



**Institutional
Memory
Oefa
2017**



Institutional Memory 2017



Agency for
Environmental
Assessment and
Enforcement

**Agency for Environmental
Assessment and Enforcement - OEFA**

Board of Directors

Tessy Torres Sánchez

César Ortiz Jahn

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We broaden our view



Oefa

Agency for
Environmental
Assessment and
Enforcement

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April 2018)10

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Ventanilla, Lima

Presentation



Foreword by the Minister of the Environment



Elsa Galarza C., Minister of the Environment

The Agency for Environmental Assessment and Enforcement (OEFA), as a specialized technical agency working under the Ministry of the Environment (Minam), is responsible for ensuring compliance with environmental regulations and for contributing to the right balance between economic activities and environmental protection.

In its role as the governing body of the National System for Environmental Enforcement (SINEFA), OEFA coordinates and supervises the work of environmental enforcement entities (EFA), at different levels of government, with the aim of contributing to enforcement for an integral and coordinated environmental management.

As EFA, OEFA exercises three main functions:

- Environmental assessment, which

consists of carrying out monitoring activities and monitoring the quality of the environment, with the aim of obtaining information regarding the status of its different components in strategic areas and contribute with the supervision functions.

- Direct environmental supervision, which consists of verifying compliance with the respective environmental obligations on the part of the administered that belong to those economic sectors directly supervised by OEFA.
- Supervision and application of incentives, which consists of the investigation of possible administrative infringements, the determination of responsibility and the imposition of sanctions and administrative measures for the breach of said obligations if applicable, as well as the application of incentives.

In addition, OEFA has specialized support bodies and cross-cutting areas that aim to cooperate and facilitate the completion of work which is coordinated between the different areas of the institution, as well as with the other State entities with which it has contact.

The entity has promoted a preventive approach - one which favours the correction of behaviour, especially in scenarios in which the impact is lower - with a territorial intervention, using as a main input the map of socio-environmental conflicts, working towards comprehensive and strategic enforcement, which involves not only the actions of OEFA, but also inter-institutional management for the timely action of the relevant EFAs.

This Institutional Report summarizes the main activities and results achieved during 2017 and commits OEFA to continue

improving the indicators of efficiency and effectiveness in environmental enforcement.

Elsa Galarza C.
Minister of the Environment
July 2016 - April 2018

Foreword by the President of the Board of Directors



Tessy Torres S., OEFA President of the Board of Directors

This work began in September 2016 with a strong purpose of improving compliance with environmental obligations through efficient, results-oriented, articulated and predictable actions that also provide feedback on public policy objectives that seek to protect the right to live in a healthy environment for people, and to count on sustainable investments for our country.

The pride and passion with which we approach our work at OEFA in order to achieve these objectives provided us with important advances in environmental enforcement during the year 2017, which I am pleased to present in the Institutional Memory.

We believe that the preventive approach is fundamental to avoid possible environmental impacts; that is why during the year 2017 we reorganized the environmen-

tal assessment team, promoting the implementation of early environmental assessments with citizen participation and incorporating technology into environmental monitoring to obtain information, in real time, on the state of environmental components in strategic areas.

In the same way, we carry out responsive environmental assessments, as a consequence of the identification of environmental impacts. To do this, we develop technical-scientific studies that help determine the source of contamination. In this same line of work, we continue to make progress in the identification of environmental liabilities of hydrocarbons and contaminated sites in the basins of the Pastaza, Tigres, Corrientes and Marañón rivers.

We also identified that the direct environmental supervision carried out by

OEFA was framed in a long and cumbersome process that unnecessarily delayed the conclusion of the supervision, with reports dating back to 2011 yet to be completed. This is why during 2017 we reorganized the work and modified the Supervision Regulation, which eliminates the excess administrative burden towards the administered and the institution.

This new Supervision Regulation incorporates the risk estimation methodology of environmental breaches, based on objective criteria that contribute towards providing greater predictability in the performance of OEFA, so that, depending on the characteristics of the breaches, correction is encouraged before the initiation of an administrative sanctioning procedure.

With the simplification of work, greater

effort and results-oriented indicators, we have been able to eliminate the passive approach, with the current average for the completion of a supervision report standing at 57 days. This improves the efficiency of environmental supervision.

Likewise, faced by possible risks to health and the environment, and as a consequence of detected breaches, we have imposed 81 administrative measures to stop, close and control operations, improving the effectiveness of our supervisory role.

In order to eliminate excess regulation, integrate rules and improve the predictability of our decisions, we approved 9 legal instruments, for which we initiated three ex post evaluation processes: i) environmental lawsuits, ii) contribution of technical reports based on the inves-

tigations developed by the Commission of Environmental Crimes; and iii) Annual Environmental Assessment and Enforcement Plan. These evaluations collect evidence that serve as a basis for the introduction of improvements to regulatory practice.

With hard work, we implemented the Academy for Environmental Enforcement, a space developed to strengthen capabilities and generate internal knowledge, but above all directed to the entities of environmental enforcement and to the general public.

All the progress and results that we present are the product of the professionalism, pride and commitment that OEFA workers show, which is reflected in the level of job satisfaction, an indicator for which we also had significant results during 2017.

At OEFA we work as a team and we are determined to continue working for efficient, effective, comprehensive and strategic environmental enforcement. We are convinced of the importance of our work to ensure a sustainable future with environmental quality.

Tessy Torres S.
President of the Board of Directors
Agency for Environmental Assessment
and Enforcement - OEFA



Ichuña, Apurímac





Board of Directors



Tessy Torres Sánchez

Lawyer graduated from the Pontificia Universidad Católica del Perú and Masters in Public Administration from the Instituto Universitario de Investigación Ortega y Gasset (affiliated to Universidad Complutense de Madrid). Her area of expertise is the exercise of *enforcement*.



César Ortiz Jahn

Chemical Engineer with a special mention in Metallurgy, graduated from the Universidad Nacional del Centro del Perú. Master of Science, special mention in Metallurgical Engineering, from the Universidad Nacional de Ingeniería. Graduate of the Doctorate in Chemical Engineering, Universidad Nacional Mayor de San Marcos.



John Ortiz Sánchez

Lawyer graduated from the Pontificia Universidad Católica del Perú. Masters of Law with a minor in Constitutional Law from the Pontificia Universidad Católica del Perú. Candidate for a Doctor of Law from the Pontificia Universidad Católica del Perú. Has been a member of the National Water Dispute Resolution Tribunal of the National Water Authority (ANA). He is an extra-judicial conciliator and has studied courses on Urban Land Policies from the Lincoln Institute of Land Policy and on Local Management of Sustainable Development from FLACSO - GTZ. Professor and member of the University Assembly of the Pontificia Universidad Católica del Perú.



Oefa

Organismo
de Evaluación
y Fiscalización
Ambiental

OEFA headquarters, Lima.



Our Institution



Tambo Valley, Arequipa.



Strategic guidelines



Vision of the environmental sector

A modern country that extracts its natural resources sustainably and that worries about conserving the environment, reconciling economic development with environmental sustainability for the benefit of its citizens.



OEFA's mission

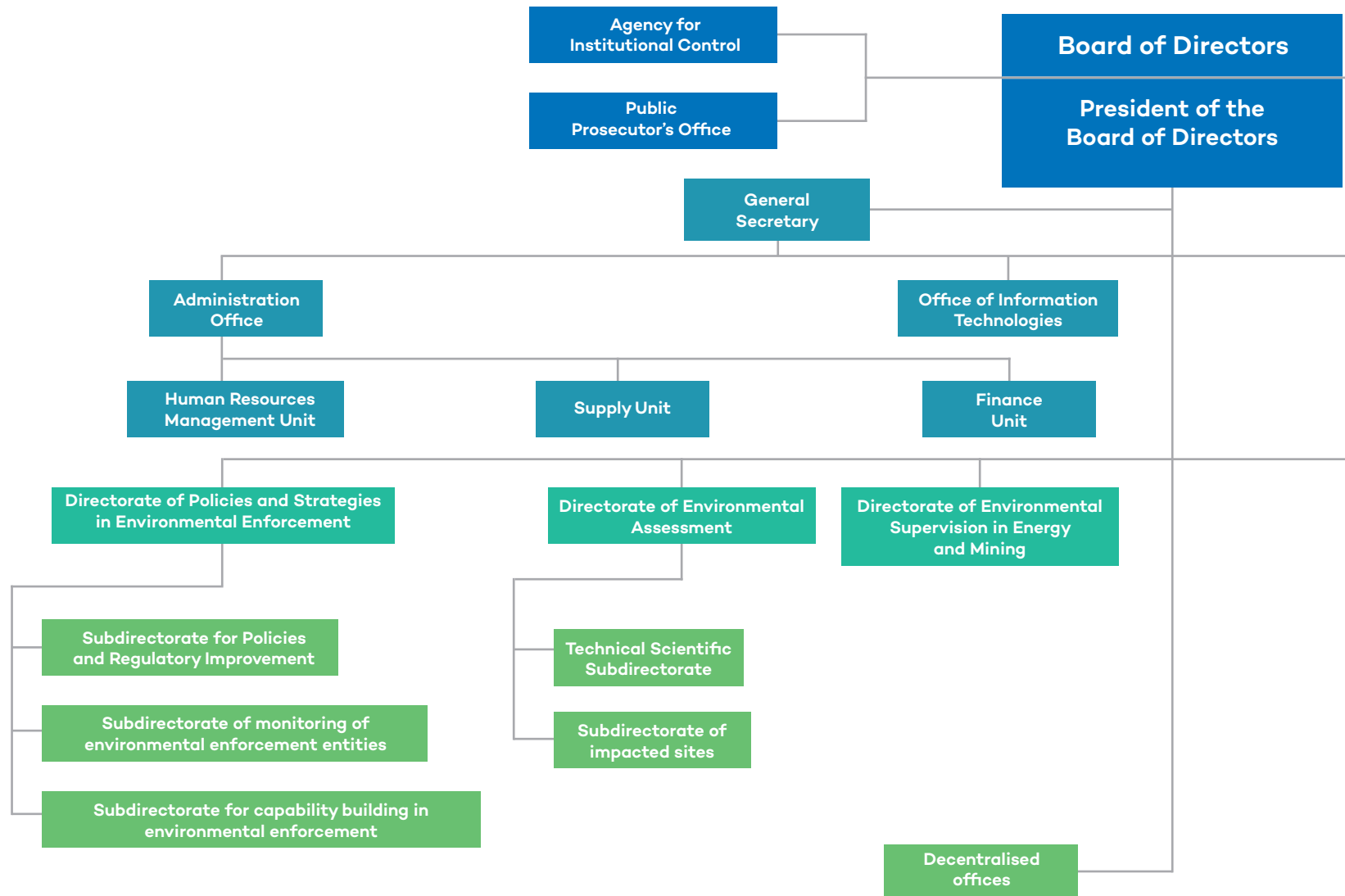
Promote and encourage compliance with environmental obligations in economic agents and improve the National Environmental Management System (SNGA), in an articulated, effective and transparent manner, contributing to the country's sustainable development.

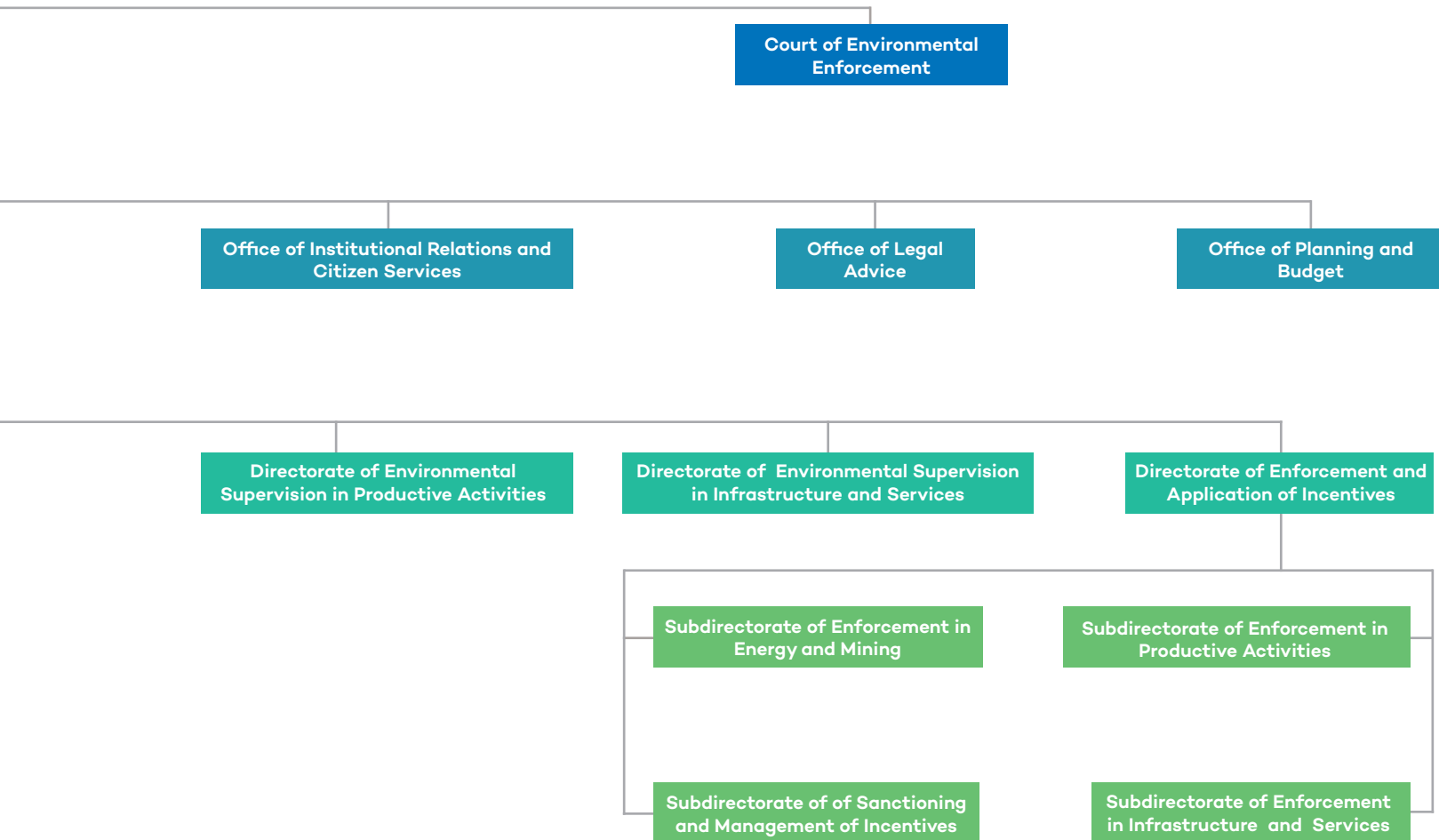


Strategic objectives

- Increase compliance with the environmental obligations of the administrated.
- Modernize the institutional management of OEFA.

Organization





Regulation of Organization and Responsibilities approved through D.S. N° 013-2017-MINAM on 22nd December 2017.



Santa Eulalia, Huarochiri.

Values



Responsibility



Excellence



Transparency



Orientation towards people

Functions



Promote and encourage compliance with environmental obligations in economic agents and improve the SNGA*, in an articulated, effective and transparent manner, contributing to the country's sustainable development.

Assessment function: includes supervision, monitoring and other similar actions carried out by OEFA to prevent environmental impacts and determine presumed responsibilities in the case of non-compliance with environmental regulations.

Ichuña, Moquegua.

*National System of Environmental Management



Direct supervisory function: includes the power to carry out follow-up and verification actions with the purpose of ensuring compliance with the obligations established in the environmental regulations.



Enforcement and sanctioning function: includes the power to investigate possible administrative offences which are punishable by law and impose sanctions for non-compliance with obligations and commitments derived from environmental management instruments, environmental norms, environmental commitments within concessionary contracts and of the mandates or dispositions issued by OEFA. Additionally, it includes the power to issue precautionary and corrective measures.



Quinico, Marañón river basin, Loreto.



OEFA headquarters, Lima.



OEFA, in its capacity as the governing body of Sinefa, has the following functions:

Regulatory function: includes the power to dictate, in scope and in terms of its competences, the norms that regulate the exercise of environmental enforcement within the SINEFA framework, and others of a general nature related to the verification of compliance of the environmental obligations that can be audited by those administered under their charge; as well as those necessary to oversee the environmental enforcement entities, which are mandatory for these entities in the three levels of government. In exercising its regulatory function, OEFA is able to classify administrative infringements, approve the scale of corresponding sanctions, establish the scaling criteria and the scope of the preventive, precautionary and corrective measures to be issued by the respective instances.



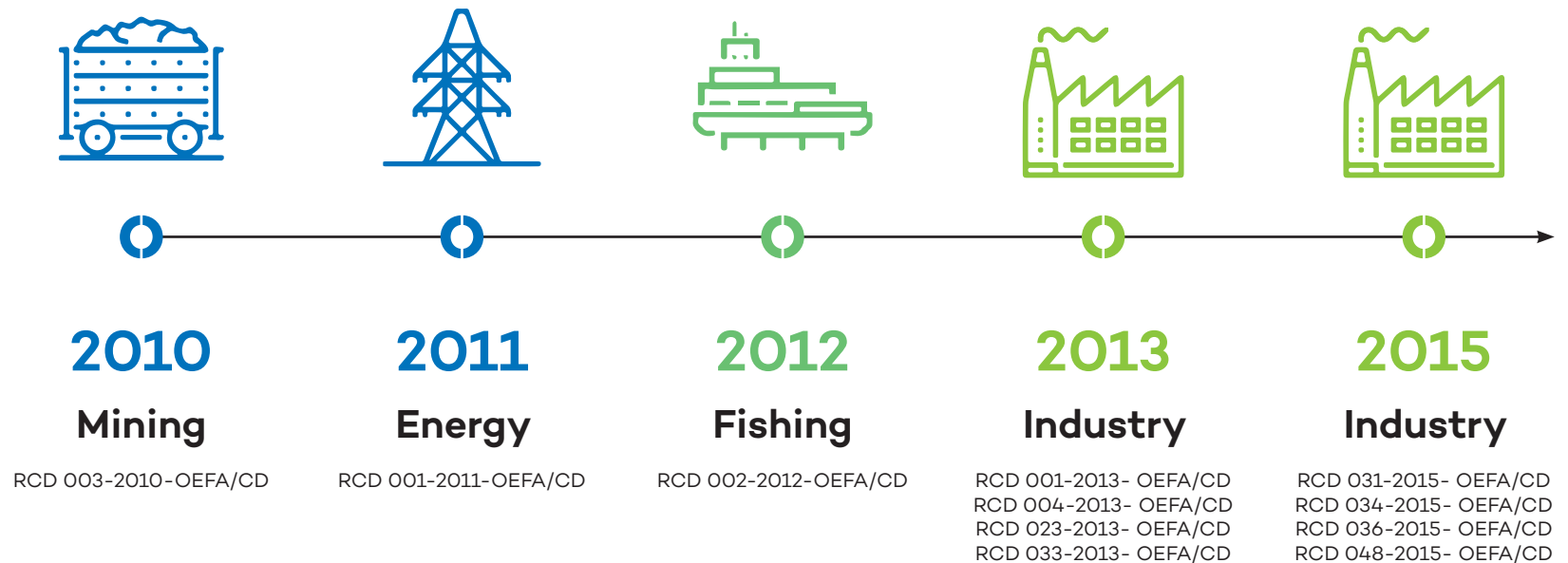
Supervisory function of national, regional or local EFA: includes the ability to carry out follow-up actions and verification of the performance of environmental enforcement functions which are the responsibility of national, regional or local entities (provincial or district level).



Cocachacra, Arequipa.

Transfers*

Timeline for the transfer of powers of enforcement to OEFA – **Transferred**



* In accordance with the provisions of the first final complementary provision of Law 29325, law of the National System of Environmental Assessment and Enforcement.



2016

2017

2018

Industry

Industry

Health

RCD 015-2016- OEFA/CD

RCD 011-2017- OEFA/CD
RCD 022-2017- OEFA/CD
RCD 032-2017- OEFA/CD

DS N° 002-2018-MINAM

**Agriculture
Transport**

Projected



Work team

Work team according to the Regulation of Organization and Functions in effect until 22nd December 2017 (approved through D.S. N ° 022-2009-MINAM)



1. Presidency

María Tessa Torres Sánchez
From 01/09/2016



2. General Secretary

Miriam Alegría Zevallos
01/07/2017 to 21/12/2017
Miriam Alegría Zevallos (e)
28/02/2017 to 30/06/2017
Mónica Diana Ruiz Vega
12/09/2016 to 27/02/2017



3. Court of Environmental Enforcement

Juan Carlos Pastor Humpiri
(Technical Secretary)
From 18/09/2017
Gloria Zoila Cadillo Ángeles
(Technical Secretary)
06/09/2016 to 17/09/2017
Emilio José Medrano Sánchez
(President)
From 17/04/2017
César Abraham Neyra Cruzado (Vocal)
From 17/04/2017
Rafael Mauricio Ramírez Arroyo (Vocal)
From 17/04/2017
Jaime Pedro de la Puente Parodi (Vocal)
From 17/04/2017
Sebastián Enrique Suito López (Vocal)
From 17/04/2017



4. Agency for Institutional Control

José Rogelio Ramírez Tazza
From 10/11/2016



5. Public Prosecutor's Office

Wilfredo Valeriano Mendoza Huerta
From 22/12/2017



6. Office of Legal Advice

Walter Ricardo Gómez Hidalgo
01/07/2017 to 21/12/2017
Miriam Alegría Zevallos
12/09/2016 to 30/06/2017



7. Office of Planning and Budget

Aurea Hermelinda Cadillo Villafranca
12/09/2016 to 21/12/2017



8. Administration Office

Ana María Gutiérrez Cabani
12/09/2016 to 21/12/2017



9. Office of Information Technologies

- Amparito Gianina Acevedo Flores
10/08/2017 to 21/12/2017
- Zico Alexis Yacila Espinoza (e)
03/07/2017 to 09/08/2017
- Ana María Gutiérrez Cabani(e)
04/03/2017 to 02/07/2017
- Gonzalo Alonso Sánchez Lorenzo
06/07/2016 to 03/03/2017



10. Office of Communications and Citizen Services

Mauricio Gonzales Del Rosario
23/11/2016 to 21/12/2017



11. Directorate of Assessment

- Francisco García Aragón
26/11/2016 to 21/12/2017
- Francisco García Aragón (e)
06/09/2016 to 25/11/2016



12. Directorate of Supervision

- Julio Raúl Santoyo Tello
08/07/2017 to 21/12/2017
- Alex Santiago Uriarte Ortiz
13/02/2017 to 07/07/2017
- Alex Santiago Uriarte Ortiz (e)
06/09/2016 to 12/02/2017



13. Directorate of Enforcement, Sanctions and Application of Incentives

Eduardo Robert Melgar Córdova
10/10/2016 to 21/12/2017

Work team according to the Organization and Functions Regulation approved through the D.S. N° 013-2017-MINAM the 22nd December 2017



1. Presidency

Tessy Torres Sánchez
From 01/09/2016



2. Secretary General

Miriam Alegría Zevallos (e)
From 22/12/2017



3. Court of Environmental Enforcement

- Juan Carlos Pastor Humpiri (Technical Secretary)
From 18/09/2017
- Emilio José Medrano Sánchez (President)
From 17/04/2017
- César Abraham Neyra Cruzado (Vocal)
From 17/04/2017
- Rafael Mauricio Ramírez Arroyo (Vocal)
From 17/04/2017
- Jaime Pedro de la Puente Parodi (Vocal)
From 17/04/2017
- Sebastián Enrique Suito López (Vocal)
From 17/04/2017



4. Agency for Institutional Control

José Rogelio Ramírez Tazza
From 10/11/2016



5. Public Prosecutor's Office

Wilfredo Valeriano Mendoza Huerta (e)
From 22/12/2017



6. Office of Legal Advice

Walter Ricardo Gómez Hidalgo
From 22/12/2017



7. Office of Planning and Budget

Aurea Hermelinda Cadillo Villafranca (e)
From 22/12/2017



8. Administration Office

Ana María Gutiérrez Cabani (e)
From 22/12/2017



9. Office of Information Technologies

Amparito Gianina Acevedo Flores (e)
From 22/12/2017



12. Directorate of Environmental Assessment

Francisco García Aragón (e)
From 22/12/2017



15. Directorate of Environmental Supervision in Infrastructure and Services

Julio Raúl Santoyo Tello (e)
From 22/12/2017



10. Office of Institutional Relations and Citizen Services

Mauricio Gonzales Del Rosario (e)
From 22/12/2017



13. Directorate of Environmental Supervision in Energy and Mining

Julio Raúl Santoyo Tello (e)
From 22/12/2017



16. Directorate of Enforcement and Application of Incentives

Eduardo Robert Melgar Córdova (e)
From 22/12/2017



11. Directorate of Policies and Strategies in Environmental Enforcement

Karina Rocío Montes Tapia (e)
From 22/12/2017



14. Directorate of Environmental Supervision in Productive Activities

Gladys Kailyn Rengifo Reategui (e)
From 22/12/2017



Corani, Puno.

Our strategy



Pillars of environmental enforcement

Environmental compliance



Integral enforcement

Functions

As the governing body of Sinefa*:

- Regulations
- Supervisor of environmental enforcement entities

As an environmental enforcer**:

- Assessment
- Supervision
- Enforcement
- Incentives***



Strategic enforcement

Training

+

Transparency

* Sinefa: National System of Environmental Assessment and Enforcement.

** OEFA assumes the functions of assessment, supervision, enforcement, control and sanctioning in environmental matters of entities in a progressive manner according to what is indicated in the first final complementary provision of Law N029325, the law of the National System of Evaluation and Environmental Enforcement.

*** In relation to what is indicated by the second final complementary provision of Legislative Decree N01013, a legislative decree approving the creation, organization and functions of the Ministry of the Environment

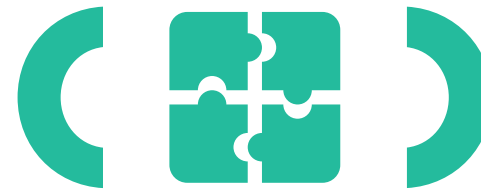
Strategic & integral environmental enforcement

The exercise of environmental enforcement during 2017 - understood as the macro process that includes assessment, supervision, enforcement and sanctioning - was planned with a territorial approach, considering that our work should be:



Integral

It must include not only the work of OEFA, but also articulate the work of the EFAs competent in the prioritized spaces.



Strategic

Guiding efforts to solve environmental problems with efficiency and effectiveness.

Likewise, the assessment, supervision, enforcement and monitoring of EFA are prioritized by considering the spaces with socio-environmental conflicts, as well as the protection of the environment, taking into account the degree of vulnerability of the environmental components.

In this way, we seek to promote compliance with environmental obligations to contribute to the improvement of environmental quality.

Environmental enforcement value chain

1

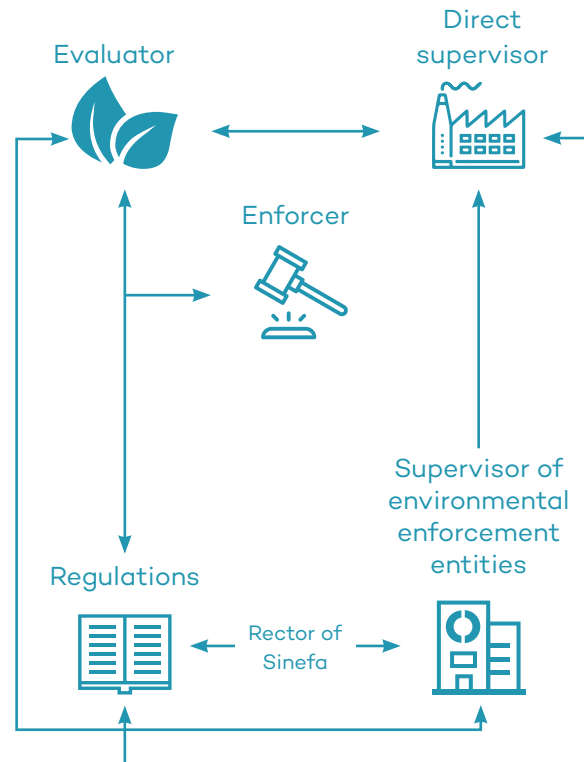
2

3

4



- Socio-environmental conflicts
- Emergencies
- Vulnerability
- Repeated breaches



Improves compliance with environmental obligations



Future of coexistence with environmental quality



Santa Eulalia, Huarochirí, Lima.



Priority areas under a risk approach

Environmental enforcement is addressed through inter-institutional articulation, involving an integral and coordinated intervention by the OEFA directorate lines, the participation of decentralised offices (OD) and the intervention of the EFAs.

In 2017, environmental assessment and supervision actions were prioritized using 30 spaces for dialogue at the national level. The prioritization criteria took into account the actual or potential impact on public health, environmental components and social scenarios in which the social, economic and political context had the danger of generating social conflict and / or an escalation of those that are being managed by the various State institutions.

Cuninico, Marañon river basin, Loreto.

Total: 30

Piura (3)



Cajamarca (1)



Áncash (5)



Lima - Callao (1)



Apurímac (2)



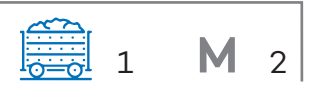
Loreto (5)



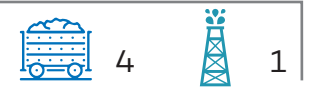
Pasco (1)



Junín (3)



Cusco (5)



Puno (2)



Moquegua (2)



Additionally, other prioritization criteria for risk analysis were considered.



Each prioritization criterion is developed in the PLANEFA 2017, which can be accessed through the institutional portal: www.oefa.gob.pe/avisos/planefa2017



Dean Valdivia, Arequipa.

A person wearing a white protective suit is visible on the right side of the frame, holding a red object. The background is a smooth gradient from light blue at the top to dark blue at the bottom, with a silhouette of a mountain range at the bottom. The overall scene is dimly lit, suggesting a night or low-light environment.

Chiclayo, Lambayeque.

A woman wearing a white lab coat, safety glasses, and a white hard hat with the 'Oefa' logo is smiling while working with a large black pipe. She is wearing yellow gloves and holding a tool. The background is a blue gradient. The title 'Progress and results 2017' is overlaid in white text, flanked by two large white curved brackets.

Progress and results 2017



Ichuña, Moquegua.



Environmental assessment

The environmental assessment carried out by OEFA is developed through preventive and responsive approaches, as shown below:

Approaches to environmental assessment



Preventive: ex ante the occurrence of environmental impacts



Early environmental assessments (EAT)

Environmental surveillance

Responsive: ex post the occurrence of environmental impacts



Assessments that determine causality

Identification of sites impacted by hydrocarbon activities

Preventive environmental assessment: ex ante the occurrence of environmental impacts

The objective of ex ante environmental assessments is to act preventively and participatively - through monitoring and surveillance actions - by making available to the main actors the information

obtained on the state of the environmental components: the communities, the company and the other entities involved in environmental enforcement functions.

• Early environmental assessments (EAT)

They are carried out in the area of influence of auditable activities under the competence of OEFA, they determine the state of environmental quality on the information generated in the baseline of environmental management instruments and they identify possible sources of pollution (natural and / or anthropogenic) before the start of the extractive operations. This enables subsequent environmental monitoring of the assessed components, once the administrated

begin the operation of the projects that were the subject of the EAT.

The EATs are carried out on a seasonal basis (dry season and wet season) with the participation of the communities, the company and the public entities involved.

In 2017, 12 early environmental assessments were carried out in the mining and energy sectors (electricity and hydrocarbons).

Cajamarca (3)



El Galeno Lumina Copper S.A.C.



Shahuindo Shahuindo S.A.C.



La Granja Rio Tinto Minera Perú Limitada S.a.c.

Presentation of results:
18th to 20th October 2017
1st to 3rd March 2017

Huánuco (2)



Lote 131 Cepsa Peruana S.A.C.

Ch Chontayacu (Alto Y Bajo Hidroeléctrica Lima S.A.C.

Presentation of results:
April 2018

Ayacucho (1)



Sancos Apumayo S.A.C.

Presentation of results:
18th to 20th March 2018

Arequipa (1)



Tía María Southern Peru Copper Corporation Sucursal Del Peru

Presentation of results:
2018

Total: 12



Cusco (1)



Coroccohuayco Compañía
Minera Antapaccay S.a.
Presentation of results:
2018

Apurímac (1)



Utunsa Anabi S.A.C.
Presentation of results:
5th to 8th March 2018

Puno (2)



Fission Energy
Peru S.A.C.



