Central Licensing Committee and the EIA Technical Review Committee ultimately may be changed or eliminated by the EIA/Environmental Licensing regulation.)

- **Enforceability**

  - **Sector-Specific Technical Supplements**. Continue to update existing materials on a regular schedule in conjunction with JISM and to develop these materials for additional, lower-priority sectors.

  - **Coordinate with the Inspections & Environmental Control Department (IEC).** Maintain and institutionalize coordination between the Licensing and IEC Departments, with defined channels for regular communication in both directions to improve the operations of both departments. There may be opportunities to expand integration through the provisions of the EIA/Environmental Licensing regulation.

- **Sustainable Development**

  - **Sector-Specific BAT Requirements.** Continue to work with JISM to review and update (as necessary) the BAT Technical Standards on a regular schedule. Note that the EIA/Environmental Licensing regulation can be fashioned to provide an independent legal basis for BAT requirements, if that is judged to be desirable.

  - **Further Expand MoEnv Support for CP.** Populate the Department's existing CP Section with staff who can provide facility-specific guidance on available CP technologies. This will require familiarity with the available information

resources, as well as some expertise/training in CP to help facilities apply this information to their specific situations in Jordan.

- o **Expand/Emphasize Voluntary Programs To Encourage Superior Performance.** Build on or add to earlier efforts in this area.

- o **Nationwide Monitoring Systems.** Consider development of nationwide networks to monitor the quality of air, water, etc. Such monitoring systems would create a record of baseline concentrations, reducing the delay and cost for facilities to develop their own baseline data. It would also ensure the availability of long-term, high-quality baseline data and eliminate contention over the amount and quality of baseline data that must collected for individual EIAs and environmental licensing actions. In addition, such networks provide valuable information on conditions and trends, allowing for early warning of emerging problems.

- ▪ **Tiered Processing**

In developing the EIA/Environmental Licensing regulation, evaluate the existing approval processes and determine whether additional or different levels are preferable. This effort should include the following:

- o **Preliminary EIA.** Determine whether to create provisions to support the Preliminary EIA as currently implemented (as a free-standing, limited EIA), or keep the current provisions and begin to implement it as a procedure for determining whether a Comprehensive EIA should be required.

- o **Annexes to the EIA Regulation.** Evaluate Annexes 2 and 3 of the current EIA regulation to determine whether the listed types/sizes of facilities should be revised. Formalize the additions (if any) made through Ministry action in the previous phase of the project.

- o **Non-EIA facilities.** Evaluate the types/sizes of facilities that are not required to perform an EIA to determine whether two or more different levels of processing are warranted in the regulation. For example, significant opportunities for input by stakeholders and the public should be provided in the process for larger facilities.

- ▪ **Other**

- o **Time Limit on Review.** A significant limitation on the capacity of the existing EIA system to function as a rigorous licensing system is the current requirement that limits the review period for the EIA study to 45 days and provides that projects are to be considered to have been approved *de jure* if the deadline is not met. In the new EIA/Environmental Licensing regulation, this provision may be retained for the EIA, but additional time should be allowed for in-depth review of license applications for large facilities.

- o **Existing Facilities.** After the initial phases of the project, if it can be supported under the existing legal framework, the Department should phase in

land use approvals for existing facilities when they are required to renew other licenses, such as business licenses (or, at least, conditioning continued operation on compliance with the applicable environmental requirements). The EIA requirements do not apply to existing facilities unless they expand. This would be a means to ensure that existing facilities are aware of the applicable environmental requirements, assess their likely compliance status, and identify potential violators for attention by the IEC Department.

- o Subsequently, the EIA/Environmental Licensing regulation should include provisions to phase in licensing of existing facilities, in addition to licensing of new facilities and expansion projects at existing facilities.

- o **Fees.** Currently, the fees for Comprehensive and Preliminary EIAs and non-EIA land use approvals are specified in the EIA Regulation. Over time, these fees can be expected to rendered more and more inadequate by inflation. When enacted, the EIA/Environmental Licensing should establish the authority to set fees and, possibly, guidelines on how they are to be set, but should not specify the fee amounts.

PRELIMINARY PLAN OF ACTION

This section presents a plan of action for the preliminary steps of the project, that is, those steps that will be undertaken in the first 6 months. The outcomes from some of these actions will be used to complete the scoping and planning of the later phases of the project.

