

**Sint Maarten**

**SINT MAARTEN: WASTEWATER MANAGEMENT  
PROJECT (P179067)**

**Negotiated**

**ENVIRONMENTAL AND SOCIAL  
COMMITMENT PLAN (ESCP)**

**21 June 2024**

## ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. Sint Maarten (the Recipient) will implement the Sint Maarten Wastewater Management Project (the Project), with the involvement of the National Recovery Program Bureau (NRPB) (Project Implementing Entity) and the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI), as set out in the Grant Agreement and the Project Agreement. The International Bank for Reconstruction and Development (the Bank), acting as the administrator of Sint Maarten Hurricane Irma Reconstruction, Recovery and Resilience Single-Donor Trust Fund, has agreed to provide financing for the Project, as set out in the referred agreements.
2. The Recipient shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the Bank. The ESCP is a part of the Grant Agreement and the Project Agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreements.
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Recipient shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring and reporting arrangements, and grievance management. The ESCP also sets out the environmental and social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESS, and in form and substance, and in a manner acceptable to the Bank. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Bank.
4. As agreed by the Bank and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Recipient and the Bank agree to update the ESCP to reflect these changes through an exchange of letters signed between the Bank and the Director of the NRPB. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<b>MONITORING AND REPORTING</b>			
<b>A</b>	<p><b>REGULAR REPORTING</b></p> <p>Prepare and submit to the Bank, as part of the regular monitoring reports, information on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&amp;S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance redress mechanism (GRM).</p>	<p>Submit annual reports to the Bank throughout Project implementation, commencing after the Effective Date. Submit each report to the Bank no later than 45 days after the end of each reporting period, as part of the overall Project Reports.</p>	NRPB
<b>B</b>	<p><b>INCIDENTS AND ACCIDENTS</b></p> <p>Promptly notify the Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, amongst others, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by the contractor and/or supervising firm, as appropriate.</p> <p>Subsequently, at the Bank's request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p> <p>Incorporate the accidents and incidents reporting obligation as part of the ESMPs to be prepared under action 1.2.</p>	<p>Notify the Bank no later than 72 hours after learning of the incident or accident.</p> <p>Provide subsequent report to the Bank within an acceptable timeframe to the Bank and the Recipient.</p>	NRPB
<b>C</b>	<p><b>CONTRACTORS' MONTHLY REPORTS</b></p> <p>As part of their monthly reports, require contractors and supervising firms to provide updates on ESHS performance in accordance with the ESHS metrics specified in the respective bidding documents and contracts.</p>	<p>Share the monthly reports with the Bank upon request.</p>	NRPB

<b>ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS</b>			
<b>1.1</b>	<b>ORGANIZATIONAL STRUCTURE</b>		NRPB
	<p>Maintain the Project Implementing Entity with qualified staff and resources to support management of ESHS risks and impacts of the Project including assigning one (1) environmental specialist and one (1) social specialist.</p>	<p>Maintain the Project Implementing Entity as set out in the Grant Agreement. Maintain at least 1 (one) environmental specialist and 1 (one) social specialist throughout Project implementation.</p>	
<b>1.2</b>	<b>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</b>		NRPB
	<p>a. Develop, consult, update, and disclose a preliminary Environmental and Social Management Plan (ESMP) for Sub-component 1.1 of the Project following the approved Table of Contents for the ESMP. Thereafter, update, adopt and implement an ESMP for Sub-component 1.1 of the Project, consistent with the relevant ESSs. The ESMP shall set out an exclusion list to screen out activities that cannot be carried out under the Project.</p> <p>b. Engage an external consulting firm to conduct the technical assessment for Component 1 of the Project and the Environmental and Social Assessment (ESA) for Sub-component 1.2 of the Project. The consulting firm shall support NRPB in conducting stakeholder consultations and update the ESA based on consultations.</p> <p>c. Develop, consult, update, adopt, disclose, and thereafter implement an ESMP for Sub-component 1.2 of the Project, consistent with the ESA and the relevant ESSs.</p> <p>d. Engage 1 (one) independent expert to prepare an independent assessment and ex-post review on the sludge management aspects of the ESA and ESMP for Sub-component 1.2 of the Project. The reviewer shall prepare a stand-alone report on sludge management whose findings shall be integrated into the draft ESA and ESMP.</p>	<p>a. Submit the preliminary ESMP for the Bank's prior review and no objection and thereafter consult and update the preliminary ESMP based on consultations no later than 60 days after the Effective Date. Finalize, adopt, and disclose the ESMP before launching the tender process for Sub-component 1.1. Once adopted, implement the respective ESMP throughout Project implementation.</p> <p>b. Submit the ESA for the Bank's review and no objection before completing the design phase.</p> <p>c. Submit the ESMP for the Bank's review and no objection before launching the tender process for works under Sub-component 1.2. Once adopted, implement the respective ESA and ESMP throughout Project implementation.</p> <p>d. Submit the independent consultant's stand-alone report as an annex to the ESA and ESMP under action 1.2b &amp; 1.2.c above.</p>	