Corani Bear Creek Mining
Company Sucursal Del Peru
Presentation of results:
19th to 21st February 2018

Moquegua (1)



Quellaveco Anglo American
Quellaveco S.A.
Presentation of results:
5th to 7th March 2018



Mining

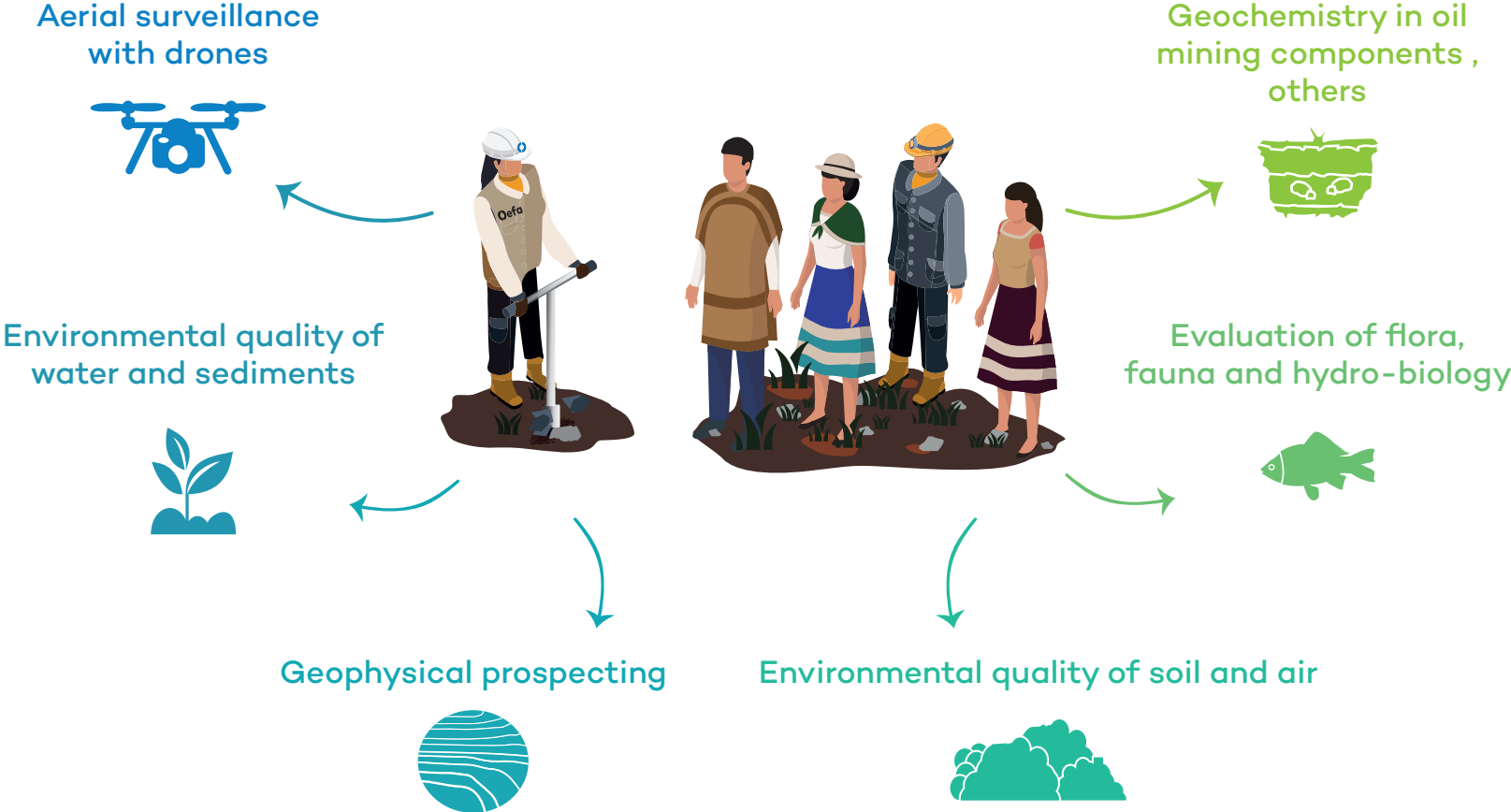


Hydrocarbons



Electricity

Citizen participation in the EATs carried out during 2017 involved more than 2,000 people, including citizens and representatives of other State institutions and companies audited by OEFA.



Number of people participating in the EATs

Total: 2 088 participants *



* Includes citizens, representatives of State institutions and companies audited by OEFA.



• Environmental surveillance

The objective of environmental surveillance is to obtain information on the status of key environmental components, in order to assess trends, generate alerts and act preventively.

La Oroya

In 2017, the process of continuous environmental assessment - permanent and in real time¹ - was implemented in the city of La Oroya, in the Yauli district, Yauli province, Junín department, through a fixed automatic station located in the area of influence of the metallurgical complex of La Oroya (CMLO), in a strategic and representative area agreed with the Provincial Municipality of Yauli and formalized through an inter-institutional agreement with OEFA.

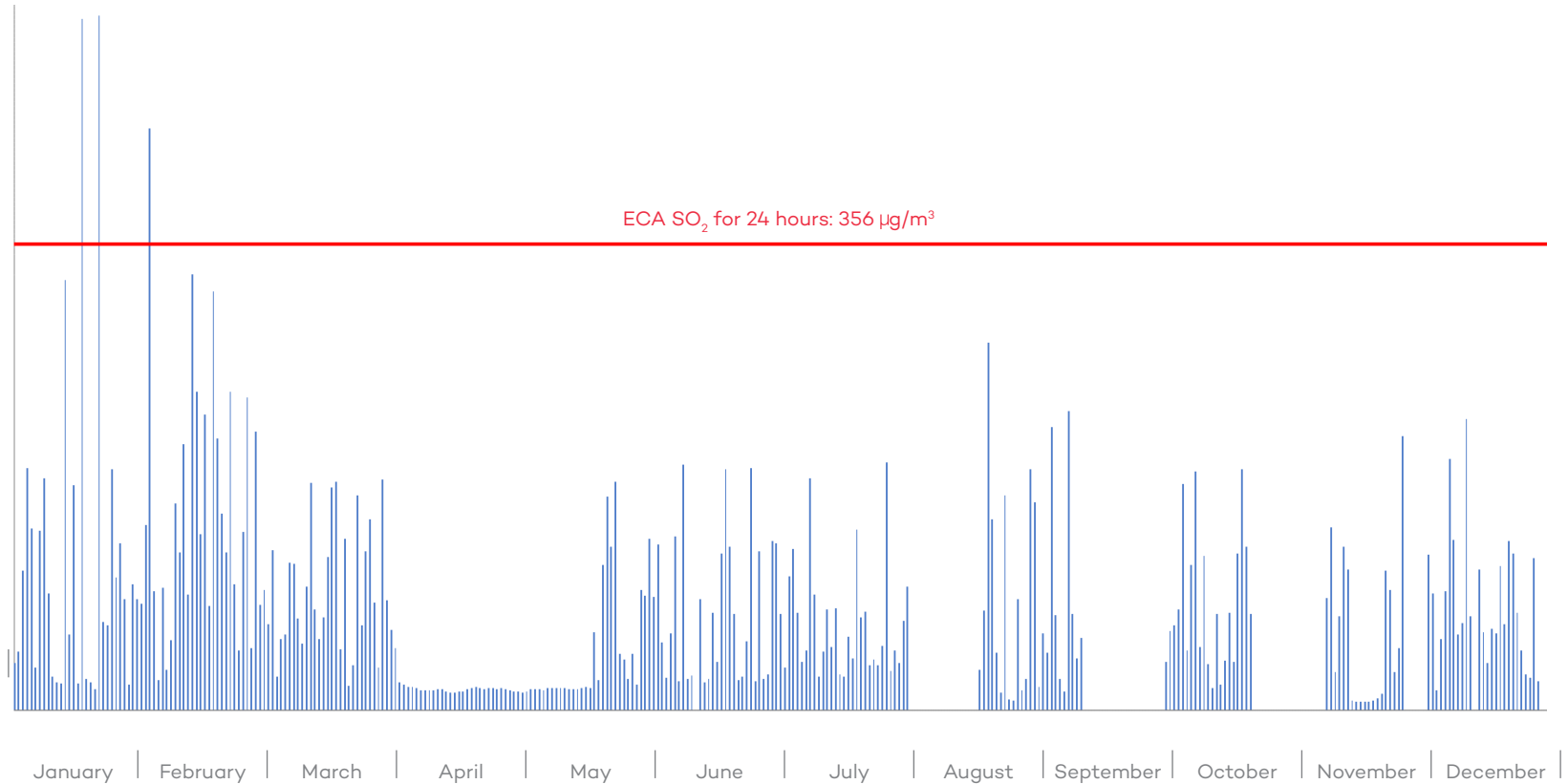
This activity consists in the monitoring of the environmental quality of the air (sulphur dioxide -SO₂- and particulate material less than 10 microns in size-PM₁₀-) and in the recording of meteorological conditions (wind speed and direction, precipitation, atmospheric pressure and environmental temperature), all reported in real time, 24 hours a day, 365 days a year, through a satellite communication system implemented by the institution.

1. Although the continuous environmental assessment of air quality in La Oroya began in December 2015, it was not until 2017 that the transmission of information began in real time.

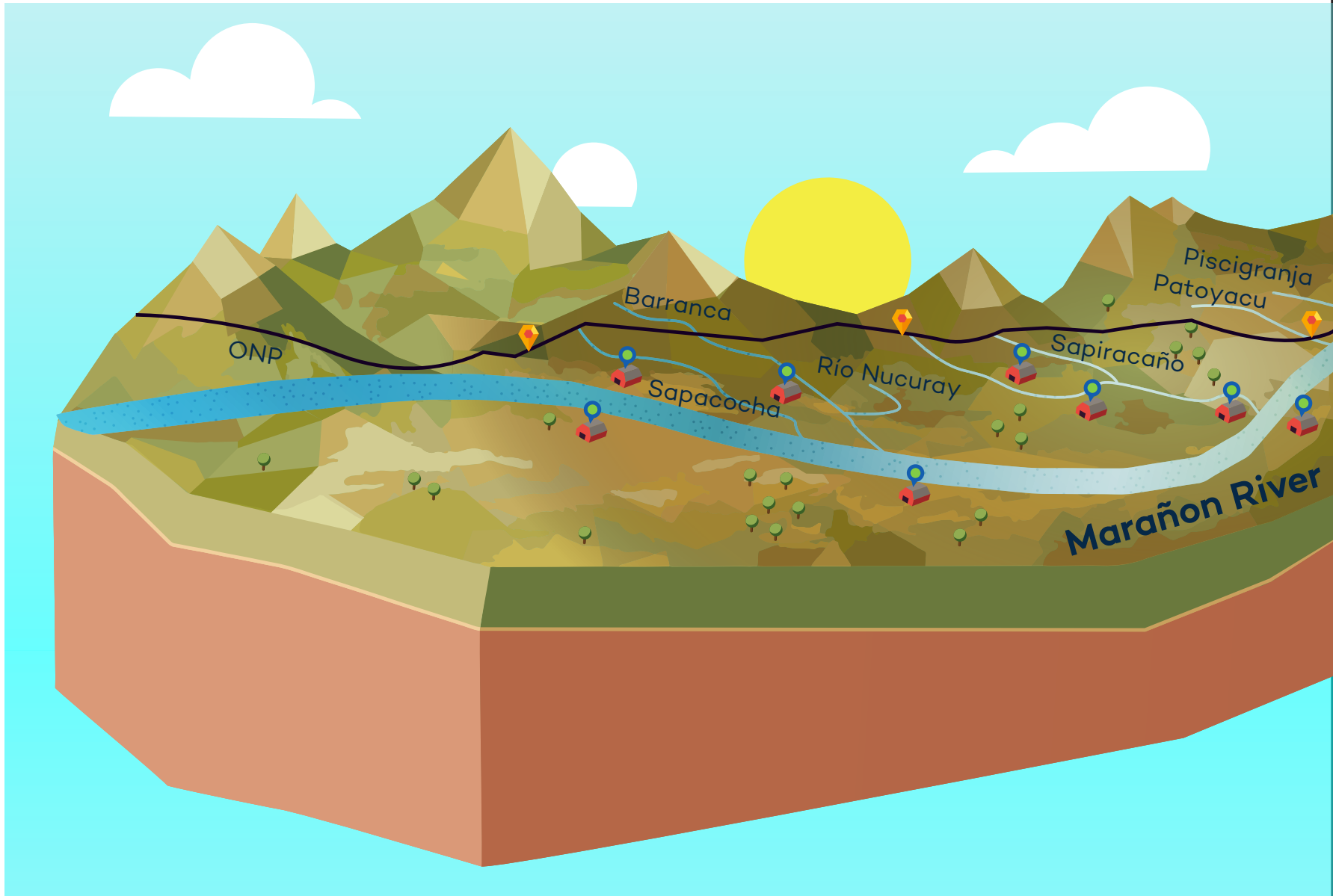
La Oroya, Junín

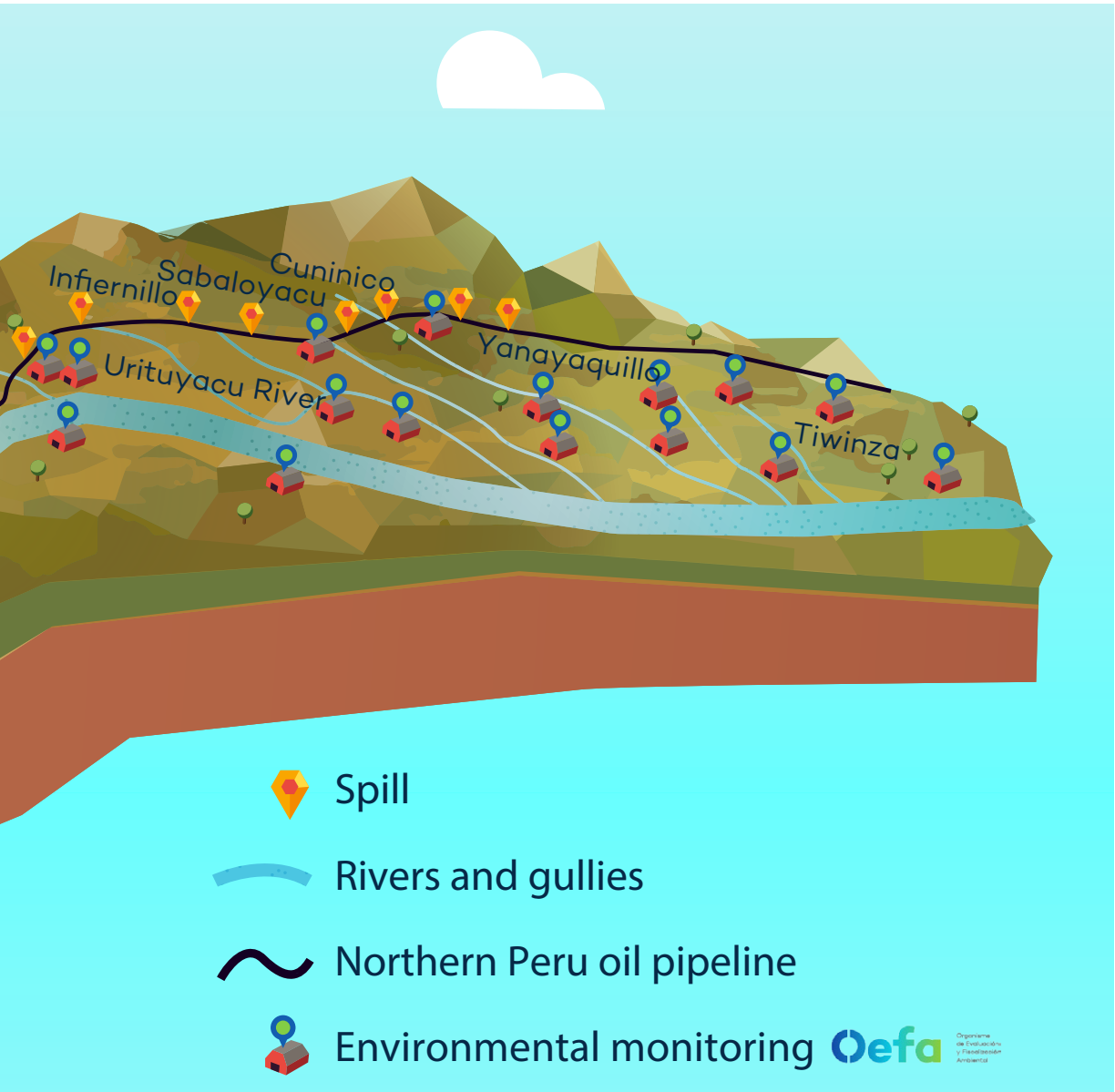
Historical behaviour of the daily concentrations of sulphur dioxide (SO₂)

Period: January to December 2017



As part of the continuous environmental assessment, and as can be seen in the previous figure, there were 3 exceedances of the ECA SO₂ established by Minem for the CMLO (365 g/m³), 2 in January and 1 in February, which led to a special supervision of the OEFA towards the CMLO. After said supervision, no other exceedances were reported in the aforementioned environmental parameter during 2017.





Northern Peru oil pipeline

During 2017, an environmental monitoring network for water quality was implemented in section I of the Northern Peru oil pipeline (ONP), due to the spills that occurred between 2015 and 2016.

This surveillance network was built with the participation of the indigenous communities that live in the areas adjacent to section I of the ONP and was implemented with a monthly regularity, assessing parameters associated with hydrocarbons -TPH (C5-C40) - in the tributary water bodies to the Marañón river that flows through the spill zones. The results obtained show that none of the points assessed in the Marañón River and its main tributaries exceeded the hydrocarbons quality standard.



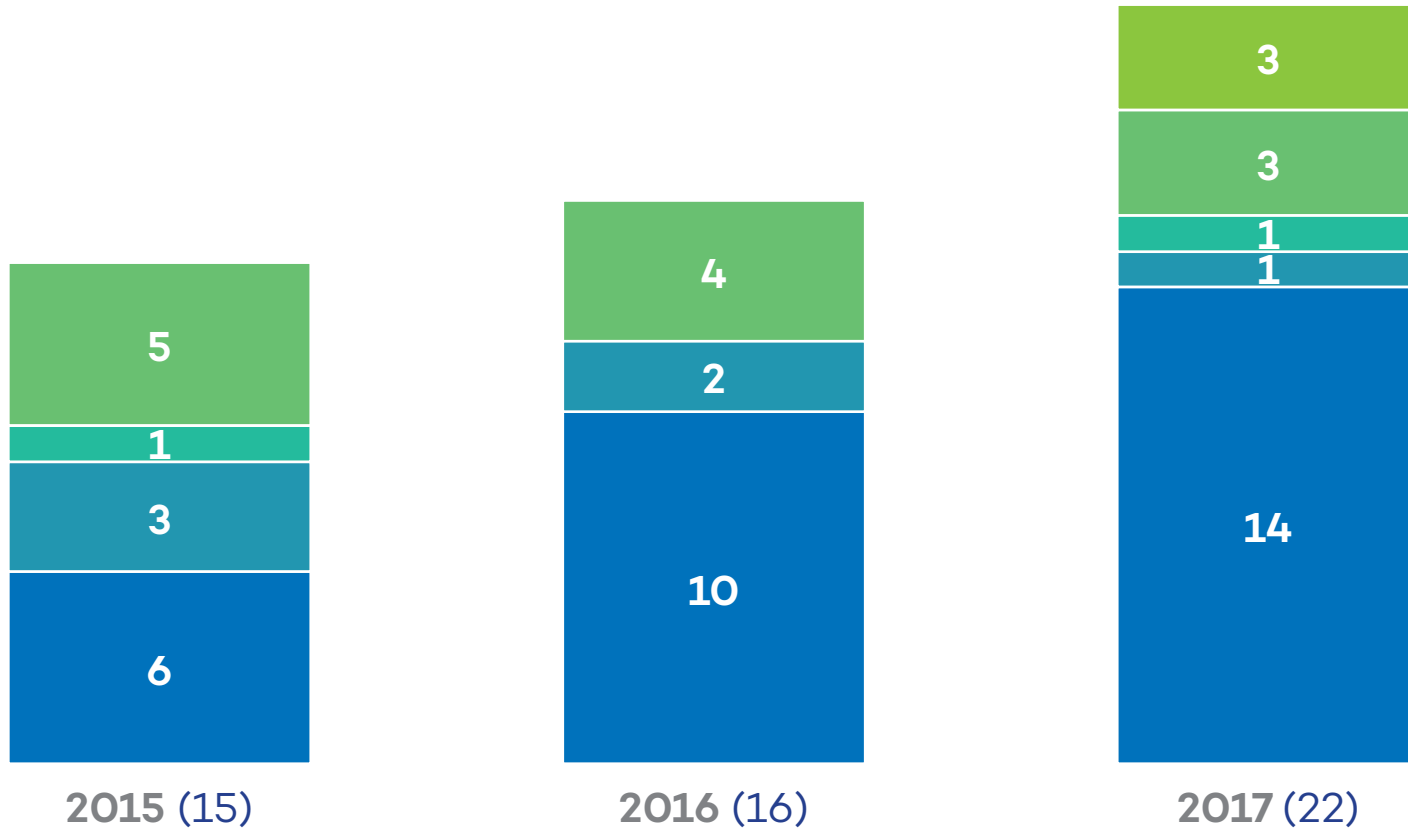
Responsive environmental assessment: ex post the occurrence of environmental impacts

The objective of ex post environmental assessments is to provide important input towards determining responsibility for possible environmental impacts, and therefore contribute to the supervisory function of OEFA.

- **Environmental assessments that determine causality**

They are executed through monitoring actions and specialized technical studies to determine possible sources of alteration to the various environmental components. They involve an integral environmental diagnosis of the state of the quality of the environmental components in areas where auditable economic activities, under the competency of OEFA, were developed or are being developed and are in operation, closure or abandonment. In 2017, 22 environmental assessments were carried out that determine causality in all sectors under the competence of OEFA.

Progress in the number of environmental assessments in operation, abandonment and closure



Mining



Hydrocarbons



Electricity



Fishing



Industry



- **Identification of environmental liabilities in the hydrocarbons subsector**

Its purpose is to identify the impacts generated as a result of old activities linked to the hydrocarbon subsector, in accordance with the provisions of Law No. 29134, a law that regulates the environmental liabilities of the hydrocarbons sector and its rules. This involves - if applicable - identifying the sources that cause such impacts, determining the extent of the affected areas and the physical, chemical, biological or toxicological characteristics of the contaminants present in those areas, as well as the level of risk (high, medium, low) that these liabilities represent. This is all done with the purpose of contributing towards updating the inventory of environmental liabilities of the hydrocarbon subsector that the Minem oversee.

Cuninico, Marañon river basin, Loreto.

Environmental liabilities of the hydrocarbon subsector identified by OEFA

Period: 2013 - 2017

Total: 4 084

Tumbes

97

Piura

3 949

Amazonas

1

Pasco

5

Junín

1

Ica

1

Loreto

14

Ucayali

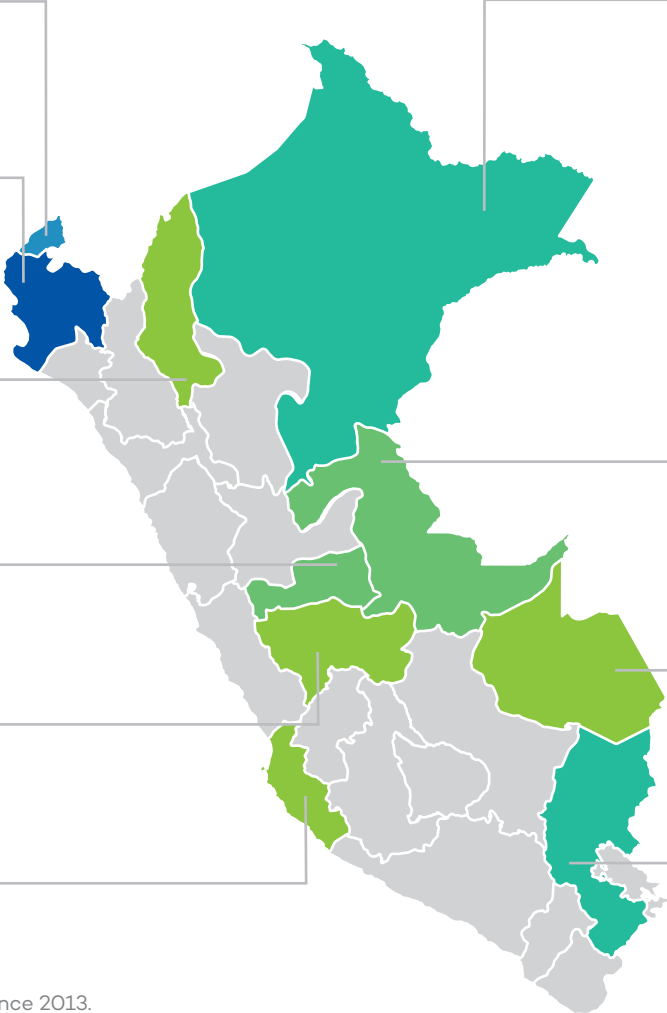
5

Madre de Dios

1

Puno

10



This information has been reported to Minem since 2013.

Level of risk of the environmental liabilities of the hydrocarbon subsector identified by OEFA

Period: 2013 - 2017

High risk level

169

Low risk level

1 314

Medium risk level

2 601





El Naranjal, Marañon river basin, Loreto.

- **Identification of sites impacted by hydrocarbon activities located in the basins of the Pastaza, Corrientes, Tigre and Marañón rivers.**

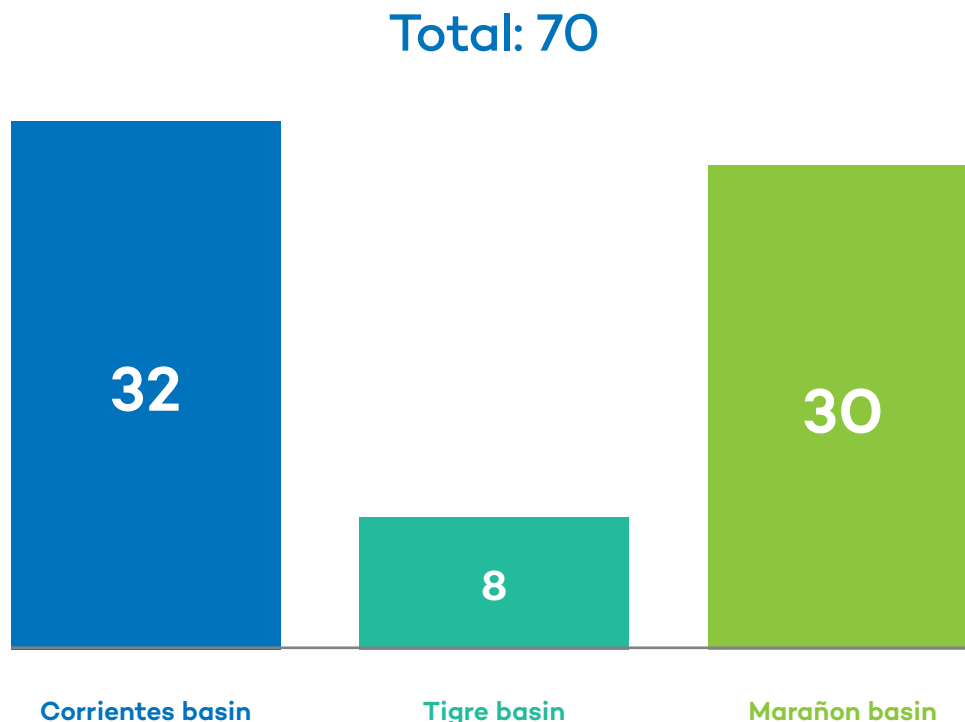
Law No.30321 creates a contingency fund for the environmental remediation of sites impacted by hydrocarbon activities located in the Pastaza, Corrientes, Tigre and Marañón river basins, in the department of Loreto.

OEFA is in charge of identifying impacted sites, as well as estimating the level of risk to health and the environment.

On November 1st 2017, OEFA approved the Directive for the identification of impacted sites and the methodology for estimating the level of risk to health and the environment.

In addition, in response to environmental lawsuits regarding sites allegedly impacted by hydrocarbon activities, visits were made to identify 70 possible sites affected in the Tigre, Corrientes and Marañón river basins. The information collected will be used to plan a second visit to continue the process of identifying impacted sites and the subsequent estimation of the level of risk to health and the environment.

Visits to identify possible impacted sites 2017



Access to the methodology for estimating the level of risk to health and the environment of the environmental liabilities of the hydrocarbons subsector in the Pastaza, Corrientes, Tigre and Marañón river basins can be found in the following link: www.oefa.gob.pe/avisos/metodologia-sitios-impactados



Nueva Esperanza, Marañon river basin, Loreto.



Direct environmental supervision

Improvement of the supervision process

During 2017, with the support of the German Cooperation for Development and implemented by GIZ through ProAmbiente II, the objective was set to promote efficiency in the management of the supervision process, to optimize deadlines and to reduce the number of stages.

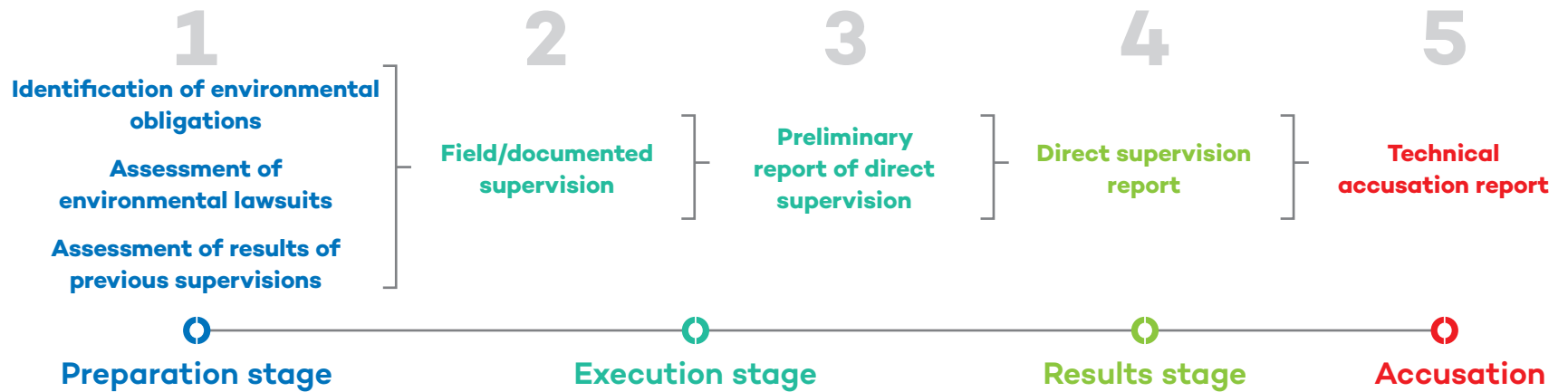
The evaluation of the process determined that the completion of up to 3 reports for

each supervision (preliminary report of direct supervision, direct supervision report and technical accusation report) did not add value to the process and delayed the conclusion of the supervision process.

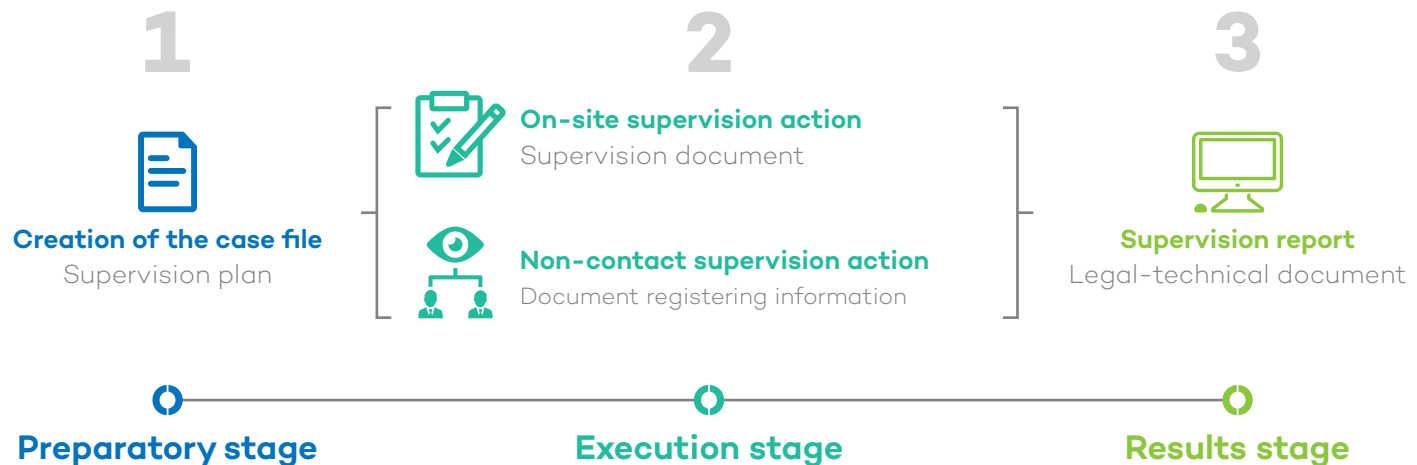
As a result, the decision was taken to optimize the process, and through Board of Directors Resolutions No. 025-2016-OEFA/CD and No. 005-2017-OEFA/CD,

the Supervision Regulation was modified, eliminating the excess administrative burden imposed on the institution and the administered. Additionally, this modification promotes the correction of breaches according to their level of risk, for which a methodology was approved to determine the degree of criticality of the presumed breach based on objective criteria.

Previous structure: 5 stages



Current structure: 3 stages



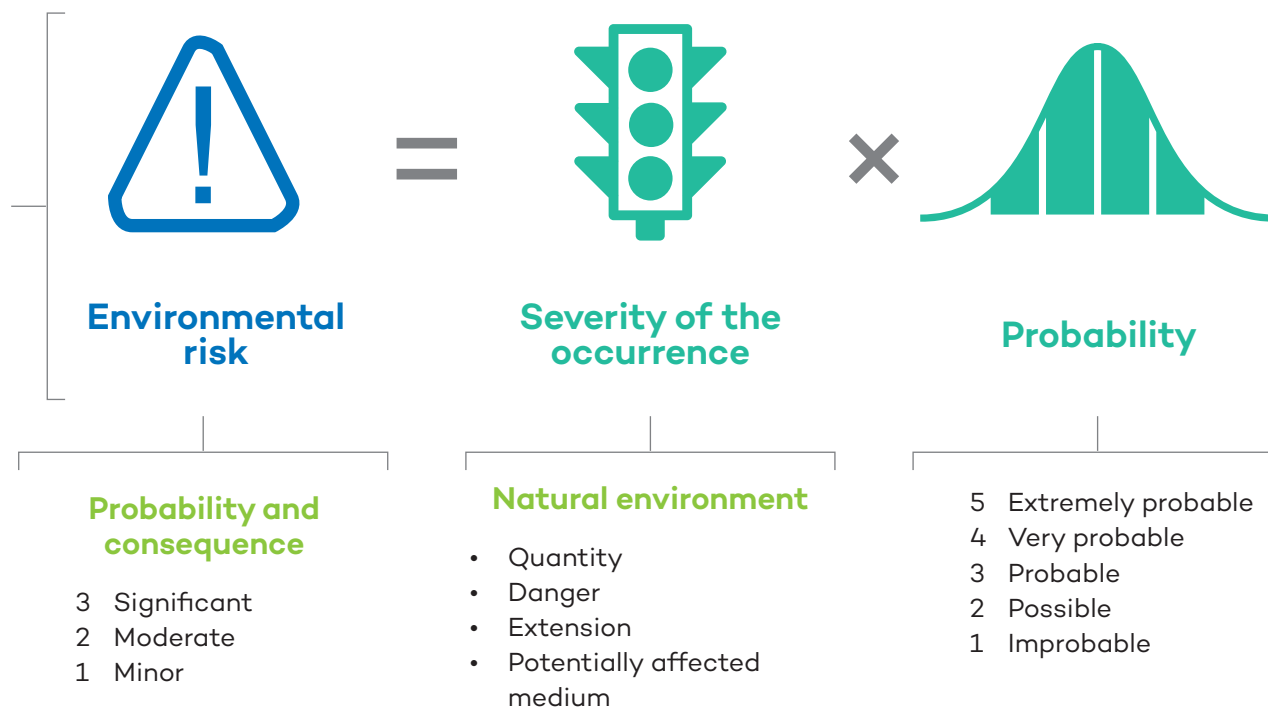
The Environmental Supervision Regulation includes a methodology to estimate the level of risk generated by the breach of environmental obligations.

