NRPB
NATIONAL RECOVERY PROGRAM BUREAU

The Government of Sint Maarten
National Recovery Program Bureau

Temporary Debris Storage and Reduction Site (TDSR)

Environmental and Social Management Plan

CLEARED

April 24th, 2023

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Abbreviations and Acronyms

BMP	Best Management Practices
C-ESMP	Contractor's Environmental and Social Management Plan
CR	Contracting Representative
EIA	Environmental Impact Assessment
EHSGs	Environmental Health and Safety Guidelines
EDMP	Emergency Debris Management Project
ESCP	Environmental and Social Commitment Plan
ESHS	Environmental Social Health and Safety
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
GDP	Gross Domestic Product
GIIP	Good International Industry Practice
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GoSM	The Government of Sint Maarten
HASP	Health and Safety Program (US OSHA)
HS&E	Health, Safety and Environment
HHW	Household Hazardous Waste
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HVAC	Heating, Ventilation, and Air Conditioning
IDS	Irma Debris Site
ILO	International Labor Organization
IRC	Interim Recovery Committee
MSIP	Management strategies and Implementation Plans
NRPB	National Recovery Program Bureau
NRRP	National Recovery and Resilience Plan
O&M	Operation and Maintenance
OHS	Occupational Health and Safety
PMU	Project Management Unit
RAI	Resettlement Area of Impact
SDTF	Single Donor Trust Fund
SEP	Stakeholder Engagement Plan
TEATT	Ministry of Tourism, Economic Affairs, Transport and Telecommunication - Department of Civil Aviation, Shipping & Maritime Affairs
VROMI	Ministry of Public Housing, Spatial Planning, Environment and Infrastructure
VSA	Ministry of Public Health, Social Development and Labor
WBG	World Bank Group

1. Introduction

Following the devastation caused by Hurricanes Irma and Maria, the Government of Sint Maarten established a program to help in the reconstruction. The hurricanes left debris scattered across Sint Maarten and the subsequent demolition and reconstruction activities continue to add to this quantity of debris. In June of 2018, it was estimated that over 100,000 m^3 of hurricane debris had been collected and was transported to a temporary Irma debris storage site known as the Irma Debris Site (IDS), located east of the municipal solid waste (MSW) landfill on Pond Island, near Phillipsburg. Based upon the limited landfill capacities at the IDS and MSW landfill, the establishment of a Temporary Debris Storage and Reduction Site (TDSR) was recommended to accomplish the following objectives:

- Reduce amount of non-MSW material currently landfilled at the IDS and the MSW landfill through waste segregation, recycling, and portable air curtain incineration;
- Discontinue future landfilling of vegetative debris therefore reducing the potential for uncontrolled fire;
- Facilitate recycling of materials that could be reused (specifically tires, glass, metal and clean concrete which could be sold and/or reused with potential financial gains); and
- Separate hazardous materials that should be disposed of properly or recycled.

The proposed TDSR (The Project) is one subcomponent of the Emergency Debris Management Project which was adopted in 2018 to manage debris from the hurricanes and reconstruction activities with the goal of facilitating recovering and reducing risks. The development and implementation of the TDSR on Sint Maarten is the crucial initial step for the rehabilitation, restoration and/or closure of the IDS.

The National Recovery Program Bureau (NRPB) will be responsible for the Project implementation and coordination of the work program with the relevant ministries. The NRPB will be responsible for technical, administrative, legal, financial, procurement and environmental and social safeguards matters. The NRPB will also collaborate with the Ministry of Public Housing, Spatial Planning, Environment, and Infrastructure (VROMI), which will provide technical oversight, including preparing technical and bidding documents and works supervision. It will also coordinate with the Ministry of Public Health, Social Development and Labor (VSA), which will provide technical oversight to the vector control elements of the project.

The TDSR will be located to the west of the Irma Debris Disposal Site and to the north of the Little League ballpark on Pond Island. See **Figure 1.1** below, which illustrates the proposed approximate location of the TDSR.

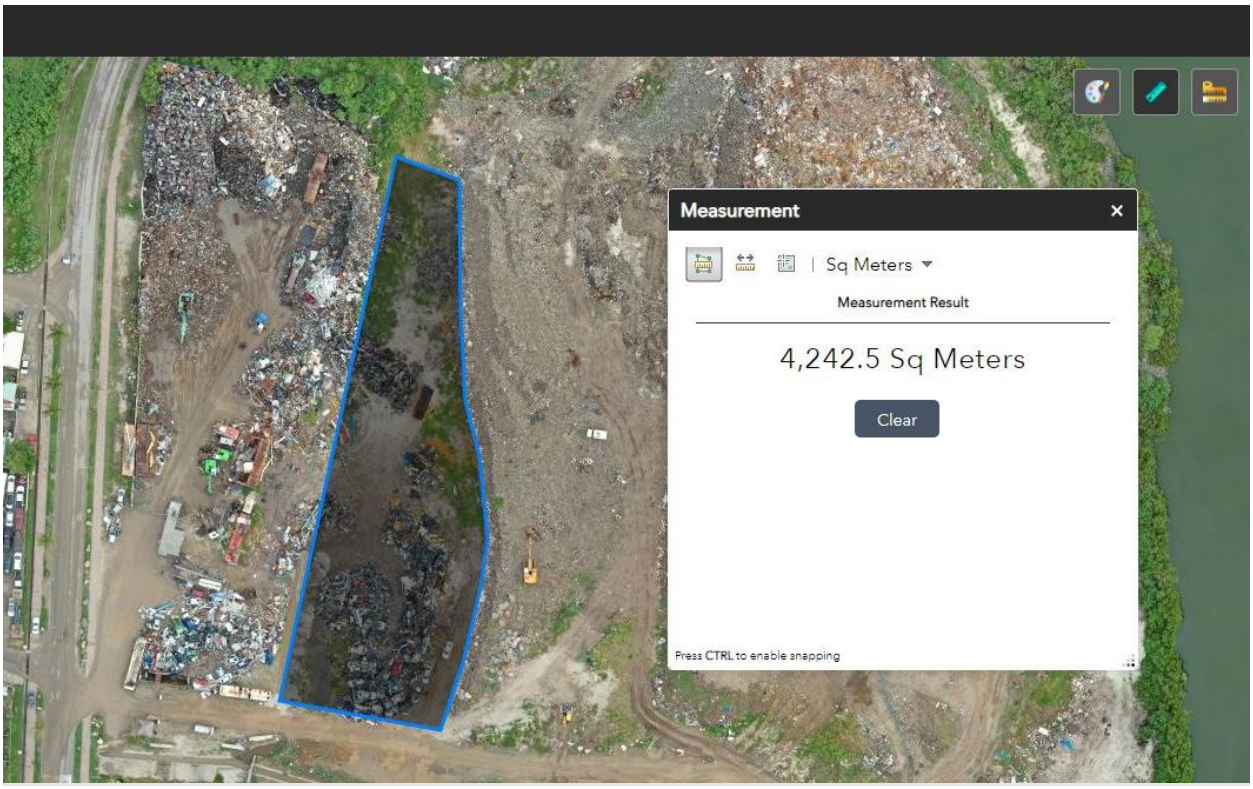

Figure 1.1: Proposed location for TDSR

1.1 Background

Impact of Hurricane Irma and Maria on Sint Maarten. Sint Maarten is highly vulnerable to natural disasters and adverse climatic events due to its location within the Atlantic hurricane belt. On September 6 and 7, 2017, the island of Sint Maarten was struck by Category 5 Hurricane Irma (with winds of more than 296 km/h), causing widespread damage across the island. Ten days later, the already compromised island was damaged further by Category 3 Hurricane Maria. The combination of these two catastrophic events devastated the country's infrastructure and created a large amount of hurricane debris (including but not limited to vegetative debris, construction and demolition (C&D) debris, building contents, vehicles, displaced and sunk maritime boats, and displaced soils and sediments).

The country's economy is primarily based on tourism. The tourism sector contributed 73 percent to the country's total foreign exchange income in 2016. Sint Maarten's harbor is a significant port for cruise tourism in the Caribbean, with 1.7 million cruise passengers visiting per year. Natural hazards have catastrophic impacts on the economy, which has seen limited growth in recent years and remains exposed to tourism trends and weather shocks.

Sint Maarten has made substantial efforts to address the most urgent needs following Hurricane Irma. This includes initial debris clearance, sheltering roofless populations, and resumption of government and business services. Nevertheless, recovery needs are massive, and the country has limited capacity to manage this scale of resilient reconstruction.

Need for the Project. Initial hurricane debris removal was managed by VROMI, and conducted by contractors, private haulers and private citizens. Initially, hurricane debris was hauled to the IDS, and there were few limitations on types of debris that could be placed at the IDS, and MSW was reportedly not allowed at the IDS; instead, it was disposed of in the MSW landfill. Hurricane debris on private

property, such as backyard areas, still exists in abandoned and heavily damaged homes. C&D debris is expected to continue to be generated as more homes are repaired or demolished. Hurricane debris that remains unmanaged is a barrier to reconstruction, contributes to negative aesthetic impacts, and provides breeding grounds mosquitos, flies, rats, etc., which are vectors for spreading diseases, which poses a direct health risk for the population as well as economic losses due to negative media coverage in the tourism industry related to health threats. Mosquitoes are the best-known disease vector and are responsible for spreading diseases such as dengue, chikungunya, and zika.

Currently, non-MSW debris is being collected and stored at the IDS and the MSW landfill, and this type of debris can be bulky and flammable. Therefore, given these conditions, the establishment of a TDSR would facilitate the processing, separation, recycling, sale and/or disposal of the existing IDS debris and future non-MSW debris, promote improved waste management practices, and reduce health and environmental risks. In addition, the development and implementation of the TDSR on Sint Maarten is the crucial initial step for the rehabilitation, restoration and/or closure of the IDS.

The government of Netherlands Single Donor Trust Fund for Reconstruction of Sint Maarten. While Sint Maarten has made substantial efforts to address the most urgent needs following Hurricane Irma, recovery needs are significant, and the country has limited capacities to manage large-scale resilient reconstruction. To support a rapid and sustainable recovery, the Government of Netherlands has established a EUR 470 million Single Donor Trust Fund (SDTF) managed by the World Bank. The SDTF will finance selected activities in support of recovery, reconstruction, and resilience under the framework of Sint Maarten's National Recovery and Resilience Plan (NRRP), which outlines the country's recovery needs.

1.2 The Proposed Project

The proposed Project aims to:

- Receive non-MSW debris at the TDSR;
- Separate debris into the following categories: burnable debris, non-burnable debris, metal, clean concrete, household hazardous waste (HHW), white goods, and tires;
- Incineration of burnable debris; and
- Recycling, transport, sale (metals and clean concrete), and/or disposal of non-MSW debris.

The Project will include the following areas:

- TDSR: located east of the Irma Debris Disposal site.

Site closeout:

- Site closeout activities will be performed following conclusion of the TDSR project activities. Containers, equipment, trash, and debris remaining as a result of the subject operations shall be removed. Site will be restored to its previous conditions. Soil samples will be analyzed and compared against baseline figures. If pollution is detected, then Contractor shall take actions to remediate the soil.

1.3 Environmental and Social Assessment of the Project

As specific World Bank safeguards policies were triggered, the NRPB prepared this Environmental and Social Management Plan (ESMP), which presents potential environmental and social impacts and risks of the Project, and measures to address these impacts and risks.

1.4 Contents of the Report

In addition to this Chapter 1, the ESMP consists of the following chapters:

- Chapter 2: Project Description. This chapter describes the baseline situation, and detailed scope of activities to be carried out under the Project.
- Chapter 3: Government Regulations and World Bank Group's Operational Guidelines. This chapter describes the relevant policies of GoSM, and Environmental and Social Safeguards (ESSGs) of the World Bank, and how they have been considered while designing the Project and preparing this ESMP.
- Chapter 4: Baseline Environmental and Social Conditions. This chapter describes the existing environmental and social condition of the Project area.
- Chapter 5: Potential Environmental and Social Risks and Impacts of the Project and their Management: This chapter describes the environmental setting of the Project area and potential environmental and social impacts and risks associated with the Project activities. This chapter also describes proposed detailed management plans to address these impacts and risks; and a monitoring plan.
- Chapter 6: Project Implementation Arrangements and Capacity Building. This chapter describes the Project institutional arrangements for implementation of the ESMP.
- Chapter 7: Stakeholder Engagement and Information Disclosure. This chapter describes the stakeholder engagement plan and details of consultations carried during the preparation of the Project.

2. Project Description

This Project is being performed to address the issue of non-MSW debris being stockpiled at the IDS and MSW Landfill as well as the current disposal of non-MSW debris generated on Sint Maarten. The Project will consist of the establishment of a TDSR to facilitate the processing, separation, recycling, sale, and/or disposal of the non-MSW debris on Sint Maarten, promote improved waste management practices, and reduce health and environmental risks. NRPB will procure the services of a Contractor to operate and manage the TDSR. Once awarded, the operation of the TDSR has an expected duration of one year with an option of the extending the services on a monthly basis after the term has expired. The Contractor is expected to initiate services within 45 calendar days of receipt of notice to proceed from the Contracting Authority.

The TDSR will be located southwest of the MSW landfill and northeast of the VROMI Yard on Pond Island.

2.1 Completed Hurricane Debris Removal

Hurricane debris, resulting from both Hurricane Irma and Maria, included, but was not limited to, vegetative debris, C&D debris, building contents, displaced and sunk maritime boats, and displaced soils and sediments. In addition, the island's infrastructure was compromised and initial hurricane debris removal efforts were difficult to initiate and complete

Initial hurricane debris removal was managed by VROMI and conducted by contractors, private haulers and private citizens. The curbside debris removal plan was based on VROMI's Terms of Reference, Collection of Solid Waste on Sint Maarten 2016-2021 and Sint Maarten Waste Ordinance of February 23, 1993. The hurricane debris was hauled to IDS, and there were few limitations on types of debris that could be placed at the IDS. MSW was reportedly not permitted to be deposited at the IDS; therefore it was assumed that all MSW was deposited in the MSW landfill.

It was estimated that the total quantity of C&D hurricane debris at the IDS, as of June 5, 2018 was approximately 170,000 CY (cubic yards) or 130,000 CM (cubic meters), which was broken down accordingly:

- C&D from Residential Curbside – 130,000 CY or 100,000 CM
- C&D from Commercial Sources – 40,000 CY or 30,000 CM

As of the date of this document, the collection of hurricane debris related to Hurricanes Irma and Maria (with the exception of sunken vessels, abandoned vehicular machinery, and abandoned shipping containers) was substantially complete.

2.2 Environmental, Safety and Social Risks Identified

Collectively, the existing non-MSW debris stockpiled at the IDS and the MSW landfill as well as future non-MSW debris generated on Sint Maarten present environmental risks to Sint Maarten including, but not limited to, the following:

- The presence of non-MSW debris stockpiled at the IDS and the MSW landfill increases the potential for landfill fires and reduces the potential capacity of the landfill sites.

- The presence of non-MSW debris stockpiled at the IDS and the MSW landfill can provide breeding grounds for vectors for diseases such as dengue, chikungunya and zika. These diseases pose a direct health risk for the population of Sint Maarten.
- Degradation of aesthetic value and economic losses through negative media coverage resulting in loss of tourism and other business revenue.

Scope of Work

The scope of work conducted at the TDSR Project will consist of the following activities:

TSDR site preparation: This component will focus on the establishment of the TDSR location and site preparation. Activities will include the following:

- Establish TDSR site layout, grade site, if necessary, and designate areas for receiving, processing, and storing debris types.
- Acquisition, operation and maintenance of TDSR equipment which includes but is not limited to the following: front loader, bulldozer, excavator, skid steer, water truck, portable air curtain incinerator, tire shredder, wood shredder, glass crusher and portable dump truck scale.
- Establish traffic control, dust control, erosion control, stormwater management, fire protection, on-site roadway maintenance and safety measures.
- VROMI/NRPB will perform public notification to residents of Pond Island as well as residents of Sint Maarten utilizing roadways on which dump trucks and vehicles associated with the TDSR travel.

Receiving non-MSW debris: This component will focus on site management of receiving debris operations at the TDSR and include the following:

- Comingle check: Non-MSW debris types will be hauled to the TDSR separately, with no co-mingled loads permitted. Note: materials arriving from the Irma Debris Site (IDS) shall be sorted prior to arriving at the TDSR.
- Weigh Trucks: Upon entrance to the TDSR off-load areas; each dump truck or hauling/trailer vehicle will be weighed.
- Debris will be off loaded into designated areas based on debris type (see processing stage below for debris categories).
- Re-weigh vehicles: Upon exit of the TDSR, the dump trucks will be weighed to calculate the tipping fee.

Sorting of non-MSW debris: Non-MSW debris accepted into the TDSR will be offloaded into the following categories:

- Burnable debris: Burnable debris includes all biodegradable matter except that is included in the following definitions of other categories of debris. It includes, but is not limited to, damaged and disturbed trees, bushes and shrubs, broken or partially broken tree limbs, tree stumps with base cut measurements less than two (2) feet, untreated structural timber, untreated wood products, and brush or other vegetative debris.

- Non-burnable debris: Non-burnable debris includes, but is not limited to, treated timber, plastic, glass, rubber products, (treated/painted) metal products, sheet rock, cloth items, non-wood building materials, furniture and carpeting.
- Asbestos Containing Material – Building products and debris that are suspected of having asbestos content greater than 1% (by polarized light microscopy analysis). This includes but is not limited to adhesives, roofing sealants, pipe and thermal system (duct and vent) insulation, wall panels, ceiling tiles, mastics, ceramic and vinyl floor tiles, leveling compounds and grout, HVAC fabric, wire insulation, felts and vapor barriers, fire proofing, and cement boards and pipes.
- Metal: Metals include roofing metal (zinc), structural steel and appliances.
- Clean concrete: Concrete material that is not contaminated by solid wastes, infectious wastes, hazardous wastes or C&D debris.
- (Household) Hazardous Waste ((H)HW): (H)HW includes , but is not limited to, Household cleaners; Oils; Paints and solvents; Automotive wastes I.e., motor oils, anti-freeze, etc; Flammables, Pesticides; Propane gas bottles, Aerosols; Mercury thermometers and switches, Electronics, Batteries (car, and specialty batteries such as lithium, nickel, cadmium or button cell); Asbestos; Radioactive wastes (some home smoke detectors are classified as radioactive waste because they contain very small amounts of radioactive isotope americium); Caustics / Cleaning agents; Appliances and refrigerant containing appliances.
- For Hazardous Wastes categories: F, K, P and U listed Wastes (see Annex 6)
- White Goods: Large electrical goods used domestically, such as refrigerators, washing machines, dryers, air conditioning, etc.
- Tires: Rubber tires from automobiles, trailers and other vehicles.