<p><b>1.3</b></p>	<p><b>MANAGEMENT OF CONTRACTORS</b></p> <p>Incorporate the relevant aspects of the ESCP, including, amongst others, the ESMPs, the Labor Management Procedures (LMP), GRM and Code of Conduct, into the ESHS specifications of the procurement documents and contracts with contractors and supervising firms. Thereafter ensure that the contractors and supervising firms comply and cause subcontractors to comply with the ESHS specifications of their respective contracts.</p>	<p>As part of the preparation of procurement documents and respective contracts. Supervise contractors throughout Project implementation.</p>	<p>NRPB</p>
<p><b>1.4</b></p>	<p><b>TECHNICAL ASSISTANCE</b></p> <p>Ensure that the consultancies, studies (including feasibility studies, if applicable), capacity building, training, and any other technical assistance activities under the Project, including its Component 2, are carried out in accordance with terms of reference acceptable to the Bank, that are consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference.</p>	<p>Throughout Project implementation.</p>	<p>NRPB</p>
<p><b>1.5</b></p>	<p><b>ACTIVITIES SUBJECT TO RETROACTIVE FINANCING</b></p> <p>Conduct an E&amp;S screening and develop corresponding mitigation measures to ensure that activities subject to retroactive financing meet the requirements of the ESSs.</p>	<p>Prior to initiating activities subject to retroactive financing.</p>	<p>NRPB</p>
<p><b>ESS 2: LABOR AND WORKING CONDITIONS</b></p>			
<p><b>2.1</b></p>	<p><b>LABOR MANAGEMENT PROCEDURES</b></p> <p>Update, adopt, disclose, and implement the LMP for the Project, including, amongst others, provisions on working conditions, management of workers relationships, occupational health and safety (including personal protective equipment, and emergency preparedness and response), code of conduct (including relating to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for contractors, subcontractors, and supervising firms.</p>	<p>Submit the updated LMP for the Bank's prior review and no objection, adopt, and disclose the LMP within 60 days after Effective Date, and before employment or engagement of Project workers and thereafter implement the LMP throughout Project implementation.</p>	<p>NRPB</p>

<p><b>2.2</b></p>	<p><b>GRIEVANCE REDRESS MECHANISM FOR PROJECT WORKERS</b></p> <p>a. Maintain and operate a GRM for Project workers, as described in the LMP and the NRPB's institutional GRM and consistent with ESS2.</p> <p>b. Require contractors and supervising firms to establish and operate a grievance mechanism for their workers.</p>	<p>a. Maintain and operate the GRM prior to engaging Project workers and thereafter maintain and operate it throughout Project implementation.</p> <p>b. Establish a GRM prior to engaging Project workers and thereafter maintain and operate it throughout contract implementation.</p>	<p>NRPB</p>
<p><b>ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</b></p>			
<p><b>3.1</b></p>	<p><b>WASTE MANAGEMENT</b></p> <p>Incorporate waste management mitigating measures, as part of the ESMPs to be prepared under action 1.2. above, to manage hazardous and non-hazardous wastes, consistent with ESS3.</p>	<p>Same timeframe as for the adoption and implementation of the ESMPs.</p>	<p>NRPB</p>
<p><b>3.2</b></p>	<p><b>RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT</b></p> <p>Incorporate feasible resource efficiency and pollution prevention and management measures in the ESMPs to be prepared under action 1.2. above.</p>	<p>Same timeframe as for the adoption and implementation of the ESMPs.</p>	<p>NRPB</p>
<p><b>3.3</b></p>	<p><b>WASTEWATER AND SURFACEWATER QUALITY AND MONITORING</b></p> <p>a. Carry out a baseline study for the water quality of selected surface waters and beaches as part of activity (f) of Component 2, following the approved terms of reference.</p> <p>b. Pilot the coastal and surface water quality monitoring system at selected locations to improve the decision-making process on water quality issues following the terms of reference to be developed under Component 2 of the Project.</p>	<p>a. Before launching the bidding process for the works contract for Component 1.</p> <p>b. For at least one year during Project implementation.</p>	<p>NRPB</p>
<p><b>ESS 4: COMMUNITY HEALTH AND SAFETY</b></p>			
<p><b>4.1</b></p>	<p><b>TRAFFIC AND ROAD SAFETY</b></p> <p>Adopt and implement measures to manage traffic and road safety risks, as required, in the ESMPs to be developed under action 1.2. above.</p>	<p>Same timeframe as for the adoption and implementation of the ESMPs.</p>	<p>NRPB</p>
<p><b>4.2</b></p>	<p><b>COMMUNITY HEALTH AND SAFETY</b></p>		