The methodology is based on objective criteria that contribute to providing greater predictability in the performance of OEFA and strengthen the application

of the principle of reasonableness. The formula for applying the criteria is available to the general public on the institutional website.

The breaches can be classified as

- **Minor**
- **Major**



To estimate the level of risk generated by non-compliance with environmental obligations, the methodology can be accessed through the following link: www.oefa.gob.pe/metodologia-para-la-estimacion-del-riesgo-ambiental

RCD 018-2017-OEFA / CD establishes the conditions for a non-compliance to be classified as minor or major.



The results of the methodology classify the breaches as minor and major, which will determine if it is appropriate to initiate a sanctioning procedure, taking into account that the facts or omissions detected in the supervision that contravene

environmental regulations have a different degree of harmfulness and that it is not proportionate - in the case that the impact is not significant and the behaviour is corrected - to attribute an administrative sanction, in accordance with the principle

of reasonableness.

In this way, the removal of breaches is encouraged, considering that with the Supervision Regulation approved, breaches classified as minor that are corrected will be archived by the OEFA.



Supervisions pending in 2017 and deadline control

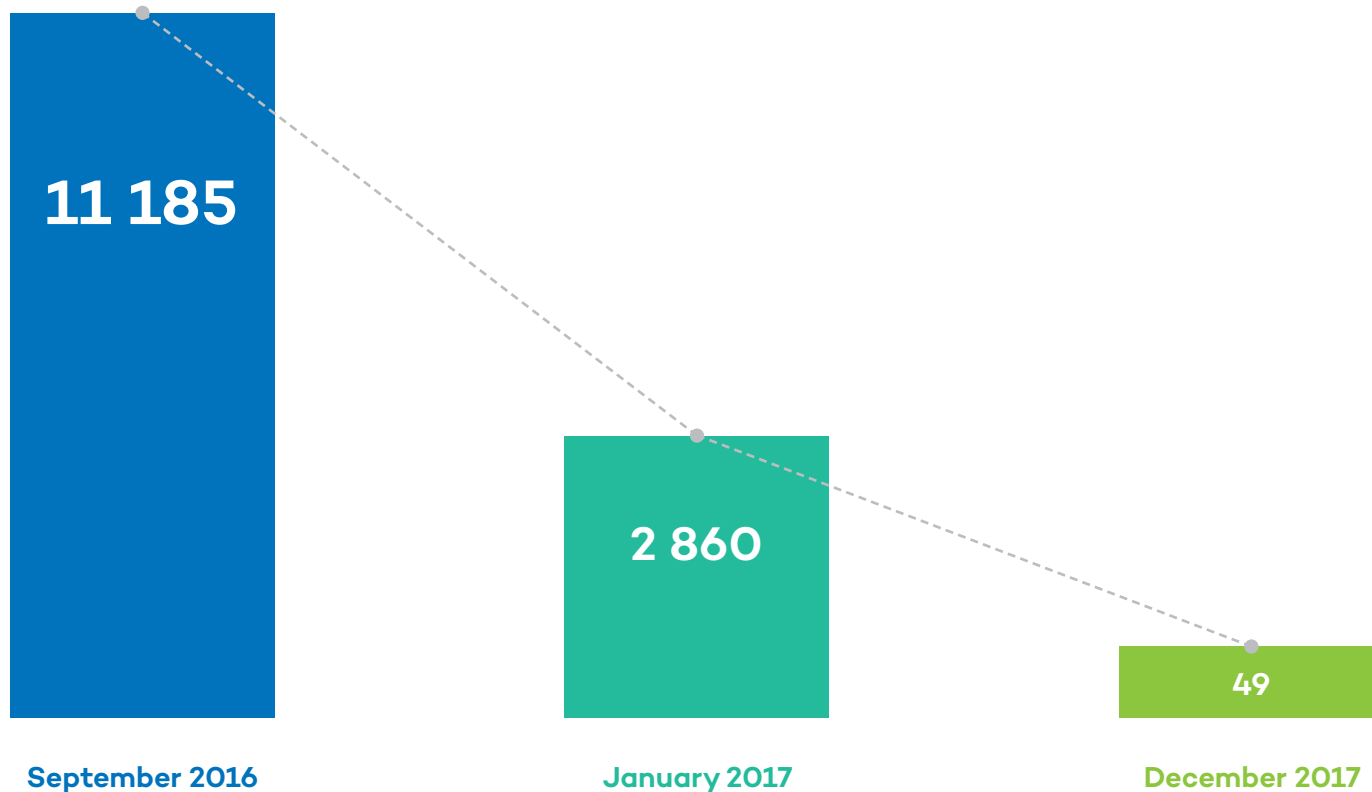
At the beginning of September 2016 there were 11,185² supervision reports awaiting completion, corresponding to actions carried out from 2011 to August 2016.

The Supervision Regulation was modified through the Resolution of the Board of Directors N0005-2017-OEFA / CD, and the number of reports required prior to the final report was reduced.

Subsequently, a progress schedule was drawn up for each supervisory coordination and a monthly follow-up was implemented to monitor the goals for the completion of the supervision reports, in order to ensure the completion of outstanding tasks.

OEFA headquarters, Lima.

Progress of unfinished reports corresponding to the supervisions of years prior to 2017



🕒 Supervision reports pending as of September 2016: 11 185

🕒 Supervision reports pending as of January 2017: 860

🕒 Supervision reports pending as of December 2017: 49

Supervisions 2017

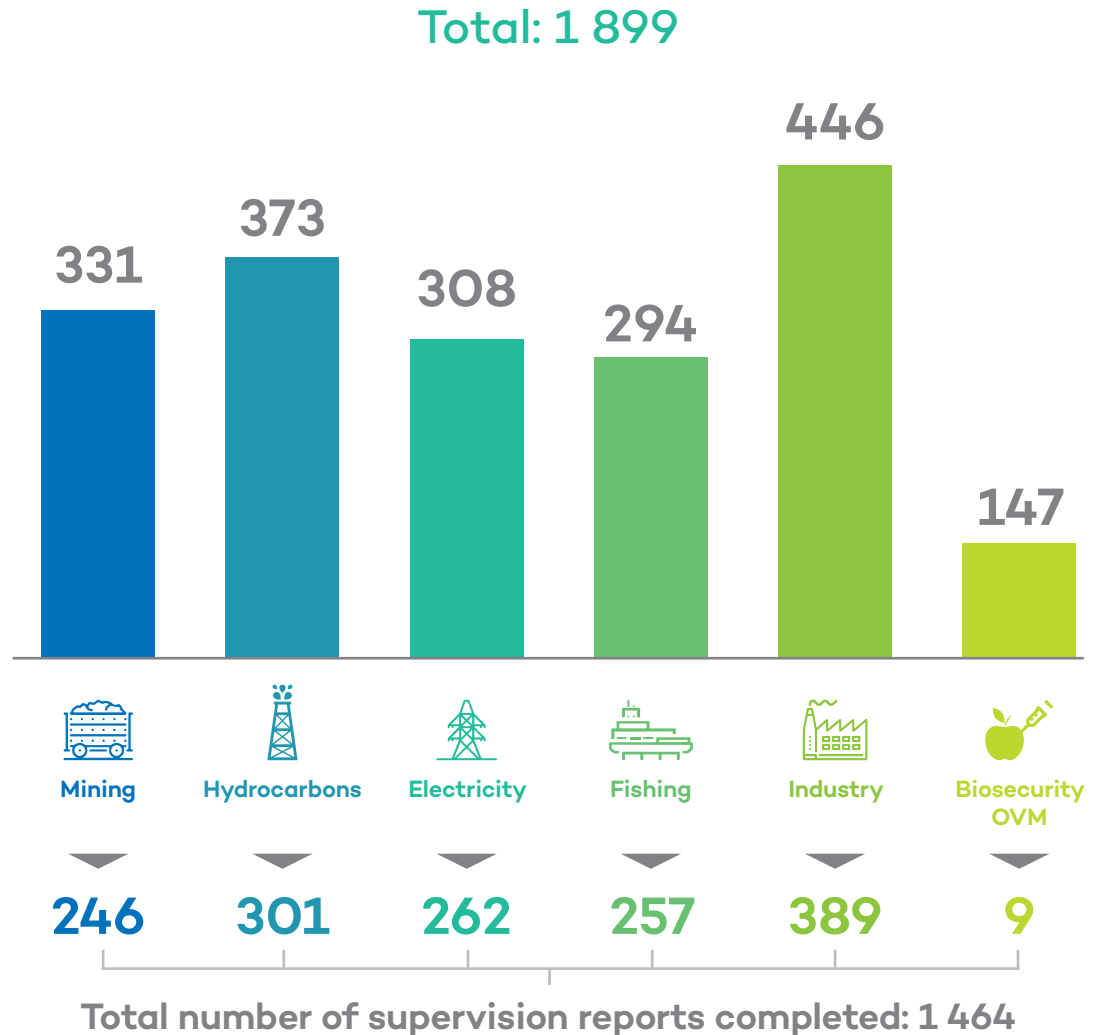
Until 2016, the goal stated in Plane-fa, and other operational plans, involved a number of supervision actions. Each supervision had as a goal to fulfil the budget, rather than to ensure all supervisions were concluded. This created a distortion whereby there were still a number of supervisions yet to be concluded, with some dating to as far back as 2011. This reduced the effectiveness of the authority's intervention.

As of 2017, the new stated goal is the number of final supervision reports, thereby aiming to control the efficiency of the entire supervision process, from the planning phase to its conclusion.

During the fiscal year 2017, 1,899 supervisions were carried out, of which 1,464 completed reports were obtained, as shown in the chart.

Environmental supervision

Period: January to December 2017



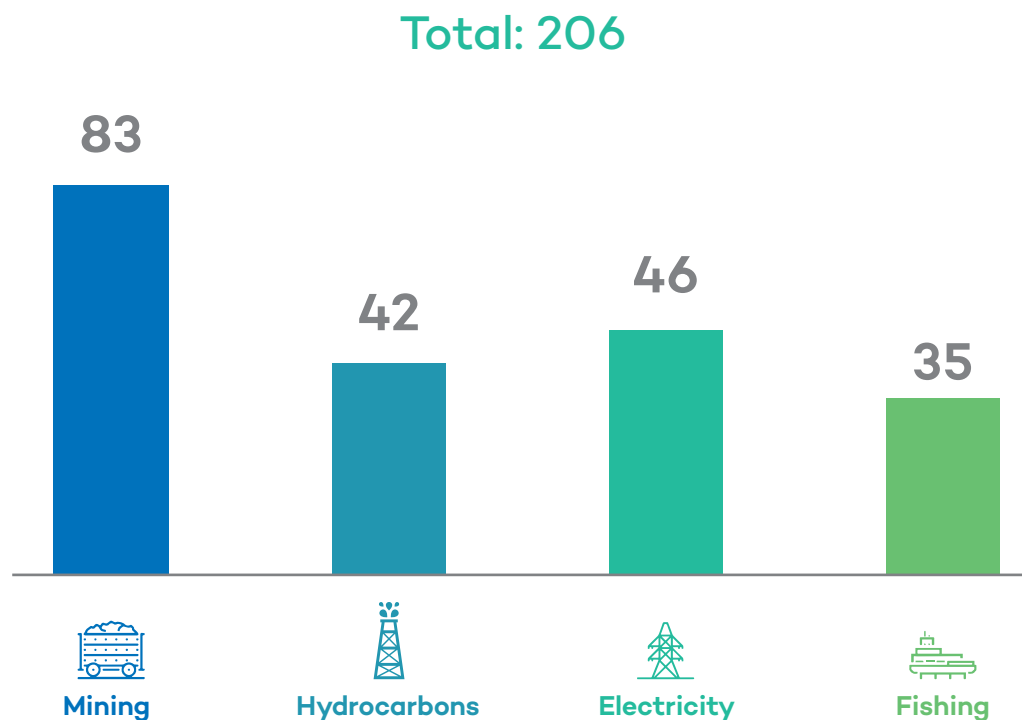
3. Information as of 31.01.2018

As of 2017, the average period for the conclusion of a supervision report was 57⁴ business days (from the preparation

of the supervision plan to the final report), so that by the end of 2017, only 206⁵ reports were pending. These were

distributed as follows:

2017 supervision reports pending



4. Information as of 31.12.2017.

5. Reports that are due to be completed in the first quarter of 2018.



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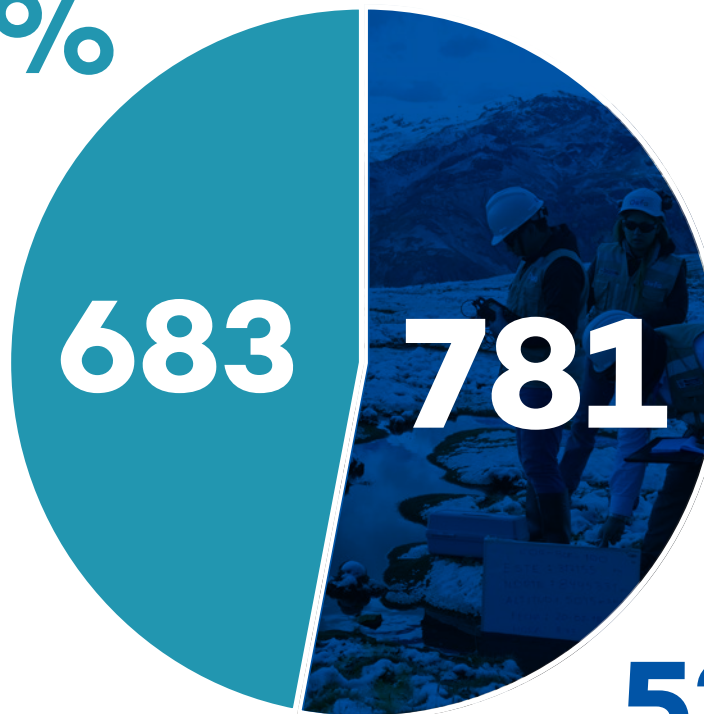
Results of the reports corresponding to the supervision action

Period: January to December 2017

According to the results of the supervision reports concluded in 2017 (1464), 53% recommend the start of an Administrative Sanctioning Procedure(PAS),

as possible breaches were found in the supervision stage. 47% recommend the supervised cases to be archived.

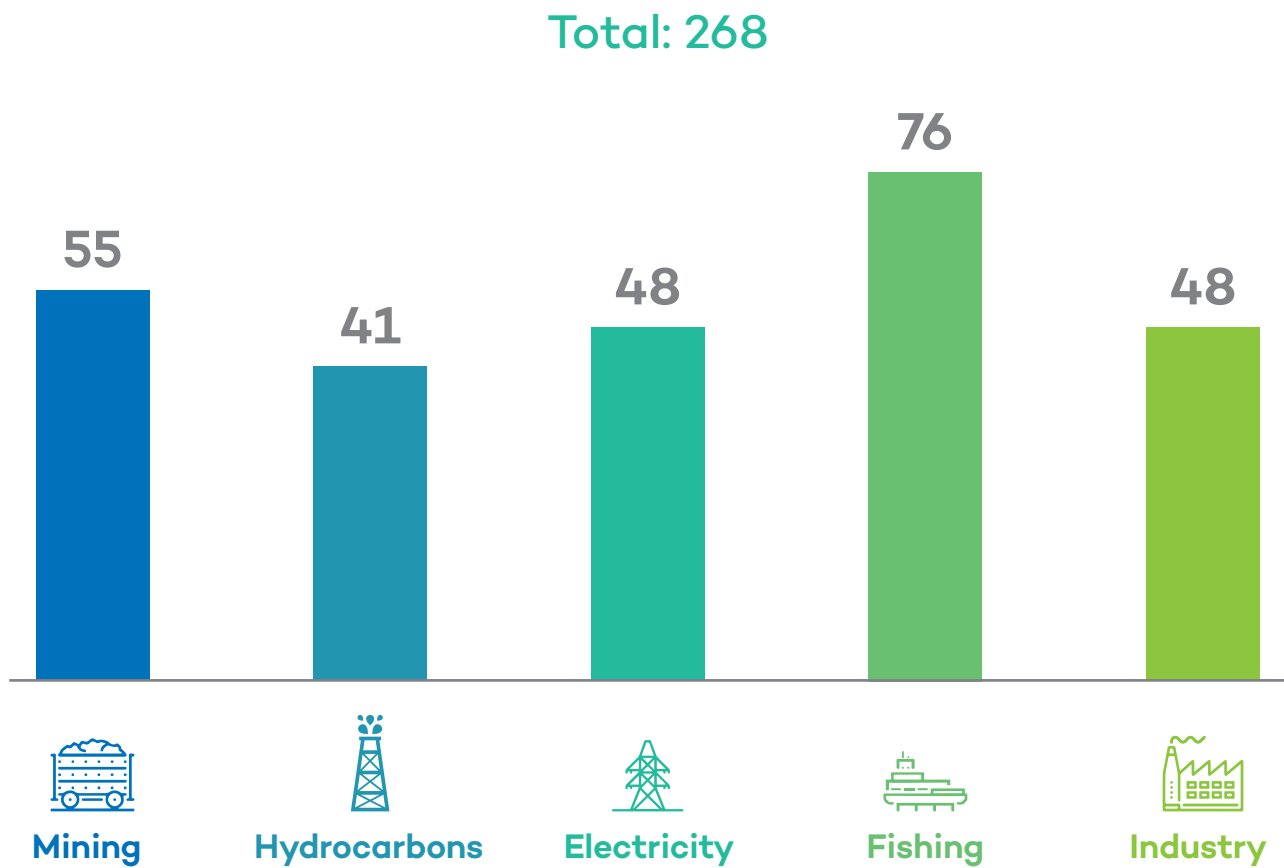
47%
Archived



53%
Recommendation Start PAS

Breaches classified as minor and corrected

It should be noted that 268 reports were archived because they were classified as minor breaches and corrected by the culprit.



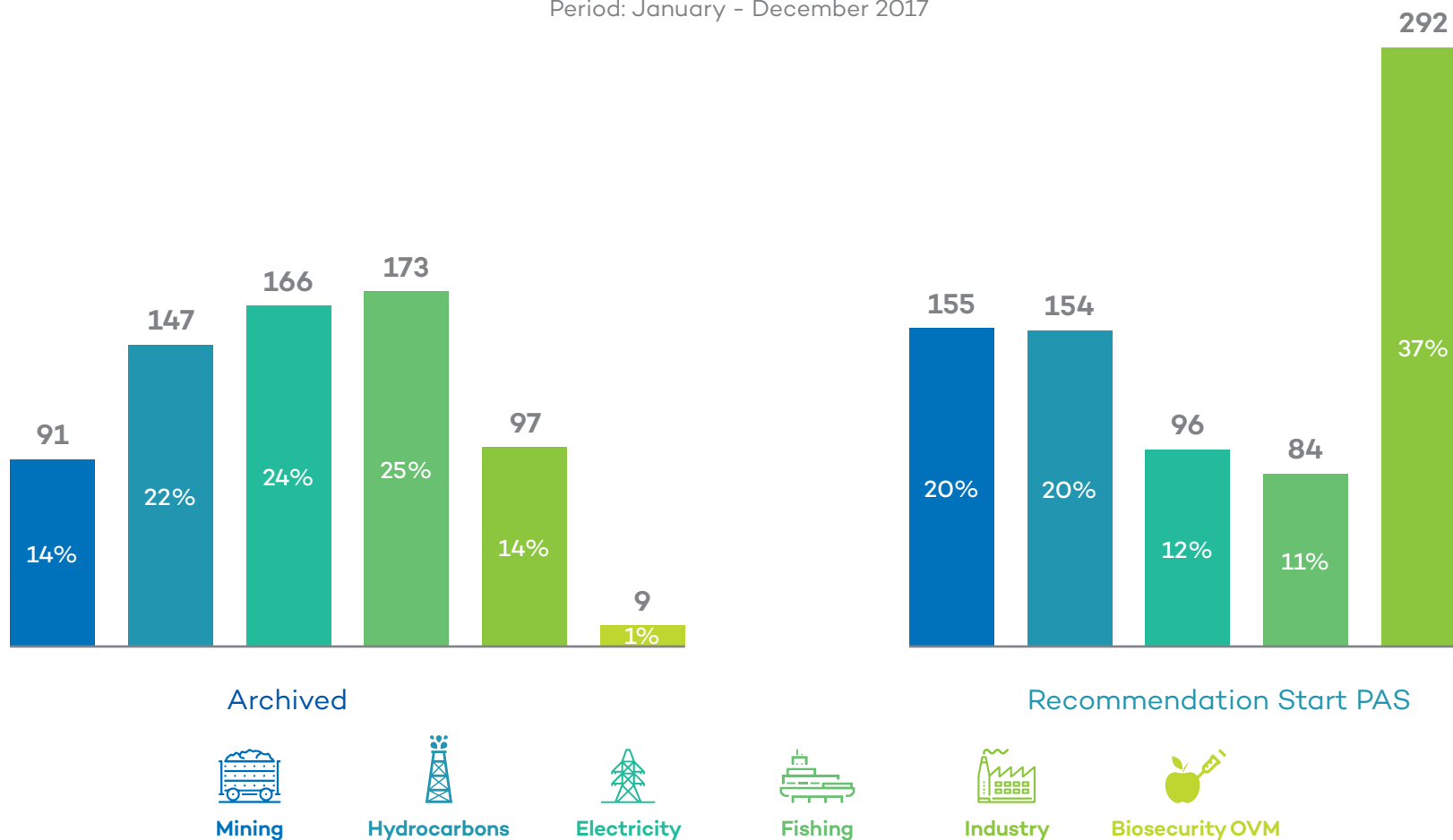
The means by which a supervision reaches its conclusion varies by supervised sector. The highest number of breaches was found in the Industrial Sector, in which 292

reports recommended the start of an Administrative Sanctioning Procedure (PAS). On the other hand, the activity with the highest degree of compliance was the

control and surveillance of living modified organisms (OVM), with 100% of reports archived.

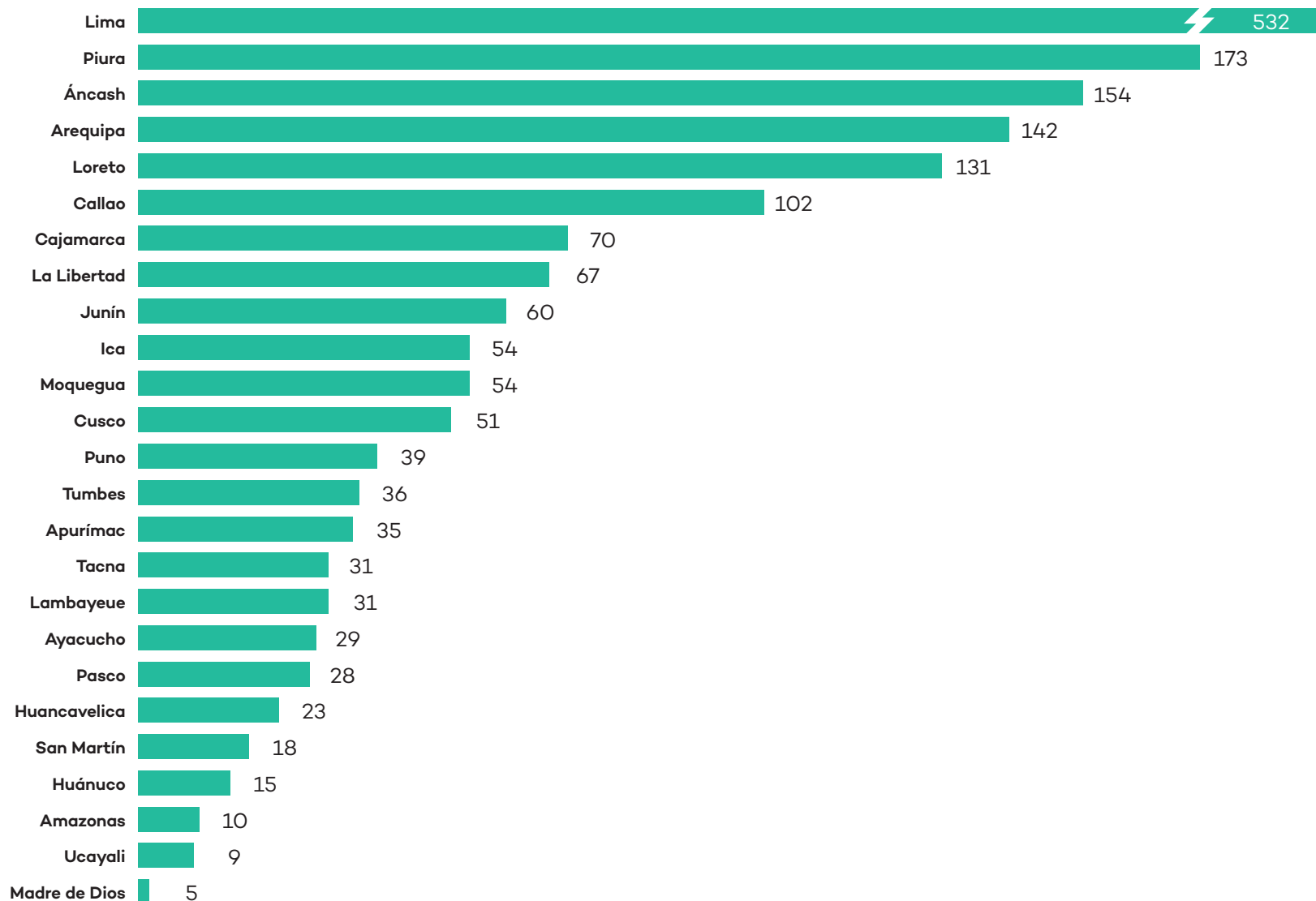
Result of supervisions

Period: January - December 2017



Environmental supervision actions by region

Period: January a December 2017



Administrative measures within the framework of supervision

As a consequence of the breaches detected, it is possible that a high risk to health and the environment is identified. With this in mind, OEFA orders the supervised companies to adopt administrative mea-

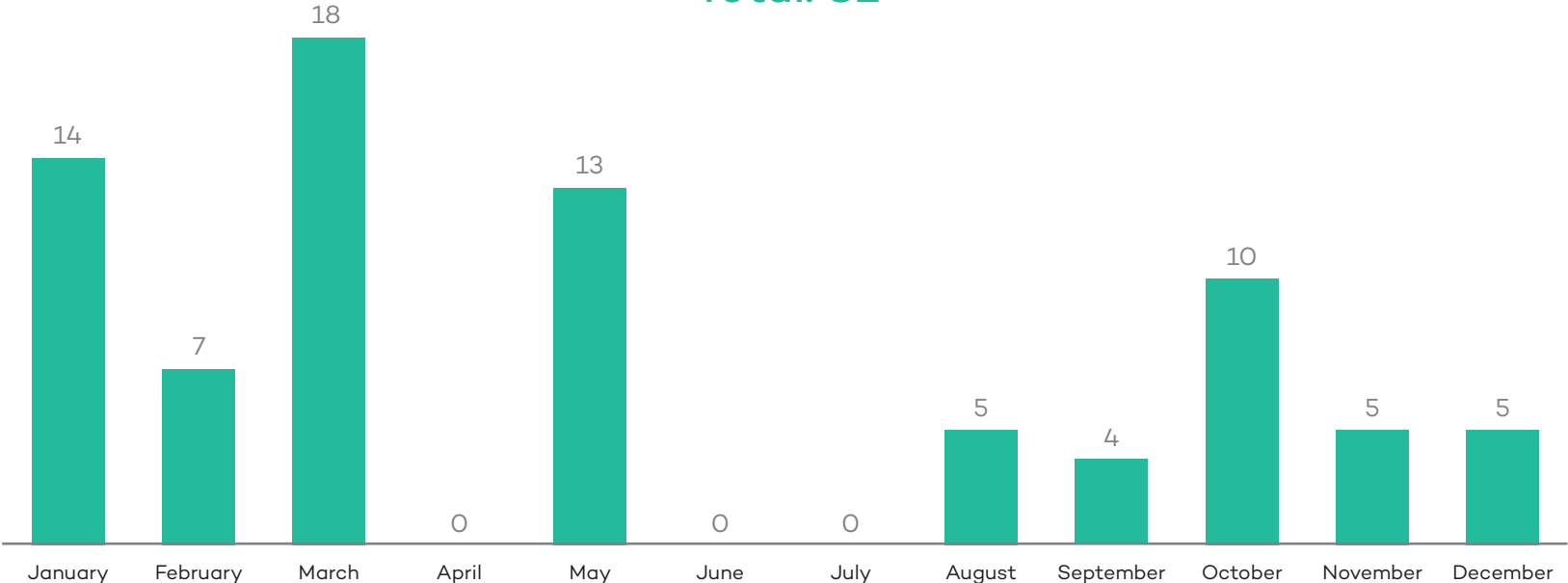
asures– within the framework of exercising a supervisory function - such as stopping the operation of components, the cessation of discharges, among others, to eliminate this risk. In 2017, OEFA issued 33

directorial resolutions containing 81 administrative measures⁶. The monthly distribution of the imposition of measures is shown below.

Progress in the number of administrative measures issued

Period: January - December 2017

Total: 81



6. The following Administrative Measures are considered: 74 Preventive Measures, 5 Mandates of a Particular Nature and 2 Requirements dictated in the framework of the National Environmental Impact Assessment System (SEIA).

The distribution of administrative measures by sector is as follows: 70 in Mining (86%), 9 in Industry (11%) and 2 in Fishing (3%).