Processing and disposal of non-MSW debris: Non-MSW debris accepted into the TDSR will be processed, stored, incinerated (burnable debris), recycled, sold, and/or disposed.

- Burnable debris: Reduction of burnable debris will be conducted utilizing portable air-curtain incineration. Ash residue will be transported to the MSW landfill for disposal.
- Non-burnable debris: Non-burnable debris will be shredded and transported to the MSW landfill for disposal. Non-burnable debris will be stored in Contractor-provided steel roll-off containers (20 cubic yard minimum in size) prior to transport.
- Asbestos Containing Material: Must be wetted and stored in containers lined and covered with at least one layer of 6 mil polyethylene sheeting. The storage containers must be labeled in accordance with US EPA National Emission Standard for Hazardous Airborne Pollutants; Asbestos Regulation (NESHAP 40 CFR Part 61) and OSHA (29 CFR 1910.1001) requirements, or EU equivalent. All workers handling asbestos debris must have training, personal protective equipment, and medical surveillance as prescribed by US OSHA, EPA or EU equivalent guidelines or requirements. The contractor must provide a written plan for the disposal of asbestos containing waste as part of the bid submittal process. Award of the contract is contingent upon VROMI & NRPB's approval of this plan. Under no circumstances is the material to be stockpiled and allowed to accumulate at the TDSR.

- Metal and Clean Concrete: Metal and clean concrete will be stored in Contractor-provided steel roll-off containers (20 cubic yards minimum in size). The contractor shall be responsible for the removal of clean concrete and metal from the TDSR site. The material will be transported to an off-site location for recycling, sale and/or disposal off-island, in accordance with applicable guidelines described in Section 3 and final review and approval from the NRPB. The contractor will provide waste manifests for all materials that are removed. A written plan for recycling/disposal of concrete and metal must be provided as part of the bid submittal process. Award of the contract is contingent upon VROMI & NRPB approval of this plan. Under no circumstances is the material to be stockpiled and allowed to accumulate at the TDSR.
- Household Hazardous Waste (HHW): HHW shall be stored in secure containers that are properly ventilated and are of sufficient size to contain liquid chemicals and prevent rain and elements from having contact with the HHW. The HHW materials will be transported to a designated location for recycling or disposal off island in accordance with applicable guidelines described in Section 3 and final review and approval from the NRPB. The contractor shall provide waste manifests for all materials that are removed. A written plan for the storage and disposal of HHW must be provided as part of the bid submittal process and award of the contract is contingent upon VROMI & NRPB's approval of this plan. Under no circumstances is the material to be stockpiled and allowed to accumulate at the TDSR.
- White Goods: White goods shall be stored in contractor-provided containers. The materials will be transported to an off-site location for recycling, or disposal off-island, in accordance with applicable guidelines described in Section 3 and final review and approval from the NRPB. The contractor shall provide waste manifests for all materials that are removed. A written plan for recycling/disposal of these materials must be provided as part of the bid submittal process. Award of the contract is contingent upon VROMI & NRPB approval of this plan. Under no circumstances are white goods to be stockpiled and allowed to accumulate at the TDSR
- Tires: Collected tires will be processed in a tire shredder and the resulting tire chips will be placed in a contractor provided container and transported to an off-site location for recycling, or disposal off-island. The contractor shall provide waste manifests for all materials that are removed. A written plan for recycling/disposal of these material must be provided for evaluation as part of the bid submittal process. Award of the contract is contingent upon VROMI & NRPB approval of this plan. Under no circumstances is the material to be stockpiled and allowed to accumulate at the TDSR.

Site closeout: Site closeout activities will be performed following conclusion of the TDSR project activities. Containers, equipment, trash, and debris remaining as a result of the subject operations shall be removed. Site will be restored to its previous conditions. Soil samples will be analyzed and compared against baseline figures. If pollution is detected, then Contractor shall take actions to remediate the soil.

2.3 Project areas

As indicated the TDSR located within the Great Salt Pond on "Pond Island" will specifically be situated to the west of the Irma Debris Disposal Site and to the north of the Little League ballpark. The specific location of the TDSR is not in vulnerable bird and/or biodiversity areas (the nearest shoreline vegetation is approximately 150 meters to the southeast)

2.4 Timing of Project

Once awarded, the operation of the TDSR has an expected duration of one year with an option of the extending the services on a monthly basis after the term has expired. The Contractor is expected to initiate services within 45 calendar days of receipt of notice to proceed from the Contracting Authority.

The duration of the working day is 8 hours. However, the Contractor can work during daylight hours for 10 hours per day with the permission of VROMI, 6 days per week (Monday – Saturday) or otherwise as designated by VROMI.

2.5 Institutional Arrangements

The National Recovery Program Bureau (NRPB) is the Project Management Unit (PMU) of activities financed under the SDTF and in this capacity is responsible for administrating the contract. The NRPB will work closely with Government stakeholder to ensure compliance with local policies and legislation. In addition, the NRPB will contract a firm to act as Contracting Authority Representative to supervise the contractor's obligations under the contract.

Governmental authorities that will be involved in this Project are as follows:

- VROMI –The Ministry is custodian of the remaining hurricane debris on Sint Maarten. Furthermore, VROMI is responsible for waste management, which includes the material stockpiled at the IDS. Departments within VROMI that would be involved include the following:
    - Department of Public Infrastructure
    - Inspection and Permits Department
- VSA – The ministry of public health, social development and labor.
- NRPB –Responsible for overseeing the Contractor and The Project
- Ministry of Justice – oversees public safety, law and order and the upholding of justice

2.6 Resource Requirements

The estimated labor requirement for the Project is approximately 15 local workers which include the following: a site manager, a site safety manager, laborers, flaggers, and equipment operators. The Contractor shall have least 10 years of general work experience and three years of waste management experience. The Contractor is expected to accommodate any foreign workers in the local hotels or rental houses, if needed. No Project specific labor camps or other housing facilities will need to be established for the Project. No significant foreign labor influx is expected from the Project activities.

3. Government Regulations and World Bank Group's Operational Guidelines

3.1 Applicable Ordinances, Policies and Regulations of Government of Sint Maarten

Sint Maarten, previously part of the Netherlands Antilles, became an autonomous Country within the Kingdom of the Netherlands on October 10, 2010. Sint Maarten has full autonomy for internal affairs including the environmental legislation. The Dutch government is solely responsible for defense and foreign affairs.

According to Article 22 of the 'Constitution of the Country of Sint Maarten,' it shall be the constant concern of the government of Sint Maarten to keep the country habitable and to protect and improve the natural environment and the welfare of animals.

The government is strongly committed to sustainable development and the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (Ministry VROMI) is working towards the preparation of draft legislation on (i) environmental policy and management plan, (ii) nature policy plan, (ii) establish noise, air and water quality norms, and (iv) develop standard environmental regulations to include permits.

Ordinances, policies and decrees related to environmental protection that are relevant to this Project include:

- National Ordinance containing regulations for Nature Management and Protection: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142263/142263_2.html
- National Decree containing general measures for Nature Management and Protection: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207435/207435_1.html
- Eindrapport Milieunormen Nederlandse Antillen 2007: http://www.dcbd.nl/document/eindrapport-milieunormen-nederlandse-antillen-lucht-geluid-water-afvalwater-afval
- National Hindrance Ordinance: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208542/208542_2.html
- National Hindrance Decree: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208543/208543_1.html
- Wastewater National Ordinance: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208544/208544_3.html

- Waste National Ordinance: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208510/208510_2.html General Police Ordinance

  https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/207087/207087_1.html
- Traffic Ordinance https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207068/207068_2.html
- Link to government page to download debris collection, handling, and transportation requirements:http://www.sintmaartengov.org/government/AZ/laws/Pages/Translated-Legislation.aspx
- The Labor Regulations 2000
- National HIV and AIDS Workplace Policy
- All current COVID-19 safety and health legislation and directives of the government of Sint Maarten

The Contractor shall be responsible for obtaining and maintaining any necessary licenses and permits from the Government of Sint Maarten, and or other relevant entities and Countries and for complying with any Legislation and policy applicable to the performance of the services. The Contractor shall make sure that subcontractors do the same.

3.2 Convention Agreements

As far as legally required or determined desirable and feasible by the relevant authorities the TDSR will operate and related recycling or final disposal activities (transportation etc.) will be completed in compliance with the relevant articles of the following Conventions::

- Basel Convention
  http://www.basel.int/

  The Basel Convention is a multilateral agreement governing all transboundary movements of hazardous waste for recovery or disposal. As of November 2020, 187 countries and the European Commission are parties to the Basel Convention (United States is not a party). Basel Convention was introduced to reduce the movements of hazardous waste between nations, and specifically to prevent transfer of hazardous waste from developed to less developed countries. In addition to conditions on the import and export of the above wastes, there are stringent requirements for notice, consent and tracking for movement of wastes across national boundaries.
- Rotterdam convention
  http://www.pic.int/
- MARPOL convention
  https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx
- Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (LC), 1972 (and the 1996 London Protocol)
  https://www.imo.org/en/About/Conventions/Pages/Convention-on-the-Prevention-of-Marine-Pollution-by-Dumping-of-Wastes-and-Other-Matter.aspx

- SOLAS convention
  https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx
- International Agreement on Transboundary Shipments of Waste (OECD)
  The OECD Control System for waste recovery - OECD

  The Agreement applies to transboundary movements of waste destined for recovery operations between OECD Member countries. There are 37 OECD Member countries, including USA.

3.3 Additional Operational Guidance

3.3.1 Debris reduction

Debris reduction operations shall be completed in general accordance with the following provisions derived from the United States Occupational Safety and Health Administration (OSHA):

- Debris Reduction, Recycling and Disposal
  https://www.osha.gov/SLTC/etools/hurricane/debris.html#index.
- Scrap Metal Recycling https://www.osha.gov/SLTC/recycling/recycling_scrap_metal.html
- OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) Activities
  https://www.osha.gov/SLTC/etools/hurricane/hazwoper.htmlPlanning for Natural Disaster Debris
  https://www.epa.gov/sites/production/files/2019-05/documents/final_pndd_guidance_0.pdf
- OSHA - Asbestos General Standard (29 CFR 1910.1001)
  https://www.govinfo.gov/content/pkg/CFR-2011-title29-vol6/pdf/CFR-2011-title29-vol6-sec1910-1001.pdf
- OSHA - Asbestos Construction Standard (29 CFR 1926.1101)
  https://www.govinfo.gov/content/pkg/CFR-2011-title29-vol8/pdf/CFR-2011-title29-vol8-sec1926-1101.pdf

Any pesticides that will be handled, stored, disposed of, and applied for vector control shall comply with the following minimum standards:

- FAO's Guidelines for Packaging and Storage of Pesticides,
- Guidelines on Good Labeling Practice for Pesticides,
- Guidelines for the Disposal of Waste Pesticide and Pesticide Containers on the Farm

3.3.2 Best Technical Means

For the successful progress of the project, various work methods to be indicated or others to be proposed in the C-ESMP would require the application and implementation of the Best Technical Means (Best Available Techniques (BAT)).

Alternate proposed techniques, based on their merit, will be reviewed and if appropriate approved by NRPB and their implementation partner VROMI.

Documents to be adhered to and reviewed pertaining to Best Available Techniques (BAT) amongst others are:

- for Waste Treatment, European Commission, 2018

{Best Available Techniques (BAT) Reference Document for Waste Treatment Industrial Emissions Directive 2010/75/EU Integrated Pollution Prevention and Control (europa.eu)}

3.4 World Bank Safeguards Policies and World Bank Group Environmental, Health and Safety Guidelines

3.4.1 World Bank Safeguards Policies

The World Bank has a number of Operational Policies (OPs) and Bank Procedures (BPs) concerning environmental and social issues, which together are referred to as the 'World Bank Safeguard Policies'. If, during the development of a Project, it is considered that it is possible that a proposed Project activity could be the subject of one of the safeguard policies, that policy is considered to have been 'triggered'. In the subsequent development of the Project, that activity must be considered in more detail to determine whether it is actually of no concern or adequate mitigation can be applied to address the concern, or the activity should be removed from the Project (or the whole Project should be dropped).

Broadly, the Project is expected to bring positive cumulative environmental benefits to the Project area by removing wrecked and abandoned cars from the streets and private property of Sint Maarten. However, there remain risks associated with the Project, including temporary increases of traffic, dust and noise as well as potential discharges of hazardous substances and/or petroleum products to the open ground during disassembling of larger vehicles/machinery for transport and decommissioning activities.

The proposed mitigation measures in this ESMP will prevent, minimize, or mitigate the adverse impacts and improve environmental performance. Preparation of the ESMP includes a consultation process with Project-affected groups and local non- governmental organizations (NGOs) about the Project's environmental aspects. Their views have been considered in this final ESMP (please refer to Annex 5 for summary of the consultations carried).

During Project implementation, the NRPB will report on compliance with the measures agreed with World Bank including implementation of the ESMP, and the status of mitigation measures.

The following specific Policies apply:

- Environmental Assessment (OP4.01/BP4.01): https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1565&ver=current
- Environmental Action Plans (OP4.02/BP4.02): https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=3528&ver=current
- Natural Habitats (OP4.04/BP4.04): https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1567&ver=current
- Pest Management (OP4.09): https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1637&ver=current
- Physical Cultural Resources (OP4.11/BP4.11): https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1570&ver=current
- Involuntary Resettlement (OP4.12/BP4.12)

https://policies.worldbank.org/en/policies/all/ppfdetail/1572

3.4.2 World Bank Group Environmental, Health and Safety (EHS) Guidelines

The WBG EHS guidelines are technical reference documents with general and industry specific examples of Good International Industry Practice (GIIP). EHS Guidelines are applied as required by their respective policies and standards. The applicability of specific technical recommendations should be based on the professional opinion of qualified and experienced persons. When host country regulations differ from the levels and measures presented in the EHS Guidelines, Projects are expected to achieve whichever is more stringent. World Bank EHS guidelines are available at https://www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/Sustainability-At-IFC/Policies-Standards/EHS-Guidelines/. More details on the recommended approach to include EHS considerations into the Project management are given in Annex 1.

3.4.3 Guidelines Applicable to the Project: Waste Management

These guidelines apply to Projects that generate, store, or handle any quantity of waste across a range of industry sectors. Waste materials should be treated and disposed of and all measures should be taken to avoid potential impacts to human health and the environment. Selected management approaches should be consistent with the characteristics of the waste and local regulations. The guidelines cover relevant waste management issues including final disposal, hazardous waste management, waste storage, transportation, and monitoring. Further details on the waste management guidelines are provided in Annex 1.

3.4.4 Sectoral Guidelines Applicable to the Project: Waste Management Facilities

The EHS Guidelines for Waste Management cover facilities or projects dedicated to the management of municipal solid waste and industrial waste, including waste collection and transport; waste receipt, unloading, processing, and storage; landfill disposal; physico-chemical and biological treatment; and incineration projects. 2 Industry-specific waste management activities applicable, for example, to medical waste, municipal sewage, cement kilns, and others are covered in the relevant industry-sector EHS Guidelines, as is the minimization and reuse of waste at the source. This industry sector EHS guideline is designed to be used together with the General EHS Guidelines document, which provides guidance to users on common EHS issues potentially applicable to all industry sectors. Guideline is available at:

Waste Management Facilities - Final - December 7.doc (ifc.org)

4. Baseline Environmental and Social Conditions

4.1 Physiography

Sint Maarten is an island country in the Leeward Islands of the Caribbean. Sint Maarten is centred on 18° 01'N Latitude and 63° 05' W Longitude. The island hinges between the Lesser and the Greater Antilles and lies between the Atlantic Ocean and the Caribbean Sea. Other neighboring island include Saba St. Eustatius, Anguilla, St. Kitts and Nevis and St. Barthélemy. The total land area of the entire island is 90 km^2 (15km long and 13 km wide at its widest point). The island features a series of jagged ranges of hills from north to south terminating at Pic Paradis, 424 m the highest point, on the French side of the island. The coastline is a series of beaches, coastal lagoons, rocky areas and salt and fresh water (brackish) ponds, and the interior is characterized by many valleys.

4.2 Climate

The climate of Sint Maarten is tropical with hot and sunny weather all year around. Daily average temperature ranges from 25 degrees Celsius (°C) in the period from January to March, to 28 °C between June and October. The night temperature rarely drops below 20 °C, while sometimes it can reach 35/37 °C during the day, from June to November. Average monthly weather data of Sint Maarten is given in **Table 4-1**.

Average annual rainfall is 1045 mm. In the period from June to November (but mostly from August to October), Sint Maarten can be hit by tropical depressions and hurricanes, as happens in general in the Caribbean.

Table 4-1: Average Monthly Weather Data of Sint Maarten

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Temperature, Min (°C)	22	22	23	23	24	25	25	25	26	25	24	23
Temperature, Max (°C)	28	27	28	28	29	30	30	31	31	30	29	28
Rainfall (mm)	75	50	45	80	100	70	85	115	120	100	115	90

4.3 Natural Hazards

Sint Maarten is highly vulnerable to natural disasters and adverse climatic events due to its location within the Atlantic hurricane zone. For the past decades, the country has been exposed to tropical storm force winds and numerous hurricanes, including notably intense storms: Donna in 1960 (Category 3), Luis in 1995 (Category 4), and Irma in 2017 (Category 5 on Saffir-Simpson scale). Due to the size of the country, a single storm has the potential to impact the entire population directly. High winds, rainfall and flooding are the principal risk factors while the country is also vulnerable to earthquakes. Coastal areas are exposed to flood risk and erosion from storm surge, run-off and possible tsunamis. Increased urbanization along with climate change and limited country capacity to build with resilience adds to its vulnerability to natural hazards.

