

REGIONAL – GOVERNANCE AND KNOWLEDGE GENERATION PROJECT (GEF GRANT)

Component 1 Governance, Sub-Component 1.3 Promotion of private sector participation in environmental management

Procurement Reference: FC019

Terms of Reference for the activity “Conducting Environmental Impact Assessment studies for three industrial enterprises in Lebanon”

1 Context

1. The Regional – Governance and Knowledge generation Project (ReGoKo) has been conceived to foster the integration of environmental issues into sectoral and development policies of Egypt, Lebanon, Morocco, Tunisia and West Bank and Gaza (Beneficiaries) and potentially of Algeria, Libya and Syria (potential Beneficiaries). The Project aims at achieving this objective via (i) the production of innovative knowledge on environmental issues, with specific reference to water related issues (freshwater, coastal, and marine resources), and (ii) the organization of conferences, seminars, workshops, etc. during which knowledge will be used to strengthen the capacity of key stakeholders at local, national, and regional level.¹
2. The Project’s implementation period is three years. It has become effective on March 29th, 2012 and will last until June 30th, 2015.
3. Plan Bleu is the implementing agency of the Project and is therefore responsible for the management, coordination and all procurement connected to the implementation of the Project.
4. Given the demand-driven approach of the Project, Beneficiaries jointly identify the specific activities to be implemented under the Project taking into account national and regional priorities, through decisions made by the Project Steering Committee (PSC). The PSC is composed of one representative from the environment sector of each of the Beneficiaries.

¹ Please consult the project website for more detailed information: <http://regoko.planbleu.org/>

5. As part of the Regional – Governance and Knowledge generation Project (GEF grant), the PSC has decided to implement a specific activity in Lebanon, aiming at supporting industrial pollution abatement. More specifically this activity will bring forward the preparation of the Lebanon Environmental Pollution Abatement Project (LEPAP). In fact, since 2010, the GIZ/Environmental Fund for Lebanon (EFL) has been supporting the Lebanese Ministry of Environment (MoE) to prepare for LEPAP.
6. LEPAP is a World Bank (WB) initiative which aims at reducing pollution generated by point-source/industrial entities, mainly from effluent discharge and air emissions. LEPAP will be providing technical assistance and financial incentives, through selected commercial banks, to public and/or private enterprises to bring their effluent discharges and/or their air emissions towards compliance with the Environment Protection Law 444 and national environmental standards in a cost effective manner, including Decree No. 8471/2012 on “Environmental Compliance for Establishments”.
7. According to Decree No. 8633/2012 on “Fundamentals for Environmental Impact Assessment”, each industry should prepare either an Initial Environmental Examination (IEE) report or an Environmental Impact Assessment (EIA) study for any construction, relocation, modification, addition, expansion, rehabilitation or decommissioning - of any existing licensed private project - which may result in significant environmental consequences and submit it to MoE for approval. According to Article 5 of the above mentioned Decree:
 - If the proposed project falls in the domain of Annex 1 of the Decree No. 8633/2012, it will be subjected to an EIA study according to information contained in Annex 8;
 - If the proposed project falls in the domain of Annex 2 of the Decree, it will be subject to an IEE as per information contained in Annex 6.
8. The classification of the Environment Assessment Operational Policy (OP) 4.01 by WB is consistent with Decree No. 8633/2012:
 - The Detailed Environmental and Social Impact Assessment Report (ESIAR) is a requirement for the subprojects classified as Category A according to WB’s Operational Policy OP 4.01. Category A is similar to Annex 1 of the EIA Decree “Projects that duly require an EIA study”.
 - The Limited Environmental and Social Impact Assessment Report (LESIAR) is similar to the requirements of the Category B according to WB’s OP 4.01, although the World Bank does not use positive checklists as in Annex 2 of the EIA decree that duly require the preparation of an IEE report but determine the impacts on the basis of severity, magnitude, reversible and irreversible impacts generated by the project.
9. The OP 4.01 is one of the World Bank’s safeguard policies. Another policy which is likely to be triggered and should be verified by the MoE of Lebanon is the Involuntary

Resettlement Operational Policy 4.12². This policy is triggered whenever the project induces (a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

10. As the three industrial enterprises are considered as potential LEPAP financing, the safeguard policies of the World Bank and in this case OP 4.01 and OP 4.12 should be applied and would supersede the national legislation in case they are inconsistent with the national policies. The EIAs which are the subject of this assignment should then be prepared in accordance with OP 4.01 and OP 4.12. They should be submitted for consultation and disclosure, and formally approved by the Lebanese Ministry of the Environment in accordance with Law 444 and the EIA decree No. 8633/2012, and subsequently submitted to the World Bank for its no objection upon internal review.