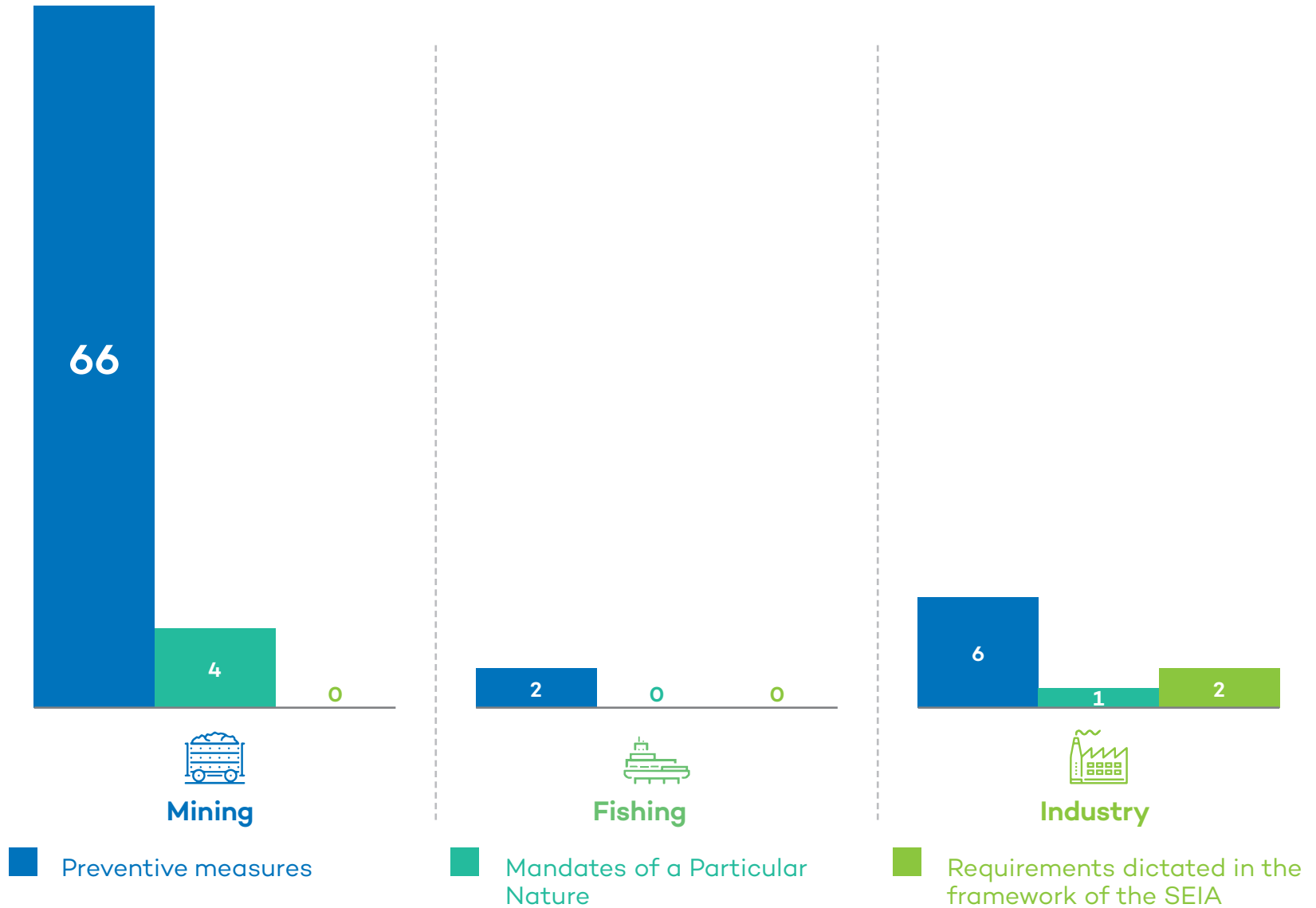


Fishing
3%

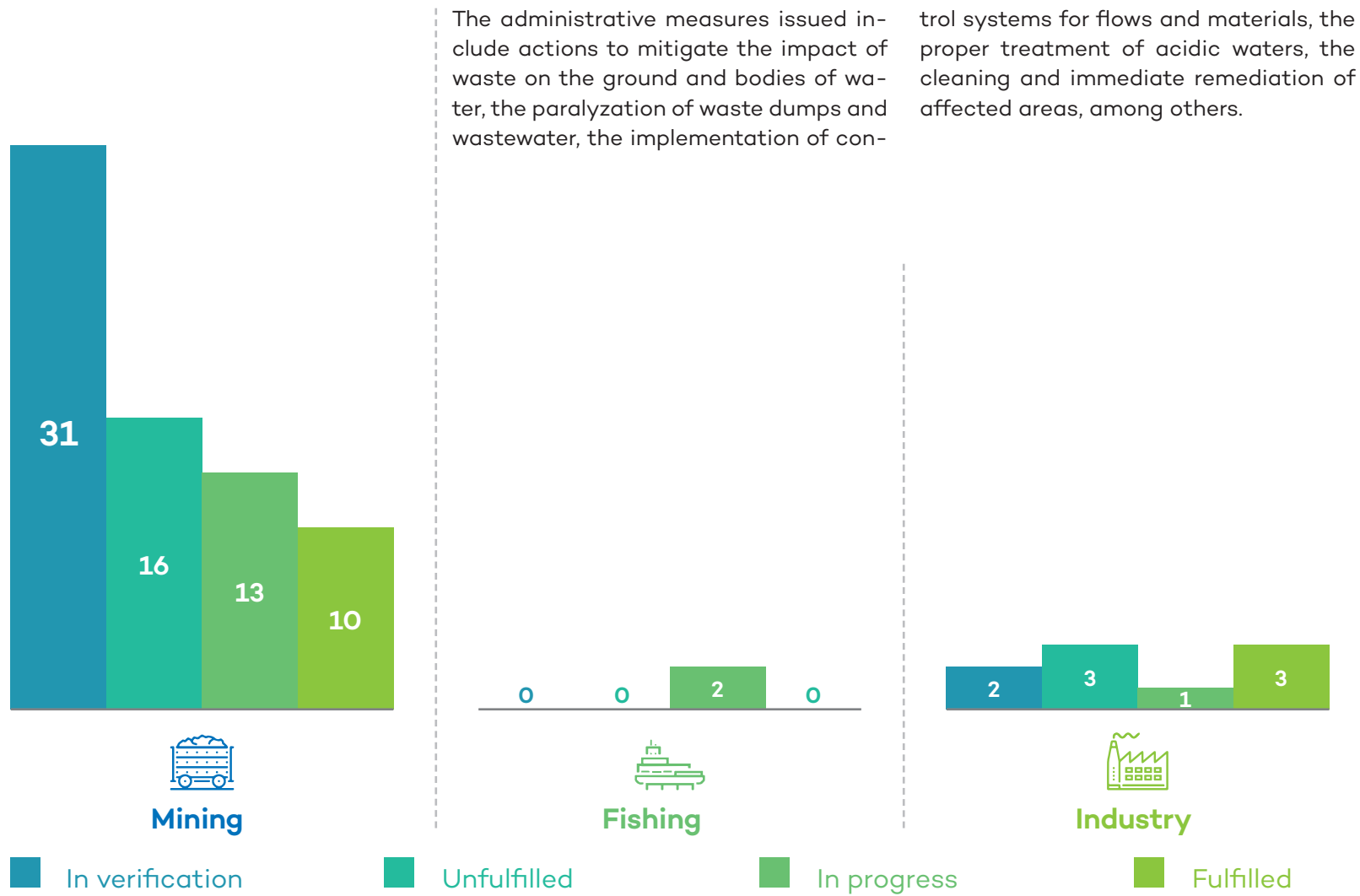


Mining
86%

Administrative measures issued by OEFA in 2017



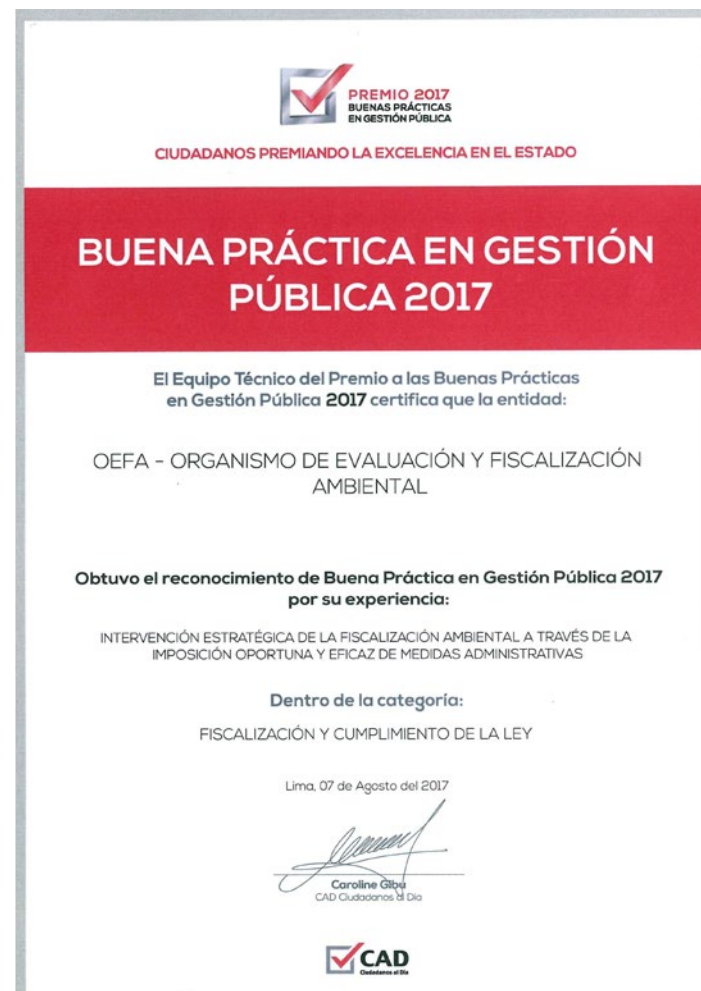
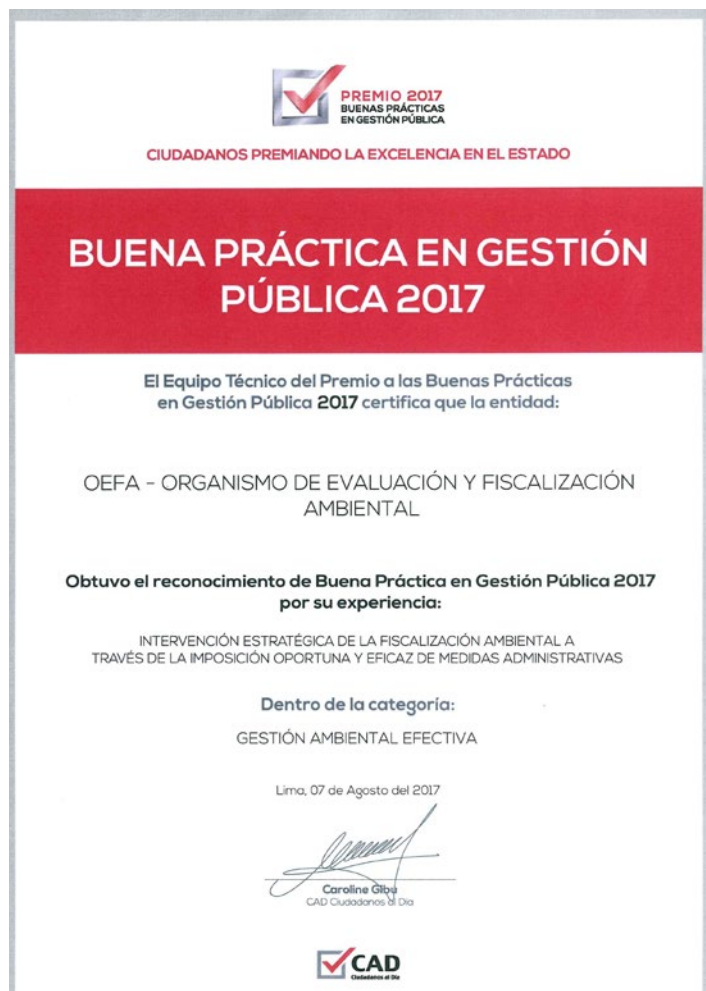
State of administrative measures issued by sector



During 2017, OEFA presented the “Strategic intervention of environmental enforcement through the timely and effective imposition of administrative measures” practice to the Good Practices in Public

Management competition organized by the civil association Ciudadanos al Día, and it obtained the recognition of Good Practice in Public Management 2017 in the categories “Effective Environmen-

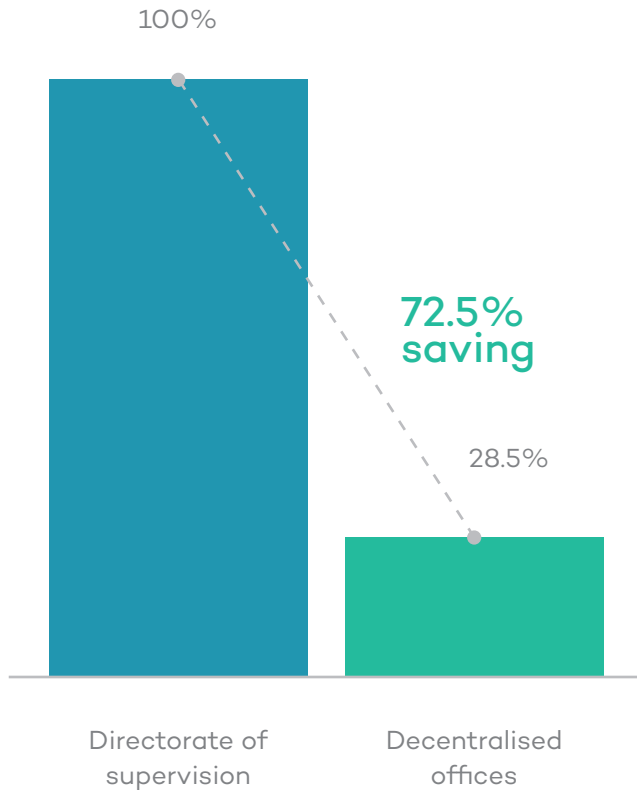
tal Management” and “Enforcement and Compliance with the Law”.



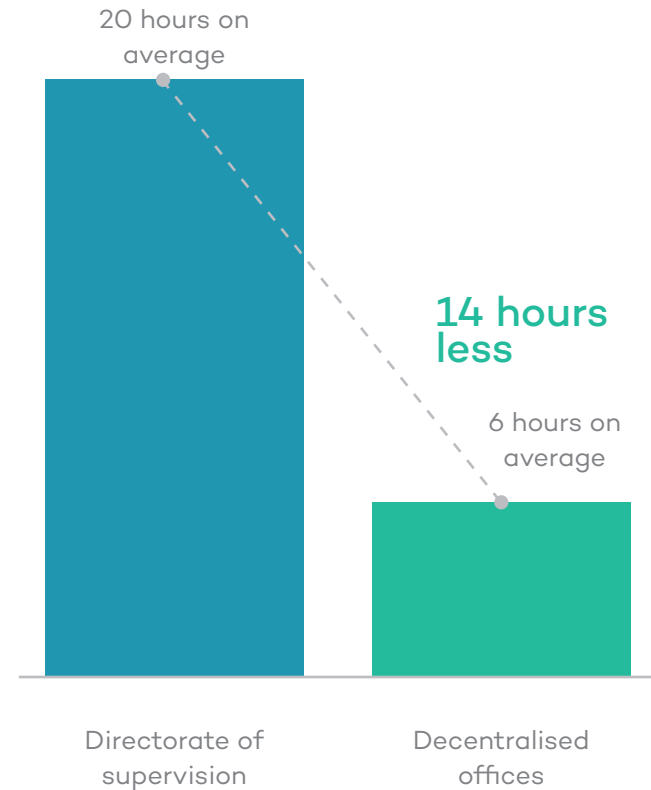
Efficiency in emergencies service

During 2017, the environmental emergencies service was carried out by the specialists of the competent decentralised offices, which meant an important saving of resources and time in relation to dealing with environmental emergencies during 2016, as shown below.

Cost saving



Time saving



Enforcement and application of incentives

The enforcement function involves the power to investigate possible administrative infringements and the imposition of penalties⁸ for the breach of environmental obligations and commitments. The function of the application of incentives, on the other hand, involves recognising those who have complied with the regulations and perform good environmental practices. Regarding the enforcement function, during 2017 a strategy for processing the procedural burden was implemented based on the specialization and systematization of information for decision-making. Based on this, the files derived from the supervisions of 2017 were processed as a priority, and in parallel, files from 2016 and previous years were processed.

8. Since 2014, the power of the sanctioning authority has been limited to certain scenarios: those in which real and very serious damage to the environment is generated, those where activities are carried out without having the corresponding environmental management instruments and cases of repeated offence, in accordance with what was established by Law 30230. This power was restored as of 14th July 2017



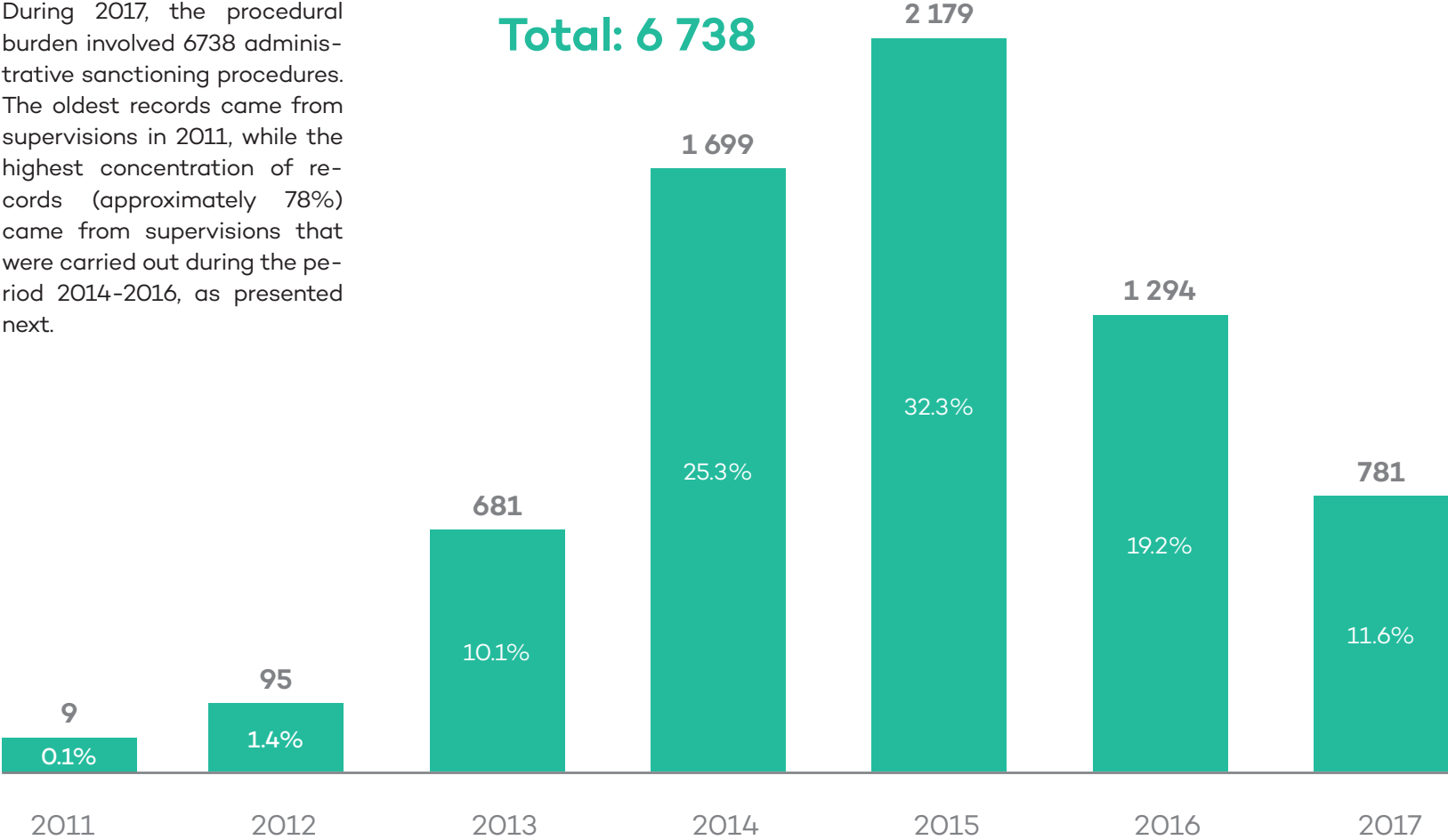
Oefa



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Procedural burden in 2017, according to the year of supervision

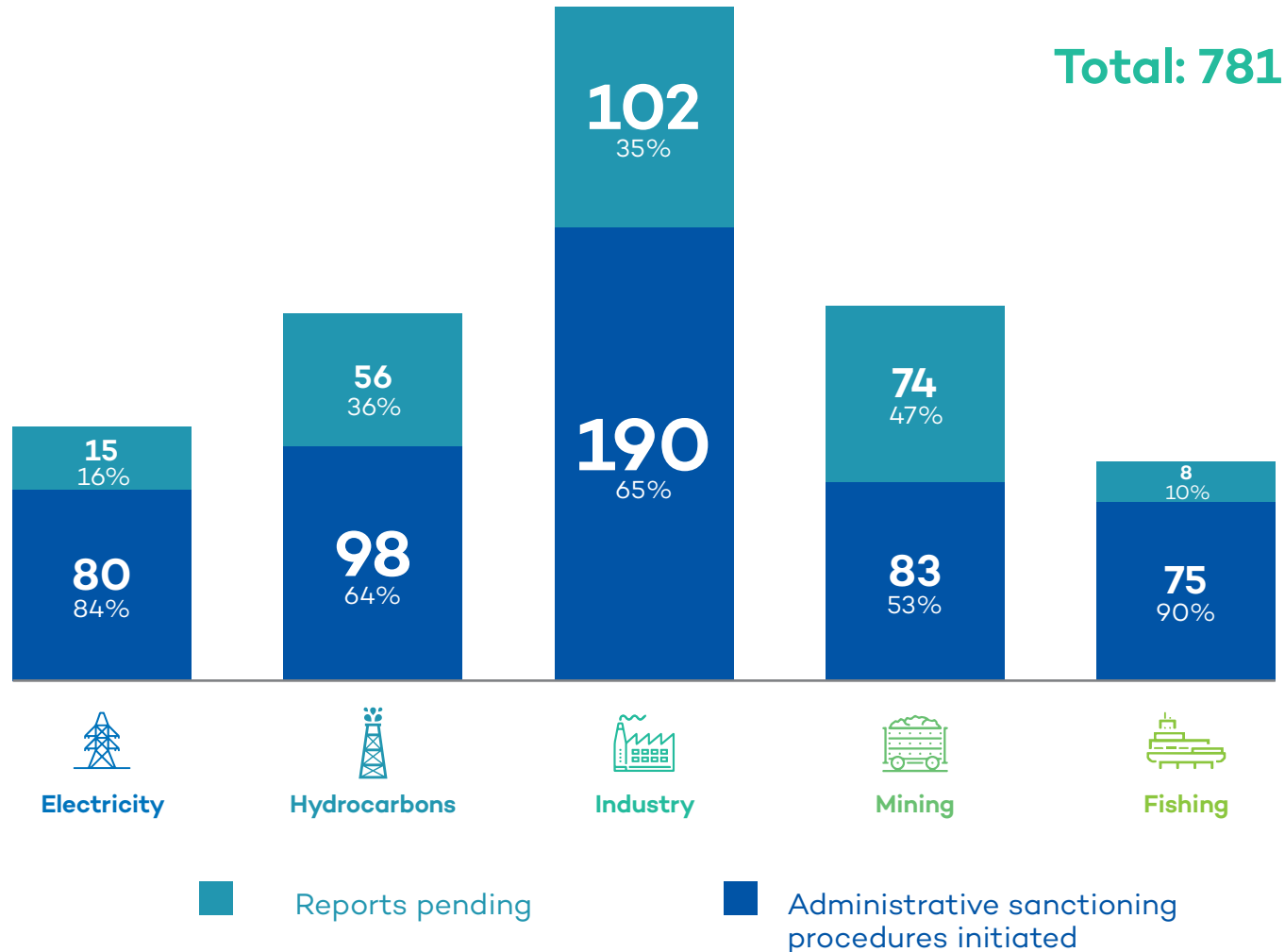
During 2017, the procedural burden involved 6738 administrative sanctioning procedures. The oldest records came from supervisions in 2011, while the highest concentration of records (approximately 78%) came from supervisions that were carried out during the period 2014-2016, as presented next.



Procedural burden derived from supervisions 2017

Period: January–November 2017

In the case of administrative sanctioning procedures derived from supervisions carried out during 2017, an average of more than 70% have been processed.



Oefa



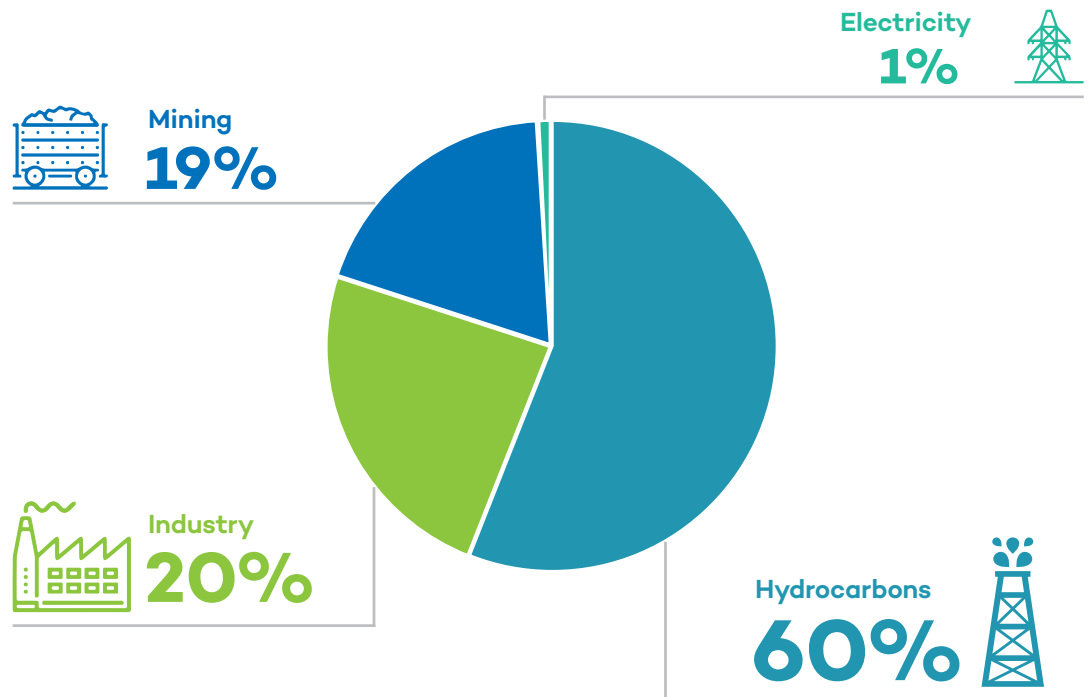
OEFA headquarters, Lima.



Fines imposed by OEFA in 2017, by sector

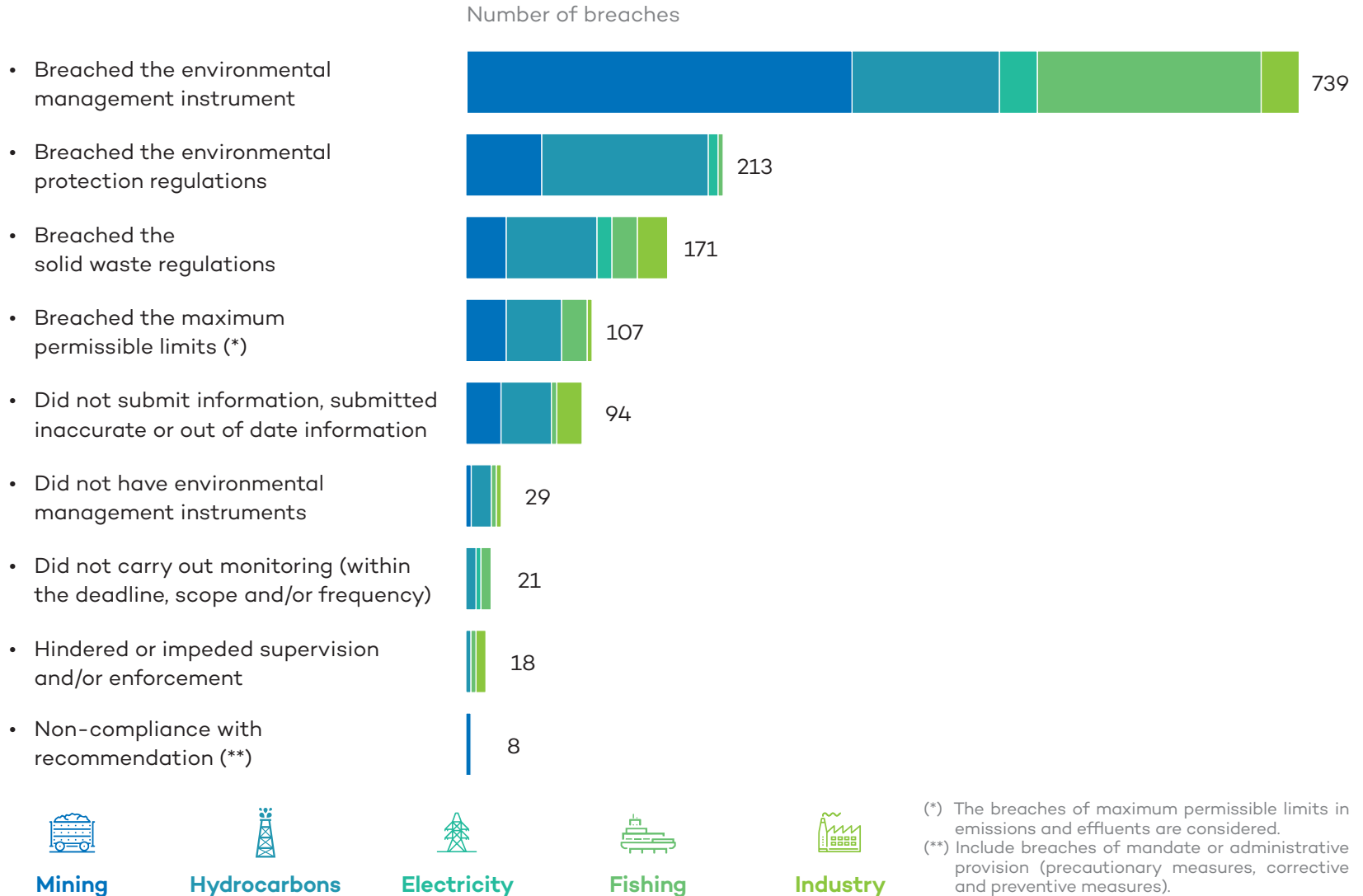
As of the 14th July 2017, when the sanctioning power was fully restored, the fines imposed on the cases that had concluded increased to S/ 10,738,939.50, of which 60% corresponded to the Hydrocarbons

sector, 20% to Industry, 19% to Mining and 1% to Electricity, as presented below:



Types of infringements imposed by OEFA in 2017

Below are the most frequent types of infringements in the files concluded during 2017:





OEFA headquarters, Lima

Regarding the function of the application of incentives, during 2017 a process of improvement in the design of mechanisms for recognizing good practices was initiated, aimed at promoting compliance through the granting of honorary incentives from an in-

tegral vision⁹.

This new vision aims to be much more attractive to companies, broadening the base of applications and promoting greater legitimacy in the final result, since it will seek to recognize and

promote good behaviour in all the productive units of companies, which in turn, will result in greater social credibility with respect to the recognitions granted by OEFA.

9. It should be noted that through the official letter N° 049-2017- MINAM-VMGA, the Ministry of the Environment communicated to the OEFA the intention of having a unique system in the environmental sector that systematizes and registers good environmental practices at the national level managed by public and private organizations and institutions.



Oefa

Oefa headquarters, Lima.



Policies and strategies in environmental enforcement

Regulatory improvement

In 2017, within the framework of its regulatory functions, OEFA approved the following legal instruments:



1. Modification of the Procedure for the Collection and Control of the Contribution by Regulation of OEFA, approved by the Resolution of the Board of Directors N° 009-2014-OEFA / CD, with the exception of what is established in the last paragraph a.1) of its Article 5, applicable to companies and entities of the energy sector, as well as to companies in the mining sector indicated in Supreme Decrees 096 and 097-2016-PCM; and its modification.

Resolution of the Board of Directors N° 002-2017-OEFA/CD
20th January 2017

Resolution of the Board of Directors N° 008-2017-OEFA/CD
20th January 2017



2. Supervision Regulation and its amendment.

Resolution of the Board of Directors N° 005-2017-OEFA-CD
30th January 2017

Resolution of the Board of Directors N° 018-2017-OEFA/CD
8th June 2017



3. Regulation for the Deferment and Debt Fraud Regimes and Graduation of Sanctions derived from the Contribution by Regulation of the Agency for Environmental Assessment and Enforcement - OEFA.

Resolución de Consejo Directivo N° 013-2017-OEFA/CD
5th April 2017



4. Modification to the Methodology for the calculation of base fines and the application of the aggravating and attenuating factors to be used in the scaling of sanctions, approved by Resolution of the Presidency of the Board of Directors N° 035-2013-OEFA/PCD.

Resolution of the Board of Directors N° 024-2017-OEFA/CD
8th September 2017



5. Regulation for the Special Surveillance, Control and Sanctioning Procedure within the framework of the moratorium on the entry and production of Living Modified Organisms - OVM in the national territory, under the responsibility of the Agency for Environmental Assessment and Enforcement - OEFA.

Resolution of the Board of Directors N° 013-2017-OEFA/CD
19th September 2017



6. Regulation of the Administrative Sanctioning Procedure of the Agency for Environmental Assessment and Enforcement – OEFA.

Resolution of the Board of Directors N° 027-2017-OEFA/CD
11th October 2017



8. Regulation model for the supervision, enforcement and sanctioning in environmental matters of the Regional Government.

Resolution of the Board of Directors N° 036-2017-OEFA/CD
14th December 2017



7. Directive for the Identification of Sites Impacted by Hydrocarbon Activities, in charge of the Agency for Environmental Assessment and Enforcement - OEFA and its Annex “Methodology for estimating the level of risk to health and the environment of impacted sites”.

Resolution of the Board of Directors N° 028-2017-OEFA/CD
31st October 2017



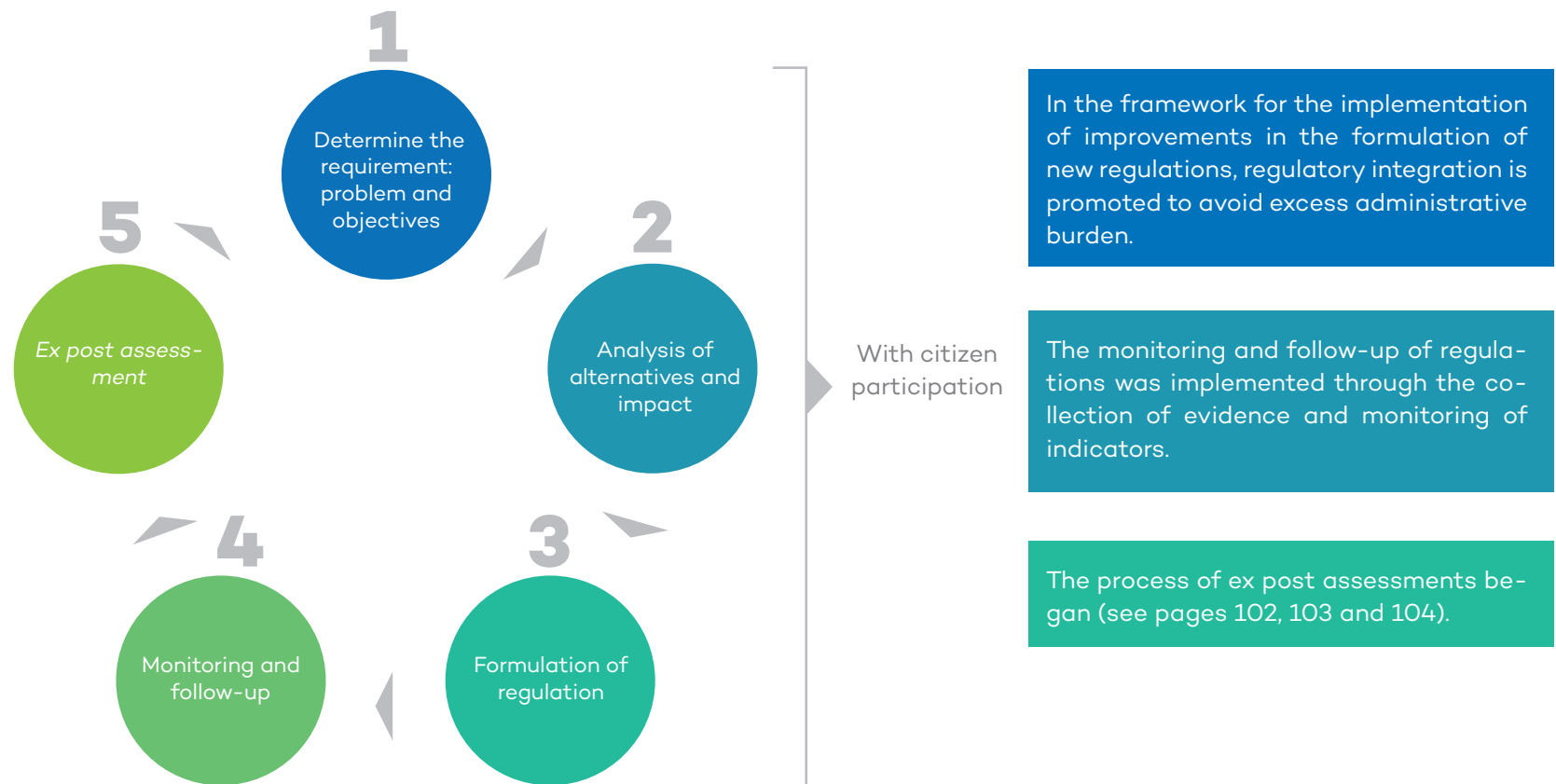
9. Classification of administrative infringements and the scale of sanctions applicable to the fishing and aquaculture industrial processing activities of medium and large companies that are under the competence of OEFA.