4.4 Biological Environment

The major part of Sint Maarten is covered with secondary vegetation derived from either seasonal formations or dry evergreen formations[1]. Only on the top of the hills, some more or less original semi-evergreen seasonal forest is found. This type of forest has regionally become extremely rare too. Because of its small area, this forest formation is very vulnerable. On the higher hills of the two ridges in the middle part of the island, and the hills of the eastern ridge, dense secondary woodland vegetation is growing, preventing erosion and with a high scenic value. Along the coast, ponds and inland waterways remains of mangrove forests and other types of coastal vegetation survive, which are of high ecological, aesthetic and recreational value.

The fauna of St. Maarten is limited in species, not only because of St. Maarten's small size, but also because of habitat destruction, hunting, imported predators and hurricanes.

4.5 Demography and Socio-economy

Sint Maarten is a high-income constituent country of the Kingdom of the Netherlands in the Caribbean. It is the most densely populated country in the Caribbean with a population of more than 40,000 in an area of 34 square km and a per capita Gross Domestic Product (GDP) of U$25,381. English is the widely spoken language though Dutch is the official language of the country.

Tourism and tourism-related industry is the major source employment in the country. Only about 10 % of the land is suitable for domestic agricultural production, and over 90% of food products are imported. Nearly 30% of the male working population (45% for female workers) earn less than ANG 2,000 (USD 1,200) per month. Literacy rate in people over the age of 14 is 95.8%.

Hurricane Irma has severely damaged the economy of the country. Sint Maarten's low unemployment rate (6.2 percent) and youth unemployment rate (23.8 percent) in 2017 have significantly risen following the hurricane due to the shutting down of tourism businesses. The tourism sector suffered from significant damages to the airport, accommodations, and tour operator equipment, dramatically reducing the number of tourist arrivals. Micro, small, and medium-sized enterprises have experienced a significant loss of capital due to the impacts of the hurricane.

A relatively small community resides in the close proximity of the MSWS. Individuals from this particular community, as well as outside of this community, may (partially) depend on the MSWS and/or IDS for their livelihoods, by undertaking activities related to waste picking.

4.6 The Great Salt Pond and Pond Island Biological Environment[2]

The Great Salt Pond is located in south-central St. Maarten, north of Philipsburg. It is bordered by Philipsburg on the South side. It is the largest permanent saltwater pond on the island; it covers an area of 2.25 km² (225 hectares) and is up to 1,5 meters deep. The Great Salt Pond serves as a natural water catchment basin for much of the runoff water from the surrounding hills. Mangroves can be found around the Great Salt Pond, which provides the necessary habitat for roosting, nesting and migrating birds. Despite the development of the surrounding area and subsequent stress to the ecosystem, the Great Salt Pond provides important foraging areas for many birds and the brackish and sometimes hypersaline conditions give rise to a unique wildlife community that includes several fish

[1] Source: Biological Inventory of St. Maarten (http://www.dcbd.nl/sites/www.dcbd.nl/files/documents/RojerKNAP96-33BioInv-StMaarten%5Beng%5D.pdf)

[2] Source: MSWS Environmental and Social Impact Assessment

species, turtles, snails and insects. The Great Sal Pond is also an Important Bird Area (IBA) and parts of it have also been designated as a national monument based on its cultural and historical significance.
There is periodic mechanically induced water exchange between the Great Salt Pond and the marine environment accessed through Great Bay. There is also constant exchange between each habitat for feeding and reproduction and continuous movement of water and animals between the deep waters surrounding St. Maarten, the coral reefs, seagrass and mangrove areas. As the waters around St. Maarten are relatively shallow, without much exchange between coastal and deep-water currents, corals and other organisms on reefs are exposed to any terrestrial influences including: freshwater runoff, sedimentation, nutrients, etc.

Terrestrial Flora

Species diversity around the Great Salt Pond is low and typically only one species will form the canopy. The communities consist mainly of Sea Grape (*Coccoloba uvifera*), Button Wood (*Conocarpus erecta*), Flambeau or Blactorch (*Erithalis fruticosa*) and the Portia Tree (*Thespesia populnea*).

Mangroves

Around the Great Salt Pond four species of mangroves can be found; *Rhizophora mangle* (Red Mangrove), *Avicennia germinans* (Black Mangrove), *Laguncularia racemosa* (White Mangrove) and *Conocarpus erectus* (Buttonwood).

Terrestrial Fauna

Great Salt Pond is classified as an important breeding and nesting area for nesting birds, migratory birds, and seabirds. Its shoreline is home to Crabs, lizards including the endemic Anolis Pogus and a variety of invertebrates. (Consult the "The Incomplete Guide to the Wildlife of Saint Martin, Second Edition" for a more comprehensive overview of Sint Maarten's Fauna. (https://www.researchgate.net/publication/272791533_The_Incomplete_Guide_to_the_Wildlife_of_Saint_Martin)

Aquatic Fauna and Flora

Very little is known about the composition, distribution and density of aquatic fauna and flora in the Great Salt Pond wetland. The invasive tilapia or Nile perch (O. niloticus) seems to be the dominant fish in the wetland followed by Mullet and Tarpon, respectively. The same goes for the possible presence of algae.

4.7 Surface Soil[2]

The base of Pond Island consists of rocks from a nearby quarry and soil/rocks from an excavated hill. No soil tests have been carried out at the Irma Debris Site (IDS) however, subsequent to Hurricane Irma allot of waste was "dumped" at the location now known as the IDS site. To the west of the IDS separated by a "main" road the Municipal Solid Waste (MSW) Landfill is located. Even though the MSW landfill has been there for many more years there could be comparables/similarities of the surface soil. Surface soil tests at the MSW landfill indicated detectable concentrations of heavy metals, PCB, TPHs and dioxins/furans. The heavy metals identified above this assessments comparison criterion included arsenic, barium, cadmium, chromium, cobalt, chromium, copper, iron, lead and zinc. Of these heavy metals, elevated arsenic, copper and zinc were persistent in nearly all of the analyzed soil samples. Concentrations of heavy metals including arsenic, copper and zinc were noted in select samples above their commercial criteria and/or Dutch Target & Intervention Values.
The source of these constituents was attributed to a combination of runoff & ash deposition, ongoing discharges from commercial activities (i.e., leaking oils/grease from stored/dumped vehicles & equipment, along with the storage and recycling of metals in the general assessment area), runoff from

the adjoining Soualiga Road, the creation of the island using landfilled materials, and naturally occurring processes.

4.8 Great Salt Pond Surface Water Quality[2]

The Great Salt Pond is impacted by sewage runoff the from surrounding neighborhoods, and by runoff and seepage of uncontrolled leachate from the MSW Site located on Pond Island, in the middle of Great Salt Pond. The Pond also accepts stormwater runoff from the Irma Debris site (directly adjacent to the TDSR) as well as the surrounding areas, there are numerous inflow/outflow points where water can intermingle with adjacent bodies of water.

Surface water sampling of the Great Salt Pond contained detectable concentrations of aluminum, copper and iron, along with Total Dissolved Solids (TDS) and chlorides. The surface water samples also revealed high levels of total coliform bacteria and *E. coli* at levels too numerous/elevated for the laboratory to quantify. This suggests that sewage is being discharged into the Great Salt Pond. Based upon the testing results, baseline conditions within the Great Salt Pond suggest that the water quality may have a negative impact on flora and fauna within the pond and poses a potential health risk for human recreational and/or consumptive use.

4.9 Location specific

The TDSR site is located in Pond Island, in the close vicinity of the Irma Debris Site (IDS) and opposite the Municipal Solid Waste (MSW) disposal site. In the nearby vicinity (bordering to the west) of the TDSR there is a separate metal crushing facility. The IDS is situated directly towards the east if the TDSR. Towards the south of the access road to the TDSR the outer boundaries of a baseball/softball field (Little League Baseball/Softball field) start. There are other activities (i.e. garage(s); motor vehicle inspection center) situated further towards the west/south west on the other side of the "main" road however, these are not considered within a relevant distance (approximately 125 meters or more) of impact.

The location where the TDSR is intended to be located, is a vacant lot. The impacts on the surroundings may consist out of a number of impacts, described in the following chapter, such as incoming and outgoing traffic, noise, dust and gas emissions from vehicles, equipment and incinerators, during the project lifecycle. The community adjacent to the location, is the community in the Resettlement Area of Impact RAI, which will be relocated. A further description on the specific area's impacted by resettlement, are provided in the ESMP for the landfill management.

The remaining community on Pond fill Island may be affected by the aforementioned. A 200m radius is taken into account from the location of the TDSR, to the nearest residential dwelling.

The current waste picking activities occurring on the IDS is to be determined. Any impact of the project on the livelihood of persons involved in and dependent on waste picking activities and its mitigation measures, is further elaborated on in the ESMP for the Landfill management.

5. Potential Environmental and Social Risks and Impacts of the Project and their Management

5.1 Overview of Potential Risks and Impacts and proposed mitigation measures

The main environmental, community and occupational health and safety risks identified are:

- Pollution of soil, surface and/or ground water from potentially hazardous materials (household cleaners, oils, paints, flammables, insecticides, propane gas bottles, mercury thermometers and switches, electronics, appliances and batteries) that could spill while receiving, sorting, processing, and storing non-MSW debris;
- Potential livelihood disruption
- Impacts on worker safety from traffic and physical hazards related to equipment operation
- Air, noise, and dust emissions from operational equipment (including portable air curtain incinerator) and vehicles;
- Greenhouse emissions and odor produced from organic materials disposed at MSWS;
- Impacts on terrestrial traffic from the transport operations;
- Impacts of transport operations on the conditions of the public streets;
- Soil compaction and water infiltration reduction on TDSR site and roads.
- Potential of fire at the TDSR;
- Spread of vector diseases;
- Community risks due to air, soil & water possible pollution, spread of vectors, traffic increase and emergency situations.
- Increased environmental risks if activities are carried out during the Hurricane season (June-November)

To address these risks, the following mitigation measures are proposed:

- **Resource Efficiency, Pollution Prevention and Management, & Regulatory Compliance.** The Contractor shall implement procedures and policies that will: promote the sustainable use of resources, including energy, water and raw materials, avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from Project activities, and avoid or minimize generation of hazardous and non-hazardous waste in accordance with applicable legislation.
- **Traffic and Road Safety.** The Contractor shall be responsible for control of pedestrian and vehicular traffic in the services area. The Contractor shall provide all flag persons, signs, equipment, and other devices necessary to steer traffic away from response and recovery workers along the roadway. In addition, the Contractor shall take proper safety and health precautions to protect the work, the workers, the public, and the property of others.
- **Fire Suppression.** The Contractor shall be responsible for the management of the stockpiled debris to prevent and/or control potential fires. In addition, the Contractor shall be responsible for the operation of the onsite portable air curtain incinerator and the proper management of the ash residue.

- **Labor and Working Conditions.** No significant foreign labor influx is expected from the activities to be carried out; however, if a foreign contractor is hired, partnerships with national subcontractors will be encouraged. The Contractor shall implement procedures and policies that will promote safety and health at work. In addition, the Contractor shall promote the fair treatment, non-discrimination and equal opportunity of Project workers in accordance with Government of Sint Maarten Labour Legislation 02. Labour Agreement.
- **Vector Management.** The contractor shall manage stockpiled debris that can hold standing water and become vectors (mosquitos, flies, rats, etc.), and properly manage decommissioning site/storage yard so as to not create new breeding grounds for vectors. An impact of the debris on the environment and health is on the escalation of vector breeding sites in the aftermaths of Hurricane Irma. In response to this condition, the Ministry of Public Health, Social Development and Labor (VSA) is coordinating efforts to control the vector spreading mosquitoes breeding sites, and providing assistance to the communities to minimize vector population pre-disaster levels.

Livelihood disruption.

In accordance with OP4.12, any economic displacement will be assessed and mitigated through a livelihood restoration plan. The potential social impacts, specifically economic displacement and livelihood disruption, in the EDMP are associated with the Landfill project (which include the MSWS and the IDS). The TDSR project is not directly associated with social impacts, such as economic displacement and livelihood disruption. As such, the Landfill ESMP describes the aforementioned social impacts and its mitigation measures.

The TDSR project may result in a changing incoming waste stream at the IDS. Therefore, the Landfill ESMP and associated documents, such as the Resettlement Action Plan (RAP), will describe the mitigation measures to economic displacement and livelihood disruption. Livelihood disruption for waste pickers living inside the RAI, is addressed in the RAP and LRP. Currently, 24 individuals are identified in the RAI, who are involved in waste picking. A strategy has been developed for identifying waste pickers on the MSWS and IDS, that live outside of the RAI, in the Landfill ESMP.

For waste pickers living outside of the RAI, the mitigation measures will be added to the RAP, once these individuals are identified and the impacts assessed.

- Impacts related to land acquisition and resettlement, indigenous people and tangible cultural heritage are not potential risks for this Project. Land acquisition is not anticipated to be necessary for this Project.

5.2 Project Implementation Tasks Specific Measures

The Project will consist of five tasks. Environmental mitigation measures have been drafted according to each task. Note that they do not constitute an exhaustive list and it is expected that the Contractor will develop risk management strategies, controls etc. that suit the scale and nature of the finalized Project.

Project implementation tasks are:

1. Bidding Stage;
2. Project Preparation;
3. Receiving, Processing and Disposal of non-MSW debris

4. Project Closeout;
5. Monitoring and Review.

5.3 Bidding Stage – Procurement of Contractor

The following Environmental, Social, Health and Safety (ESHS) Conditions will be part of the bidding documents to ensure all the mitigation measures proposed in this ESMP are effectively implemented:

- Code of Conduct of Contractor and its Personnel
    - In addition, the Bidder shall submit an outline of how this Code of Conduct will be implemented. This will include: how it will be introduced into conditions of employment/engagement, what training will be provided, how it will be monitored and how the Contractor proposes to deal with any breaches. The minimum content of the CoC can be found in Annex 8.
- Mitigation measures to address EHS risks
- Past performance of the Contractor on OHS aspects including mitigation measures to avoid sexual exploitation and abuse and gender-based violence
- Contractor's EHS key personnel
- Performance Security
- Preliminary Contractor's Environmental and Social Management Plan (C-ESMP), including EHS procedures and implementation plan. Each of the above conditions is elaborated on in Annex 2, Table A-1.
- Covid-19 mitigation plan Bidders are to include, in the ESHS Management Strategies and Implementation Plans, the measures proposed to be implemented for the duration of the Contract to prevent or minimize the possibilities of an outbreak of COVID-19 amongst management, staff, (sub-) contractors and neighboring communities. See Annex 5 for Covid-19 Provisions for Procurement and Contracting.

5.4 Project Preparation

A pre-services meeting shall be arranged by VROMI and the Contractor to discuss the Terms of Reference (TOR). At this meeting, the Contractor shall be oriented with respect to Government procedures and line of authority, contractual, administrative, and services-related matters. The Contractor and VROMI will set up a communications system to ensure safety and protocols will be followed. In addition, the Contractor is responsible for obtaining all relevant local permits for the project operations. The NRPB will up a Grievance Redress Mechanism to address stakeholder concerns during Project implementation, see Annex 3.

Project preparation will also include the mobilization of the contractor and finalization of the following conditions/documentation by the Contractor and VROMI:

- Contractor's Environmental and Social Management Plan (C-ESMP)
- Obtaining of all applicable permits
- Perform public notification to residents of Pond Island as well as residents of Sint Maarten utilizing roadways on which dump trucks and vehicles associated with the TDSR travel.

- Establish work areas with suitable drainage and a containment infrastructure to prevent seepage and dispersion of potentially hazardous substances (ash, hazardous waste, HHW, and fuels) to the ground.
- Signage and/or fencing must clearly demark the boundaries of the TDSR, the facility shall be locked when not in-use, and public access must be restricted during the duration of the Project.
- TDSR and traffic pattern considerations and design;
- Design and implementation of traffic control, dust control, erosion control, stormwater management, fire protection, and on-site roadway maintenance and safety measures;
- As works are expected to be implemented during hurricane season, The Contractor shall establish a hurricane preparedness plan stipulating how debris, containers, and equipment will be safely stored during a hurricane

Each of the above conditions are summarized in Annex 2, Table A-2.

5.5 Site Preparation

The TDSR site will need to be prepared and set up considering the volume and composition of received materials, the use of equipment and machinery, traffic arrangements, workers safety, prevention of unauthorized access and environmental protection. Contractor responsibilities will include, but not be limited to, the following:

- Site will need to be cleaned out of any possible debris and waste.
- Three soil samples will be collected and analyzed for Al, Cu, Co, Fe, Cr(VI), Hg, Ni, Pb, Cd, Zn, As, Dioxins/Furans, PAHs, PCBs and VOC. The analysis results will set the baseline conditions of the TDSR site and will be compared against the closeout figures. Locations of where soil samples will be taken will be GEO tagged for future reference during site closeout.
- The Contractor shall secure the TDSR using a fence equipped with visual barriers and access will be controlled at the entry/exit points. The site must be secured during non-work hours.
- The ground will be sloped to facilitate drainage and runoff prevention. Rainwater runoff from adjacent plots will be diverted offsite, to avoid contamination risk.
- The ground shall be covered with an impermeable hard surface, that will prevent pollution seepage into soil and water.
- Rainwater and leachate will be collected and treated for heavy metal, sediment and oil/grease removal according to best technical means before directed in the sewage system or drain trenches.