2 Objectives

11. In 2012, Delta Trading SAL, Al Manara Dairy Factory and Wilco PM benefited from Technical Assistance (TA) provided by EFL in order to identify the needed pollution abatement measures and select specific subprojects to be financed under LEPAP. The main abatement measure for each type of industry will be (1) The installation of a WWTP for the chips factory of Delta Trading SAL that is relocating to new premises (the new factory is currently under construction), (2) The installation of a WWTP for the dairy factory of Al Manara which is relocating to new premises (the new factory is currently under construction), and (3) the installation of a rendering facility within the premises of the poultry slaughterhouse of Wilco PM (the slaughterhouse is currently under construction). The projects were classified as category A requiring the preparation of the Environment and Social Impact Assessment (ESIA) as well as a determination if any of the project sites of the three enterprises would trigger OP 4.12.
12. The objective of this assignment is to support these three industries in preparing the needed EIAs and safeguard documents.

3 Activities

13. The consultancy will include the following tasks:
14. **Task 1:** Conduct field visits to the three industries and conduct a site selection analysis to determine whether the site is appropriate for the project. In particular, it should be

² Please see <http://siteresources.worldbank.org/INTFORESTS/Resources/OP412.pdf>

investigated if the location of the project falls within the industrial location approved by the municipality and by the inter-ministerial committee of the Ministry of Industry. In this regards, the owners should:

- a) Submit the approval of the Ministry of Industry to establish the project in this location; and
- b) Provide the title of the land showing ownership and the written authorization of the owner and the municipality to establish the project in the new site.

15. In case the title of the land is not available and cannot be provided, the Consultant is required to determine with the assistance of the MoE and the municipality (a) those who have formal legal rights to the land (including customary and traditional rights recognized under the laws of the country); (b) those who do not have formal legal rights to land at the time the project begins but have a claim to such land or assets - provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and (c) those who have no recognizable legal right or claim to the land they are occupying.

16. In case conditions a) and b) are fulfilled, then the Consultant will proceed with the preparation of the ESIA as explained below. In case any of the cases (a) or (b) mentioned above are not fulfilled, the Consultant will NOT proceed with the preparation of the ESIA until the industries have formally notified Plan Bleu within one month from the completion of task 1, that the owners have complied with the requirements of the OP 4.12. These requirements are determination of (i) the land ownership and of (ii) the population occupying the land formally or informally such as farmers or renters. In the latter case compensation should be provided in accordance with OP 4.12 with the preparation of the land acquisition plan that will be prepared by the Consultant.

17. **Task 2:** Assuming that conditions a) and b) of task 1 are fulfilled, review available documents (fact sheets, detailed technical notes, EIA).

18. **Task 3:** Prepare an EIA for Delta Trading SAL, Al Manara Dairy Factory and Wilco PM including an Environmental and Social Management Plan (ESMP) according to WB's requirements in the Operational Policy OP 4.01 (Environmental Assessments). This will consist of three phases: The scoping phase, the ESIA preparation phase, and the review and approval phase.

19. **Task 3 A: the scoping phase:**

- a) Scoping is an interactive process to identify the content, extent and relevance of the environmental information to be submitted to MoE as part of the ESIA procedure. Such interactive process should be between the industries, the MoE and municipality AND the project affected people (PAP) and stakeholders (local NGOs, media) of the project. The scoping process will define the issues that need to be addressed in the ESIA phase, taking into consideration the specific context in which the project will be implemented. The activities, calendar and level of effort

for the ESIA study will be determined on the basis of the conclusions of the ESIA scoping study. If the level of effort for the ESIA study is not in line with the provisions that will be stipulated in the consultancy contract to be concluded between the Consultant and Plan Bleu, a contract amendment will be negotiated.