Resolution of the Board of Directors N° 038-2017-OEFA/CD
22nd December 2017

Guidelines for regulatory improvement in OEFA

In 2017, we began implementing the improvement in the stages of the cycle of regulatory governance, promoted by the Organization for Economic Cooperation and Development (OECD).

Cycle of regulatory improvement in OEFA



In addition to this, the following regulatory projects were published:

1. Classification of Infringements and Scale of Sanctions applicable to the breach of the obligations related to the Remediation of Sites Impacted by Hydrocarbon Activities. Approved for comments through Resolution of Board of Directors No. 033-2017-OEFA / CD on November 22nd 2017.
2. Classification of Infringements and Scale of Sanctions related to the Instruments of Environmental Management. Approved for comments through Resolution of Board of Directors No. 034-2017-OEFA / CD on November 23rd 2017.
3. Classification of Administrative Breaches and Scale of Sanctions applicable to the Manufacturing Industry and Internal Trade sector. Approved for comments through Resolution of Board of Directors N ° 035-2017-OEFA / CD on December 12th 2017.

Regulatory projects are reported to the public in the official newspaper El Peruano and in the institutional portal, so that queries, suggestions and comments can be made, in accordance with the provisions of the D.S. N ° 002 - 2009-MINAM.

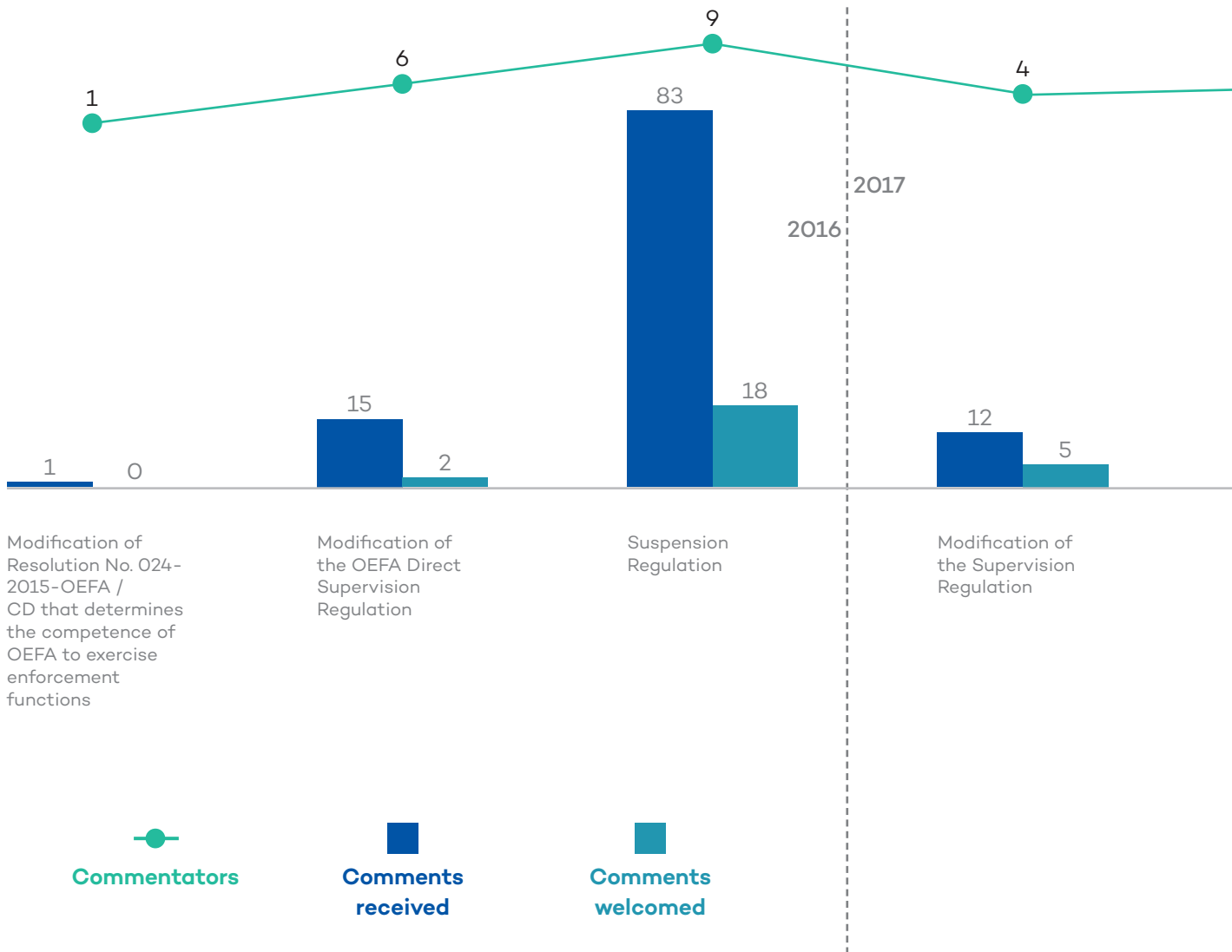
Subsequently, a meeting is convened, with the purpose of discerning the proposals offered. In this way, active citizen participation is achieved, which involves the main interest groups in the process of formulating regulatory projects.

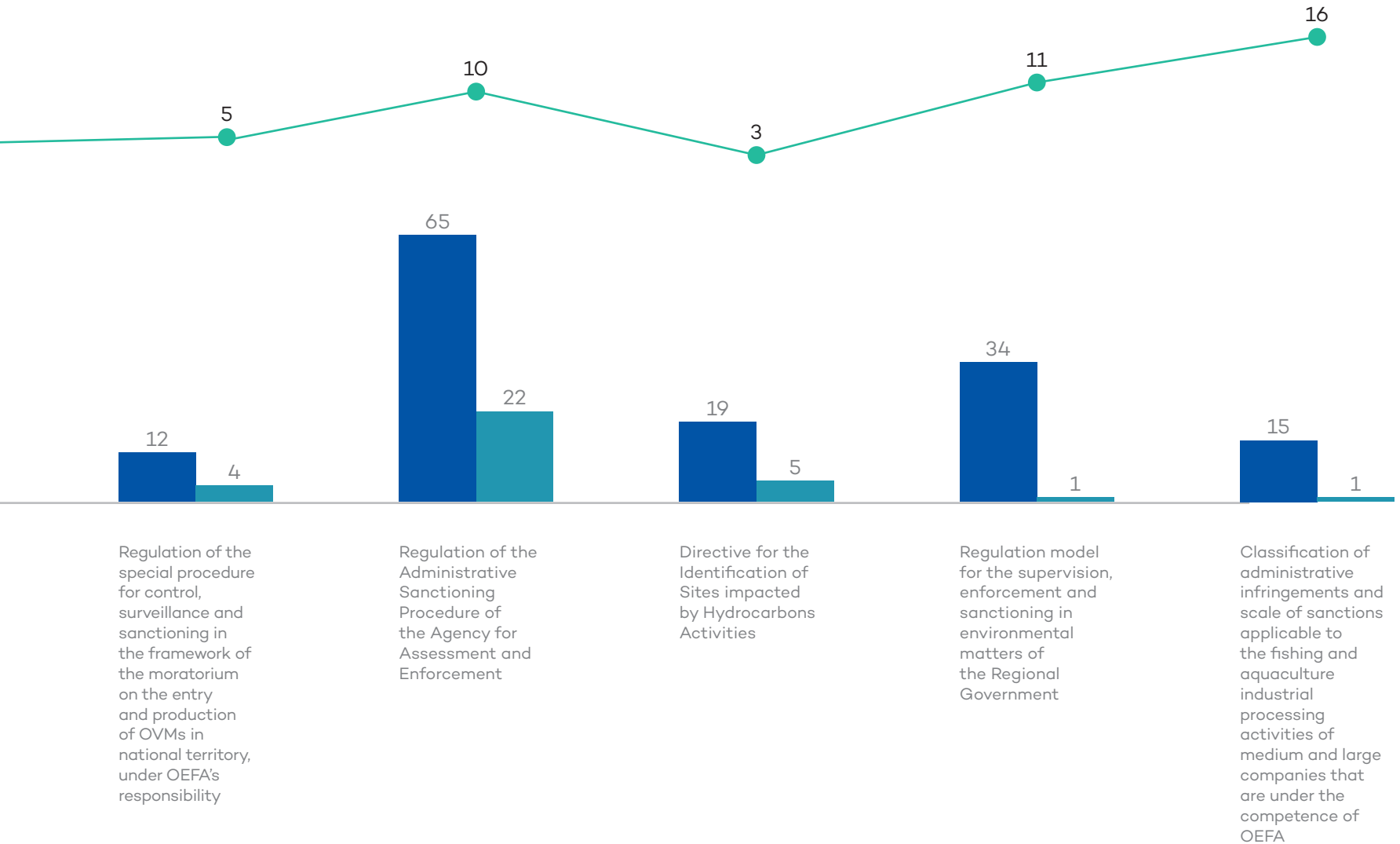
The number of participants in each process is presented by each project, where it can be seen that there is an important contribution from the commentators in the regulation.



OEFA headquarters, Lima.

Citizen participation in regulatory projects





In 2017, regulatory integration was sought in order to eliminate excessive regulation and improve the predictability of our administrations.



Regulation for the voluntary correction of minor breaches

Resolution of the Board of Directors
N° 046- 2013-OEFA/CD



Regulation for the Direct Supervision of the Agency for Environmental Assessment and Enforcement – OEFA

Resolution of the Board of Directors
N° 016- 2015-OEFA/CD



Regulation for the Supervision of Environmental Enforcement Entities

Resolution of the Board of Directors
N° 016-2014-OEFA/CD



Model of Environmental Supervision Regulation

Resolution of the Board of Directors
N° 049-2015-OEFA/CD

4

Repealed regulations



1

Single regulation



Supervision Regulation

Resolution of the Board of Directors
N° 005-2017-OEFA/CD



Regulation for the Administrative Sanctioning Procedure of the Agency for Environmental Assessment and Enforcement - OEFA

Resolution of the Board of Directors
N° 012-2012-OEFA/CD



General Rules for the exercise of sanctioning powers of the Agency for Environmental Assessment and Enforcement - OEFA

Resolution of the Board of Directors
N° 038-2013-OEFA/CD



Regulation of the Registry of Environmental Offenders of the Agency for Environmental Assessment and Enforcement - OEFA

Resolution of the Board of Directors
N° 016-2012-OEFA/CD



Articles 2 °, 3 °, 21 ° to 38 °, 50 ° to 52 ° of the Regulation of Administrative Measures of the Agency for Environmental Assessment and Enforcement - OEFA

Resolution of the Board of Directors
N° 007-2015-OEFA/CD



Guidelines that establish criteria to qualify as repeat environmental offenders under the jurisdiction of the Agency for Environmental Assessment and Enforcement - OEFA

Resolution of the Board of Directors
Directivo N° 020-2013-OEFA/PCD



Consolidated Text of the Administrative Sanctioning Procedure of the Agency for Environmental Assessment and Enforcement - OEFA

Resolution of the Board of Directors
Directivo N° 045-2015-OEFA/PCD



6

Repealed regulations



1 **Single regulation**



Regulation of the Administrative Sanctioning Procedure of the Agency for Environmental Assessment and Enforcement - OEFA

Resolution of the Board of Directors
N° 027-2017-OEFA/CD

Likewise, the process of ex post assessments of the results of the regulations was initiated, promoting the generation of evidence and quality information for decision-making. In 2017, ex post assessments of the following interventions were initiated:

1

Ex post assessment of the Annual Environmental Inspection Plan (Planefa) as an instrument of environmental enforcement planning.



With the support of the German Cooperation for Development, implemented by GIZ through ProAmbiente II, a survey of 1,893 EFAs at the district, provincial, regional and national levels was carried out.

This information was complemented by in-depth interviews with a sample of 45 EFAs.

With this information, we will know if, during the implementation of Planefa, the objectives initially proposed were met, and if so, to propose options for improvement and create an instrument that can strengthen the environmental enforcement work carried out by the EFAs.



OEFA headquarters, Lima.



2

Ex post assessment of the National System of Environmental Lawsuits (Sinada)



An analysis was made of a sample of environmental lawsuits filed with OEFA, which will provide better elements of judgement and allow us to see the results achieved by the Sinada since its implementation.

Likewise, a satisfaction survey was conducted for people who filed environmental lawsuits with OEFA.

This information will make it possible to evaluate the performance of the Sinada and to verify if it met the initial objectives, and if so, to identify options for improvement that allow for an adequate and timely environmental lawsuit response system that provides effective solutions to current environmental problems.

3

Ex post assessment of the contribution of the substantiated technical reports issued by OEFA to the investigations for the commission of environmental crimes.



A sample of 70 cases from 2010-2013 was analysed, in which the traceability of the substantiated technical reports was carried out, generating information at the Public Ministry level.

Additionally, prosecutors specialised in environmental matters were interviewed, in order to find out their perception and what proposals they had to improve the work carried out by OEFA.

This information will make it possible to assess the degree of contribution of the technical reports based on the investigations carried out for the commission of environmental crimes contained in Title XIII of the Penal Code.





de Trabajo acuerdan reunirse en una próxima sesión, en la
oficinas de la SEN, Microciudad Provincial del Callao,
por parte de la Capitanía General del Callao,
representados por INDECOP, autoridades de la SEN y
Callao, luego del día
hasta el 13 de octubre de
el Acta
referido a la
quando, en
o la re



OEFA headquarters, Lima.

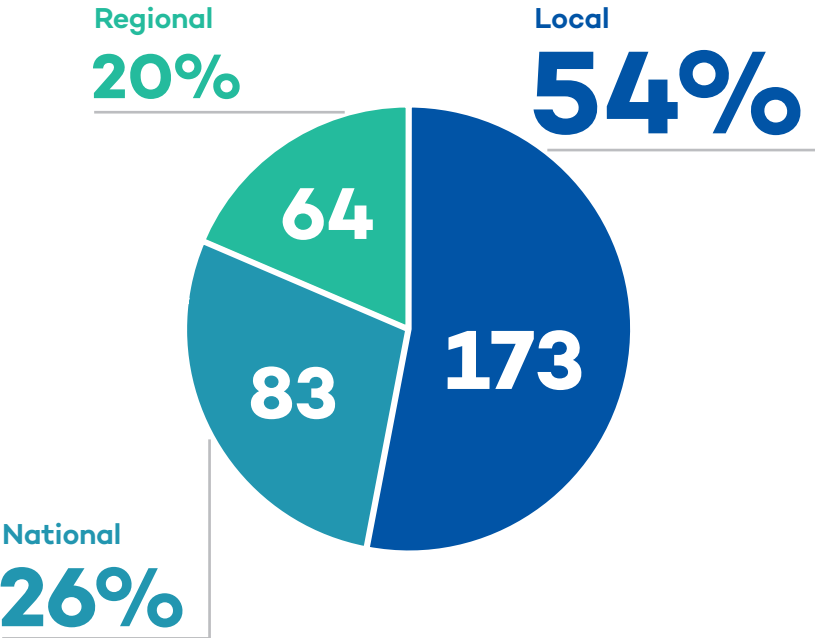


Ventanilla, Lima.

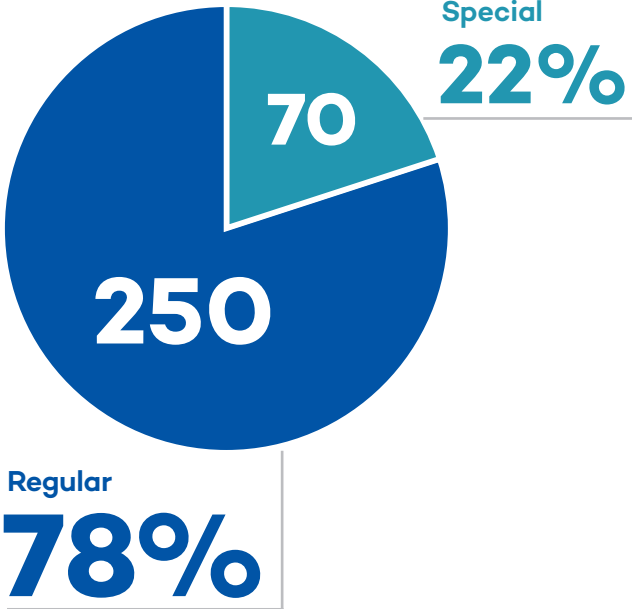
EFA supervision and monitoring

During 2017, 320 EFA supervisions were carried out at the national, regional and local levels in order to verify compliance with their environmental enforcement functions.

Distribution of the supervisions by EFA level



Distribution by type* of EFA supervision



* The regular supervisions are scheduled in Planefa, while the special ones are carried out in recognition of an environmental lawsuit or emergency.

Supervisions undertaken by OEFA

Period: January to December 2017

Most of the EFA supervisions took place in Lima, Callao and Ancash - these three accounted for 68% of the total number of supervisions.

From 120 to 10 supervisions	Lima:	120	Callao:	13	Ancash:	10
From 6 to 4 supervisions	Arequipa:	6	Apurímac:	5	Amazonas:	4
	Ica:	6			Madre de Dios:	4
					Moquegua:	4
					Puno:	4
From 3 to 1 supervisions	Cajamarca:	3	Piura:	2	Huancavelica:	1
	Cusco:	3	San Martín:	2	Huánuco:	1
	Junín:	3	Tacna:	2	Pasco:	1
	La Libertad:	3	Ucayali:	2		
	Loreto:	3	Ayacucho:	2		
	Tumbes:	3	Lambayeque:	2		



Total:
209 supervisions

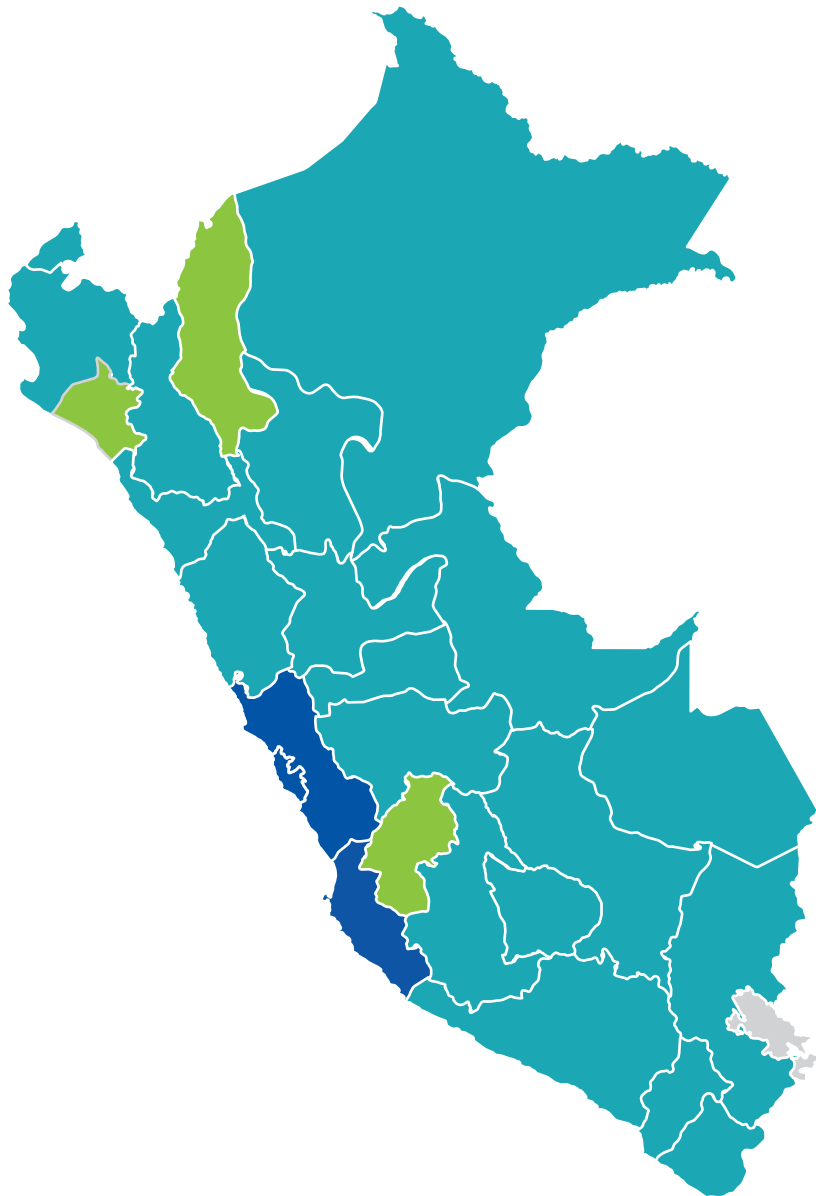
- From 120 to 10 supervisions
- From 6 to 4 supervisions
- From 3 to 1 supervisions

Technical visits undertaken by OEFA

Period: January a December 2017

In addition, 179 technical visits were carried out nationwide, to which a total of 943 people attended. The largest number of technical visits were carried out in Lima and Callao, representing 78% of the total.

From 123 to 4 visits	Lima:	123	Callao:	16	Ica:	4
From 3 to 1 visits	Ancash:	3	Arequipa:	2	Apurímac:	1
	Cajamarca:	3	Ayacucho:	2	Huánuco:	1
	Madre de Dios:	3	Cusco:	2	Junín:	1
	Puno:	3	Loreto:	2	La Libertad:	1
	Tacna:	3	Moquegua:	2	Pasco:	1
	Ucayali:	3	San Martín:	2	Piura:	1
					Tumbes:	1
0 visits	Amazonas:	0				
	Huancavelica:	0				
	Lambayeque:	0				



Total:
108 technical visits

- From 123 to 4 technical visits
- 3 to 1 technical visits
- 0 technical visits



Villa El Salvador, Lima.



As of July 2017¹⁰, the ODs carry out supervisions of the regional and local EFAs (provincial and district municipalities) within their jurisdiction, as well as the follow-up of the exhortations stated in the supervision reports and the environmental lawsuits referred to the EFAs.

With the introduction of the model for the regulation of supervision, enforcement and sanctioning in environmental matters, approved by the Resolution of Board of Directors N ° 036-2017- OEFA / CD, we enter a stage of supporting and encouraging the EFAs so that they themselves can have the legal framework and the appropriate technical capability to perform their functions.

¹⁰ Through the Resolution of Board of Directors N ° 020-2017-OEFA / CD, the functions related to the direct supervision and the supervision of EFA were delegated to the OD of OEFA, within their geographical scope of intervention.

Environmental lawsuits administered

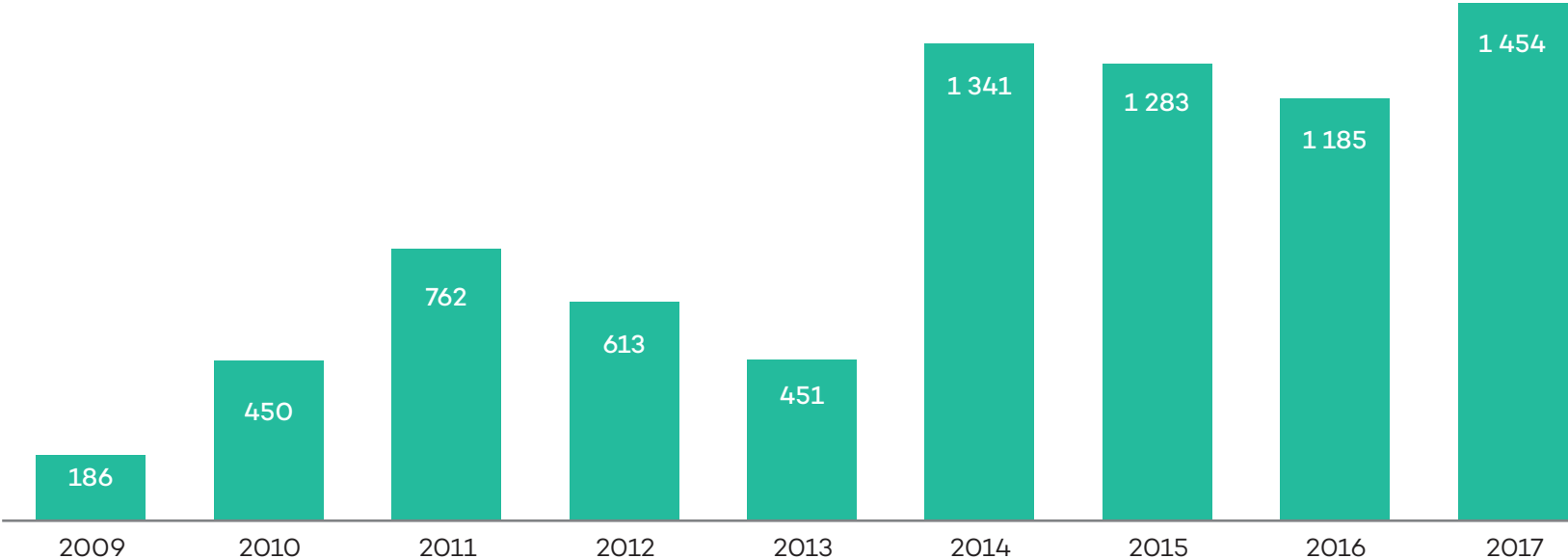
In the framework of the supervision and follow-up of EFA, special emphasis is placed on lawsuits, so that they can be dealt with in the most opportune and effective manner by the relevant EFA.

In 2017, 1454 environmental lawsuits were received, of which 78% involved a competency action of the EFAs different from those of the OEFA.