	Assess and manage specific risks and impacts to the community arising from Project activities, including, inter alia, behavior of Project workers, response to emergency situations, vectors, and open trenches, and include mitigation measures in the ESMPs to be developed under action 1.2. above.	Same timeframe as for the adoption and implementation of the ESMPs.	NRPB
<b>4.3</b>	<b>SEA AND SH RISKS</b>  Implement SEA/SH prevention and response measures, proportionate to the risks of the Project, including availability of a list of services for victims of SEA/SH, adoption of the code of conduct by all workers, and adequate treatment of SEA/SH grievances in the Project level GRM, as reflected in the SEP and LMP. These measures shall also be included in the ESMPs to be developed under action 1.2 above.	Implement SEA/SH prevention and response measures throughout Project implementation.	NRPB
<b>ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT</b>			
ESS5 is not relevant for the project. The ESMP for Sub-component 1.1 of the Project to be prepared under action 1.2 above will include an exclusion list to screen out any activities with potential impacts covered under ESS5, including any locations that require the purchase of land or resettlement.			
<b>ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES</b>			
<b>6.1</b>	<b>BIODIVERSITY RISKS AND IMPACTS</b>  Develop, adopt and implement a Biodiversity Management Plan or biodiversity mitigation measures as part of the ESMP for Sub-component 1.2 to be prepared under action 1.2.b above, consistent with ESS6 and in accordance with the outcome of the ESA for Sub-component 1.2.	Same timeframe as for the adoption and implementation of the ESMP for Sub-component 1.2.	NRPB
<b>ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES</b>			
ESS7 is not relevant for this project.			
<b>ESS 8: CULTURAL HERITAGE</b>			
<b>8.1</b>	<b>CULTURAL HERITAGE RISKS AND IMPACTS</b>  Develop, adopt and implement cultural heritage management measures, as part of the ESMP to be developed for Sub-component 1.1 of the Project under action 1.2.a above, to manage potential impacts to cultural heritage consistent with ESS8.	Same timeframe as for the adoption and implementation of the ESMP for Sub-component 1.1.	NRPB
<b>8.2</b>	<b>CHANCE FINDS</b>  The chance finds procedures shall be described and implemented as part of the ESMPs to be developed under action 1.2 above.	Same timeframe as for the adoption and implementation of the ESMPs.	NRPB

ESS 9: FINANCIAL INTERMEDIARIES			
ESS9 is not relevant for this project.			
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
<b>10.1</b>	<b>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</b>		NRPB
	Consult, update, adopt, disclose, and implement a Stakeholder Engagement Plan (SEP) for the Project, consistent with ESS10, which shall include measures to, including, amongst others, provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.	Submit the updated SEP for the Bank's prior review and no objection, adopt, and disclose the SEP within 60 days after Effective Date, and thereafter implement the SEP throughout Project implementation.	
<b>10.2</b>	<b>PROJECT GRIEVANCE REDRESS MECHANISM</b>		NRPB
	Publicize, maintain, and operate an accessible GRM, to receive and facilitate resolution of concerns and grievances in relation to the Project, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all Project-affected parties, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.  The GRM shall be equipped to receive, register, and facilitate the resolution of SEA/SH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centered manner.	Maintain and operate the existing NRPB GRM throughout Project implementation.	
CAPACITY SUPPORT			
<b>CS1</b>	Under component 3 (three), training shall be facilitated and provided as applicable and appropriate to Project Implementing Entity staff, Project workers, contractors and supervision firms on: <ul style="list-style-type: none"> <li>• E&amp;S instruments requirements and implementation</li> <li>• Community health and safety</li> <li>• SEA/SH</li> <li>• Emergency prevention, preparedness and response measures</li> </ul>	Training needs to be assessed as part of the ESMPs to be developed under action 1.2 above. Thereafter, training to be delivered throughout the Project implementation period.	NRPB



	<ul style="list-style-type: none"><li>• Managing contractor environmental and social performance</li><li>• And as further described in the ESMPs indicated under action 1.2. above.</li></ul>		
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