- b) The Consultant will start the scoping process by (a) translating a summary of these terms of reference (ToR) into Arabic; (b) identifying and subsequently sending a copy of this summary to relevant departments, project affected people (PAP) and stakeholders; and (c) scheduling a consultation meeting in which it will make a presentation of the project, its area of influence, the significant environmental issues, as well as the potential direct, indirect and cumulative impacts to be examined. As the three projects are under construction and abatement measures are mostly identified, this step should be quickly completed in close coordination with EFL/MoE.
- c) The Consultant will submit the results in the form of a report including:
 - An overview of the project, the applicable legislative and institutional framework;
 - an indication of the project alternatives;
 - a description of the key stakeholders and their concerns;
 - a description of the key environmental aspects and project-environment interactions that should be addressed in the ESIA;
 - a description of the geographical area to be considered in the environmental baseline and in the identification of impacts;
 - recommendations on specific impact identification and evaluation methodologies to be used in the EISA; and
 - an indication of the timeframe, costs and resources needed to carry out the ESIA study.
- d) The expected outcome of the scoping phase should yield to:
 - The provision of opinion and advice of the concerned parties in environmental and social aspects that should be addressed by the project proponent (the industries) during the ESIA phase;
 - Additional issues and impacts that should be analyzed as part of the ESIA study; and
 - Additional concerned parties to be consulted during the ESIA phase.

20. Task 3 B: The ESIA Phase

- a) The ESIA phase will start after the industries and the Consultant receive the official approval from the MoE in Lebanon and will build on the scoping report. The purpose of the ESIA process is to:
 - Identify and analyze potential environmental and social impacts and issues, both adverse and beneficial, associated with the proposed project;
 - Identify measures to avoid, minimize, mitigate, or offset/compensate for adverse impacts on workers, affected communities, and the environment;
 - Design an Environmental, Social and Management Plan (ESMP) to address the mitigation, and monitoring of these adverse measures, and propose

institutional measures to manage and monitor the adverse impacts and their remedial measures as needed;

- Ensure that the project affected people (PAPs) and stakeholders are kept informed about the ESIA process and are consulted privately and publicly about the content of the ESIA report prior of its finalization;
- Identify specific self-monitoring reporting that the industries would submit to the MoE for the construction and operation phases of the investment project;
- Ensure that the investment contracts (civil works, purchase and installation of equipment) include appropriate clauses to obligate the suppliers or contractors to comply with the associated elements of the ESMP and submit progress reports as part of their contractual obligations;
- Disclose to the public the executive summary of the ESIA report in Arabic.

b) The outcome of the ESIA phase is an ESIA report, to be drafted in English. This report should be concise and to the point addressing only major environmental issues. The body text should focus on investigation results, the conclusion, practical recommendations supported by summaries of the gathered information, and any approved references to explain and interpret such information. The detailed information is not appropriate in the body text, and should be presented in the annexes or in a separate document. This also applies to unpublished documents used in the ESIA study which should be grouped in an annex.

c) The ESIA report consists of:

1. Non-technical executive summary in English and Arabic
2. Table of contents
3. Introduction
4. Policy, legal and administrative framework
5. Public participation
6. Description of the proposed project
7. Description of the baseline of the surrounding environment of the project and its area of influence
8. Limitation of the study
9. Potential environmental and social impacts of the project
10. Analysis of project alternatives
11. Environmental and social management plan including :
 - i. Negative impact mitigation program including summary of impacts and implementation schedule;
 - ii. Monitoring and control program ;
 - iii. Institutional capacity development program that includes self-reporting requirements and legal requirements and bidding and contract documents; and
 - iv. Cost estimates for all the above.