Registered environmental lawsuits

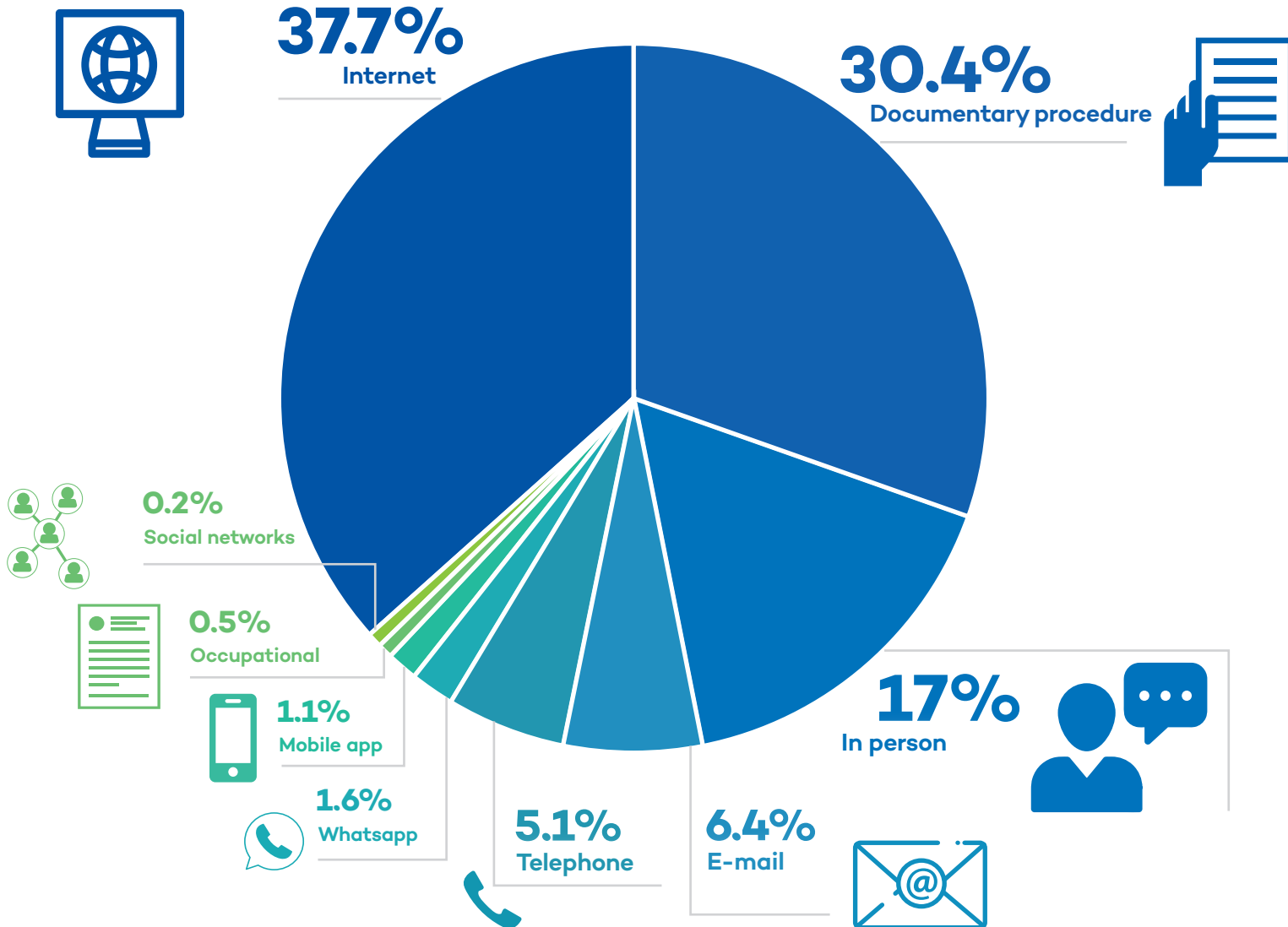
Period: 2009 - 2017

Total: 1 454



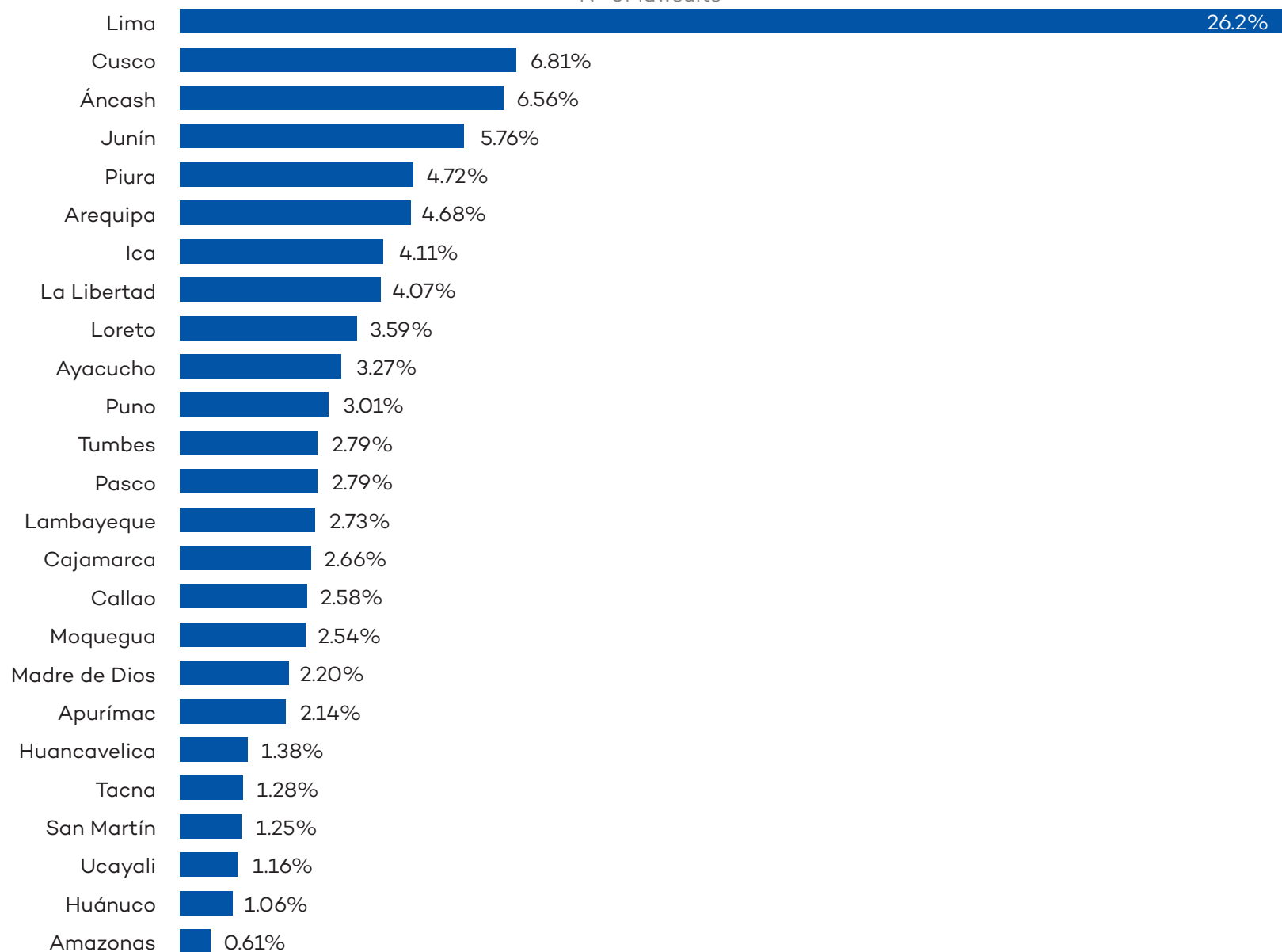
Mediums of presenting lawsuits

Period: September 2016 to December 2017



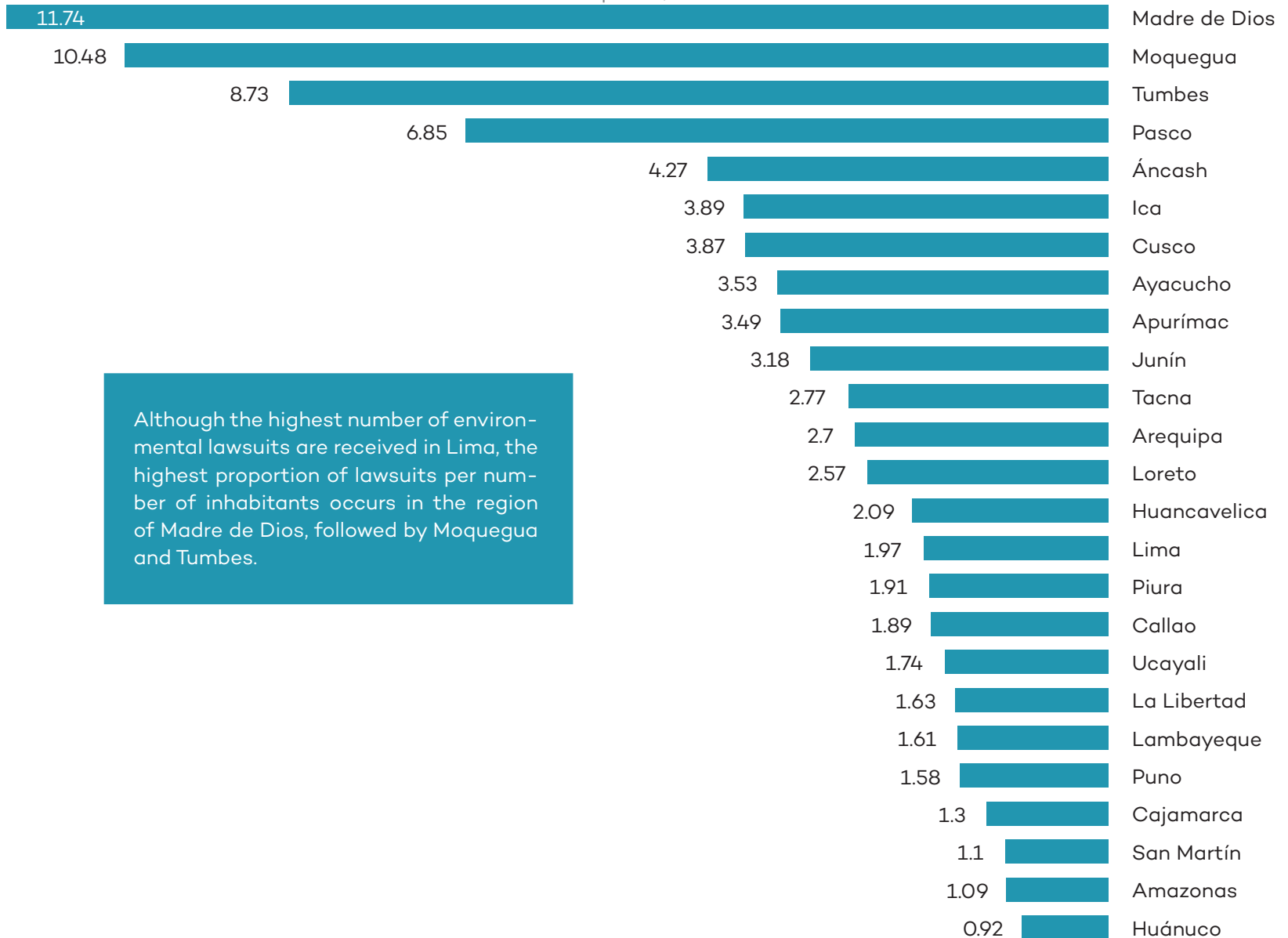
Environmental lawsuits by region 2017

N° of lawsuits



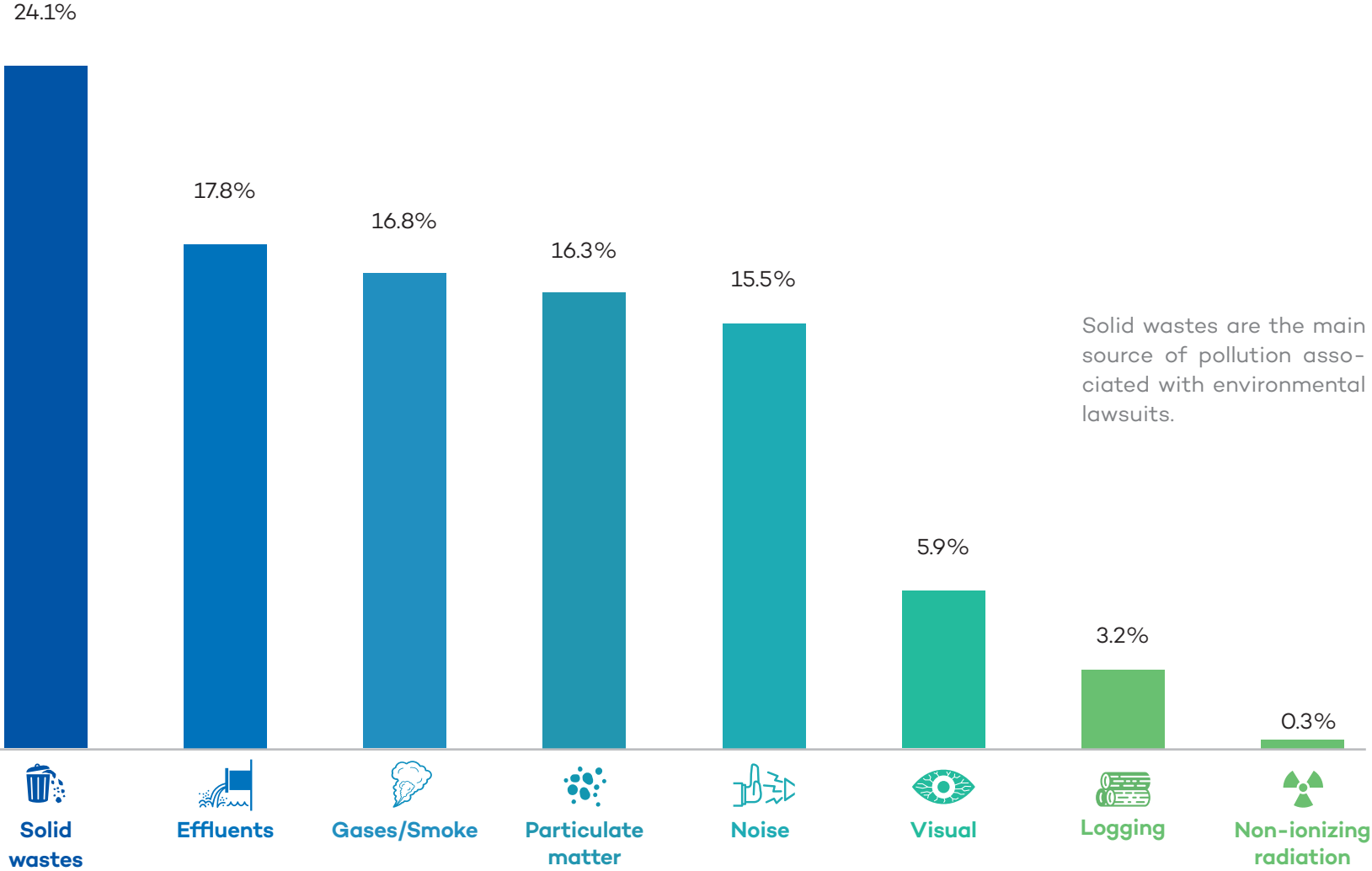
Lawsuits per 10 thousand inhabitants, 2017

N° of lawsuits per 10,000 inhabitants



Although the highest number of environmental lawsuits are received in Lima, the highest proportion of lawsuits per number of inhabitants occurs in the region of Madre de Dios, followed by Moquegua and Tumbes.

Main sources of pollution associated with environmental lawsuits

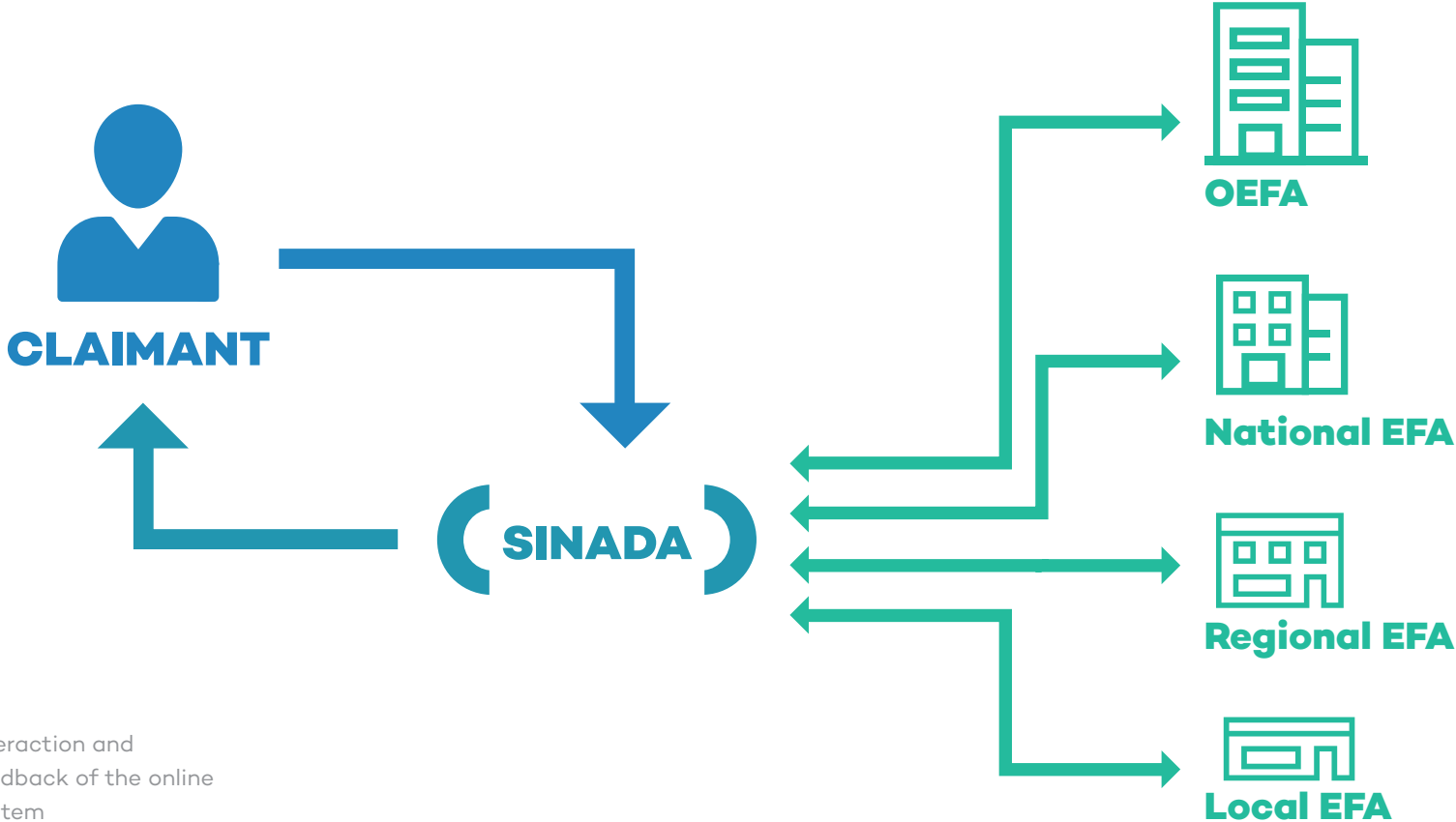


The development of the new Sinada computer system was started, which will integrate the orientation, registration and follow-up of environmental lawsuits into one digital platform. The main advantages of this system will be:

- (i) a reduction in registration time (based on a choice of pre-defined problems),
- (ii) the integration of competent entities (OEFA or EFA) into a single lawsuit management platform for the swift resolution of lawsuits,
- (iii) online processing of lawsuits

aimed at improving the eco-efficiency of the entities, (iv) systematizing the follow-up of registered lawsuits and (v) the ability for the claimant to be able to view actions online.

Environmental lawsuit



Interaction and feedback of the online system



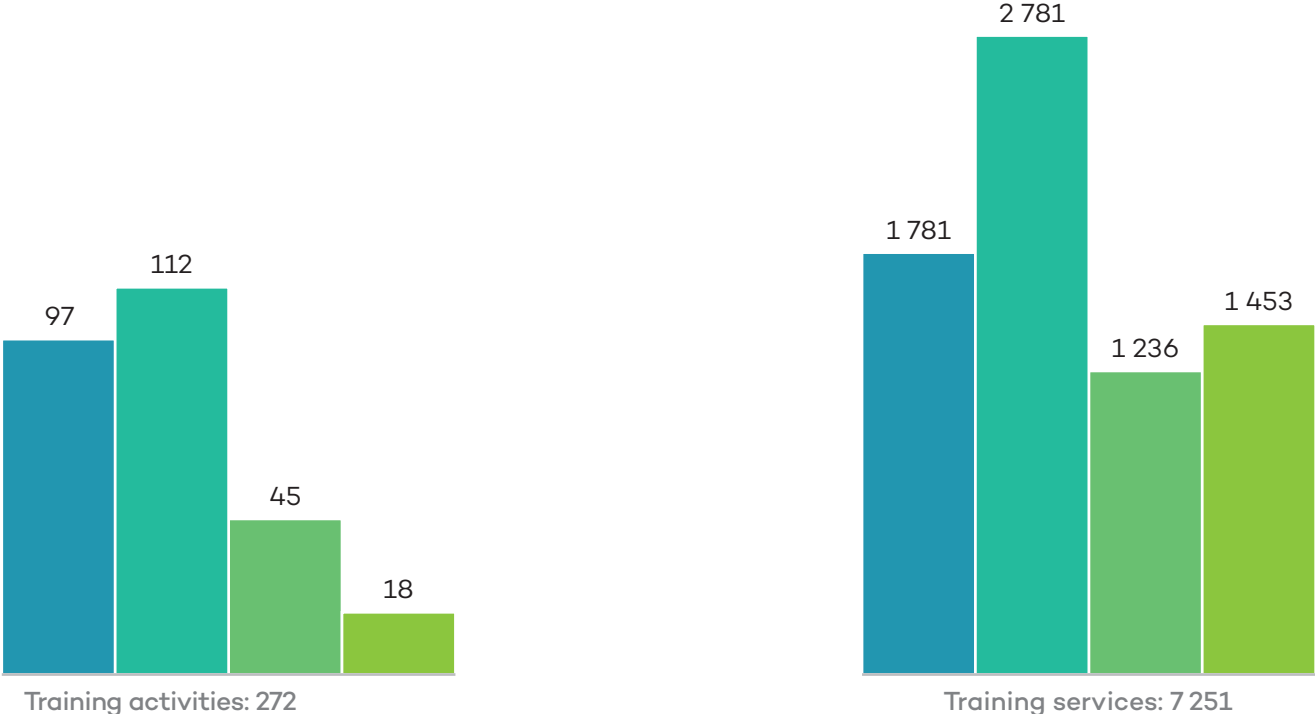
Academy for Environmental Enforcement (AFE), Lima.

Strengthening of environmental enforcement capabilities

In 2017, the strengthening of capabilities at OEFA was orientated towards providing specialized training services through the Academy for Environmental Enforcement (AFE), which is in charge of designing, implementing and executing

academic activities with the purpose of training expert professionals in environmental enforcement. Its services are aimed at OEFA employees, AFE officials, administrators and the general public. During 2017, 272 training activities were

carried out, providing a total of 7,251 training services.



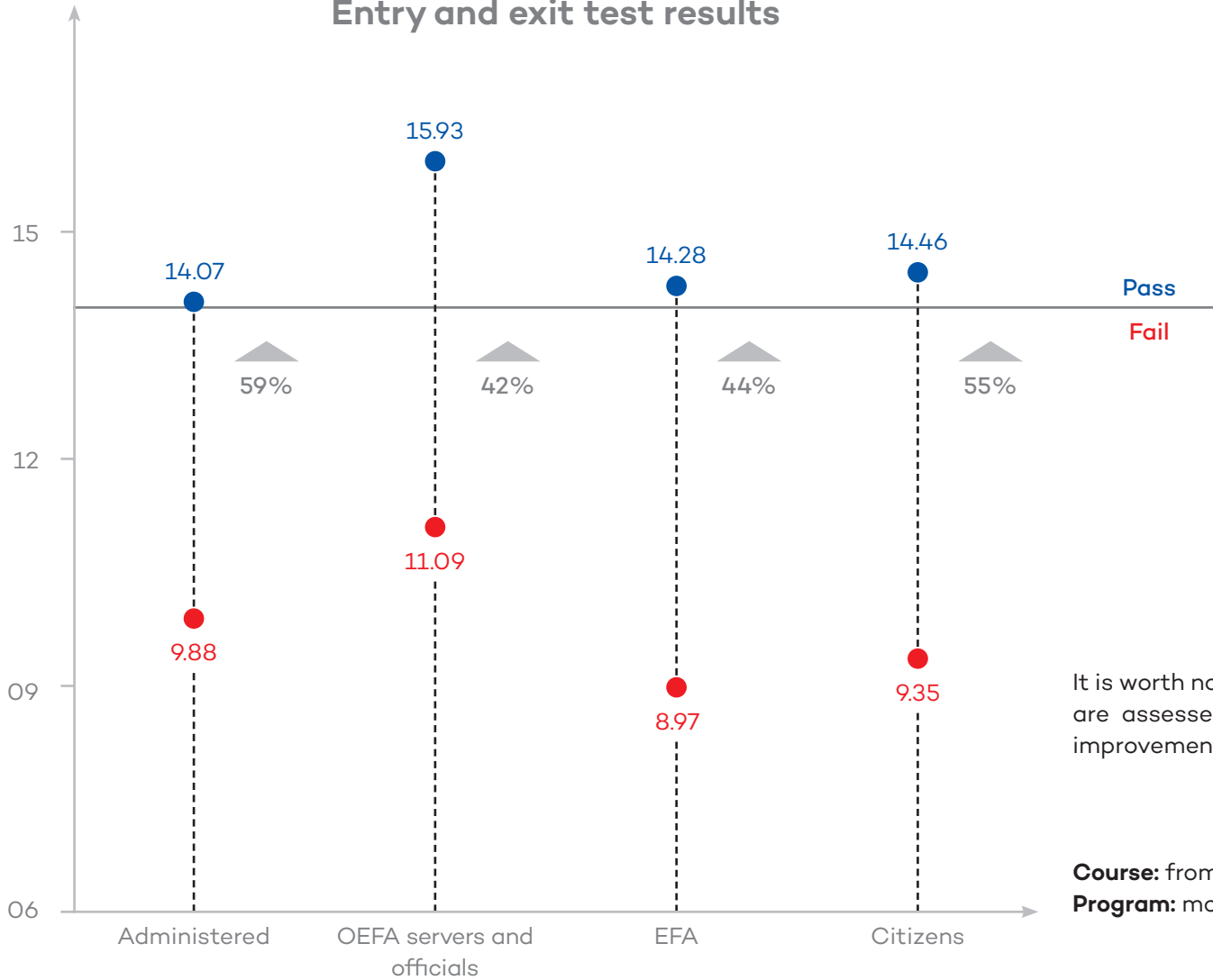
OEFA and officials

AFE

Administered

Citizens

Entry and exit test results



It is worth noting that all training actions are assessed, which has led to a 55% improvement in learning.

Course: from 13 to 40 hours
Program: more than 40 hours

● Entry test average

● Exit test average



afa

99% of the training services were offered through face-to-face classes and 1% through distance learning (virtual format).

In 2017, three international courses were also held, two developed with the North American Environmental Protection Agency (EPA), in which OEFA collaborators of the various online bodies participated, as well as magistrates of the Judicial Power. The third course involved the officials of environmental enforcement agencies in the region (Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay and Peru) in order to gain greater knowledge in the use of geo-referenced information in environmental assessment and enforcement activities, addressing regulations, data management, remote sensing fundamentals, spatial analysis and territorial modelling, among other important aspects.

Academy for Environmental Enforcement (AFA), Lima.

Socio-environmental management

Within the framework of environmental enforcement, we focus the demands and concerns of communities and populations in the areas of influence of the administered. The objective of our intervention is to provide environmental technical information, and ensure socio-environmental conflicts and/or controversies are resolved in a transparent and timely manner.

During 2017, OEFA participated in 30 spaces for dialogue throughout the country, providing relevant information on the results of environmental enforcement.





Cocachacra, Arequipa.

Map of the 30 spaces for dialogue with OEFA participation

Piura (3)

1  1  1 M

Loreto (5)

 5

Cajamarca (1)

1 


Pasco (1)

 1

Áncash (5)

4  1 

Junín (3)

 1 M 2

Lima - Callao (1)

1 

Cusco (5)

 4  1

Apurímac (2)

2 

Puno (2)

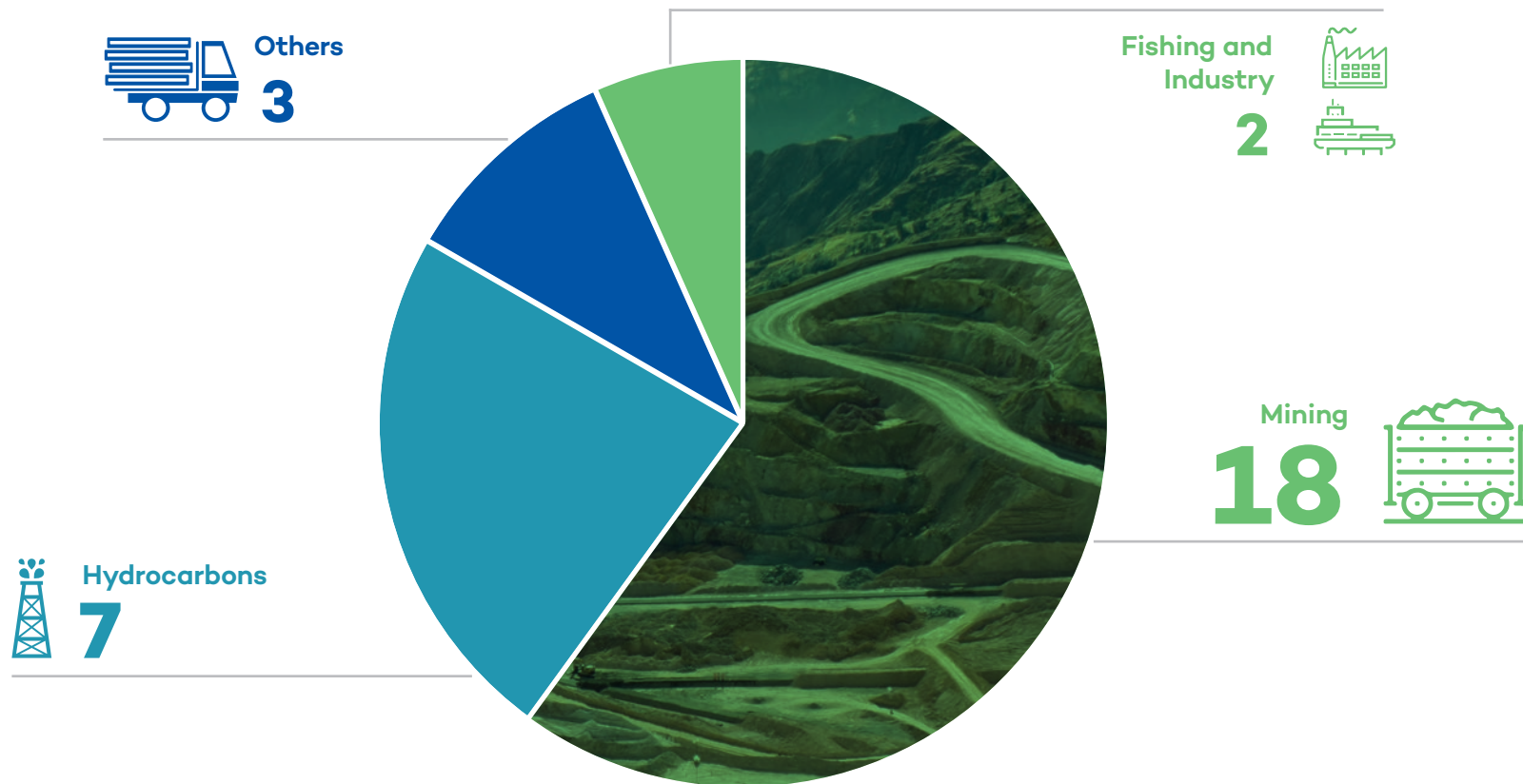
 2

Moquegua (2)

 2

 Mining
  Hydrocarbons
  Electricity
  Fishing
  Industry
 M Multi-sectoral

Socio-environmental conflicts in which OEFA intervened, by economic activity, in 2017



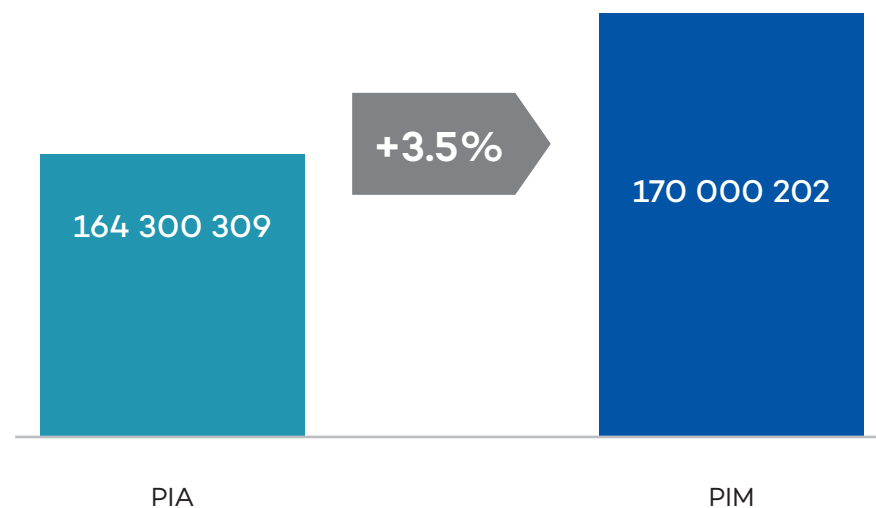
The types of conflict are categorized according to the economic activity in which the socio-environmental demand originates.

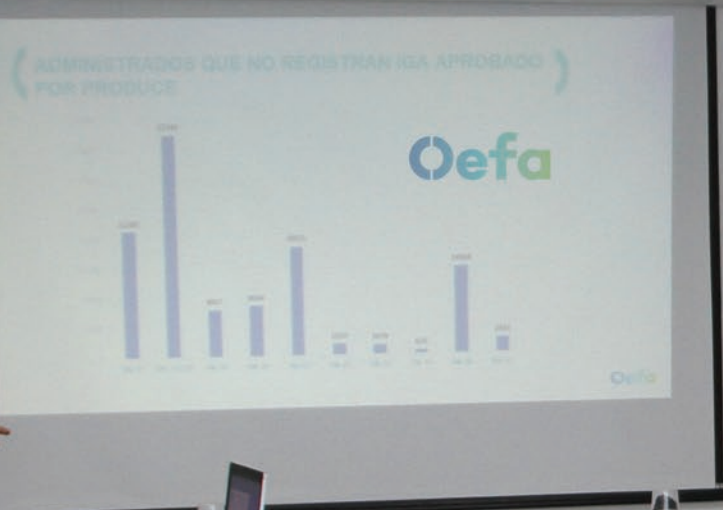
Institutional management

Planning and budget

At the end of 2017, the modified institutional budget (PIM) of OEFA reached S / 170,000 202.00, which shows an increase of 3.5% with respect to the opening institutional budget (PIA).

OEFA institutional budget in soles





Oefa Organismo de Evaluación y Fiscalización Ambiental



OEFA headquarters, Lima

Institutional budget by budget category

By the end of 2017, OEFA recorded a spending of S / 153 837 685.18, which represents 90.5% of the PIM, distributed as follows (by budget category):



Budget category	Modified institutional budget (PIM)	Spending	% spent
Budgetary programs	111 135 094	98 689 923,71	88.8%
Central actions	42 380 579	40 450 001,97	95.4%
Budget allocations that do not result in products	16 484 529	14 697 759,50	89.2%
Overall total	170 000 202	153 837 685,18	90.5%

The previous table shows that at the end of 2017, an expenditure of 88.8% was registered with respect to the PIM in the budgetary programs, which includes the expenditure delivered to the following programs: “0036 Integral management of solid waste”, “0096 Management of air quality” and “0144 Conservation and sustainable use of ecosystems for the

provision of ecosystem services”, which are mainly the responsibility of the entity’s online bodies.

Regarding the budget category “Central actions”, this registers an expenditure of 95.4% with respect to the PIM and includes the expenses delivered to the operation of the entity.

Likewise, the budget category “Budget allocations that do not result in products” registers an expenditure of 89.2% with respect to the PIM, and includes expenditures related to capacity building actions in environmental enforcement, policies, strategies and regulatory projects in environmental enforcement, information technologies, communication and citizen services.

Institutional budget by source of finance

In relation to source of finance, during 2017 OEFA financed its activities with ordinary resources, resources directly collected and resources from official credit operations, which recorded spending of 95.3%, 90.0% and 27.0% respectively, as shown in the following table:

Source of finance	Opening institutional budget (PIA)	Modified institutional budget (PIM)	Spending	% spent
Ordinary resources	22 319 000	18 424 764	17 550 772,94	95.3%
Resources directly collected	141 981 809	151 407 089	136 241 422,44	90%
Resources from official credit operations	-	168 349	45 489,80	27%
Overall total	164 300 809	170 000 202	153 837 685.18	90.5%



Oefa headquarters, Lima.

Human Resources

At the end of 2017, OEFA's workforce by occupational group equalled 861 employees, as can be seen in the table below:

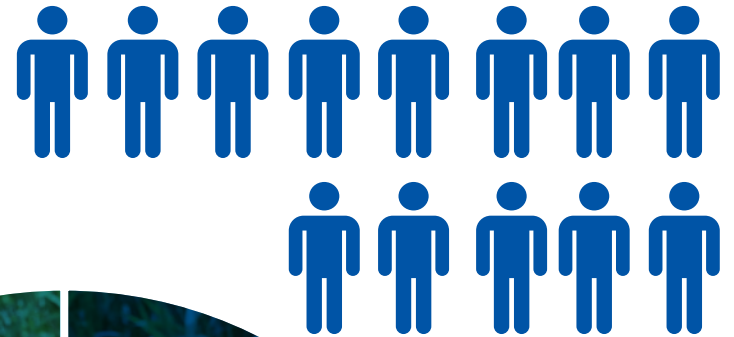
Modality	Position	December 2017
CAS*	Official	16
	Executive	12
	Responsible	11
	Coordinator	56
	Professional	407
	Assistant/Auxiliary	286
TOTAL CAS		788
D.L. 728**	Professional	3
TOTAL D.L. 728		3
Interns***	Professional intern	31
	Pre-professional intern	38
TOTAL INTERNS		69
TOTAL		861

* Administrative contracts for services governed by the D.L. 1057

** Law of labour productivity and competitiveness governed by the D.L. 728

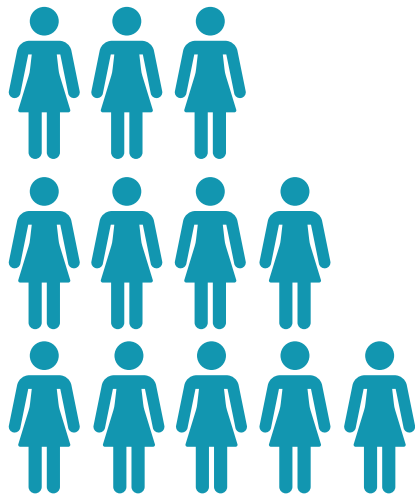
*** Law on work training methods governed by the D.L. 28518

It should be noted that the gender distribution of personnel shows that 49% of OEFA staff are female and 51% are male.