The plan of action assumes that MoEnv (both the Minister's Office and the Licensing Department) accept the recommendations as presented above, and it begins with the date of that acceptance. The action items and projected schedule are presented in Table 1 below, along with responsibilities and notes on resource needs.

Table 1. Preliminary Plan of Action
Initial 6 Months

Action Item	Responsible Party	Month						Notes
		1	2	3	4	5	6	
General Prerequisites								
Reach agreement with JISM regarding preparation of new Technical Standards (initiate discussion w/ JISM, draft example standard, collaborate, final draft, negotiate and finalize agreement)	1°: SABEQ, Minister's Office 2°: Licensing Dept, IEC Dept	X	X	X	X	X	X	SABEQ draft example(s) of desired Technical Standards w/ Licensing and IEC Dept review. Collaboration with relevant trade groups, public. Transmit final draft to JISM. Minister's Office negotiates agreement with JISM, including on resources to be provided for drafting by JISM/MoEnv. Note: Critical to support for Sustainable Development through applying BAT. If no agreement can be reached with JISM, must re-think later phases of project Drafting of standards primarily will occur in next phase of project and will be resource intensive. Need to determine if Licensing Dept can perform this task or will need SABEQ as primary drafter.
Coordinate with the Inspections & Environmental Control Department (IEC)	1°: Licensing and IEC Dept	X	X	X	X	X	X	Ongoing task that will begin immediately and continue indefinitely. To start, Licensing Dept will work with IEC to understand and coordinate with their new system. As a first step, integrate IEC's new facility categories into the land use approval and EIA processes to ensure that the outputs from these processes identify the proper category for each facility.

Table 1. Preliminary Plan of Action
Initial 6 Months

Action Item	Responsible Party	Month						Notes
		1	2	3	4	5	6	
Develop criteria for Confidential Business Information (CBI) (determine any existing Jordanian requirements, research international examples, draft, collaborate, finalize)	1°: SABEQ 2°: Licensing and IEC Dept, legal authorities, Minister's Office	X	X	X				SABEQ gather data from Jordanian and international sources. SABEQ draft w/ review from Jordanian legal authorities and Licensing and IEC Dept. Collaboration with relevant trade groups, public. Issue in form of Instructions from Minister? Note: Prerequisite to information sharing activities.
Land Use Approval Process								
Develop standardized criteria for which facilities must obtain environmental approval (draft, collaborate, finalize, distribute to other agencies, train as needed)	1°: SABEQ 2°: Licensing Dept, IEC Dept, Minister's Office	X	X	X				SABEQ draft w/ Licensing and IEC Dept review. Collaboration with referring agencies, relevant trade groups, public. Issue in form of Instructions from Minister?
Develop decision-making template (draft, review, final draft, use for 1 month, evaluate, finalize)	1°: SABEQ, Licensing Dept 2°: CLC, MoMA	X	X	X	X			SABEQ draft w/ review from Licensing Dept, Central Licensing Committee (CLC), MoMA. SABEQ, Licensing Dept, CLC, MoMA evaluate. Licensing Dept finalize w/ review from SABEQ, CLC, MoMA. Issue as CLC/Licensing Dept SOP?

Table 1. Preliminary Plan of Action
Initial 6 Months

Action Item	Responsible Party	Month						Notes
		1	2	3	4	5	6	
Add specificity to the standard environmental conditions attached to non-EIA land use approvals (prioritize facility types, prepare examples, collaborate, finalize examples, prepare per priority list)	1°: SABEQ, Licensing Dept 2°: CLC, IEC	X	X	X	X	X	X	Licensing Dept and SABEQ prioritize facility types according to significance and frequency. SABEQ draft examples w/ Licensing and IEC Dept, CLC review. Collaboration with relevant trade groups, public. Issue as CLC/Licensing Dept SOP? Need to determine if Licensing Dept has resources to perform subsequent drafting or will need SABEQ as primary drafter.
Open up land use approval process to stakeholders and public (scope methods, develop procedures, phase in)	1°: Licensing Dept, SABEQ 2°: Minister's Office				X	X	X	SABEQ scope potential methods. Licensing Dept develop procedures w/ review by Minister's Office. Issue as CLC/Licensing Dept SOP? Note: CBI criteria a prerequisite for sharing information.
Open Central Licensing Committee meetings to stakeholders and public (scope publicity methods and content, develop procedures, locate facility, phase in)	1°: Licensing Dept, SABEQ 2°: Minister's Office				X	X	X	SABEQ scope potential publicity methods. Licensing Dept develop procedures w/ review by Minister's Office. Issue as CLC/Licensing Dept SOP? Note: CBI criteria a prerequisite for sharing information.
Environmental Impact Analysis Process								
Revise eligibility requirements for EIA consultants and establish criteria for evaluating performance of environment consultants.	1°: Licensing Dept 2°: Minister's Office	X						Licensing Dept revise requirements for EIA consultants. Issue in form of Instructions from Minister?