5.6 Receiving, Processing, and Disposal of non-MSW debris

This phase includes provisions necessary to address potential impacts and risks to the areas surrounding the TDSR, and to human health. Processing and disposal activities will vary based upon the type of debris processed and the disposal option proposed by the contractor. The provisions will include:

- The Contractor will be expected to monitor for unauthorized access to the TDSR where work is being performed.
- The Contractor shall implement a debris transport practices that will avoid traffic and pedestrian obstructions. Immediate communication of the description and locations of any such obstructions shall be made by the Contractor to VROMI and Governmental agencies involved with this Project

- Work will be performed during normal business hours in order to minimize disturbance to residents in the vicinity of the TDSR.
- Flaggers shall direct entering dumps trucks to the comingling check point, truck scale, and offloading area to ensure and monitor potential cross contamination of debris.
- Contractor shall provide for weatherproof and secured storage areas for hazardous waste as to avoid contamination of air, soil, run off, ground or surface waters. Hazardous waste will be safely contained in designated and labelled barrels, tanks and/or containers for transportation to and disposal at a designated waste disposal facility.
- Contractor will provide containers (of sufficient size) for the non-burnable debris, steel, clean concrete, white goods, and tires; and all containers will be removed and replaced within 24 hours if being filled to avoid stockpiling of materials.
- Processing of white goods may consist of removing refrigerant, e-waste or putrescible waste. The Contractor will be responsible for the proper handling, disposal, and/or recycling of these materials.
- All workers handling asbestos debris must have training, personal protective equipment, and medical surveillance as prescribed by US OSHA29 CFR 1910.1001 or EU equivalent.
- The stockpiling of non-MSW debris at the TDSR can create ideal breeding grounds for vectors. The Contractor shall implement practices and procedures at the processing and storage areas to promote vector management and reduce potential health hazards
- Contractor shall provide portable air curtain incinerators for the reduction of burnable debris.
    - There is to be a minimum distance of 60 feet between the portable air curtain incinerator and the nearest debris piles.
    - There is to be a minimum distance of 300 feet between the portable air curtain incinerator and the nearest building.
    - The burn will be extinguished at least 4 hours before removal of the ash.
    - Contractor will establish temporary protected and guarded storage areas for the ash to reduce the potential for contamination of the soil and/or groundwater as well as to protect the safety of the TDSR workers.
    - The incinerator shall comply with Small Combustion Facilities Emissions Guidelines, as described in World Bank General ESHS Guideline. The limits are 50-150mg/m3 for Particulate Matter, 2000mg/m3 for SO2 and 650mg/m3 for NOx.
    - Contractor will establish an air monitoring program to measure air emissions originating from the portable air curtain incinerators. Emission will be tested bi-annually for SO2, NOx and PM.
- The Contractor shall include emergency preparedness, response training and procedures for terrestrial spill response activities which could potentially occur during the receiving and processing of non-MSW debris. Spill response control and countermeasures will vary based upon the constituent of concern, size and location of the release and should generally include the following:
    - Spills shall be collected and put into appropriate and labelled waste containers. Residues may be absorbed with "spill-dry" or a similar product and be disposed of by a sub-contractor qualified to handle such wastes and records must be retained for inspection.
    - Spills of over 10 gallons on an impervious surface must be reported to the field manager immediately.

- Spills on a pervious surface of any quantity must be reported to the field manager immediately.

- Fire Suppression control and response procedures shall be implemented by the Contractor to limit the potential of uncontrolled fires at the TDSR and ensure the safety of the onsite workers and surrounding community.
- The Contractor shall provide a provide a written plan for sale, recycling and/or disposal of clean Construction and demolition waste, metal, HHW, Other hazardous waste, white goods, and tires as part of the bid submittal process,, this plan must address all waste streams processed at the TDSR. Award of the contract is contingent upon government approval of this plan
- If materials are transported to other sites on island for sale, recycling and/or disposal, the Contractor shall ensure that the safeguards outlined in this ESMP are followed when working at offsite locations.
- Contractor shall ensure that off-site (on island or abroad) disposal/processing/recycling facilities are reputable and legitimate enterprises, approved/licensed by the relevant regulatory agencies and following good international industry practice (GIIP) for the waste being handled. GIIP to be adhered to include amongst other the Best Available Techniques (BAT) Reference Document for Waste Treatment Industrial Emissions (for more details refer to §3.3.2). Copies of permits, licenses and other relevant documentation will be presented by Contractor for NRPB's approval.
- The Contractor will be required to provide written confirmation that no safeguards policies, such as OP4.12, are triggered by their incoming waste at an off-site waste disposal site.
- Waste containers designated for off-site shipment should be secured and labeled with the contents and associated hazards, be properly loaded on the transport vehicles before leaving the site and be accompanied by a shipping paper that describes the load and its associated hazards.
- Offshore transportation of hazardous wastes and other wastes shall comply with the strict requirements of the Basel Convention (see §3.2), more specifically the Prior Informed Consent (PIC) procedure. The procedure is based on four key stages (1) notification; (2) consent and issuance of movement document; (3) transboundary movement; and (4) confirmation of disposal. For waste shipments to USA, similar requirements shall apply under the OECD Waste Agreement.
- Hauling of non-MSW debris to and from the TDSR location may contribute to traffic congestion. For the sake of efficiency, the Contractor will be required to take this into consideration when developing their work plan and operate within the scope of relevant legislation.
- Complaints from community members, such as residents, or businesses in the vicinity of the TDSR will be addressed using the community complaint and grievance system established though the NRPB.
- VROMI will supervise receiving, processing and disposal of non-MSW debris practices for potential environmental impacts as the Project progresses (please see Annex 2, Table A-3).

Based upon the above provisions, the potential ESHS risks of the Project have been assessed and presented in Annex 2, Table A-3 which are summarized below:

- Workers exposure to hazards associated with the Project activities
- Pollution Prevention Practices
- Spills
- Air, noise, and dust emissions
- Traffic and Road Safety
- Storage and handling of hazardous material

- Labor influx including child labor and gender-based violence
- TDSR Equipment Safety
- Fire Control and Suppression
- Incidents and Accidents
- Emergencies
- Community exposure to hazards (including vectors) associated with the Project works

Detailed measures for the above risks are developed following the World Bank Group Environmental Health and Safety Guidelines and Good International Industry Practice. The NRPB will insert Table A-3 as it is in the Technical Specifications of Bidding Documents, and the Contractor shall implement the mitigation measures as a condition of the Contract.

5.7 Project Closeout

Project closeout activities will be performed following conclusion of the TDSR project activities. Refer to Annex 2, Table A-4. Contractor responsibilities will include, but not be limited to, the following:

- Submittal of manifests of hazardous materials that were recycled and/or disposed of by the Contractor as well as listing of spill incidents.
- Restoration of the TDSR site to its pre-operational conditions
- Removing containers, equipment, trash, and debris remaining as a result of the subject operations
- Restoration of damaged pavement caused by operations, as well as the adjacent public road, if necessary
- Three soil samples will be collected and analyzed for Al, Cu, Co, Fe, Cr (VI), Hg, Ni, Pb, Cd, Zn, As, Dioxins/Furans, PAHs, PCBs and VOC. The analysis results will be compared against the baseline figures of soil samples collected during site preparation. If pollution is detected, then Contractor shall take actions to remediate the soil.
  Testing methodology is subject to NRPB approval and will in any case be in accordance with applicable standardized ASTM or US EPA (or comparable EU) analytical methodology.
- If applicable, final release of the TDSR site back to the owner and/or operator and termination of the Lease agreement between the Government or the Contractor and the Lessor and/or operator upon successful final inspection by the NRPB representative and Lessor.

As part of the Project Closeout process, outstanding complaints from residents or businesses in the vicinity of TDSR where work is taking place will be resolved using the GRM in place.

5.8 Supervision, Monitoring and Review

VROMI will be responsible for the supervision of the Contractor's work and reviewing activity logs, submittals, manifests, and reports. VROMI will also be responsible for performing inspections of TDSR as operations are being performed. The Contractor shall leave all work areas in a clean, neat and orderly condition satisfactory to VROMI.

VROMI will obtain an understanding of the Contractor's Project-specific HASP. The Contractor will provide VROMI with documentation of training, safety briefings, and toolbox meetings on a weekly basis. The Contractor will notify VROMI of accidents, incidents and/or spills immediately after they occur, with a summary reports to follow within 24 hours of the occurrence. The Emergency Debris Management Project

Manager will be responsible for approval or change of the site-specific environmental mitigation measures with review and recommendations of VROMI.

NRBP will manage the overall implementation of the ESMP of the Project, NRBP's Environmental Specialist will monitor VROMI, the Contractor to ensure all parties comply with the mitigation measures indicated in the ESMP, along with the monitoring indicators and frequency defined in Annex 3.

NRPB will prepare periodic monitoring reports on the status of implementation of ESMP with inputs from VROMI and the Contractor, and will be submitted to World Bank for its review and feedback. Details of these reports and their content are given in Annex 2, A-6**.**

6. Project Implementation Arrangements and Capacity Building

6.1 Institutional Arrangements for Project Implementation

For the activity of a landfill, as indicated in the relevant legislation, the "Hindrance Ordinance2015 GT 139", a Hindrance Permit is required.

Based on efficiency it might be effective to separate the TDSR/IDS and MSW Landfill and have 2 (two) separate Hindrance Permits requested.

The foreseeable challenge would be that this would be an effective tool if a third party managed the separate sites as if government would be responsible, they would not be able to enforce and/or sanction themselves.

The NRPB will be responsible for the overall management, supervision, and execution. VROMI will act as the Supervisor of the Contractor that will manage and monitor the day to day activities under the contract.

The NRPB will also appoint its Environmental and Social Safeguards Officers to help manage the ESMP for the Project.

The Emergency Debris Management Project Manager will supervise the implementation of the ESMP based on the advice from the Safeguards Officers and recommendations of the CRVROMI . The Emergency Debris Management Project Manager will be responsible for approval or change of the site-specific environmental mitigation measures with review and recommendations of VROMI.

The Contractor shall engage an ESHS Specialist, who will be responsible for implementing the Contractors' environmental, social, health and safety responsibilities and compliance, such as the implementation of the ESMP and the C-ESMP. This expert shall be on island during works implementation and operational phase. Minimum requirements are a Bachelor's degree in Engineering, Environmental Management, Occupational Health & Safety, or similar, with 5 years' experience in supporting comparable projects in a similar position.

Table 6-1 Roles and Responsibilities of Project Responsible Entities

RESPONSIBLE ENTITY	POSITION	RESPONSIBILITIES
NRPB	**Emergency Debris Management Program- and (EDMP) Project Manager**	Submittal and Scheduling Authority Supervise the implementation of the ESMP responsible for approval or change of the site-specific environmental mitigation measures with review and recommendations of VROMI.
VROMI	**Site Supervisor**	Health, Safety and Environment (HS&E); Transportation; Non-MSW debris receiving, processing, and disposal; Communication responsible for monitoring, and reviewing Contractor's activity logs, in will manage and monitor the day to day activities under the contract
NRPB	**Environmental Safeguards Specialist**	ESMP/ Best Management Practices (BMP) Enforcement, Inspections
NRPB	**Social Safeguards Specialist**	Collaborating with resettlement team to address any resettlement impacts induced by EDMP, ESMP/ Best Management Practices (BMP) Enforcement, Inspections
NRPB	**Community Engagement Specialist**	Liaison for project affected persons, specifically those impacted by physical and/or economic displacement.
Contractor	**EHS Key personnel**	EHS contractor compliance/ Oversight

***** TBD - To Be Determined

Institutional arrangements for ESMP implementation of the Project are given in **Figure 6.1**:

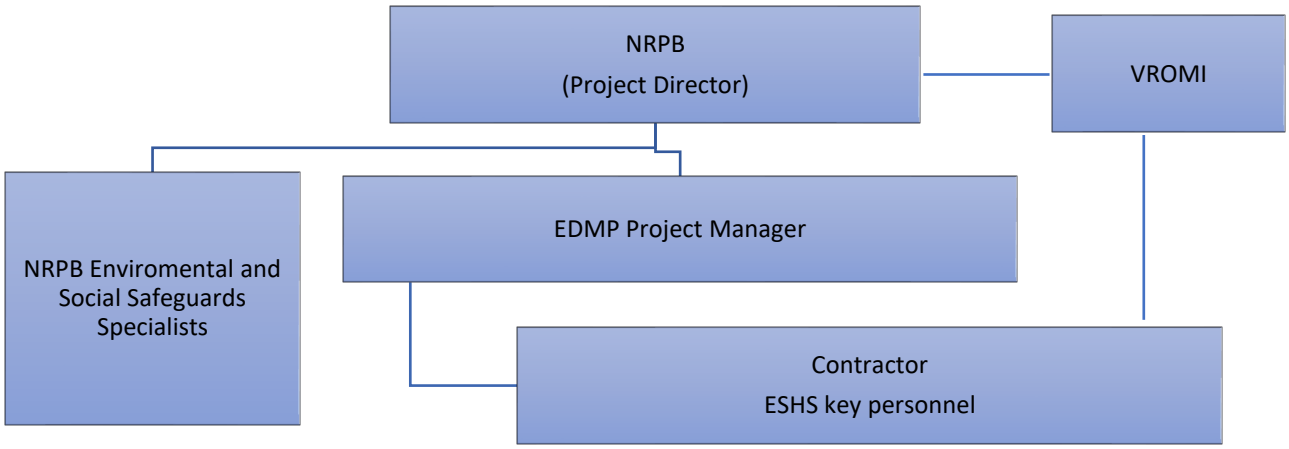

Figure 6-1: Organogram for the Management of Project's Environmental Mitigation Measures

Roles and responsibilities of relevant Project staff in environmental and social management of the Project are given in **Table 6-2**:

Table 6-2: Roles and Responsibilities in the Environmental and Social Management of the Project

Staff	Responsibilities
NRPB Environmental and Social Safeguards Specialists	• Assist the NRPB Emergency Debris Management Program (EDMP) Project Manager in drafting the Environmental, Social, Health and Safety requirements in the bidding and contract documents in accordance with the ESMP; integrating the ESMP into contract documents. • Assist the NRPB Emergency Debris Management Program (EDMP) Project Manager in review and approval of the various documents prepared by the contractor such as C-ESMP, code of conduct, labor procedures, job hazard analysis, monitoring reports, and so on. • Supervise the contractor's work to ensure compliance with the environmental, social, health and safety requirements of the bidding documents and ESMP. Provide recommendations for implementation of corrective actions for any non-compliances and suggest improvements for contractor's performance. • Report to the World Bank incidents related to environmental, social and health aspects. Approve ~~the~~ root cause analysis report and corrective measures proposed by the Contractor. • Carry out regular consultations with the stakeholders. • Prepare quarterly progress reports on the implementation of the ESMP for transmission to the World Bank throughout the Project implementation period.
NRPB Community Engagement Specialist	• Draft a Community Engagement Consultation Plan; • Execute community relations strategies to determine appropriate levels of community participation and awareness; • Serve as a present and readily available first point of contact for community should there be questions, concerns, suggestions, problems, etc.;

Staff	Responsibilities
	• Develop and deliver key communication messages to convey complex topics clearly and concisely. Messages must be aligned with approved project implementation documents and NRPBs vision and core values; • Plan, coordinate, and facilitate (formal and informal) public meetings, hearings, open houses, focus groups, workshops, and other possible stakeholder meetings; • Provide recommendations regarding community engagement planning and implementation, best practices, and other strategies to support positive community relationships and promote inclusion; • Prepare various material for internal and external use, including issue briefing documents, reports, updates, messaging and talking points, coordinate meetings with relevant community stakeholders; • Serves as primary point of contact for affected public and stakeholders. Regularly visits impacted properties in-person, serves on a " hotline" and responds to incoming calls related to subject matter and inquiries in a timely manner.
ESHS Specialist of the Contractor	• Review the risks as per the ESMP and subsequently draft the Contractors Environmental and Social Management Plan (C-ESMP) with site-specific management plans on: Waste management, Pollution prevention and control, Labor influx, Water supply and sanitation of the work areas, Traffic management, Occupational health and safety and emergency response. The Plan will be submitted for NRPB approval. • Implement all mitigation measures to address the actual environmental and social risks and impacts as described in the C-ESMP and Contractor's site-specific management plans. • Implement the environmental monitoring plan of the C-ESMP. • Carry out a job hazard assessment for each worksite to assess the potential hazards and implement mitigation measures to minimize risks. • Report to VROMI/NRPB any ESHS related incidents. Carry out root cause analysis for all major incidents and recommend actions to be taken to rectify the actions that led to these incidents. • Conduct toolbox training to the laborers on health and safety risks of the Project works. • Prepare monthly reports on C-ESMP implementation.
VROMI	• Supervise ESHS compliance of Contractor. • Reviews investigation(s) and reports (to NRPB) on all incidents related to environmental, social and health aspects. Carry out root cause analysis for all major incidents, and recommended actions to be taken to rectify the failure that led to these incidents. • Provide guidance to the contractor on implementation of ESHS aspects and provide training to the contractor's staff. • Review Contractor's ESMP and advise NRPB on compliance. • Review Contractor's monthly ESHS Reports and advise NRPB on compliance. • Carry out regular site inspections to ensure ESHS compliance in workplaces.

7. Stakeholder Engagement and Information Disclosure

7.1 Project Stakeholders

The Project has a broad range of stakeholders, who directly or indirectly are being affected by the remediation activities. These stakeholders are broadly categorized into the following categories:

Residents

- Potential residential properties located in the vicinity of the TDSR (potentially affected residents are the residents remaining in the community on Pondfill Island, after resettlement of the RAI).

