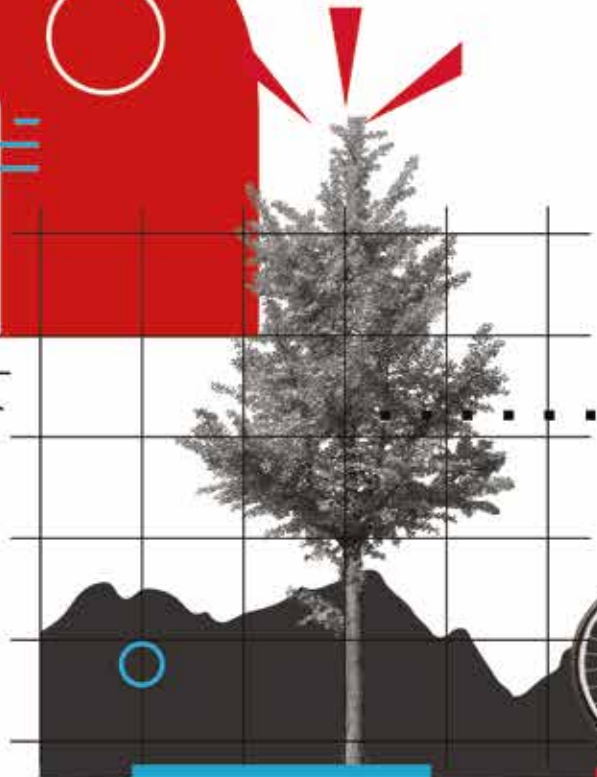
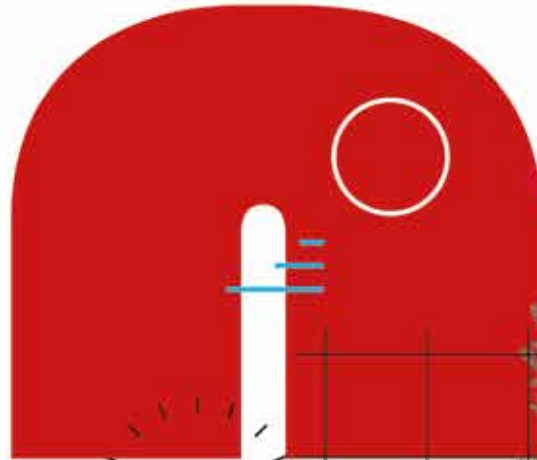
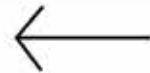
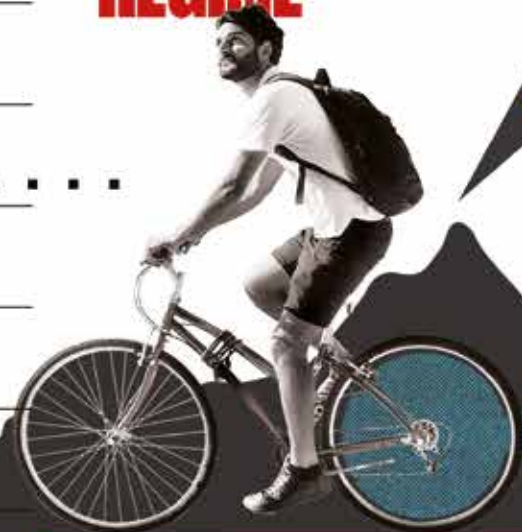


12



ENVIRONMENTAL REGIME



BY:

Philippi
Prietocantosa
Ferrero DU
& Uria
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What should I know about the environmental regime in the Bogota-Region?

In general, those interested in developing projects in Bogota or in the Department of Cundinamarca must apply for various environmental permits and/or authorizations, which may vary depending on the project's location and destination.

In Bogota, the District's Environmental Secretary (SDA) is the competent entity regulating and monitoring the application of environmental regulations, while in the municipalities of the Department of Cundinamarca some are regulated by Corporación Autónoma Regional de Cundinamarca (CAR) and others by regional environmental authorities such as Corpoinoquia and Corpoguavio.

