



NATIONAL ENVIRONMENT AND PLANNING AGENCY
Chronology of Events

Other Party	Trade Winds Citrus Limited
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Location of Incident	Bybrook, St. Catherine
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Incident Summary	<p>An investigation was launched by the National Environment and Planning Agency (NEPA) on the 11 December 2023 after a report of an oil spill in the Rio Cobre, St. Catherine was received. From the Agency’s investigations on 12 December 2023 it was revealed that Heavy Fuel Oil (HFO – Bunker C) was released from the boiler house at Jamaica Beverages Limited operated by Trade Winds Citrus Limited Dairy Farmers. The chronology below outlines the events that followed.</p> <div data-bbox="722 884 1263 1318" data-label="Image"> </div> <p>Satellite image dated 16 Jan 2023 (courtesy of GOOGLE Earth) annotating source of discharge, and the impact area at Bybrook Farms, in the Bog Walk area.</p> <p>Conclusion</p> <p>The Enforcement Report dated 23 February 2024 concluded that Trade Wind took all the necessary steps to address the impact of the oil spill and has eliminated any further threat to the environment from the facility.</p>
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Action	Date	Comments
Incident (Oil spill)	11 December 2023	▪ Report received of oil spill into the Rio Cobre
Incident investigation	11 December 2023	▪ Investigation launched based on the report
Follow-up visit & enforcement action	12 December 2023	▪ Heavy Fuel Oil (HFO – Bunker C) was observed in a drain on Jamaica Beverages Limited’s property.

Action	Date	Comments
		<ul style="list-style-type: none"> ▪ An inspection found that oil originated from the boiler house at Jamaica Beverages Limited operated by Trade Winds Citrus Limited Dairy. ▪ A few dead and dying shrimp were seen along the Rio Cobre banks, downstream of impacted drain. ▪ Site Warning Notice # 017326 served. ▪ Status of clean-up <ul style="list-style-type: none"> ○ Oil containment booms were installed across the Rio Cobre
Follow-up visit	14 December 2023	<ul style="list-style-type: none"> ▪ Clean-up activities monitored. ▪ No further impact on wildlife observed. ▪ Status of clean-up <ul style="list-style-type: none"> ○ Oil discharge ceased
Enforcement action taken	15 December 2023	<ul style="list-style-type: none"> ▪ Enforcement Notices were served electronically requiring Trade Winds to: <ul style="list-style-type: none"> ○ Cease discharge within 24 hrs ○ Remove all petroleum product within 2 days ○ Conduct site contamination assessment of all impacted areas within 7 days ○ Submit remediation plan within 14 days
Monitoring and enforcement action	18 December 2023	<ul style="list-style-type: none"> ▪ Enforcement Notice served in hard copy. ▪ Agency's monitoring of clean-up activities continued.
Monitoring of clean-up	17-30 December 2023	<ul style="list-style-type: none"> ▪ Agency's monitoring of clean-up activities continued. ▪ No further impact on wildlife observed.
Ecological Assessment		<ul style="list-style-type: none"> ▪ Given the extent of the impact (oil sheen) and the interventions implemented it was expected that there would be no further environmental impact.
Quantity of oil entering the Rio Cobre		<ul style="list-style-type: none"> ▪ Not determined, however oil sheen was observed.
Letter from Trade Winds	18 December 2023	<ul style="list-style-type: none"> ▪ Requested extension of 2 weeks to 15 January for full compliance with the Enforcement Notice. ▪ Summons served for breach of Section 11 of the Wild Life Protection Act.
Cost of clean-up		<ul style="list-style-type: none"> ▪ To be provided by Trade Winds Citrus Limited. ▪ Clean-up cost was borne by Trade Winds Citrus Company.
Monitoring of clean-up	5 January 2024	<ul style="list-style-type: none"> ▪ Post Enforcement Action Monitoring Report prepared on the 10 January 2024 (refer to attached).

Action	Date	Comments
Legal standing of the Friends of the Rio Cobre		<ul style="list-style-type: none"> ▪ Research to date reveals that the current Friendly Society website does not list the company.¹ ▪ No evidence that they have any legal standing as a fiat was presented in court.
1 st court appearance	16 January 2024	<ul style="list-style-type: none"> ▪ Matter adjourned for file to be completed
Post enforcement inspection	9 February 2024	<ul style="list-style-type: none"> ▪ There was full compliance with all enforcement instruments issued. ▪ There was no evidence of oil in the Rio Cobre.
2 nd court appearance	19 February 2024	<ul style="list-style-type: none"> ▪ Disclosure made except for one (1) witness statement.
3 rd court appearance	23 February 2024	<ul style="list-style-type: none"> ▪ Full disclosure made
4 th court appearance	15 April 2024	<ul style="list-style-type: none"> ▪ Defence not ready ▪ Matter adjourned ▪ Plea and case management (to assess the file for trial readiness).
5 th court appearance	21 May 2024	<ul style="list-style-type: none"> ▪ Parties requested additional time.
Legal and Enforcement, Public Relation and Marketing Committee (LECPRMC) (NRCA committee)	11 July 2024	<ul style="list-style-type: none"> ▪ Committee recommended the matter be brought to mediation and thereafter withdrawn depending on the outcome of the mediation. The Committee was of the view that the enforcement instrument was complied with and there would be no further impact on the environment. See pages 21 – 24 of meeting minutes attached.
NRCA meeting	16 July 2024	<ul style="list-style-type: none"> ▪ The NRCA accepted the recommendation of the LECPRMC (as heard on Zoom meeting recording).
6 th court appearance	3 September 2024	<ul style="list-style-type: none"> ▪ Parties requested that the court refer the matter to mediation ▪ Judge indicated that the parties may do their own mediation
Mediation held	2 October 2024	<ul style="list-style-type: none"> ▪ Parties came to an agreement ▪ Mediation agreement drafted
Mediation agreement received from Trade Winds	18 October 2024	<ul style="list-style-type: none"> ▪ Circulated to NRCA
Letter to the DPP	23 October 2024	<ul style="list-style-type: none"> ▪ Letter sent seeking guidance in relation to entering a nolle prosequi
Email from DPP	24 October 2024	<ul style="list-style-type: none"> ▪ Receipt acknowledged
Email from DPP	8 November 2024	<ul style="list-style-type: none"> ▪ Receipt acknowledged again
Visit to DPP's office	25 November 2024	<ul style="list-style-type: none"> ▪ NEPA following up on response ▪ DPP's office indicated the matter was reassigned and response to be sent soon
Mediation agreement	26 November 2024	<ul style="list-style-type: none"> ▪ Mediation agreement signed by NRCA
7 th court appearance	27 November 2024	<ul style="list-style-type: none"> ▪ Matter withdrawn

¹ <https://ngobase.org/c/JM/jamaica-ngos-charities>

Action	Date	Comments
		<ul style="list-style-type: none"><li data-bbox="846 233 1419 300">▪ Judge indicated that it is within the NRCA/NEPA purview to withdraw a matter
Response from DPP	27 November 2024	<ul style="list-style-type: none"><li data-bbox="846 306 1419 373">▪ Requesting additional information (copy of file and fiat)