Table 1. Preliminary Plan of Action
Initial 6 Months

Action Item	Responsible Party	Month						Notes
		1	**2**	**3**	**4**	**5**	**6**	
Ensure that <u>every</u> Comprehensive EIA undergoes mandated scoping step for ToR and expand to include local residents (scope methods, develop procedures, phase in)	1°: Licensing Dept, SABEQ 2°: IEA Technical Committee (TC), Minister's Office	X	X	X				SABEQ scope potential publicity methods. Licensing Dept develop procedures w/ review by Minister's Office and TC. Issue in form of Instructions from Minister?
Develop criteria for much greater specificity in the EMP regarding the limits on the release of pollutants and how compliance will be assured (prepare examples, collaborate, finalize examples)	1°: SABEQ, Licensing Dept 2°: TC, IEC, Minister's Office	X	X	X	X			SABEQ draft examples for high priority facility types w/ Licensing and IEC Dept, TC review. Collaboration with relevant trade groups, public. Licensing Dept finalize examples w/ SABEQ, IEC, TC review. Issue in form of Instructions from Minister?
Develop decision-making template (draft, review, final draft, use for ~2 months, evaluate, finalize)	1°: SABEQ, Licensing Dept 2°: IEC, TC		X	X	X	X	X	SABEQ draft w/ review from Licensing Dept, TC, IEC. SABEQ, Licensing and IEC Dept, TC evaluate. Licensing Dept finalize w/ review from SABEQ, TC, IEC. Issue as TC/Licensing Dept SOP?
Open up EIA process to stakeholders and public (scope methods, develop procedures, phase in)	1°: Licensing Dept, SABEQ 2°: Minister's Office				X	X	X	SABEQ scope potential methods. Licensing Dept develop procedures w/ review by Minister's Office. Issue in form of Instructions from Minister? Note: CBI criteria a prerequisite for sharing information.

Table 1. Preliminary Plan of Action
Initial 6 Months

Action Item	Responsible Party	Month						Notes
		1	2	3	4	5	6	
Open EIA Technical Committee meetings to stakeholders and public (scope publicity methods and content, develop procedures, locate facility, phase in)	1°: Licensing Dept, SABEQ 2°: Minister's Office				X	X	X	SABEQ scope potential publicity methods. Licensing Dept develop procedures w/ review by Minister's Office. Issue in form of Instructions from Minister? Note: CBI criteria a prerequisite for sharing information.
Review the current Preliminary EIA practices (review outcomes, decide future approach)	1°: SABEQ, Licensing Dept 2°: Minister's Office				X	X	X	SABEQ/Licensing Dept review outcomes of Preliminary vs. Comprehensive EIAs for facilities of similar significance. SABEQ/Licensing Dept recommend future treatment. Minister's Office issue decision (as Instructions?)
Other Actions								
Map out detailed plans and determine resource needs and funding sources for implementing the subsequent phases of the project	1°: SABEQ, Licensing Dept, Minister's Office					X	X	Approach will depend on agreement with JISM on development of Technical Standards w/ BAT. Level of effort in mid-term will depend, in part, on number and complexity of sector-specific technical supplements deemed to be necessary.
Seek out current programs to encourage sustainable development and determine how best to coordinate with them	1°: SABEQ, Licensing Dept 2°: Minister's Office	X	X	X	X	X	X	SABEQ, Licensing Dept research current efforts w/ Minister's Office as source Licensing Dept determine how to join efforts, as appropriate, w/ advice from SABEQ

Table 1. Preliminary Plan of Action
Initial 6 Months

Action Item	Responsible Party	Month						Notes
		1	2	3	4	5	6	
Mission Statement for Licensing Dept (develop statement, train staff)	1°: Minister's Office, Licensing Dept, SABEQ							Minister's Office and Licensing Dept, w/ SABEQ support, develop method for composing Mission Statement (e.g., written by managers, or developed by staff in a workshop) If necessary, train staff in mission through workshop

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