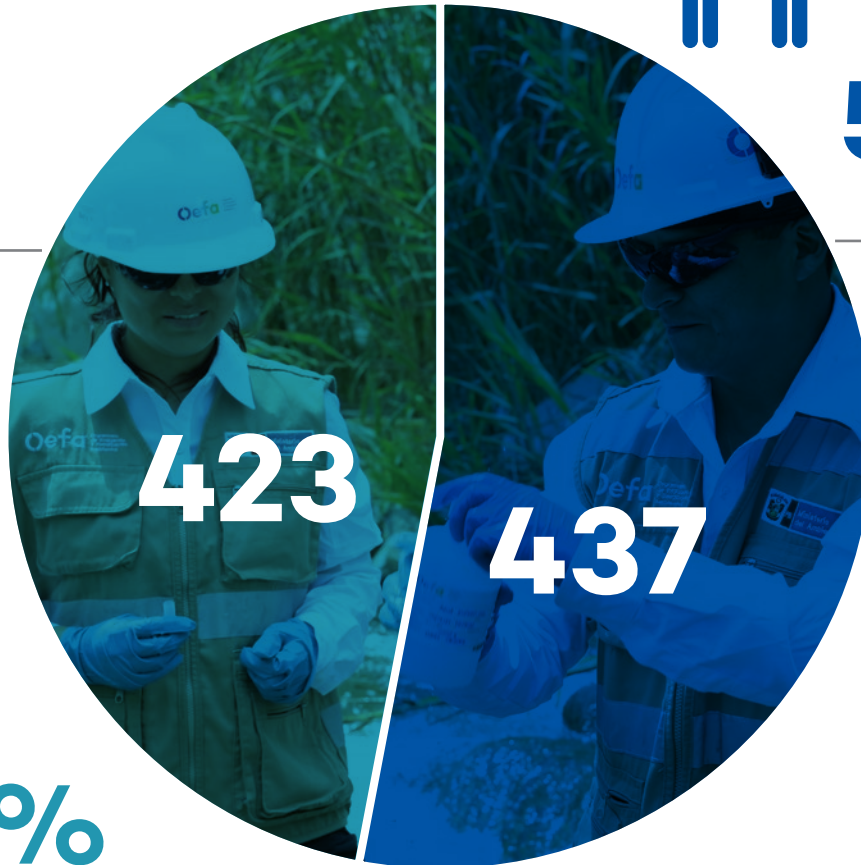
51%

Male



49%

Female



423

437

Welfare and Development Plan

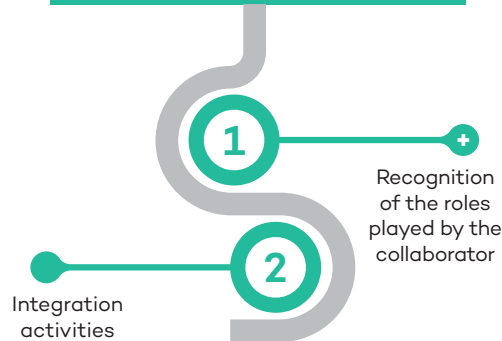
Specific objective I

Consolidate and strengthen the identification of the entity's collaborators



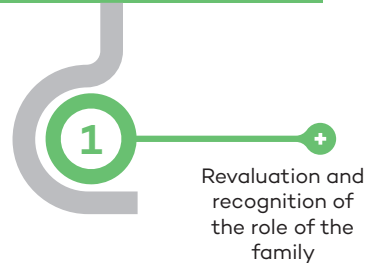
Specific objective II

Motivate collaborators for an optimal performance in their roles



Specific objective III

Promote work-family life balance



Specific objective IV

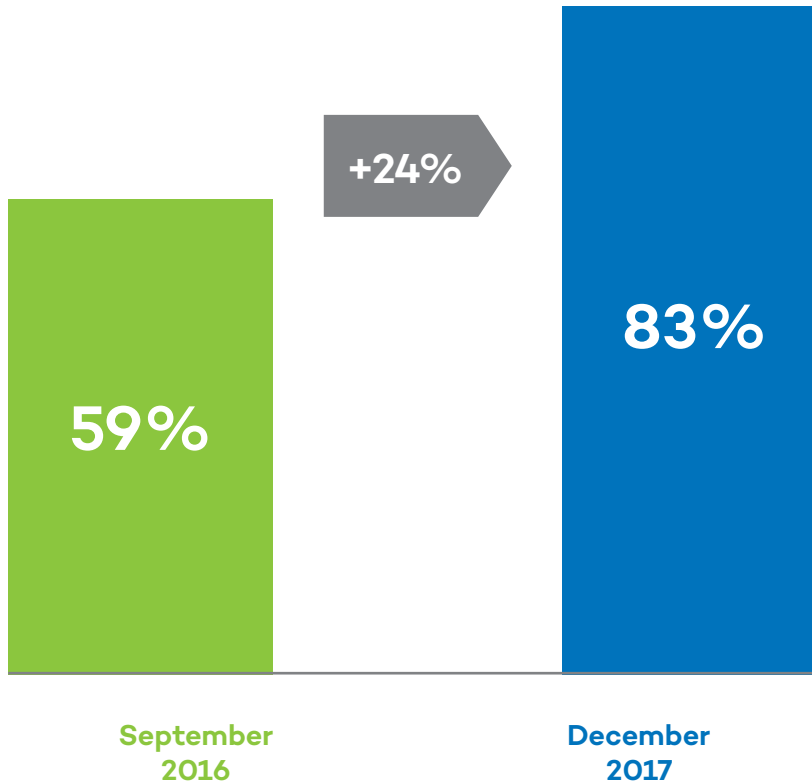
Generate integral well-being for the collaborator



Work environment results, by dimension, 2016 – 2017

It should be noted that the implementation of the Welfare and Development Plan for personnel has generated a substantive improvement in OEFA's work environment, which has seen an increase in

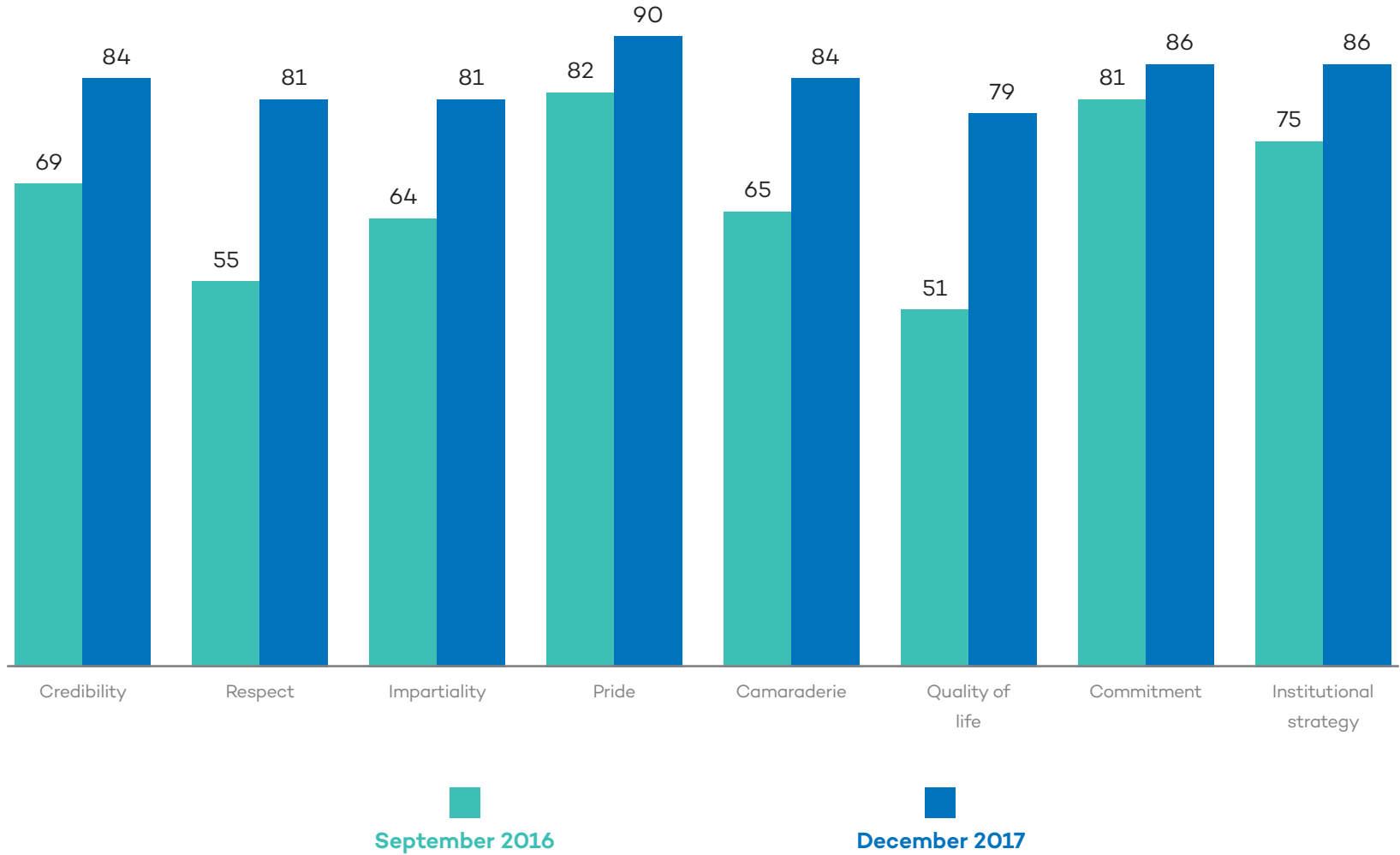
its satisfaction rate from 59% to 83%. It is worth noting that the work environment is being monitored every six months.



OEFA headquarters, Lima

Level of general satisfaction, by dimension

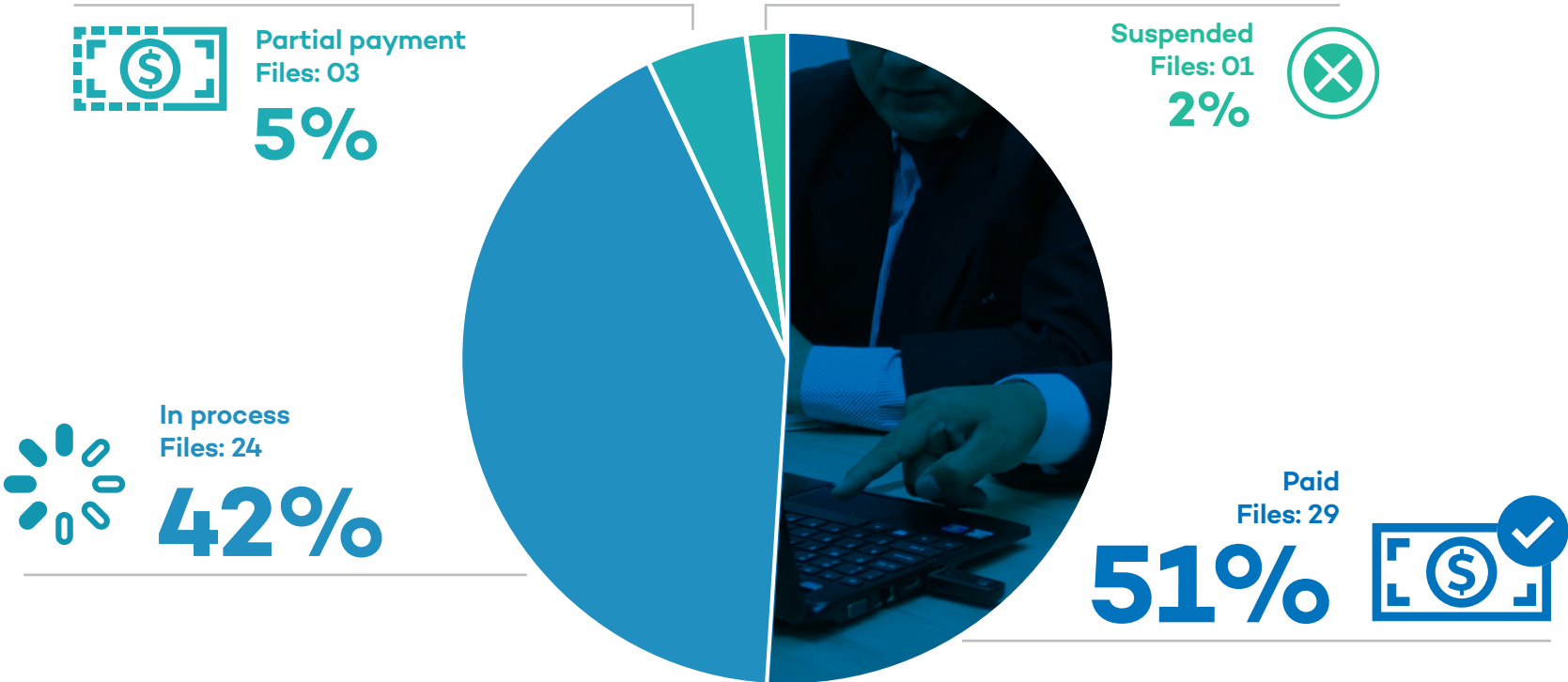
In percentages



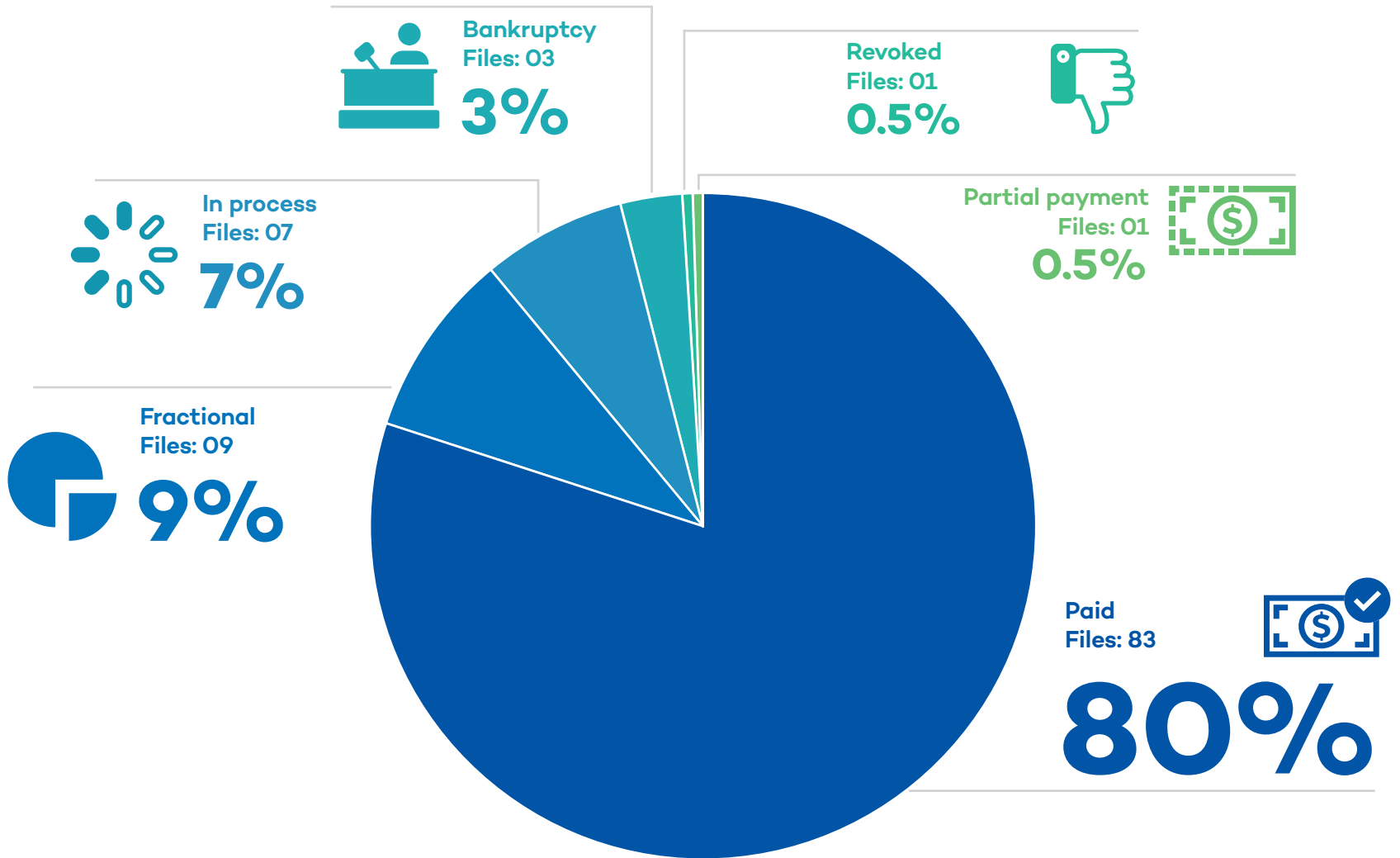
Enforced collection

The chart below shows the detail of the state of the debts that are in process of enforced collection, as well as the per-

centages corresponding to the different stages in which the processes are found.



Files for contribution by regulation September 2016 - December 2017



Information technologies

During 2017, a diverse set of computer applications was implemented that provided technological support to the internal processes of OEFA (core, support and strategic), with the aim of responding quickly to specific needs for the registration of information in the different bodies and organic units of the institution.

The 47 IT applications available to the institution did not ensure adequate medium and long-term processing of information for better decision-making, based on relevant, timely and accurate information. For the most part, these applications were not integrated; they behaved like “islands of information”, since they were constructed on different development platforms, and they used different technological architectures and different forms and / or repositories to store the information.

This situation caused serious setbacks related to: (i) errors due to lack of ade-

quate controls, (ii) greater time and effort in carrying out the processes, (iii) difficulty in consolidating and using the information, and; (iv) problems with the security of information; among others.

An immediate action taken to remedy this situation was to define two strategies: a short-term one, consisting of the implementation of standard software architecture for the new development of applications and the progressive integration of the most widely-used computer applications. The second is the medium- and long-term strategy, which consists of implementing “integrated information systems”, both for the administrative section and for the core section, in accordance with the proposed technological vision, which will contribute towards improving the efficiency of institutional management.



OEFA headquarters, Lima



OEFA headquarters, Lima.

Technological vision

The set of initiatives undertaken are circumscribed to a methodological framework, with the objective of the progressive incorporation of information technologies (IT) that help to increase the efficiency and effectiveness of the core, support and strategic processes of our entity.

The intelligent and effective application of these technologies is a catalyst that is accelerating the process of modernization of public management at OEFA, for the benefit of the general public.

The definition of our “technological vision”, which has been the result of a holistic reflection process, is relevant in this action and covers 3 major phases:

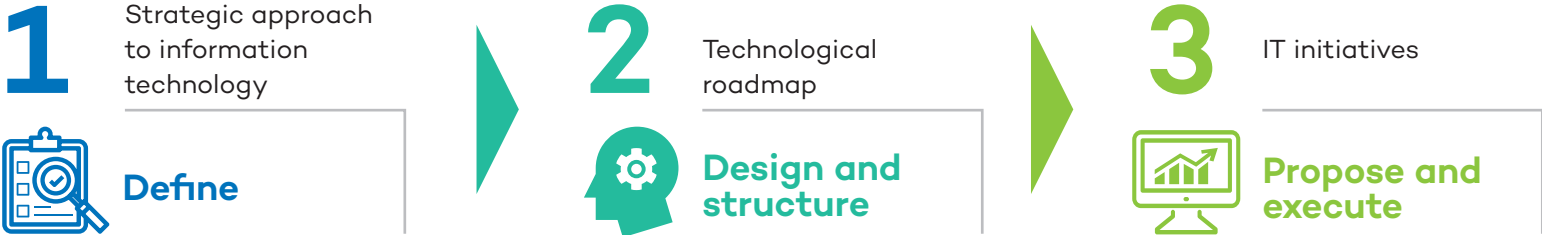
- a) Definition of the strategic approach to information technologies (EETI).
- b) Design and structure of the technology roadmap (HRT).
- c) Proposal and execution of IT initiatives.

In this line of action, the technological initiatives proposed for the short, medium and long term are articulated with each other, and have been conceptualized after careful scrutinizing:

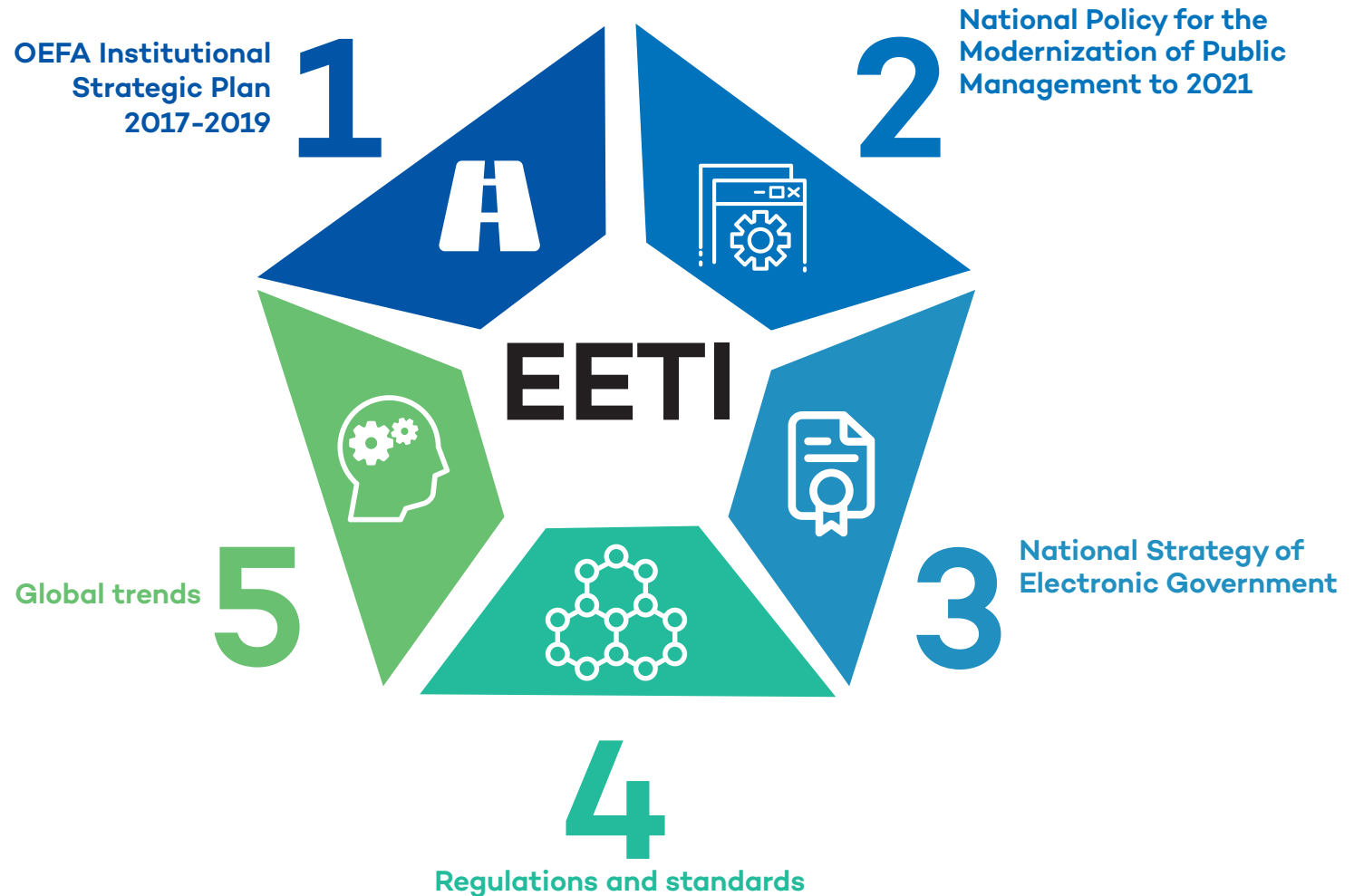
- a) OEFA Institutional Strategic Plan 2017-2019;
- b) the National Policy for the Modernization of Public Management by 2021;
- c) the National Strategy of Electronic Government;
- d) International standards and regulations and;
- e) Global technological trends.

Methodology for the definition of OEFA’s technological vision

IT strategic guidelines and principles



Strategic approach to information technologies (EETI)



1

- **Sectoral vision**
- **Institutional mission**
- **Strategic objectives**

Central pillars:

- Management by processes, administrative simplification and institutional articulation.
- Information system, monitoring, assessment and knowledge management.

Crosscutting axes:

- Electronic Government.
- Open Government.

Strategic objective 1: Achieve the development and provision of better ICT services for society, through interoperability between State entities, the private sector and civil society.

Strategic objective 2: Bring the State closer to the citizen through mechanisms that ensure timely and inclusive access to information and citizen participation as a means of contributing to governance and transparency of State management.

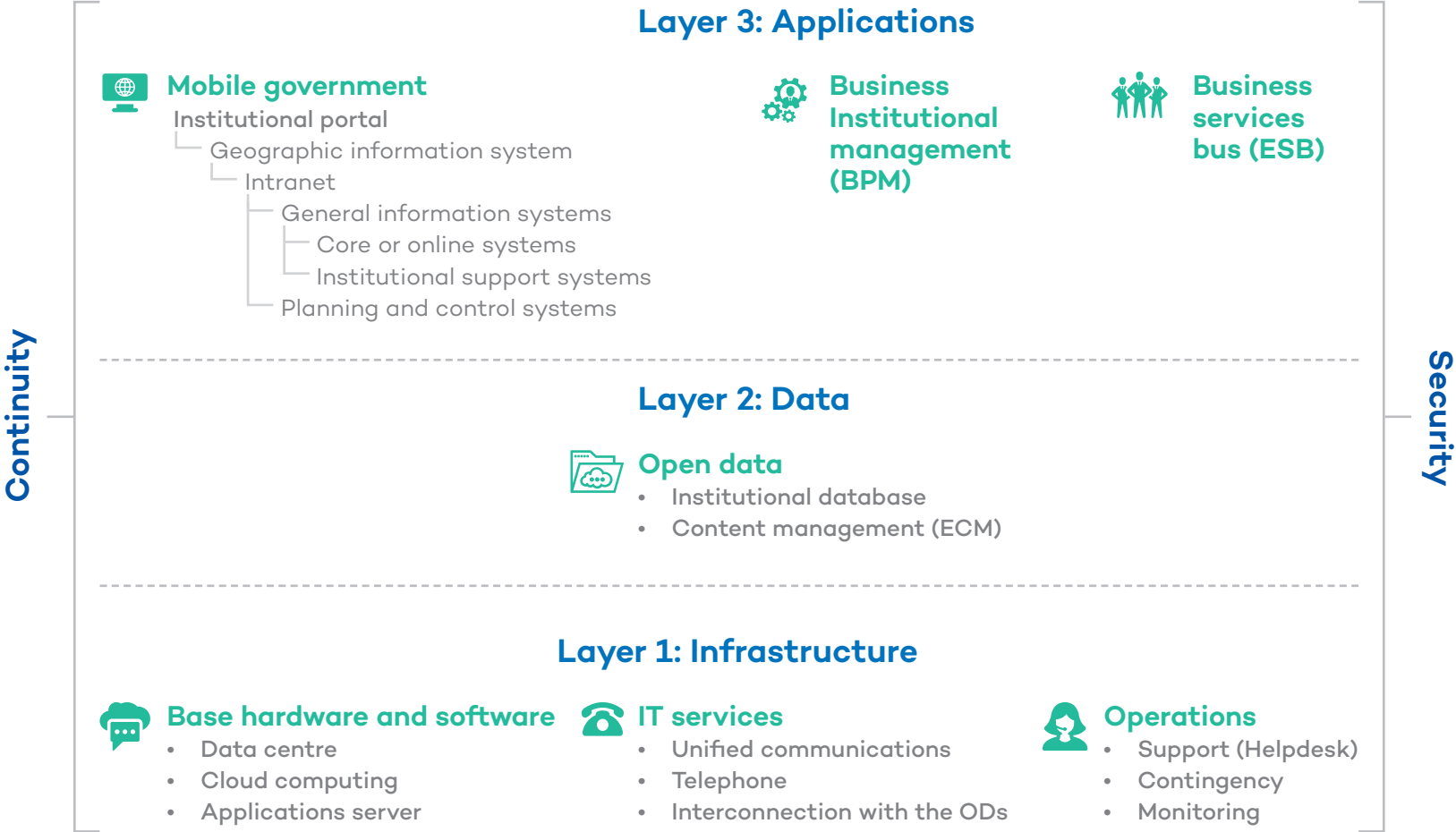
Strategic objective 3: Guarantee the integrity, confidentiality and availability of public information through security mechanisms of the processed information.

- NTP ISO/IEC 12207: SOFTWARE LIFE CYCLE. Peruvian technical standard that regulates the acquisition, development, operation, maintenance and cessation of software in public entities.
- NTP ISO/IEC 27001: SECURITY OF INFORMATION. Peruvian technical standard that regulates the implementation of an information security management system in public entities.
- ISO/IEC 38500: GOVERNMENT OF IT. It is an International ISO norm that promotes good practice for the implementation of an IT government.
- DS N° 016 2017 PCM Open data strategy
- DS N° 051 Progressive monitoring of interoperability
- RC N° 149-2016-CG Implementation of the internal control system
- CMMI: CAPABILITY MATURITY MODEL INTEGRATION. It is an international model or standard for good practices in software development.
- COBIT: CONTROL OBJECTIVES FOR INFORMATION AND RELATED TECHNOLOGY. It is a framework for establishing a government of information technologies.
- ITIL: INFORMATION TECHNOLOGY INFRASTRUCTURE LIBRARY. They are a set of good practices to improve the quality of the services offered by the Information Technology Offices.
- PMI : PROJECT MANAGEMENT INSTITUTE. They are a set of good practices to manage projects.

- Cloud Computing
 - Security of information
 - Voice applications and video in real time
 - Applications available at any time
 - BIG DATA
 - BPM: Business process management.
- It is a new management approach based on processes.

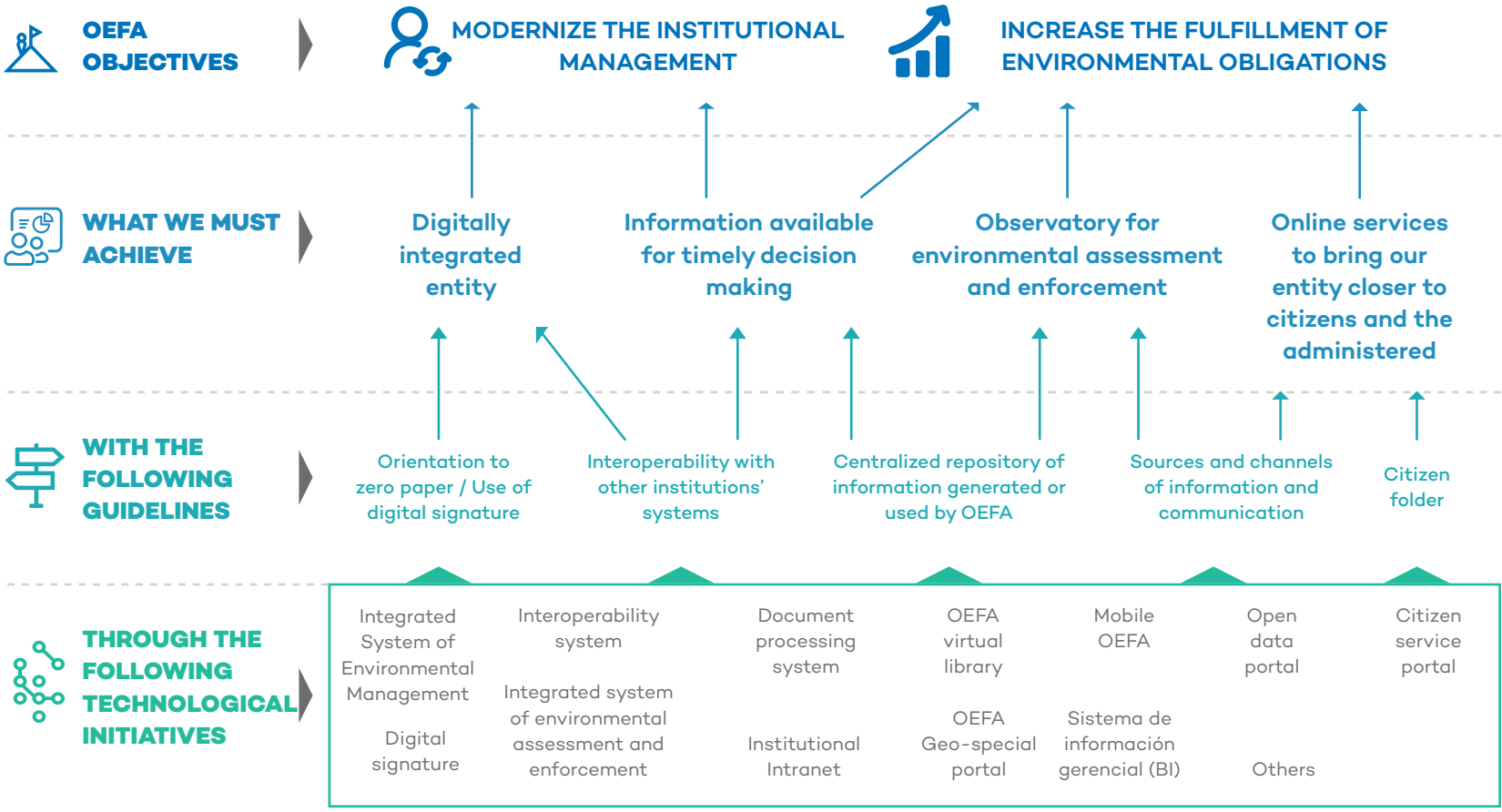
After the EETI was defined by OEFA, the HRT was designed to allow the technological initiatives that are in the process of being implemented to be ordered and organized. The objective is for our entity to improve its efficiency and achieve its mission in an effective manner.