Environmental & Nature Organizations

- The Nature Foundation of Sint Maarten (Nature Foundation), Environmental Protection In the Caribbean (EPIC), Sint Maarten Pride Foundation

Government Entities

- NRPB
- Ministry VROMI
- Ministry of VSA
- Ministry of TEATT
- Ministry of Justice

Commercial Businesses

- Potential commercial business owners and patrons located in the vicinity of the TDSR.
- Recycling Companies
- Waste Management Companies
- Utilities Companies
- Telecommunications Companies

7.2 Stakeholder Engagement Plan (SEP)

- During the preparation of this ESMP, the document was shared with formal implementing partners and previously identified stakeholders via email for their comments and feedback. Comments and feedback received, in so far determined to be relevant, are consolidated into the latest version of the ESMP which will be disclosed on the NRPB website.
- Throughout the implementation stages of the Project, engagement of stakeholders will be promoted through:
    - Publishing and broadcasting the details and progress of the Project on the NRPB Website, the NRPB Facebook page, the NRPB LinkedIn page, local newspaper and radio channel(s).
    - NRPB Grievance Redress Mechanism, opened to the public to receive feedback and grievances on the Project.
- A link to the updated ESMP was published on the NRPB's Website, Facebook and LinkedIn pages to seek feedback from the Public during a period of 10 (ten) days, namely from the 26th of March until the 8th of April, 2021.

- Following the Covid-19 developments on island and the government's measures to prevent further spread of the virus, the NRPB's policy is to limit in person group meetings where possible. Additional in person meetings to consult on the ESMP is not feasible at the particular moment. Hence the consultation on the ESMP was conducted virtually. All identified stakeholders listed above, communicate digitally and can be reached through virtual means of consultation.

  Individuals potentially affected by resettlement, are consulted in person on a collective – and individual basis.

- Further details on the stakeholder engagement and a copy of the communication that was sent to the stakeholders, is reflected in Annex 4.

Results of public consultation

No feedback has been received during the abovementioned period of time.

Throughout the implementation stages of the Project, engagement of stakeholders will be promoted through:

- Publishing and broadcasting the details and progress of the Project on the NRPB Website, the NRPB Facebook page, the NRPB LinkedIn page, local newspaper and radio channel(s).
- NRPB Grievance Redress Mechanism, opened to the public to receive feedback and grievances on the Project

7.3 Grievance Redress Mechanism

The NRPB has established a Grievance Redress Mechanism (GRM) to address stakeholders concerns throughout Project implementation. The Contractor will address minor concerns and complaints which are brought under their attention and which can be resolved on the spot. The Contractor will report to the Supervisor immediately, in the event a complaint from individuals or businesses within the community is submitted. The Supervisor will subsequently consult NRPB on the next steps to be undertaken in the complaint procedure in accordance with the GRM. This includes complaints that cannot be resolved on the spot and complaints that involve SH/SEA/GBV. Please see Annex 3 for details. The GRM is accessible via the following link: Complaints Procedure – National Recovery Program Bureau (nrpbsxm.org).

Grievances from workers will be handled by the Contractor through the Contractor's approved GRM for labor complaints and are reported in accordance with the reporting and monitoring requirements stipulated in this ESMP. In the event the complaint contains a SH/SEA/GBV component, the Contractor will report to the Supervisor immediately, who will consult with the NRPB on the next steps.

7.4 Access to Information

Draft version of the ESMP will be publicly disclosed through the NRPB website and social media:

www.nrpbsxm.org

www.facebook.com/sxmnationalrecovery

www.linkedin.com/company/sxmnationalrecovery/

The final version of the ESMP will be available on the NRPB's website. Stakeholders will be informed about the availability of the ESMP on the website. Regular progress on the Project implementation will be shared through NRPB news bulletins.

7.5 Specific engagement and consultation regarding resettlement induced by the MSW Landfill

The community which will be impacted by TDSR related activities is for the most part the same community which will be impacted as part of the proposed landfill management activities. A separate ESMP and SEP is created for the project induced resettlement of the MSW landfill community. As such, the activities regarding the MSW landfill are part of an ongoing public consultation process.

Consultations on the project and the required resettlement with the community members living in the vicinity of MSW, have been initiated in December 2018 and continued until February 2019. In February 2019, an additional round of meetings in English and Spanish was held with residents to further discuss their resettlement preferences and to give them opportunities to ask additional questions.

After the Resettlement Area of Impact was defined, the project carried out the primary social baseline data collection. Data collection was based on a socioeconomic census survey and three focus group discussions. The socioeconomic census was carried out in 15 days from 17 to 29 November 2020. The objective of the socioeconomic survey was to obtain socioeconomic data at the household and business levels, identify how livelihoods would be affected and the types and value of livelihood restoration support for which the PAPs would be eligible. Three Focus Group Discussions (FGDS) were conducted from 5 to 6 February 2021, with the following target groups: women, elderly residents, and young people between the age of 19 and 23. The sessions focused on obtaining additional, qualitative information on the residents' views on living in the RAI, daily routines and travel routes, and perceptions and concerns about the Project.

From 5 May to 2 June 2021, the project conducted group consultations and individual consultations/negotiations with the objectives of disclosing the entitlement matrix to the PAPs and conducting individual meetings with PAPs to disclose and explain their compensation packages.

Based on feedback received during the February 2021 Focus Group Discussions, the project continuously provided updates and information to the community through WhatsApp broadcasting and also engaging with PAPs individually. A WhatsApp broadcast list was created by NRPB. Given that not all PAPs have access to smartphones or WhatsApp, the project engaged with individuals by phone or SMS. In addition, the project installed a billboard in the proximity of the RAI, there is a mailbox attached to the billboard where community members can leave messages/complaints to NRPB.

Annex 1 Details of Applicable Government Regulations

The following is a list of the ordinances, policies and decrees related to environmental protection that may be relevant to this Project:

- National Ordinance containing regulations for Nature Management and Protection: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142263/142263_2.html
- National Decree containing general measures for Nature Management and Protection: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207435/207435_1.html
- Eindrapport Milieunormen Nederlandse Antillen 2007: http://www.dcbd.nl/document/eindrapport-milieunormen-nederlandse-antillen-lucht-geluid-water-afvalwater-afval
- National Hinderance Ordinance: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208542/208542_2.html
- Hinderance National Decree: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208543/208543_1.html
- Waste Water National Ordinance: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208544/208544_3.html
- Waste National Ordinance: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208510/208510_2.html
- National Ordinance on Maritime Management: https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142339/142339_2.html
- General Police Ordinance https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/207087/207087_1.html
- Traffic Ordinance https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207068/207068_2.html
- Link to government page to download the Hillside and Beach Policy: http://www.sintmaartengov.org/government/VROMI/Pages/Ministry-Policies-and-Reports.aspx

A 1.1 Applicable Policies, Legislations and Regulations of Government of Sint Maarten

Sint Maarten, previously part of the Dutch Antilles, became an autonomous territory within the Kingdom of the Netherlands on October 10, 2010. Sint Maarten has full autonomy for internal affairs including the environmental legislation, the Dutch government being responsible for defense and foreign affairs.

According to Article 22 of the 'Constitution of the Country of Sint Maarten,' It shall be the constant concern of the government of Sint Maarten to keep the country habitable and to protect and improve the natural environment and the welfare of animals.

The government is strongly committed to sustainable development and the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (Ministry VROMI) is working towards the preparation of draft legislation on (i) environmental policy and management plan, (ii) nature policy plan, (ii) establish noise, air and water quality norms, and (iv) develop standard environmental regulations to include permits.

The government has some existing policies and regulations on the management of waste and labor issues. These regulations and their applicability to the Project are discussed in the following sections.

A 1.1.1 Waste Ordinance, 1993

Sint Maarten Waste Ordinance of February 23, 1993, provides regulations regarding the collection and disposal of residential waste, bulky wastes, liquid wastes, commercial waste, car wrecks and other categories of waste. The government is responsible for the collection of wastes generated from residential sites and dispose of it in the government operated landfill site in the island.

Collection of the waste generated from the commercial activities and its disposal in the government's landfill site is the responsibility of the owners of the commercial enterprises. The wastes generated during the proposed activities of the Project will also fall under the category of commercial waste. The Ordinance provides the following key actions for management of commercial waste:

I. Those who produce commercial waste must bring it to the government indicated dumpsite on a regular basis and at their own expense.
II. They are authorized to place a third party in charge of this.
III. The Minister establishes regulations regarding the days, times and manner in which commercial waste can be collected and transported.
IV. It is forbidden to throw, put down or leave behind trash or remnants of provisions, paper, cans, bottles or another packaging on or by the road that is open to the public or a place nearby.
V. Violation of one of the prohibitions as determined by this Ordinance and failure to uphold one of the obligations as established by this Ordinance is punished by imprisonment for a maximum of two months or a maximum monetary fine of Netherlands Antillean Guilder (ANG) 1,000.
VI. If as the violation or the failure to uphold the obligation takes place not a year as passed since an earlier conviction of the guilty party for a similar violation became irrevocable or since the voluntary compliance with a condition as set by the authorized civil servant of the Public Prosecutor on the basis of Article 76 of the Criminal Code of the Netherlands Antilles, the maximum term of imprisonment or monetary fine for sentencing can be doubled.

A 1.1.2 The Labor Regulations 2000

The Labor Regulation 2000 describe provisions concerning the work-times, periods of rest, overtime, nightshift, standby shift, holidays, prohibition of child labor, the prohibition of night work and dangerous work for youths. A copy of the regulations can be obtained from the GoSM website.[3]

According to this regulation, Children under the age of 15 years are prohibited from working, whether or not in exchange for wages of compensation.

The regulations also propose some restriction on the labor involving youth. Boys and girls who have reached the age of 15 years but still not the age of 18 years are considered 'youthful persons' under this regulation. The restrictions towards youth labor are:

- It is prohibited for youthful persons to perform night work (between 7.00 p.m. and 7.00 a.m.), whether or not in exchange for wages or compensation.
- It is prohibited for youthful persons to perform dangerous work. The definition of 'danger' does mean not only danger as in being killed or wounded but also other kinds of danger to their health, like poisoning or contamination. For instance, youthful persons are not allowed to perform work where they have to,
    - make use of a pneumatic drop stamp or compacting beam;
    - carry or lift heavy loads frequently;
    - operate a concrete mixer with mechanic hoisting gear, circular saws and bending- and shearing machines;
    - operate cranes, platform hoists, fork-lift trucks and tractors;
    - nurse or care for patients who are infected with an infectious disease.

The head or director of an enterprise has an obligation to report occupational injuries to the Department of Labor and the police among others. The injuries should be reported as soon as possible, but no later than 24 hours. For the reporting of injuries, but also other labor-safety matters, the following should be contacted:

- Department of Labor/safety Inspection, Vineyard Building, W. G. Buncamper Road, Third Floor, Philipsburg | Sint Maarten, W.I., Phone: +1-721-5422059/5422079

The contractors to be procured under the Project will be responsible for complying with the Labor Regulations.

A 1.1.3 National HIV and AIDS Workplace Policy

The purpose of this policy is to ensure a uniform and fair approach to the effective prevention of new HIV infections among employees, their families and dependents, and provide social protection within the workplace to employees directly impacted by HIV. The principles of the policy are aligned to the International Labour Organization (ILO) Code of practice on HIV/AIDS and Recommendation No. 200 concerning HIV and AIDS and the World of Work and include the recognition of HIV as a workplace issue, non-discrimination in employment, no screening, no forced disclosure, protection of confidentiality, social dialogue, gender equality, HIV prevention, treatment, care and support measures as critical components for addressing the epidemic in the workplace.

[3] Website on Labour Regulations of GoSM:
http://www.sintmaartengov.org/government/VSA/labour/Pages/Labour-Legislation.aspx

The contractors to be procured under the Project will be responsible for complying with the National HIV and AIDS Workplace Policy.

A 1.2 Relevant Administrative Framework

A 1.2.1 Ministry of VROMI

The Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI) is responsible within the GoSM for all affairs related to environmental with an intention to provide good quality of life for the citizens of Sint Maarten. Tasks of VROMI relevant to environmental management are:

- Garbage collection management;
- Sanitary landfill management;
- Maintenance of public areas;
- Districts, roads, beaches, upkeep management;
- Management of public lighting (streets);
- Public parking areas;
- Surface drainage works (trenches);
- Water management (ponds);
- Part of disaster response team for logistical support;
- Management of sewage facilities and network;

The Ministry issues the permits for construction of any new infrastructure and buildings; and dredging and excavation activities.

The 'Department of Inspection' in the VROMI is responsible for the inspection and control of activities within the sphere of domain land, building, environment and work safety to safeguard environmentally responsible, structured and safe living and work surroundings for the public.

A 1.2.2 Ministry of VSA

The Ministry of VSA is charged with health and prevention of public health risks via the Department of Collective Preventive Services and safeguarding proper execution of the diverse labor laws via the Inspectorate of VSA. The Department of Labor Affairs is charged with the tasks in the area of policies on labor. The Department of Labor Affairs has the following tasks:

- Formulating policy memorandums and recommendations and making proposals for the development, adjustment, monitoring and implementation of national policy concerning labor and the policy in the area of safety and labor inspection;
- Preparing, implementing and monitoring the national legislation concerning labor and monitoring the compliance with this legislation;
- Promoting international, social and labor affairs, such as the relationship with the International Labor Organization

The Department of Labor Affairs is the executing division of the Ministry of VSA, and is tasked with monitoring and settling complaints deriving from labor agreements between employers and employees, handling requests for dismissals and for work permits.

A 1.3 Permits and Responsibilities

TDSR operations shall be completed in general accordance with the following:

- Scrap Metal Recycling https://www.osha.gov/SLTC/recycling/recycling_scrap_metal.html
- Environmental Compliance Manual for Automotive Recyclers Florida Environmental Compliance Manual for Automotive Recyclers - Hazardous Waste - Waste Management - Florida DEP (ccar-greenlink.org) (Florida Department of Environmental Protection & Florida Auto Dismantlers and Recyclers Association)
- Debris Reduction, Recycling and Disposal https://www.osha.gov/SLTC/etools/hurricane/debris.html#index

The Contractor shall be responsible for all damages to persons or property that occur as a result of the Contractor's negligence or fault and shall take proper safety and health precautions to protect the work, the workers, the public, and the property of others. In addition, the contractor shall implement "common sense" occupational safety and health practices in accordance with the applicable World Bank Group and the Government of Sint Maarten guidelines.

The Contractor shall be responsible for all materials delivered and work performed until Project completion and acceptance of the entire scope of work.

Inspection by the Contracting Authority Representative (CR) - The CR) will inspect the collection and decommissioning operations when in-progress and at any time deemed appropriate by the CR.

A 1.4 World Bank Group's Environmental, Health and Safety Guidelines (EHSGs)

The World Bank Groups Environmental, Health, and Safety (EHS) Guidelines are technical reference documents with general and industry specific examples of Good International Industry Practice (GIIP). EHS Guidelines are applied as required by their respective policies and standards. The EHS Guidelines contain the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable costs. Application of the EHS Guidelines to existing facilities may involve the establishment of site-specific targets, with an appropriate timetable for achieving them. The applicability of the EHS Guidelines should be tailored to the hazards and risks established for each Project on the basis of the results of an environmental assessment in which site-specific variables, such as host country context, assimilative capacity of the environment, and other Project factors, are taken into account. The applicability of specific technical recommendations should be based on the professional opinion of qualified and experienced persons. When host country regulations differ from the levels and measures presented in the EHS Guidelines, Projects are expected to achieve whichever is more stringent. If less stringent levels or measures than those provided in the EHS Guidelines are appropriate, in view of specific Project circumstances, a full and detailed justification for any proposed alternatives is needed as part of the site-specific environmental assessment. This justification should demonstrate that the choice for any alternate performance levels is protective of human health and the environment.

Effective management of environmental, health, and safety (EHS) issues entails the inclusion of EHS considerations in an organized, hierarchical approach that includes the following steps:

- Identifying EHS Project hazards and associated risks as early as possible in the facility development or Project cycle,

- Involving EHS professionals, who have the experience, competence, and training necessary to assess and manage EHS impacts and risks and carry out specialized environmental management functions including the preparation of Project or activity-specific plans and procedures that incorporate the technical recommendations presented in this document that are relevant to the Project.
- Understanding the likelihood and magnitude of EHS risks, based on:
    - The nature of the Project activities, such as whether the Project will generate significant quantities of emissions or effluents, or involve hazardous materials or processes;
    - The potential consequences to workers, nearby communities, or the environment if hazards are not adequately managed, which may depend on the proximity of Project activities to people or to the environmental resources on which they depend.
- Prioritizing risk management strategies with the objective of achieving an overall reduction of risk to human health and the environment, focusing on the prevention of irreversible and / or significant impacts.
- Favoring strategies that eliminate the cause of the hazard at its source, for example, by selecting less hazardous materials or processes that avoid the need for EHS controls.
- When impact avoidance is not feasible, incorporating engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences, for example, with the application of pollution controls to reduce the levels of emitted contaminants to workers or environments.
- Preparing workers and nearby communities to respond to accidents, including providing technical and financial resources to effectively and safely control such events, and restoring workplace and community environments to a safe and healthy condition.
- Improving EHS performance through a combination of ongoing monitoring of facility performance and effective accountability.

A 1.4.1 Sectoral guidelines applicable to the Project: Waste Management

These guidelines apply to Projects that generate, store, or handle any quantity of waste across a range of industry sectors. Waste materials should be treated and disposed of and all measures should be taken to avoid potential impacts to human health and the environment. Selected management approaches should be consistent with the characteristics of the waste and local regulations, and may include one or more of the following:

- On-site or off-site biological, chemical, or physical treatment of the waste material to render it nonhazardous prior to final disposal
- Treatment or disposal at permitted facilities specially designed to receive the waste. Examples include: composting operations for organic non-hazardous wastes; properly designed, permitted and operated landfills or (air curtain) incinerators designed for the respective type of waste; or other methods known to be effective in the safe, final disposal of waste materials such as bioremediation.

Hazardous Waste Management - Hazardous wastes should always be segregated from non-hazardous wastes. If generation of hazardous waste cannot be prevented through the implementation of the above general waste management practices, its management should focus on the prevention of harm to health, safety, and the environment, according to the following additional principles:

- Understanding potential impacts and risks associated with the management of any generated hazardous waste during its complete life cycle
- Ensuring that contractors handling, treating, and disposing of hazardous waste are reputable and legitimate enterprises, licensed by the relevant regulatory agencies and following good international industry practice for the waste being handled
- Ensuring compliance with applicable local and international regulations.