12. Self-reporting requirements during the construction and operational phases of the project
 13. Conclusions
 14. Annexes – including minutes of public participation sessions
 15. Summary of project documents
 16. Tables and information statements
 17. List of relevant reports
 18. List of scientific and non-scientific references used
 19. List of the names of the persons who prepared the ESIA report (individuals and institutions)
21. **Public Consultation** - There is no unique method of consultation. Consultation should be compatible with the traditions and cultural habits of Lebanon. Consultation can be held either with each individual group or party or in a unified meeting through invitation or advertisement in the press. In both cases, the Consultant should summarize the findings and the methodology used for consultation.
22. The final draft ESIA report will be subject to public consultation. The Consultant is responsible for the organization of the public consultation in collaboration with the industries but under the supervision of the EFL/MoE.
23. The following will be presented at the Consultation meeting:
1. An Executive summary in Arabic of the ESIA report which includes also the ESMP;
 2. A power point presentation in Arabic of the results of the different sections of the ESIA report;
 3. A table to include all aspects and issues that have been raised during the public consultation meetings at the scoping phase and how the ESIA report has addressed these aspects;
 4. The methodology that will be followed by the project proponent to ensure the continuity of the consultation process during the construction and operation phases of the project;
 5. The concrete actions and activities that the project proponent will take to improve the environmental quality of the surroundings and the neighboring communities;
 6. The self-monitoring program that the project proponent will establish to ensure that the adverse impacts will be mitigated and monitored; and
 7. A summary of the issues and proposed solutions that were raised during the consultation meeting on the ESIA report.
24. Task 3 C: Review & Approval
The EIA report (including the ESIA), to be drafted in English, will be reviewed by EFL/MoE in accordance with the EIA decree No. 8633/2012 and following the review methodology of the EIA division of the MoE. The Consultant will have ten working days to provide additional information or analysis required for the resubmission upon

completion of the review process by MoE. Subsequently to the review of the MoE, the report will be submitted to the Plan Bleu and to the WB for its no objection upon internal review.

25. **Task 4: Disclosure** - After the non-objection of Plan Bleu and the WB is obtained, EFL/MoE will ensure that the EIA reports are disclosed as per Article 12 of the EIA Decree No. 8633/2012. Prior to disclosure, the owner should indicate the section of the EIA report and the executive summary that should not be disclosed because of national security, patents rights, intellectual property and proprietary technology.

4 Modalities, deliverables and duration

26. The activity is expected to start on or about November 24, 2013 and end on or about March 24 2014. The consultant will implement the activity in close coordination with the designated contact persons at EFL, the MoE/EIA department and Plan Bleu.

27. It is expected that the assignment would take a total effort of 60 person/days, divided as follows (the timing is indicative only and is modifiable depending on identified priorities):

Deliverable's Title	Duration [days]
Task 1: Conduct field visits	
Conduct field visits to the 3 enterprises. Provide a report of each field visit including the triggering of OP 4.12 and the submission of evidence of land ownership	6
<i>subtotal</i>	6 days
Task 2: Documents review	
Assuming that conditions a) and b) of task 1 are fulfilled as per these ToRs, review available documents (fact sheets, detailed technical notes, EIA).	6
<i>subtotal</i>	6 days
Task 3: Preparation of the EIA reports including public consultation for the following and preparation of a relevant list of stakeholders for each project :	
Al Manara Dairy Factory	12
Delta Trading SAL	12
Wilco PM	12
<i>subtotal</i>	36 days
Task 4: Respond to comments on the final reports	
Review and update the reports according to received comments (if any) and submit revised reports after providing eight copies of the final reports for each of the three industries to the MoE and to EFL and one copy for each industry and one electronic copy to Plan Bleu and the WB.	6
<i>subtotal</i>	6 days
Contingency/other follow up	6 days

TOTAL	60 days
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28. All of the abovementioned deliverables are subject to the formal review by the MoE in accordance with law 444 and the EIA decree No. 8633/2012 and to review by Plan Bleu and WB. Additional sub-deliverables may also be defined, as the Consultant and EFL and Plan Bleu may agree at the beginning of this consultancy.

29. The reports made in eight copies each (1 for each industry, 5 for the MoE, 1 for EFL and 1 electronic copy for Plan Bleu and WB) will be delivered to the industries that will in turn submit it officially to the MoE for review.

5 Qualifications of the Consultant

30. **Firm general profile:** The firm has to be prequalified by the Government of Lebanon for performing EIA's in Lebanon.

31. **Required staff:** Coordination skills and Teamwork abilities are essential to carry out the consultancy. The following staff is required for the preparation of the above-specified deliverables:

Key-Staff specialists' required qualifications are the following:

- Diploma : Master's degree or equivalent in a relevant field;
- Domain(s) of expertise: EIA in Lebanon, in various industrial sectors;
- Years of professional experience in general: 15;
- Years of professional experience in the required domain: 10; and
- Previous experience in similar projects;
- Experience in the dairy, rendering and food sectors is appreciated; and
- Good knowledge and working experience in alignment with Lebanese and World Bank safeguard requirements particularly concerning OP 4.01 (Environmental Assessment) and in OP 4.12 (Involuntary Resettlement).

32. **Language requirements:**

English and Arabic