In Colombia, the main environmental authorities are the Ministry of the Environment and Sustainable Development as the agency in charge of the en-

vironmental policy, the National Environmental Licenses Authority (ANLA), the SDA, and CAR.

What is and how does the environmental license work?

It is the authorization granted by the relevant environmental authority to implement a project, work or activity—in agreement with the law and regulations—that could produce a serious damage to the renewable natural resources, to the environment or introduce important modifications to the landscape. This procedure should be submitted to the National Agency of Environmental Licenses (ANLA), to the Regional Autonomous Corporation (CAR) or to the District's Environmental Secretary (SDA), depending on the characteristics of the project to be developed.

There are some sectors which require the application of an environmental license, such as the mining, hydrocarbons,

and the electric sectors, as well as for public infrastructure or pesticides (production and import, among others).

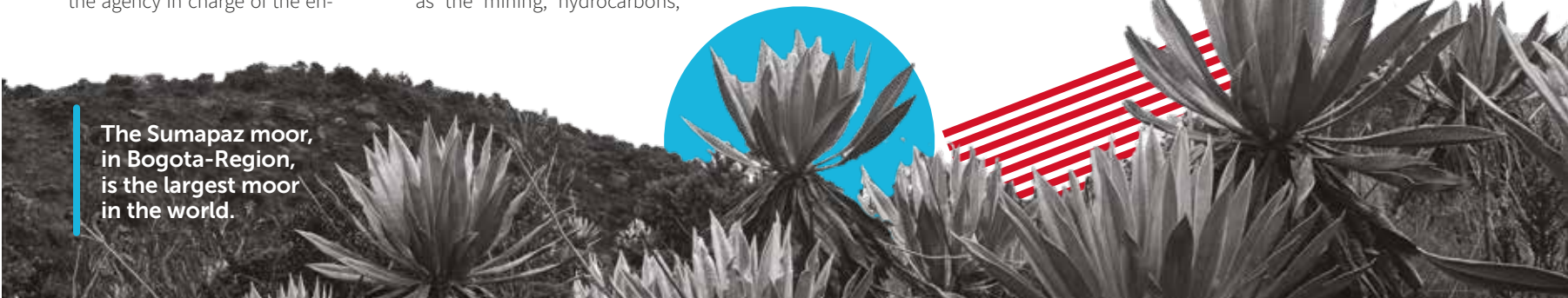
What should I know about the implementation of air-related projects?

- **Emissions permit:** Issued by the competent environmental authority (CAR or SDA) to a natural or legal person in order to discharge particles into the air, within the established limits.
- **Contingency plan of atmospheric emissions control systems:** According to article 79 of Resolution 909 of June 5 of 2008, all those who have an emissions control systems should prepare a control system contingency plan, which they should activate during any control system stoppage.

- **Noise:** Resolution 627 of 2006 from the Ministry of the Environment and Sustainable Development implemented the national norm related to noise sources and environmental noise, which includes the allowed parameters, the noise measuring technical and methodological procedures, and the guidelines for presenting reports, and other conditions on this matter.

Noise is considered one of the environmental impacts that most directly affects the population. It causes hearing and extra-auditory problems.

The Sumapaz moor, in Bogota-Region, is the largest moor in the world.



- **External visual advertising:**

This is a mass means of communication whose purpose is informing or calling attention by means of visual elements. Law 140 of 1994 contains the characteristics and conditions it should meet; however, norms existing in each municipality regarding this matter should be taken into account.

In Bogota, the SDA issued the Resolution 931 of 2008 stating that the registry of external visual advertising is the authorization granted for this type of activity. The authorization will be granted if the applicant complies with the applicable norms and the Secretary confirms the requirements are met.

What should I know about water related projects?

- **Water concessions:**

Concessions are required for natural or legal persons and government entities wishing to use the water for purposes other than the current purposes recognized in the law. For this, they

should submit a written application to the competent environmental authority.

- **Program for the efficient and waste-free use of water (PUEAA):**

Applies to users requesting a water concession. It is a tool focused on optimizing the use of water, and comprises projects and actions that users requesting water concessions are required to prepare and implement in order to use water in a sustainable manner.