Waste Storage - Hazardous waste should be stored so as to prevent or control accidental releases to air, soil, and water resources in area location where:

- Waste is stored in a manner that prevents the commingling or contact between incompatible wastes and allows for inspection between containers to monitor leaks or spills. Examples include sufficient space between incompatibles or physical separation such as walls or containment curbs
- Store in closed containers away from direct sunlight, wind and rain
- Secondary containment systems should be constructed with materials appropriate for the wastes being contained and adequate to prevent loss to the environment
- Secondary containment is included wherever liquid wastes are stored in volumes greater than 220 liters. The available volume of secondary containment should be at least 110 percent of the largest storage container, or 25 percent of the total storage capacity (whichever is greater), in that specific location
- Provide adequate ventilation where volatile wastes are stored.

Hazardous waste storage activities should also be subject to special management actions, conducted by employees who have received specific training in handling and storage of hazardous wastes:

- Provision of readily available information on chemical compatibility to employees, including labeling each container to identify its contents
- Limiting access to hazardous waste storage areas to employees who have received proper training
- Clearly identifying (label) and demarcating the area, including documentation of its location on a facility map or site plan
- Conducting periodic inspections of waste storage areas and documenting the findings
- Preparing and implementing spill response and emergency plans to address their accidental release (additional information on Emergency Plans in provided in Section 3 of this document)
- Avoiding underground storage tanks and underground piping of hazardous waste

Transportation On-site and Off-site transportation of waste should be conducted so as to prevent or minimize spills, releases, and exposures to employees and the public. All waste containers designated for off-site shipment should be secured and labeled with the contents and associated hazards, be properly loaded on the transport vehicles before leaving the site, and be accompanied by a shipping paper (i.e., manifest) that describes the load and its associated hazards, consistent with the guidance provided in Section 3.4on the Transport of Hazardous Materials.

Monitoring - Monitoring activities associated with the management of hazardous and non-hazardous waste should include:

- Regular visual inspection of all waste storage collection and storage areas for evidence of accidental releases and to verify that wastes are properly labeled and stored. When significant quantities of hazardous wastes are generated and stored on site, monitoring activities should include:
    - Inspection of vessels for leaks, drips or other indications of loss
    - Identification of cracks, corrosion, or damage to tanks, protective equipment, or floors
    - Verification of locks, emergency valves, and other safety devices for easy operation (lubricating if required and employing the practice of keeping locks and safety equipment in standby position when the area is not occupied)
    - Checking the operability of emergency systems
    - Documenting results of testing for integrity, emissions, or monitoring stations (air, soil vapor, or groundwater)
    - Documenting any changes to the storage facility, and any significant changes in the quantity of materials in storage
- Regular audits of waste segregation and collection practices
- Tracking of waste generation trends by type and amount of waste generated, preferably by facility departments
- Characterizing waste at the beginning of generation of a new waste stream, and periodically documenting the characteristics and proper management of the waste, especially hazardous wastes
- Keeping manifests or other records that document the amount of waste generated and its destination
- Periodic auditing of third-party treatment, and disposal services including re-use and recycling facilities when significant quantities of hazardous wastes are managed by third parties. Whenever possible, audits should include site visits to the treatment storage and disposal location
- Regular monitoring of groundwater quality in cases of Hazardous Waste on site storage and/or pre-treatment disposal.
- Monitoring records for hazardous waste collected, stored, or shipped should include:
    - Name and identification number of the material(s)composing the hazardous waste
    - Physical state (i.e., solid, liquid, gaseous or a combination of one, or more, of these)
    - Quantity (e.g., kilograms or liters and number of containers)
    - Waste shipment tracking documentation to include, quantity and type, date dispatched, date transported, and date received, record of the originator, the receiver and the transporter
    - Method and date of storing, repacking, treating, or disposing at the facility, cross-referenced to specific manifest document numbers applicable to the hazardous waste
    - Location of each item of hazardous waste within the facility, and the quantity at each location

Annex 2 Specific Mitigation Measures for Each Project Activity

Table A-1: ESHS Conditions in the Bidding Documents

#	Condition	The rationale for inclusion of this Condition in the Contract	Specifications to be included in the Bidding Documents	Responsibility		Estimated Cost ($)
				Bidders	NRPB	
1	Past performance of the Contractor on ESHS is one of the eligibility criteria for the shortlisting process	The contractor's past performance on compliance with ESHS is an indicator on contractor's commitment and capability for implementation of the ESMP	The Bidder shall "declare any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, or social (including sexual exploitation and abuse (SEA) and gender-based violence (GBV)), or health or safety requirements or safeguard in the past five years	Bidder Will Make the Declaration	NRPB uses this information to seek further information or clarifications in carrying out its due diligence	Included
2	Contractor shall propose an ESHS Specialist in his team	The Contractor's staff should include an ESHS specialist who is responsible for implementation of all mitigation measures on ESHS risks and compliance with ESMP	The Bidder shall propose an Environmental, Social, Health and Safety (ESHS) Specialist as the Contractor's Key Personnel at the Site. The Bidder shall provide details of the proposed ESHS specialist including qualifications and work experience. The specialist shall at a minimum have: a bachelor's degree in Engineering, Environmental Management, Occupational Health & Safety, or similar, with 5 years' experience in supporting comparable projects in a similar position.	The bidder will submit the CV of proposed ESHS Specialist	NRPB will review and approve	75000 per year

#	Condition	The rationale for inclusion of this Condition in the Contract	Specifications to be included in the Bidding Documents	Responsibility		Estimated Cost ($)
				Bidders	NRPB	
			This expert shall be stationed on island during works implementation phase.			
3	Contractor shall submit ESHS Performance Security for compliance with ESHS obligations	The Contractor should have a financial implication if he could not comply with ESHS requirements. Hence performance security will be collected from the contractor	The Bidder shall submit the ESHS Performance Security in the form of a "demand guarantee" in the amount of one percent (1%) of the Contract Amount.	The bidder will submit the performance security		5000
4	Implement Mitigation Measures to Address Project Related Impacts given in Table A-3	The mitigation measures to address potential ESHS risks and impacts should be included in the bidding documents. The contractor shall be made responsible for implementation of the mitigation measures through the	NRPB will include Table A-3 of the ESMP in the General Specifications of the Bidding Document, and the reference to these tables will be provided in the Conditions of the Contract as follows: • The Contractor shall implement the mitigation and monitoring measures given in Table A-3 of the ESMP to address ESHS risks associated with the Project works. The Consultant shall refer to the ESMP of the Project, which is available on the NRPB website, for further guidance.		NRPB will include this condition in the bidding document	140000 per year (sum of overheads)

#	Condition	The rationale for inclusion of this Condition in the Contract	Specifications to be included in the Bidding Documents	Responsibility		Estimated Cost ($)
				Bidders	NRPB	
		necessary conditions in the contract.	• The Contractor shall comply with the World Bank Group's General Environmental Health and Safety Guidelines			
5	Payments for implementation of ESHS Mitigation and Monitoring Measures	The proposed measures to address ESHS risks are mainly related to workplace safety. Hence the cost of implementing the ESHS requirements shall be covered by Bidder's rates for the relevant works, and no separate payment will be made.	The cost of the delivering the ESHS requirements shall be a subsidiary obligation of the Contractor covered under the prices quoted for other Bill of Quantity items. No separate payments will be made for implementation of ESHS requirements.		NRPB will include this in the general specifications of the bid document	Included
6	Code of Conduct for Contractor's Personnel	All workers hired by the Contractor should sign a code of conduct to ensure compliance with ESHS obligations of the Contract	The Bidder shall submit the Code of Conduct that will apply to the Contractor's employees and subcontractors. The Code of Conduct will state that the workers will comply with the following ESHS requirements (see also Annex 8): • Wearing of PPEs at all times in the workplace • Non-discrimination in dealing with the community	Bidder Shall submit code of Conduct with the bid documents		Included

#	Condition	The rationale for inclusion of this Condition in the Contract	Specifications to be included in the Bidding Documents	Responsibility		Estimated Cost ($)
				Bidders	NRPB	
			including by race, ethnicity, gender, religion, disability, sexual orientation, gender identity, social, or health status • Respectful attitude while interacting with the community • Prohibit sexual harassment • Prohibit violence, including sexual and/ or gender - based violence • Respecting the reasonable work instructions • Protection of and Proposer use of the property			
7	Contractor's Management Strategies and Implementation Plans (MSIP) to manage the ESHS Risk	The Contractor proposal should include his understanding of the ESHS requirements of the Project and the proposed strategies to manage the ESHS risks	The Bidder shall submit Management Strategies and Implementation Plans (MSIP) to manage the following key ESHS risks: • Strategy for the protection of workers and community from the Project related hazards • Strategy to avoid spread of vectors, specifically to avoid the spread of mosquito borne diseases, such as Dengue and Zika. • Pollution prevention (wastewater, air, noise, and dust emissions) and management	The bidder will submit MSIP along with the Bid Documents		25000

#	Condition	The rationale for inclusion of this Condition in the Contract	Specifications to be included in the Bidding Documents	Responsibility		Estimated Cost ($)
				Bidders	NRPB	
			• A waste management plan for proper collection and disposal of wastes • Traffic management plan to ensure the safety of communities from Project-generated traffic • Hazardous material management plan safe storage, handling, processing • Strategy to address labor influx impacts on the communities, if applicable • A grievance redress mechanism to address worker complaints and to refer community complaints to NRPB's GRM • Gender-based violence and sexual exploitation and abuse prevention and response action plan • Emergency response plan and early warning system The Contractor shall be subsequently required to submit (before mobilization) Contractor's Environment and Social Management Plan (C-ESMP), by the above strategies and Condition 4 of this table.			

#	Condition	The rationale for inclusion of this Condition in the Contract	Specifications to be included in the Bidding Documents	Responsibility		Estimated Cost ($)
				Bidders	NRPB	
8	Hurricane Preparedness Plan	The Contractor must outline how non-MSW debris, containers, and equipment will be secured to prevent damage to private possessions and environment in the case of a hurricane	The Bidder shall submit a Hurricane Preparedness Plan that is specific to the proposed means of operations.	The Bidder will submit		20000
9	COVID Preparedness Plan	The Contractor must implement and enforce all the current COVID-19 safety and health legislation and directives of the government of Sint Maarten.	The Bidder shall submit a COVID Preparedness Plan that is specific to the proposed means of operations	The Bidder will Submit		20000 per year
*Included (Inc.) may refer to inclusion of cost under another mitigation measure or as part of standard operation practices.						

Table A-2: ESHS Conditions in the Project Preparation Stage

#	Condition	The rationale for the inclusion of this Condition	Description of the Condition	Responsibility	
				Implementation	Supervision
1	Preparation of Contractor's Environmental and Social Management Plan (C-ESMP)	The Contractor shall submit site-specific management plans to address ESHS risks following the ESMP requirements and MSIP proposed in the bid documents.	The Contractor shall be required to submit for approval, and subsequently implement, the Contractor's Environment and Social Management Plan (C-ESMP). The C-ESMP should be submitted prior to the commencement of any Project works, and no activities will be carried out under the Project until approval of the C-ESMP. The C-ESMP will include the following site-specific information and management plans as applicable: • Occupational health and safety management plan • Community health and safety management plan, including pest management • Screening sites used for storage and decommissioning, on and off-island • Waste Management Plan • Wastewater discharges management plan • Air and noise emissions management plan • Hazardous material management and spill control plan • Vector management plan (see Annex 7) • Water supply and sanitation management at the worksites and workers' accommodations • Management of labor influx and facilities for the foreign workers • Labor recruitment procedures and labor management • Traffic management plan related to entry and exits points of the TDSR • Training plan for ESHS risks including HIV/AIDS, sexual exploitation and abuse, and gender-based violence • Emergency Response Plan • Fire Control and Suppression Plan • Hurricane Preparedness Plan • Grievance Redress Mechanism • Demobilization plan after completion of works	The contractor will submit this plan and review and update it every 3 (three) months.	NRPB Safeguards Team and Project Manager will review and approve. Failure to comply with C-ESMP work or obligation may lead to withholding of the payment until the work or obligation has been performed.

#	Condition	The rationale for the inclusion of this Condition	Description of the Condition	Responsibility	
				Implementation	Supervision
			• An environmental screening, outline of impacts and proposed mitigation measures		
2	Mobilization of ESHS Specialist	The ESHS Specialist should be mobilised at this stage for preparation of C-ESMP	The Contractor shall submit the CV of ESHS Specialist for NRPB review and approval. The ESHS Specialist should be present throughout the entire Project duration	Contractor	NRPB
3	Permits for disposal all of commercial and hazardous waste	Government permits are required for disposal of commercial and hazardous wastes generated from the Project activities.	Contractor shall obtain all necessary permits from VROMI or other relevant government entities on island or abroad for the disposal of all commercial and hazardous waste, when applicable	Contractor	NRPB
4	Traffic Pattern Design	TDSR entrance and exit areas will be designed to facilitate traffic flow and reduce air and dust emissions	The contractor shall design and manage traffic flow to facilitate efficient operation of the TDSR as well as to reduce pollutants. The contractor shall design and manage traffic flow to ensure the workplace safety of the TDSR personnel.	Contractor	NRPB
5	TDSR layout design	Specific debris temporary storage areas will be designated within the TDSR to avoid potential comingling and hazardous conditions	The contractor shall design and manage TDSR debris temporary storage areas to avoid potential comingling and hazardous conditions. The contractor shall design debris storage areas to reduce potential risk of hazardous conditions to the TDSR personnel.	Contractor	NRPB
6	The hiring of Laborers	Government of Sint Maarten Labor Legislation 02. Labor Agreement sets out the standards for working conditions and management of workers' relationships.	The Contractor will implement labor management procedures following the national labor regulations for the hiring of workers. The procedures include terms and conditions of employment including hours of work, wages, overtime, compensation and benefits, holidays, leaves, and so on. The Contractor will set out measures to prevent and address harassment, intimidation and/or exploitation.	Contractor	NRPB

#	Condition	The rationale for the inclusion of this Condition	Description of the Condition	Responsibility	
				Implementation	Supervision
7	Off-site disposal of material, including waste	Contractor has a responsibility to ensure that no physical or economic displacement (OP4.12) is triggered due to incoming material at an off-site processing facility.	Off-site processing – or waste management facilities used by the Contractor, will be operating in accordance with applicable certifications and permits. The Contractor will provide a letter confirming to the NRPB that there will be no land acquisition and/or resettlement impacts, as per OP4.12, at any of the sites where they will be operating or at any of the sites where material will be transported to.	Contractor	NRPB
8	Security Personnel	Contractor has a responsibility to ensure proper hiring, training, rules of conduct, and supervision of private security personnel (single guard or night watchman).	Contractor shall be guided by the Good Practice Note: "*Assessing and Managing the Risks and Impacts of the Use of Security Personnel*"; Contractor shall have a policy to perform preemployment screening for all guards. At a minimum, these checks should include police records,certificates of good conduct as well as checks with former employers; Use-of-Force Training shall be provided to personnel. Training should emphasize avoidance of unlawful or abusive behavior. This training should clearly define abusive behavior in relation to proper behavior and point out sanctions; Use of force restraint and caution must be exercised; Contractor must ensure that all employees are provided with the appropriate training and equipment to undertake their responsibilities.		

Table A-3: Receiving, Processing, and Disposal of non-MSW debris

#	Activity / Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility		Estimated Cost ($)
					Impleme-ntation	Super-vision	
1	Pollution Prevention Practices	a) Establish work areas with suitable drainage and containment infrastructure to minimize stormwater and wash water runoff. b) Provide weatherproof and secured storage areas for hazardous waste and ash residue to avoid contamination of air, soil, run off, ground or surface waters	TDSR	Project Requirement	Contractor	NRPB	a. 48000 b. 5000 c. Inc. d. 5000 e. 5000 f. 20000/y g. 140000

#	Activity / Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility		Estimated Cost ($)
					Impleme-ntation	Super-vision	
		c) Separate non-MSW into designated categories to avoid comingling d) Provide secondary containment as needed for HHW and other hazardous and/or petroleum substances (when encountered) e) Hazardous fluids spill containment and removal practices. Spill kits provided in all debris/work areas f) Utilize dust and other fine particle control measures g) The ground shall be covered with an impermeable hard surface, that will prevent pollution seepage into soil and water. h) Before works commencement and after closeout, three soil samples will be collected and analyzed for heavy metals, Dioxins/Furans, PAHs, PCBs and VOC. i) Rainwater and leachate will be collected and treated for heavy metal, sediment and oil/grease removal					h. 2000 per sample i. 15000
2	Vector Control Practices	a) Implement practices and procedures at the processing and storage areas to promote vector management b) Avoid stockpiling of non-MSW debris by replacing containers within 24 hours of being filled c) Promote the use of biological or environmental control methods and reduce reliance on synthetic chemical pesticides. d) Select and apply pesticides, when they have to be used, in a way that minimizes adverse effects on beneficial organisms, humans, and the environment. e) Applied pesticides must have negligible adverse human health effects, be effective against the target species and minimal effect on nontarget species and the natural environment. f) Any pesticides that will be handled, stored, disposed of, and applied for vector control shall comply with the minimum standards described in Chapter 3. g) For developing the Vector Control sub-Plan, contractor	TDSR	Project Requirement	Contractor	NRPB	a. 5000/y b. Inc. c. Inc. d. 5000/y e. Inc. f. Inc.

#	Activity / Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility		Estimated Cost ($)
					Impleme-ntation	Super-vision	
		shall refer to the Pest Management Guideline (see Annex 7)					
3	Fire Control and Suppression	a) Avoid stockpiling of non-MSW debris by replacing containers within 24 hours of being filled b) Ensure a minimum distance of 60 feet between the portable air curtain incinerator and the nearest debris piles. There is to be a minimum distance of 300*, ** feet between the portable air curtain incinerator and the nearest building c) Allow at least 4 hours before ash residue is removed from the portable air curtain incinerator * Derived from EPA and Florida Fire Prevention & Protection guidelines ** For air curtain incinerators with vertical refractory-lined walls and with forced under draft air https://www.epa.gov/sites/production/files/2017-12/documents/chapter-62-256-2017.pdf https://library.municode.com/fl/dunnellon/codes/code_of_ordinances?nodeId=SPAGEOR_CH30FIPRPR_ARTIIOPBU_S30-34PR	TDSR	Project Requirement	Contractor	NRPB	a. 3000/y b. Inc. c. Inc.
4	Sanitation and Disposal for Project workers	a) Proper availability of drinking water and sanitation facilities should be ensured for workers. The facilities include temporary toilets, suitable collection & disposal system for domestic refuse	TDSR	Project Requirement	Contractor	NRPB	10000 per year
5	Water Conservation (Loss of water	a) The contractor will minimize wastage of water in TDSR operations. b) No ground water withdrawal will be permitted for operational activities	TDSR	Project Requirement and legal requirement	Contractor	NRPB	Inc.

#	Activity / Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility		Estimated Cost ($)
					Impleme-ntation	Super-vision	
	resource)						
6	Emission from operational Vehicles, equipment and machinery (Air Pollution) and dust emissions	a) All vehicles, equipment and machinery (including portable air curtain incinerator) used for operations shall be regularly maintained to ensure that pollution emission levels comply with the relevant requirements of Sint Maarten Vehicle Standards. b) The contractor shall utilize a water truck as needed to mitigate fugitive dust and ash emissions	TDSR	Project Requirement	Contractor	NRPB	40000 per year
7	Noise levels from vehicles, plants and equipment. (Health & Safety)	a) The machinery and equipment used in the Project shall strictly conform to the Sint Maarten Vehicle Standards. b) Maintenance of vehicles, equipment and machinery shall take place regularly to keep noise from these at a minimum. c) Workers shall wear appropriate (PPE) safety gear in vicinity of loud operations. d) Use of heavy noise producing equipment and operations are not be allowed in the night time. Their operation will be allowed only in the daytime. If urgently required, noise protection covering should be provided	TDSR	Project Requirement	Contractor	NRPB	Included
8	Risk from operations (Safety)	a) The contractor is required to comply with all the precautions as required for the safety of the workmen as per the International Labor Organization (ILO) Convention No. 62 as far as those are applicable to this contract. b) The contractor shall supply all necessary Personal Protective Equipment (PPE) safety appliances such as but not limited to safety goggles, helmets, masks, etc., to the workers and staff.	TDSR	Project Requirement	Contractor	NRPB	a. Inc. b. 4000/y c. Inc.

#	Activity / Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility		Estimated Cost ($)
					Impleme-ntation	Super-vision	
		c) The contractor shall comply with all regulations regarding safe operation of the portable air curtain incinerator.					
9	Risk from Electrical Equipment (Occupational Health & Safety)	a) Adequate precautions will be taken to prevent danger from electrical equipment, including generators b) No material will be so stacked or placed as to cause danger or inconvenience to any person or the public. c) All necessary arrangement on fencing and lights will be provided to protect the public. d) All machines to be used in the TDSR operations will conform to the relevant Standards and codes; will be free from patent defect; willbe kept in good working order, will be regularly inspected & maintained as per IS provisions. e) Contractor shall check all electrical cords, cables, and hand power tools for frayed or exposed cords and following manufacturer recommendations for the maximum permitted operating voltage of the portable hand tools.	TDSR	Project Requirement	Contractor	NRPB	a. Inc. b. Inc. c. 3000 d. Inc. e. 5000/y
10	Risk Hazardous Activity (Occupational Health & Safety)	a) All workers employed at the TDSR will be provided with suitable protective gear, including but not limited to: gloves, protective footwear and protective goggles. b) Workers designated for handling of asbestos containing materials must be trained in accordance with US OSHA requirements or EU equivalent. Workers must be provided suitable protective gear, including but not limited to, respirators, protective googles, disposable coveralls, and boots. c) The use of any herbicide/pesticide or other toxic chemical shall be strictly in accordance with the manufacturer's instructions (MSDS). d) The NRPB shall be given at least 6 working days' notice of the proposed use of any herbicide/pesticide or toxic chemicals.	TDSR	Project Requirement and legal requirement	Prospective Contractor	NRPB	a. Inc. b. 10000 c. Inc. d. Inc. e. Inc.

#	Activity / Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility		Estimated Cost ($)
					Impleme-ntation	Super-vision	
		e) Inventory of all herbicide/pesticide or toxic chemicals delivered to the site shall be kept and maintained up to date by the contractor.					
11	Risk Force Majeure (Environmental emergency)	All reasonable precaution will be taken to prevent danger of the workers and public from fire, flood, etc. All necessary steps will be taken for prompt first aid treatment of all injuries likely to be sustained during the course of action.	TDSR	Project Requirement	Contractor	NRPB	20000
12	Record of Incidents and Accidents	The Contractor shall investigate all incidents related to the environment (e.g. oil spills, pollution events), social (e.g. gender-based violence, the non-function of GRM, etc.), and OHS (e.g. injuries). Contractor shall carry out an investigation for all significant incidents to understand the root causes of those incidents. Contractor shall submit a detailed incident report for significant incidents and workplace injuries to the Department of Labour and the NRPB.	TDSR	Project Requirement	Contractor	NRPB	a. 2000 b. 5000
13	First Aid (Health and Safety)	At every workplace, a readily available first aid unit including an adequate and well-maintained supply of sterilized dressing materials and appliances will be provided	TDSR	Project Requirement	Contractor	NRPB	3000
14	Potable Water (Occupational Health)	a) In every workplace at suitable and easily accessible places, sufficient supply of portable water will be maintained. b) If the drinking water is obtained from intermittent public water supply then, storage tanks will be provided. c) All water supply storage shall be at a distance of not less than 15m, from any latrine, drain or other source of pollution.	TDSR	Project Requirement	Contractor	NRPB	10000/y

#	Activity / Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility		Estimated Cost ($)
					Impleme-ntation	Super-vision	
15	Continued community consultation during Project activities	The NRPB will have continued interaction with the community in the Project area to ensure that Project activities are not causing undue inconvenience to neighboring communities due to noise, dust, traffic, etc.	TDSR and surroundin g area	Project Requirement	Environment al and Social Safeguards Officer?	NRPB	4000/y

*Included (Inc.) may refer to inclusion of cost under another mitigation measure or as part of standard operation practices.

Table A-4: Project Closeout

#	Environmental Impact/Issue	Mitigation Measures	Location	Reference to Contract Document	Responsibility	
					Implementation	Supervision
1	Community consultation	The prospective contractor will have continued interaction with population in the Project area to ensure that operational activities are not causing undue inconvenience to the neighboring communities residing in the vicinity of operations due to noise, dust, traffic, etc.	TDSR and surrounding area	Project Requirement	Prospective Contractor	NRPB
2	TDSR	Restoration of the TDSR site to its pre-operational conditions	TDSR	Project Requirement	Prospective Contractor	NRPB
3	Disposal Manifest	Submission and tracking all disposal manifests	TDSR	Project Requirement	Prospective Contractor	NRPB
4	Equipment	Verify demobilization of TDSR equipment.	TDSR	Project Requirement	Prospective Contractor	NRPB
5	Final inspection	Inspection and Release by VROMI and NRPB	TDSR	Project Requirement	Prospective Contractor	NRPB

Table A-5: ESHS Monitoring Plan

(Note: NRPB will include this Table in the Contract Specifications of the Bidding Documents)

#	Monitoring Parameter/ Activity	Means of Monitoring	Compliance indicator/ threshold limits	Frequency	Responsible Agency	
					Implementation	Supervision
1	Controls for workplace hazards	Visual inspection to ensure controls for workplace hazards are in place	Implementation of Control Measures specified in the Job Hazard Analysis Reports	Monthly	Contractor	NRPB
2	Workers are trained on ESHS Risks and Code of Conduct	Inspection of training records and interviews with the workers	100 percent of workers are to be trained	Monthly	Contractor	NRPB
3	Workers trained on providing First Aid.	Inspection of training records and interviews with the workers	A minimum of two workers will be trained (preferably more). Training certificates must be valid. At least one worker trained in First Aid is required to be on site during operation hours at all times.	Monthly	Contractor	NRPB
3	Use of PPE by staff	Visual inspection on use of relevant PPEs	100 percent use of PPE	Monthly	Contractor	NRPB
4	Licensed equipment operators and vehicle drivers	Visual inspection of driving licenses	All operators and drivers shall have valid licenses relevant for the equipment and vehicles to be operated	Monthly	Contractor	NRPB
5	Water and sanitation facilities at worksites	Visual inspection and interviews	Availability of safe drinking water and sanitation facilities	Monthly	Contractor	NRPB
6	Water and sanitation facilities at workers' residences	Visual inspection and interviews	Availability of safe drinking water and sanitation facilities, and adequate kitchen supplies	Monthly	Contractor	NRPB
7	Cleanliness at worksites and residences	Visual inspection	Worksites shall be clean, and free of litter, debris or run-off	Monthly	Contractor	NRPB
8	First Aid Kits on transport vehicles and work areas	Visual inspection and interviews	All worksites and worker's residences shall have adequate first aid kits which are restocked as needed.	Monthly	Contractor	NRPB
9	Grievances from labor	Records of grievances registered and resolved.	All grievances shall be addressed within 15 days of complaint.	Monthly	Contractor	NRPB

#	Monitoring Parameter/ Activity	Means of Monitoring	Compliance indicator/ threshold limits	Frequency	Responsible Agency	
					Implementation	Supervision
10	Air pollution	a) Visual inspection of equipment/vehicle exhausts and records of vehicle maintenance where applicable b) Establish an air monitoring program to measure air emissions originating from the portable air curtain incinerator	All equipment and vehicles shall be maintained as per manufacturers recommendations	Monthly	Contractor	NRPB
11	Noise and vibration	Visual inspection of noise control measures	Controls measures shall be in place for high noise generating equipment	Monthly	Contractor	NRPB
12	Wastewater discharges	Visual inspection of wastewater discharges	All wastewater shall be directed to the sewerage (wastewater treatment) facility where possible, or stored in suitable facilities (holding tanks) and subsequently transported to the appropriate facility by a licensed operator.	Monthly	Contractor	NRPB
13	Waste Management	Waste management as per the approved plan	Facilities are kept clean, waste collection and disposal facilities are in place.	Monthly	Contractor	NRPB
14	Traffic Safety	Visual inspection for traffic management	The smooth flowing of traffic; and placement of traffic signs and flag-person	Monthly	Contractor	NRPB
15	HHW, ash residue, and other hazardous material storage and handling	Visual Inspection of storage facilities	No leakages from the containers in the storage. Handling follows procedures to avoid spillages.	Monthly	Contractor	NRPB
16	Emergency Response Mechanism	Visual inspection	Fire extinguishers are in place at all work sites. Emergency routes are displayed.	Monthly	Contractor	NRPB

#	Monitoring Parameter/ Activity	Means of Monitoring	Compliance indicator/ threshold limits	Frequency	Responsible Agency	
					Implementation	Supervision
17	Restoration of Work Sites	Visual Inspection	The facilities are clean with no waste at the works sites	Monthly	Contractor	NRPB

Table A-6: ESMP Monitoring and Compliance Reports

#	Title of the Report	Contents of the Report	The frequency of Report Preparation	Report to be prepared by
1.	ESHS Monitoring Report	Compliance status of the Project with the environmental and social mitigation and monitoring measures. Furthermore, the report also covers: • environmental incidents; • health and safety incidents, • health and safety supervision: • Usage of PPEs by workers • worker accommodations for foreign workers – highlights of inspection • Training conducted, and workers participated • Workers grievances • Community grievances	Monthly	Contractor
2	ESMP Monitoring Report	Compliance status of overall Project with ESMP requirements	Quarterly	NRPB
3	Incident and Accident Reports	Incident investigation reports for all major incidents covering details of the incident, root cause analysis, and actions taken to address the future recurrence of this event. Major incidents include, amongst others, serious health and safety incidents and complaints with a GBV component.	Initial investigation report within 24 hours Detailed Investigation Report within ten days	Contractor

Annex 3 Grievance Mechanism of the NRPB

COMPLAINTS PROCEDURE - NATIONAL RECOVERY PROGRAM BUREAU

Introduction

Complaints are a valuable source of feedback and a valuable tool for organizational development. Diligent and prompt attention to complaints can help identify the needs of persons that encounter the National Recovery Program Bureau, understand the shortcomings, increase satisfaction and improve overall performance of the staff of the Bureau.[4]

This objective of this complaint procedure is to ensure that the National Recovery Program Bureau handles complaints fairly, efficiently and effectively. The Bureau aims to provide quick and effective resolution to concerns and complaints.

Our complaint procedure intents to:

1) enable us to respond to complaints in a timely and cost-effective way
2) boost public confidence in our work and administrative processes, and
3) provide information on complaints to enhance and give a quality impulse to our products and services.

What is a complaint?

A complaint is a written formal expression of dissatisfaction made to or about our services, products or staff. Requests for information, service requests and reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response are to be distinguished from complaints.

This procedure applies to complaints filed against the staff at all levels within the Bureau. In case of doubt, the complaint officer will get in contact to clarify the merits of the request, report or complaint.[5]

A complaint cannot be filed if:

you already filed a complaint about the same service, product or staff at the Bureau, or a complaint has been filed at the Ombudsman

1. the service, product or staff that caused the grievance took place over a year ago
2. there is a different way or procedure to address your grievances, for example through an appeals procedure based on a formal decision of government

[4] Until the National Ordinance on the Bureau is in effect, complaints will be handled by the Interim Recovery Committee under the responsibility of the Minister of General Affairs.

[5] A service request includes, but is not limited to: requests for approval, requests for action, routine inquiries on planning or state of affairs, reports of failure to comply with laws regulated by the Bureau, requests for explanation of policies, procedures and decisions.

3. the complaint should be addressed to a different entity within government, the Bureau will send the complaint to the right entity
4. your complaint is part of a court case, or part of a criminal investigation by the Public Prosecutor
5. your complaint does not address the products, service, or conduct by our staff
6. your complaints is about personal and general conduct of one of the staff members of the Bureau that is not directly related to a provided service

A complaint should be done by filling the online form provided below:

https://goo.gl/forms/9qMpmJeLf0sTuaUk2

Complaints can also be sent via email to complaints@nrpbsxm.org with "Complaint [name] Project'' in the title of the e-mail. For example, "complaint Emergency Recovery Project I".

In the case that the person does not have access to internet or does not wish to submit an online form:

A complaint can be done in person at the address below. In such case the person will be asked to fill out a form that will contain the following information:

- personal and contact information: name, address, phone number, email address
- date
- merits and nature of the complaint: what happened, when it happened, who was involved
- the consequences of the occurrence: damage, or other grievance

Complaints can be addressed to:

National Recovery Program Bureau
#57 Walter A. Nisbeth Road
Philipsburg
Sint Maarten

Are there costs involved?

No, filing a complaint is free of charge.

Who is handling your complaint?

A complaint officer together with the legal counsel to the Bureau is handling your complaint. [6] [7]

This way it is ensured that the person handling the complaint is different from any staff member whose conduct or service is related to the complaint. Conflicts of interests, whether actual or perceived, will be managed responsibly.

How will the complaint be addressed?

Process:

Receipt

[6] Until the NRPB is established and both a complaint officer and a legal counselor are appointed, the majority of the complaints will be handled by the IRC´s legal advisors with support from the office assistant and other relevant teams. In some cases, this may also involve the assistance of Judicial Affairs.

[7] In the case that the complaint is related to the Director of the NRPB, it will be handled by the Cabinet of the Prime Minister.

We will acknowledge receipt of each complaint promptly, and preferably **within 5 working days**. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint. The complaint officers and legal counsel will consider any relevant legislation and/or regulations when responding to complaints and feedback.

Where possible, complaints will be resolved at first contact with the Bureau. We will address each complaint with integrity and in an equitable, objective and unbiased manner.

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

1. the contact information of the person making a complaint
2. issues raised by the person making a complaint and the outcome/s they want
3. any other relevant and
4. any additional support the person making a complaint requires

We will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by the Bureau as permitted under the relevant privacy Ordinance (*National Ordinance on the Protection of Privacy*), and any relevant confidentiality obligations.

Complaints filed against the Director of the Bureau, will be handled outside the Bureau, by the Ministry of General Affairs, to ensure an independent procedure.

Initial assessment

Complaining is free of charge. After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

We will advise the complaintive as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Addressing the complaint

After the initial assessment of the complaint, we will consider how to address it. **Within 6 weeks, the complaint will be addressed**. Only in complex cases, this period can be extended. The complaintive will be informed accordingly.

If a person prefers or needs another person or organization to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

When determining how a complaint will be addressed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is/has been affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organizations

To address a complaint, we may:

1. Give the person making a complaint information or an explanation
2. Gather information from the product, person or area that the complaint is about, or 3. Investigate the claims made in the complaint.

Notably:

- We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case.
- We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.
- We will assess and prioritize complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.
- When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group, if the parties agree to this.
- Where a complaint involves multiple organizations, we will work with the other organization/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.
- Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organized to facilitate a timely response to the complaint.
- Where a complaint involves multiple areas within our organization, responsibility for communicating with the person making the complaint and/or their representative will be coordinated.

Provide reasons for decision

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

1. the outcome of the complaint and any action we took
2. the reason/s for our decision
3. the remedy or resolution/s that we have proposed or put in place, and
4. any options for review that may be available to the complainant, such as filing a complaint at the National Ombudsman

If during an investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Landsverordening Bescherming Persoonsgegevens (National Ordinance on the Protection of Privacy)* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

Close complaint and follow up

After addressing the complaint and informing the complaintive (including options for review if the complaint is not addressed to the satisfactory of the complaintive) we close the complaint.

We will keep comprehensive records about:

1. How we managed the complaint
2. The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
3. Any outstanding actions that need to be followed up.

4. We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling officer and/or senior management.
5. We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis in an aggregated and anonymous form. Those records are kept for a maximum duration in accordance with the law.