- **Groundwater exploration permit:**

Public or private natural or legal persons wishing to explore in search of underground water must submit a permit application to the competent environmental authority with the necessary requirements to obtain a water concession and the conditions in Article 2.2.3.2.16.5 of Decree 1076 of 2015.

- **Effluent permit:** This permit should be obtained as a result of a project, elements, substances, or compounds contained in

liquids that are to be spilled on the ground or into a body of water. Requirements vary depending on the type of discharge: on the ground or into a body of water.

In the special case of Bogota, the SDA has established that all users discharging non-household residual waters, with the exception of those discharged to the public sewage system, must register their effluents to such environmental authority. Non-household residual waters are divided into two categories: environmental interest substances (compounds, elements, substances, and parameters indicating physical-chemical and biologic pollution that allow evaluating the quality of the effluent and its effects on the water resources, especially those indicated in Table B of Resolution 3957 of 2009 from the SDA), and sanitary substances (chemical substances and elements and compounds subject to causing damages or possibly being toxic to the human health or to any water life forms, contained in Decree 1076 of 2015, Section 4, Effluents, Article 2.2.3.3.4.1).

- **Riverbed occupation permit:**

Should be requested in order to use the channel of water currents or deposits that could be possibly affected by any work to be done.

What should I know about waste regulation?

- **Ordinary:** Times and places indicated by the public utilities company should be taken into account for all waste handling and disposal activities. In the case of Bogota, the SDI provides special guidelines for handling and disposal of some types of waste, in case any of the following activities are undertaken:

- Cosmetics and cleaning
- Tannery
- Pharmaceuticals
- Printing and lithography
- Laundry
- Timber



- Metalwork
- Paint
- Chemical substances and compounds
- Textiles and fabric dyeing
- Car washing

- **Hazardous:** The following aspects must be considered should the activity generate waste that, due to its corrosive, reactive, explosive, toxic, flammable, infectious, or radioactive characteristics, could cause direct or indirect damages or unwanted effects to human health and/or to the environment:
 - Being registered as a hazardous waste generator, should more than 10 kg/month be generated.
 - Having an integral hazardous waste management plan.
 - Handling the waste through a third party having the respective environmental license.

In the case of Bogota, the SDA issued the Resolution 1188 of 2003 adopting the special norms and procedures manual related to handling of waste oil in the Capital District. It also has a norms and procedures manual for handling this type of waste.

- **Post-consumption plans:**

- Waste is sent to facilities allowing for its processing, valuation, treatment, or final disposal, the current ones being related to:
- Fungicides
 - Expired medications
 - Batteries or accumulators
 - Used tires
 - Waste from lighting fixtures
 - Waste from electric and electronic appliances

- **Forest use permit:** It is required in case of use of natural forests located in public or private territories, that are characterized as unique, persistent and domestic in accordance with Article 2.2.1.1.3.1 of Decree 1076 of 2015.

What should I know regarding the environmental restrictions?

- **Forest reserves:** A Subtraction Feasibility Evaluation for National Reserved Forest Areas should be made for projects involving forest reserves. This is a process according to which the environmental authority appraises the possibility of lifting the forest

reserve legal limitation in Law 2 of 1959 in order to develop a project, work, or activity.

- **Bans:** A restriction and regulation of the use of certain species, taxonomic groups, or types of vegetation found in the regional or national territory. In case of bans, the respective authorization should be requested to temporarily use, sell, and/or transfer the species, taxonomic groups, or vegetation affected by the ban at a regional or national level.
- **Protected areas:** A subtraction can be requested to develop a project according to the regulations applicable to such areas, with the

exception of natural national and regional parks, in which some projects cannot be developed since they are subject to a more restrictive environmental legislation.

The following are some of the protected areas in Colombia, which are part of the National System of Protected Areas (SINAP):

- **Private protected areas:**
 - The civil society natural reserves
- **Public protected areas:**
 - The National Natural Parks System
 - The protecting forest reserves
 - The natural regional parks
 - The integrated management districts
 - The soil conservation districts
 - The recreation areas





More information on this topic