Regular reports will be run on:

1. the number of complaints received
2. the outcome of complaints, including matters resolved at the frontline
3. issues arising from complaints
4. systemic issues identified, and

   the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our services and make improvements. Both reports and their analysis will be provided to the Bureau's senior management for review. Any information provided on the complaints at the Bureau to Parliament will be anonymous.

Annex 4 Preparation and Results of the Stakeholder Consultation

Public consultation on the Environmental and Social Management Plan

TDSR National Recovery Program Bureau

Date: 26th of March until 8th of April 2021

Place: Consultation took place digitally due to the restriction of gatherings in light of the Covid19-pandemic

Objective

Gather input and feedback from stakeholders on planned the Temporary Debris Storage and Reduction Project and this ESMP.

Expected result

Input and feedback from the participating stakeholders on the proposed TDSR Project and the mitigation measures proposed in the ESMP. Feedback gathered from stakeholder consultation will be used to finalize the **ESMP.**

Participants consulted

General public through the NPRB website and social media (LinkedIn, Facebook).

Targeted stakeholders via email addresses of the respective individuals and entities.

Preparations

Consultations took place digitally in light of the restrictions related to the COVID-19 Pandemic and as a general precautionary measure. Contact information of the stakeholders to be targeted directly were gathered. Text for Public Consultation via email, website and social media was drafted in coordination with the NRPB Communications Department.

Consultation

The following text was sent out to Stakeholders who were directly targeted via email: "Dear Stakeholder,

Attached to this email you will find the Draft Environmental and Social Management Plan (ESMP) for the National Recovery Program Bureau's (NRPB) Temporary Debris Storage and Reduction Site of the Emergency Debris Management Project (EDMP).

An ESMP is an environmental and social safeguards instrument which provides the standard set of mitigation, monitoring, and institutional measures to be taken during project implementation and operation to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels.

Why are you receiving this email?
The NRPB would now like to invite you to review the Draft ESMP for the Temporary Debris Storage and Reduction Site of the EDMP project.

The establishment of a Temporary Debris Storage and Reduction Site (TDSR) has been recommended to accomplish the following objectives:

- *Reduce amount of material currently landfilled through waste separation, recycling, and portable air curtain incineration;*
- *Discontinue future landfilling of vegetative debris therefore reducing the potential for uncontrolled fires;*
- *Facilitate recycling of materials that could be reused (specifically tires, glass, metal and clean concrete which could be sold and/or reused with potential financial gains); and*
- *Separate hazardous materials that should be disposed of properly or recycled.*

The objective of this public consultation period is to ensure that all affected parties are informed and able to express their perspectives. This ensures that relevant concerns and potential impacts of the project are taken into account. As a direct stakeholder, we especially want to hear your concerns, if any, and this email is thus being sent to facilitate your access to the attached draft Environmental and Social Management Plan (ESMP).

What is needed from you?
We appreciate your feedback on this Plan! If you could please review the document and send your suggestions to us via ***info@nrpbsxm.org*** *by April 8th, 2021 we can make sure to consider these comments in the preparation of the final document. The document can also be found on our website:* ***https://nrpbsxm.org/wp-content/uploads/2021/03/ESMP-TDSR.pdf.***

Thank you for your contributions to reviewing the Environmental and Social Management Plan (ESMP).

To learn more about the NRPB and the Emergency Debris Management Project please visit the webpages https://nrpbsxm.org/about-nrpb/ and https://nrpbsxm.org/edmp/

The following text was posted on the NRPB's Website and Social Media Pages: "Call for feedback to the Environmental and Social Management Plan (ESMP) for the Temporary Debris Storage and Reduction Site and Wrecked Metal Removal Activity!

An ESMP is an environmental and social safeguards instrument. It provides a set of mitigation and monitoring measures to be taken during a project's implementation and operation. This helps to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. With your feedback, we aim to ensure that affected parties are informed of these processes and are able to express thoughts and perspectives. This allows all concerns and potential impacts to be considered. Let us know what you think by April 8th, 2021 via info@nrpbsxm.org.

The links to the ESMPs:

Temporary Debris Storage and Reduction Site: https://bit.ly/3ubTUin

Wrecked Metal Removal Activity: https://bit.ly/39v63Hr"

www.facebook.com/sxmnationalrecovery

www.linkedin.com/company/sxmnationalrecovery/

Table 7-1: Stakeholders targeted for Consultation

Name	Agency/ Organization	Function
Government Entities		
Miguel de Weever	Ministry TEATT	Secretary-General
Mark Williams	Ministry VROMI	Staff Bureau/Focal Point
Kurt Ruan	Ministry VROMI	Acting Secretary-General
Carmelita Rombley	Ministry of Justice	Focal point
Clive Richardson	Fire Department	Fire chief
Hensley Plantijn	Ministry of General Affairs	Secretary-General
Joy Arnell	Ministry of VSA	Secretary-General
Francetta Schoe	Ministry of VSA	Staff Bureau/Focal Point
Shermina Powell-Richardson	Ministry of Education, Culture, Youth, Sports	Secretary-General
Patrick Drijvers	G.E.B.E. N.V.	Distribution Manager
Angelo Meyers	G.E.B.E. N.V.	Department Head Planning & Engineering
Pedro Brooks	G.E.B.E. N.V.	Head of ESHS
Kendall Dupersoy	TeleM	CEO
Carl John	Police Department	Chief of Police
Waste Management Companies		
Steel Crushers BV Meadowlands BV West Indies Landscaping Company Garden Boyz B.V. All Waste in Place N.V. Avyanna Clean up & Construction		
Businesses in the vicinity		
Brine Drive Garage, Copy Shop, Ines bar, Beauty Salon Chatherine, Car Repair		

Result of public consultation

Feedback has been received from the Ministry of VROMI, and, for as far as deemed reasonable, have been included in the latest version of the ESMP.

Annex 5 COVID-19 Provisions For Procurement And Contracting

The Employer is mindful of the current challenges that COVID-19 presents to the Contractor to execute the essential Works required for the safety of the populace of Sint Maarten. The Contractor is required to implement and enforce all the current COVID-19 safety and health legislation and directives of the government of Sint Maarten. Also, the Contractor is recommended to stay current and implement, as applicable, the international safety and health practices for COVID – 19 of the World Health Organization (WHO) – refer: https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public and of OSHA – refer https://www.osha.gov/Publications/OSHA3990.pdf.

Some specific good practices include:

- Conduct regular briefings and awareness sessions of the COVID-19 health and safety practices to be followed by all persons involved in the Works including:
    - Updates with regards to directives of the government of Sint Maarten
    - How to avoid the disease spreading (cough/sneeze in the crook of elbow)
    - Keep 1.5 meter or more away from other workers
    - Use and dispose of tissues for coughs and sneezes
    - Regularly wash hands with soap and water – many times per day

- Wash stations should be provided regularly throughout the sites of the Works, including close to toilets and communal facilities, with a supply of clean water, liquid soap and paper towels/electric hand dryers, with a waste bin (for used paper towels) that is regularly emptied. Alternatively, alcohol-based hand rub should be provided.

- Enhanced cleaning arrangements should be put in place to include: interiors of vehicles which may be used by several workers, staff, etc, waste bins at key places, regular and deep cleaning using disinfectant of communal areas, eating areas, latrines/toilets and, including tools, door handles, floors and all surfaces that are touched regularly.

- The provision of Personal Protective Equipment (e.g. masks and rubber gloves), as required.

- Workers showing COVID-19 symptoms or have recently been in close contact with persons testing positive, must immediately cease involvement in the Works and seek medical direction and assistance.

- Encourage workers to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the Contractor addressing COVID-19 related issues, how procedures are implemented, and concerns about the health of their co-workers and other staff.

Bidders are to include, in the ESHS Management Strategies and Implementation Plans, the measures proposed to be implemented for the duration of the Contract to prevent or minimize the possibilities of an outbreak of COVID-19 amongst management, staff, (sub-) contractors and neighboring communities.

Annex 6 Hazardous Wastes

EPA

https://www.epa.gov/hw/defining-hazardous-waste-listed-characteristic-and-mixed-radiological-wastes

A hazardous waste characteristic is a property which, when present in a waste, indicates that the waste poses a sufficient threat to merit regulation as hazardous. EPA established four hazardous waste characteristics: ignitability, corrosivity, reactivity and toxicity.

Hazardous Wastes: F, K, P and U listed Wastes

The F-list, found at 40 CFR section 261.31, identifies wastes from common manufacturing and industrial processes as hazardous. Because the processes generating these wastes can occur in different sectors of industry, the F list wastes are known as wastes from non-specific sources. They can be divided into seven groups depending on the type of manufacturing or industrial operation that creates them:

- Spent solvent wastes,
- Electroplating and other metal finishing wastes,
- Dioxin-bearing wastes,
- Chlorinated aliphatic hydrocarbons production,
- Wood preserving wastes,
- Petroleum refinery wastewater treatment sludges, and
- Multisource leachate.

The K-list identifies hazardous wastes from specific sectors of industry and manufacturing and are considered source-specific wastes. To qualify as a K-listed hazardous waste, a waste must fit into one of the 13 categories on the list and the waste must match one of the detailed K list waste descriptions in 40 CFR section 261.32. the 13 industries that generate K list wastes are:

- Wood preservation,
- Organic chemicals manufacturing,
- Pesticides manufacturing,
- Petroleum refining,
- Veterinary pharmaceuticals manufacturing,
- Inorganic pigment manufacturing,
- Inorganic chemicals manufacturing,
- Explosives manufacturing,
- Iron and steel production,
- Primary aluminum production,
- Secondary lead processing,
- Ink formulation, and
- Coking (processing of coal to produce coke).

The P and U lists designate as hazardous waste pure and commercial grade formulations of certain unused chemicals that are being disposed. For a waste to be considered a P- or U-listed waste it must meeting the following three criteria:

- The waste must contain one of the chemicals listed on the P or U list;
- The chemical in the waste must be unused; and
- The chemical in the waste must be in the form of a commercial chemical product.

EPA defines a commercial chemical product for P and U list purposes as a chemical that is either 100 percent pure, technical (e.g., commercial) grade or the sole active ingredient in a chemical formulation.

The P-list identifies acute hazardous wastes from discarded commercial chemical products. The P-list can be found at 40 CFR section 261.33.
https://www.ecfr.gov/cgi-bin/text-idx?SID=43a12e65fc62ad2c4af072873b86c581&mc=true&node=pt40.26.261&rgn=div5#se40.26.261_133

The U-list identifies hazardous wastes from discarded commercial chemical products. The U-list wastes can be found at 40 CFR section 261.33.
https://www.ecfr.gov/cgi-bin/text-idx?SID=43a12e65fc62ad2c4af072873b86c581&mc=true&node=pt40.26.261&rgn=div5#se40.26.261_133

Annex 7 Pest Management Plan Guidelines for Contractor

For

Nuisance Pest & Vector Control

Contractor shall prevent or control on-site populations of nuisance pests and disease vectors using techniques appropriate for the protection of human health and the environment. Contractor shall prepare and implement a Pest & Vector Control sub-plan as part of the C-ESMP.

Nuisance pests & disease vectors in a landfill means any rodents, flies, mosquitoes, cockroaches, birds, dogs, cats or other animals, including insects, capable of transmitting disease to humans or by any way causing nuisance to nearby communities.

Disease vectors such as rodents, birds, flies, and mosquitoes typically are attracted by putrescent waste and standing water, which act as a food source and breeding ground.

- HIERARCHY OF CONTROL

Vectors shall be controlled by a hierarchy of control methods, all aimed at eliminating vectors to the greatest practical extent. This hierarchy includes:

1. Environmental Control Methods & Operational Practices

   - ✓ Promote the use of biological or environmental control methods and reduce reliance on synthetic chemical pesticides.
   - ✓ Implement practices and procedures at the processing and storage areas to promote vector management.
   - ✓ Avoid stockpiling of non-MSW debris by replacing containers within 24 hours of being filled.
   - ✓ Daily cover of lightly compacted soil or similar material or an effective layer of alternate daily cover (ADC) should be applied on finished portions of the daily cell during operations and at the conclusion of daily operations.
   - ✓ Intermediate cover should be used on all areas not at finished levels, but not to be further landfilled for a period of 30 days or more. Final cover is typically applied as each area is brought to finished level through the operational life of the landfill.
   - ✓ The waste must be compacted and graded at reasonable maximum slopes to minimize voids within the waste that can harbor rodents.
   - ✓ Keep stormwater trenches and other relevant structures free from stagnant water. Water pooling shall not be allowed except as part of the designated runoff/sediment control system.
   - ✓ There should be no uncontrolled or uncovered stockpiled waste.
   - ✓ Birds are attracted by landfills and may cause local nuisance or sometimes carry pathogens. Control methods that can be used for minimizing their presences is by order of preference: • Operational Practices (e.g. daily cover) • Gas Guns • Heli-kites and Balloons • Distress Calls • Signal

Pistols and Cartridges• Falcons and Raptors • Wires and Screens • Culling . Bird deterrent strategies shall variate over time because they become ineffective.

2. Monitoring

- ✓ Landfill staff should monitor the levels of key vectors daily as part of daily management.
- ✓ Frequent site walk-overs can provide a baseline of vector activity so changes can be noted and translated into action.
- ✓ Observations of various droppings, siting, tracks, insect counts, etc. are useful indicators of activity. Written reports shall be drafted for tracking performance.
- ✓ Contractor shall train on-site personnel or engage pest control experts to monitor and control vectors, as necessary.

3. Eradication – Use of Pesticides

- ✓ Baits, traps, scare and other alternative means of eradication shall be preferred over the widespread use of chemicals.
- ✓ Select and apply pesticides, when they have to be used, in a way that minimizes adverse effects on beneficial organisms, humans, and the environment.
- ✓ Applied pesticides must have negligible adverse human health effects, be effective against the target species and minimal effect on nontarget species and the natural environment.
- ✓ Training and Personal Protective Equipment shall be provided to personnel engaged in pesticides use.
- ✓ Any pesticides that will be handled, stored, disposed of, and applied for vector control shall comply with the minimum standards described in the ESMP.

Contractor shall not use any pesticide that is banned in USA or EU. Contractor shall not use any formulated products that fall in WHO classes IA and IB (World Health Organization's *Recommended Classification of Pesticides by Hazard and Guidelines to Classification).*

Resources:

- Operational Manual, OP 4.09 - Pest Management, World Bank, December 1998. https://ppfdocuments.azureedge.net/1637.pdf
- Environmental health in emergencies and disasters, Chapter 10 - Vector and pest control, WHO, 2002. https://www.who.int/water_sanitation_health/hygiene/emergencies/em2002chap10.pdf
- The WHO Recommended Classification of Pesticides by Hazard and Guidelines to Classification, WHO, 2019. https://www.who.int/publications/i/item/9789240005662
- Landfill Operation Guidelines: 3rd Edition, ISWA, 2019 iswa_-_landfill_operational_guidelines_3rd_edition.pdf (wehrle-werk.de)
- Solid Waste Disposal Facility Criteria: Technical Manual, EPA, 1993 Document Display | NEPIS | US EPA

Annex 8 Code of Conduct Minimum Requirements for Contractor

CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL FORM
-Minimum Content-

We are the Contractor, [*enter name of Contractor*]. We have signed a contract with [*enter name of Employer*] for [*enter description of the Works*]. These Works will be carried out at [*enter the Site and other locations where the Works will be carried out*]. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation, sexual abuse and sexual harassment.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, labourers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as "**Contractor's Personnel"** and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor's Personnel. Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without

fear of retaliation.

REQUIRED CONDUCT

Contractor's Personnel shall:

1. carry out his/her duties competently and diligently;

2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;

3. maintain a safe working environment including by:

   a. ensuring that workplaces, machinery, equipment and processes under each

   person's control are safe and without risk to health;

   b. wearing required personal protective equipment;

   c. using appropriate measures relating to chemical, physical and biological

   substances and agents; and

   d. following applicable emergency operating procedures.

4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;

5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;

6. not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;

7. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;

8. not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

9. not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;

10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);

11. report violations of this Code of Conduct; and

12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done in either of the following ways:

1. Contact [*enter name of the Contractor's Social Expert with relevant experience in handling sexual exploitation, sexual abuse and sexual harassment cases, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters*] in writing at this address [ ] or by telephone at [ ] or in person at [ ]; or

2. Call [ ] to reach the Contractor's hotline *(if any)* and leave a message.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and

will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

Any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor's contact person(s) with relevant experience)*] requesting an explanation.

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

ATTACHMENT TO THE CODE OF CONDUCT FORM

BEHAVIORS CONSTITUTING SEXUAL EXPLOITATION AND ABUSE (SEA) AND BEHAVIORS CONSTITUTING SEXUAL HARASSMENT (SH)

The following non-exhaustive list is intended to illustrate types of prohibited behaviors

(1) **Examples of sexual exploitation and abuse** include, but are not limited to:

• A Contractor's Personnel tells a member of the community that he/she can get them jobs related to the work site (e.g. cooking and cleaning) in exchange for sex.

• A Contractor's Personnel that is connecting electricity input to households says that he can connect women headed households to the grid in exchange for sex.

• A Contractor's Personnel rapes, or otherwise sexually assaults a member of the community.

• A Contractor's Personnel denies a person access to the Site unless he/she performs a sexual favor.

• A Contractor's Personnel tells a person applying for employment under the Contract that he/she will only hire him/her if he/she has sex with him/her.

(2) **Examples of sexual harassment in a work context**

• Contractor's Personnel comment on the appearance of another Contractor's Personnel (either positive or negative) and sexual desirability.

• When a Contractor's Personnel complains about comments made by another Contractor's Personnel on his/her appearance, the other Contractor's Personnel comment that he/she is "asking for it" because of how he/she dresses.

• Unwelcome touching of a Contractor's or Employer's Personnel by another Contractor's Personnel.

A Contractor's Personnel tells another Contractor's Personnel that he/she will get him/her a salary raise, or promotion if he/she sends him/her naked photographs of himself/herself