IT Government
Management instruments



OEFA technological roadmap

Alignment with OEFA's strategic objectives



A path of permanent innovation is proposed with the firm purpose of positioning OEFA as a modern public entity that takes full advantage of information

technologies for the benefit of the general public. Next, we describe OEFA's main achievements in technological solutions, classified into the following categories:

Mission processes

Initiative

Real time environmental monitoring

Implementation of the integrated system of environmental lawsuits

Implementation of the OEFA geo-spatial data portal (First stage)

New record of environmental regulations

Self-supervision module

Description

Implemented

In the process of implementation

In the process of implementation

In the process of implementation

In the process of implementation

Digital transformation

Initiative	Description
Issuance of electronic documents with digital signature (Payment slips, Certificate and Proof of work)	Implemented
Implementation of interoperability in the OEFA	Implemented
Implementation of the business services bus	In the process of implementation
Implementation of the document processing system	In the process of implementation

Technological infrastructure

Initiative	Description
Cloud database	Implemented
Renewal of the computer park (1 054 PCs and monitors, 189 Laptops, 16 work stations)	Implemented
Integration between the headquarters and OD	In the process of implementation
Storage and strengthening of the content manager	In the process of implementation

Citizen service and institutional transparency

Initiative

Description

Implementation of the open data portal

Implemented

Virtual agenda module of official activities

Implemented

Anti-corruption lawsuits module

Implemented

System of serving the public

Implemented



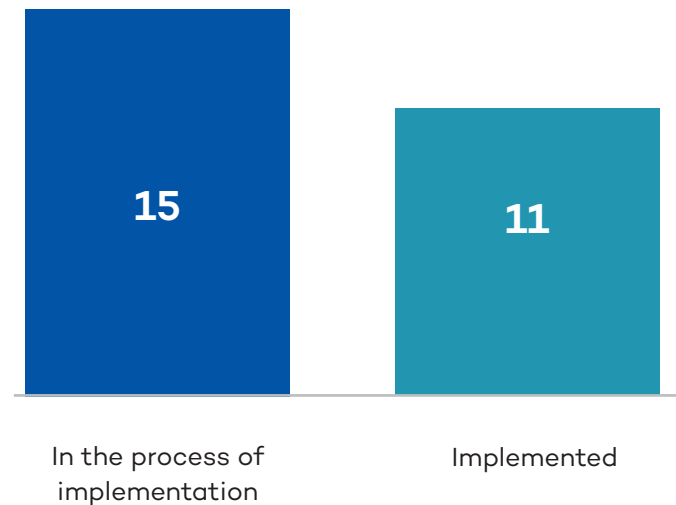
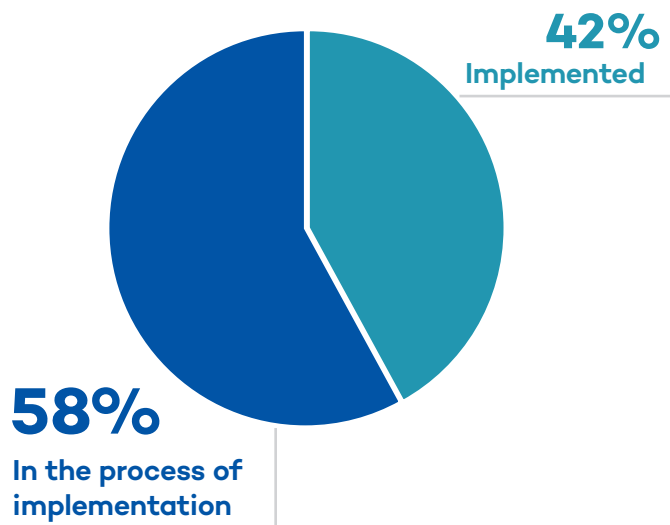
OEFA headquarters, Lima.



Drone with camera for environmental assessment work.

Technological initiatives 2017¹¹

During 2017, twenty-six technological initiatives were proposed, the status of which are described below:



¹¹ The most important technological initiatives have been recorded in the previous tables.

Public Prosecutor's Office

As of December 2017, the Judicial Branch had confirmed 225 of a total of 227 decisions from the Court for Environmental Enforcement, that have been subject to

challenge through contentious administrative proceedings, as well as Judicial Review processes. This situation shows that OEFA is observing the guarantees

of the due process.

Proceedings challenged



1.4%
Unfavourable
processes

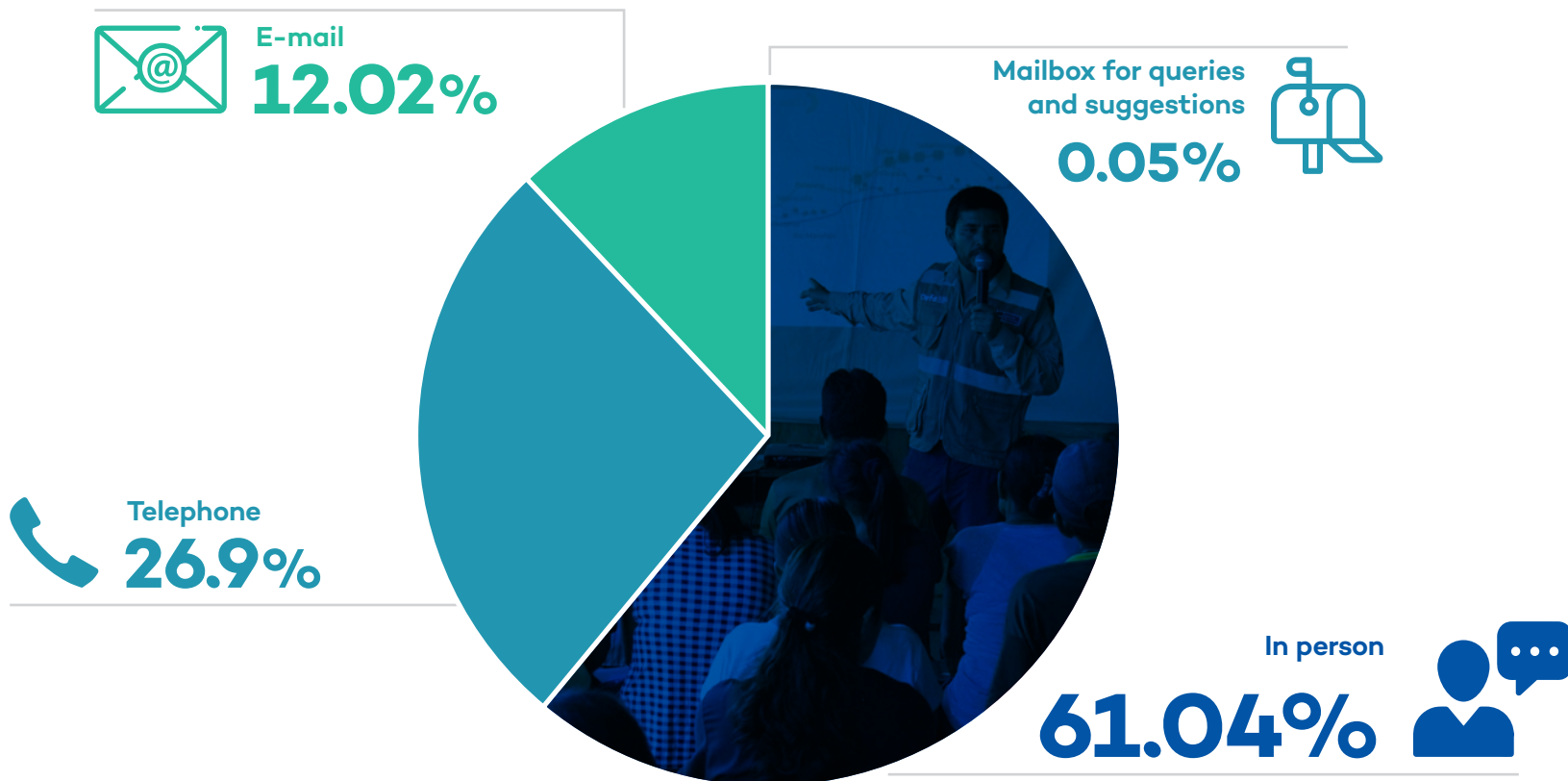


Favourable processes
98.6%

Citizen services

Means of answering queries

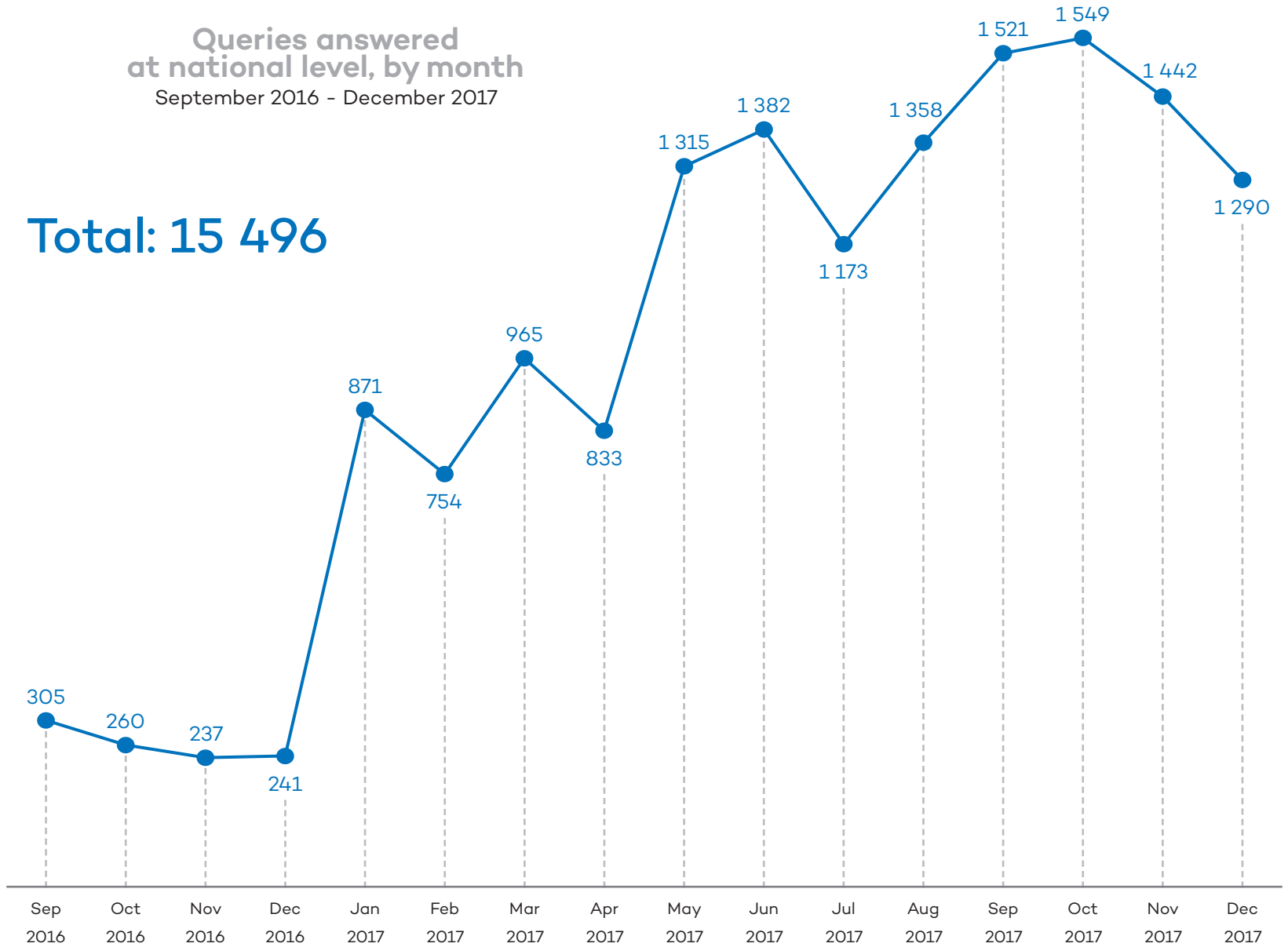
(September 16 - December 17)



Queries answered at national level, by month

September 2016 - December 2017

Total: 15 496

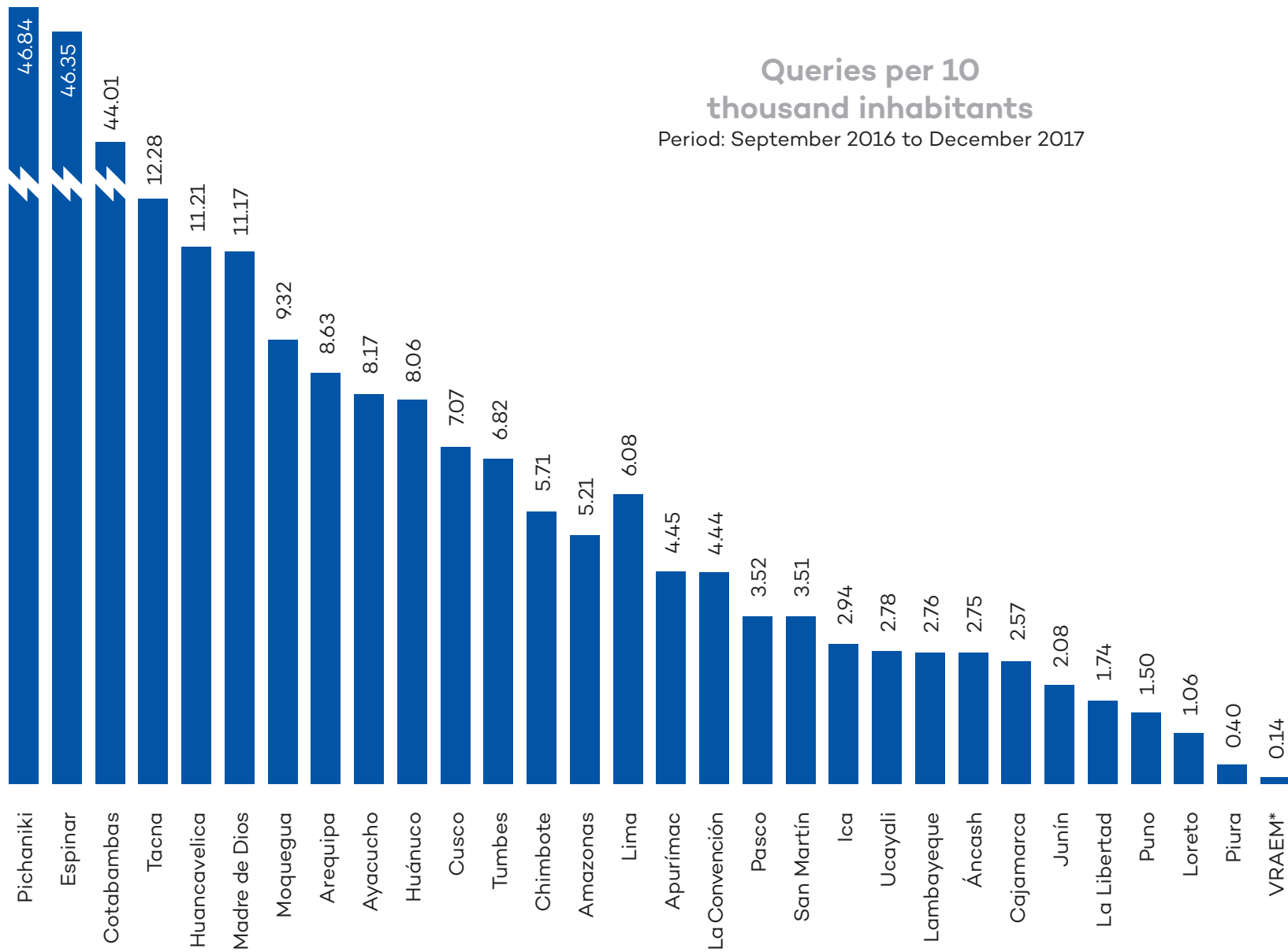




Oefa

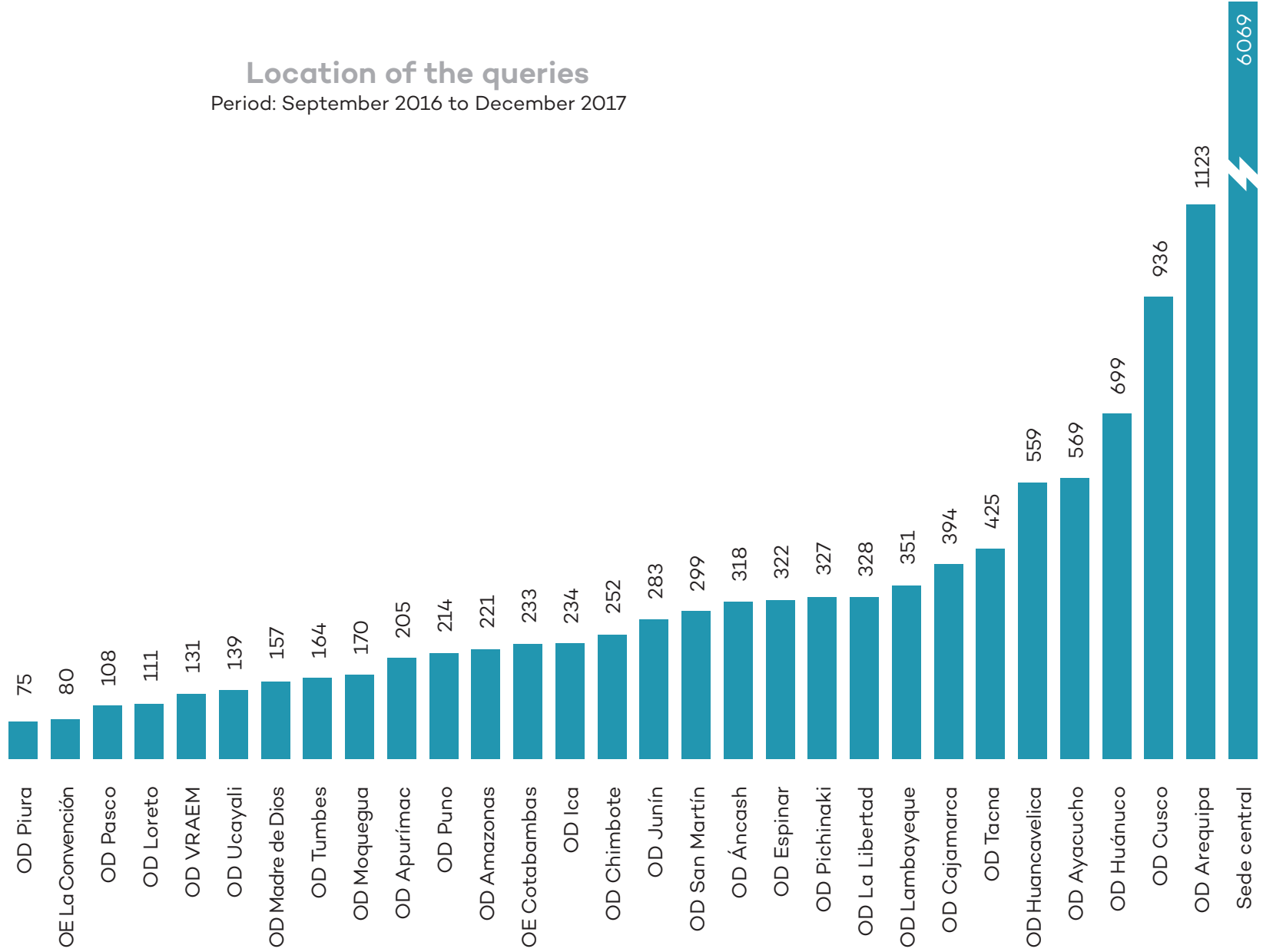
Organismo
de Evaluación
y Fiscalización
Ambiental

Queries per 10
thousand inhabitants
Period: September 2016 to December 2017



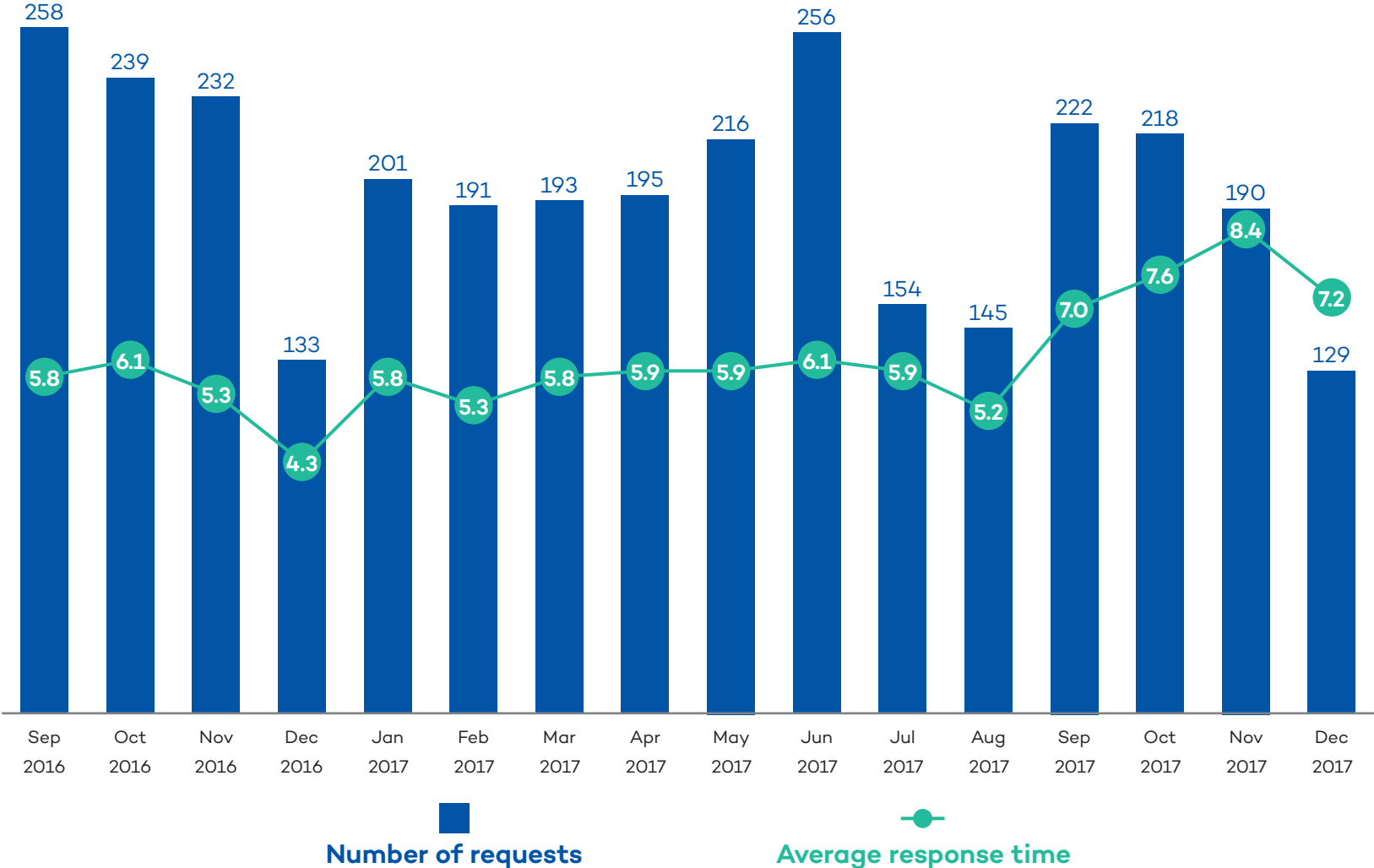
Location of the queries

Period: September 2016 to December 2017

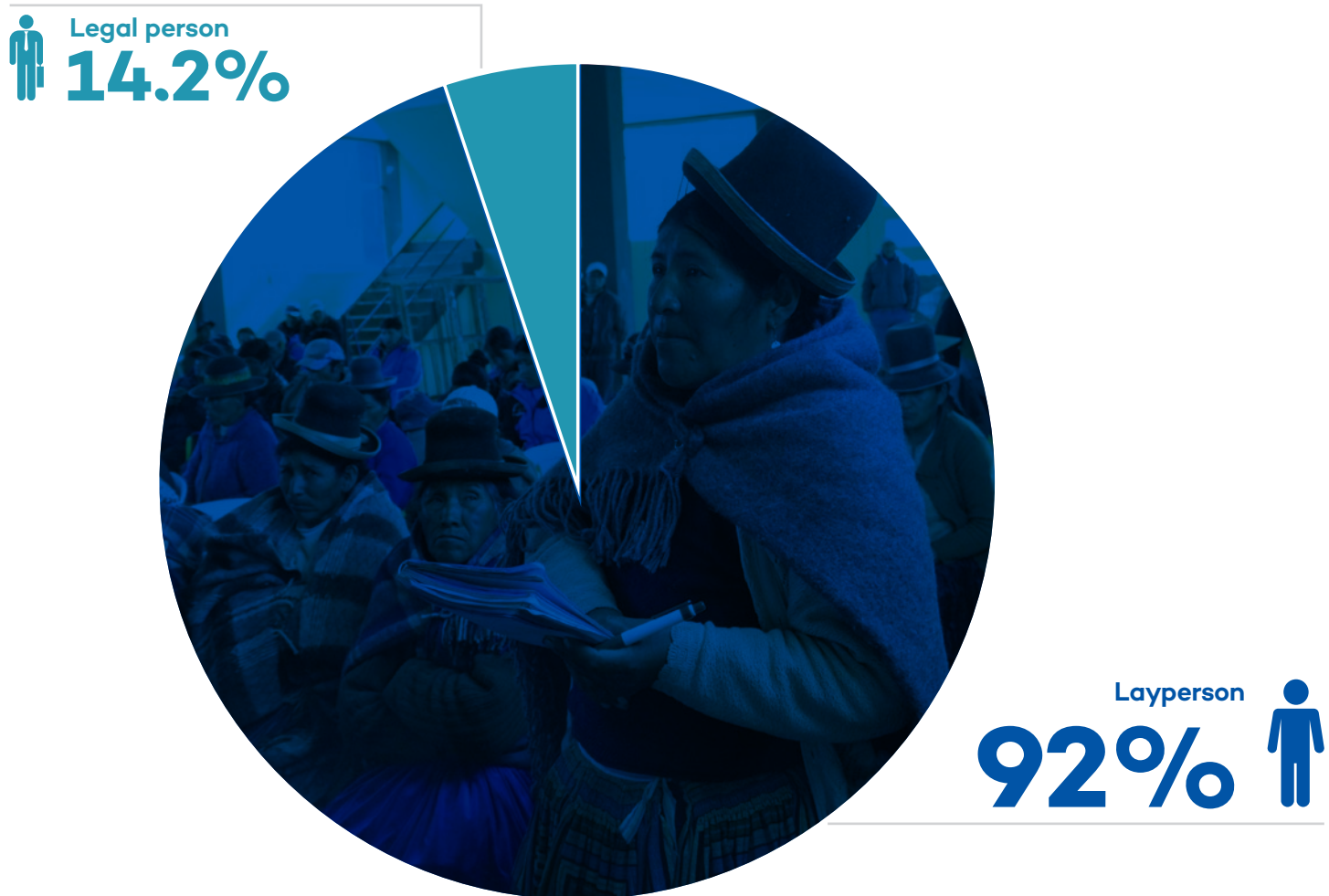


Requests for access to public information and its average response time in days

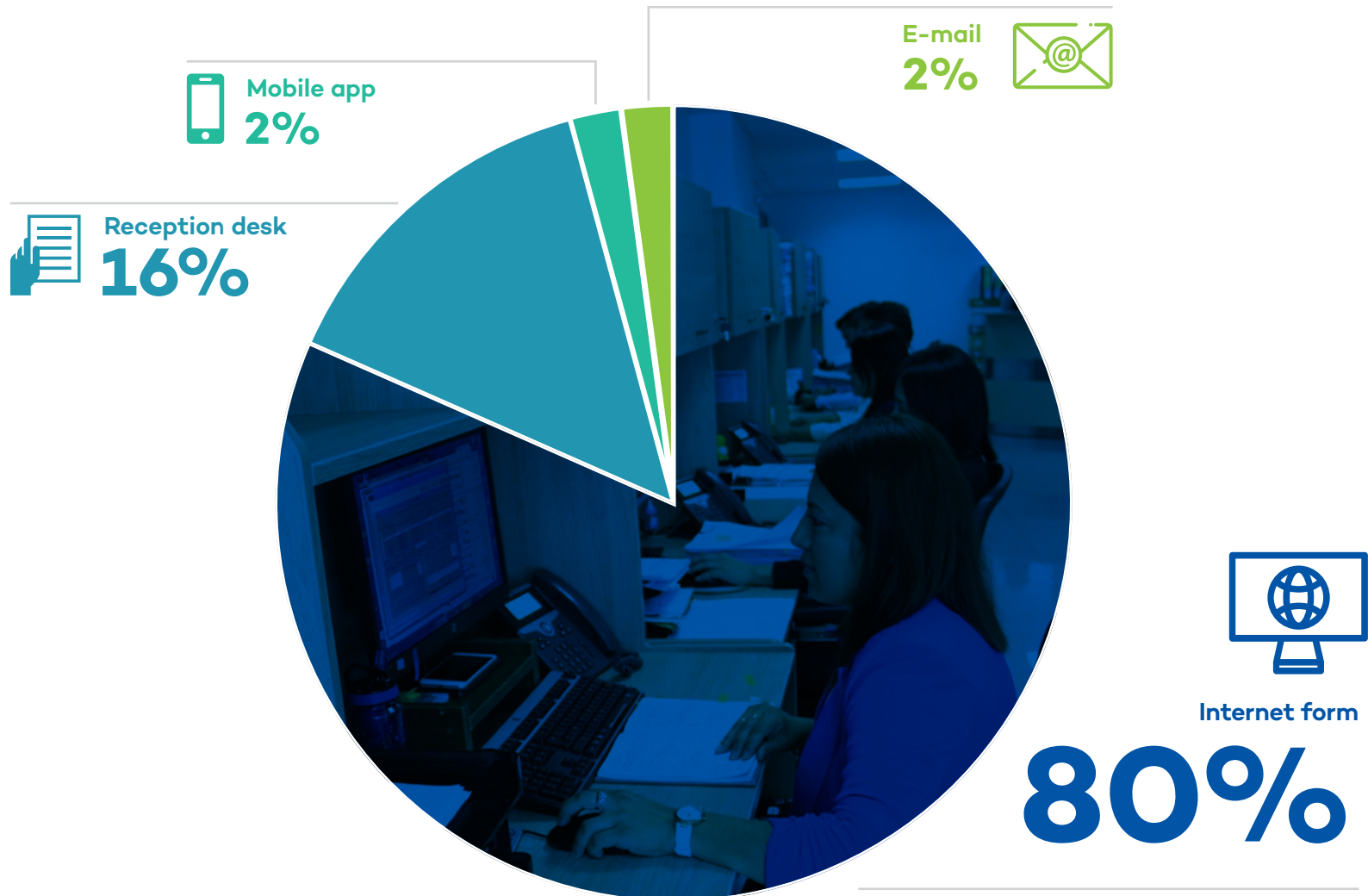
Period: September 2016 to December 2017



¿Who submits requests for access to public information in OEFA?



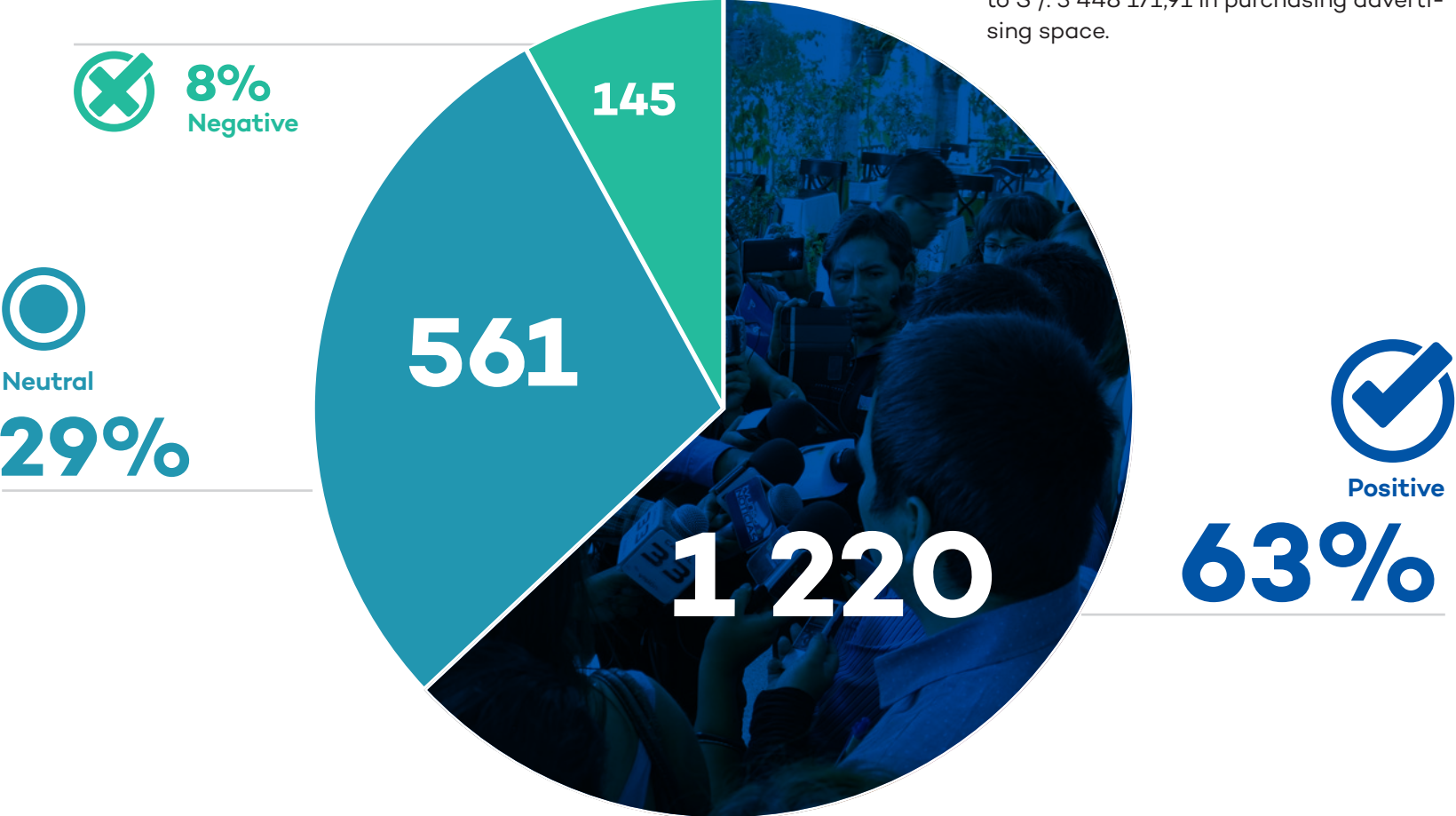
Mediums most used to request information



Communications

Communicating our actions

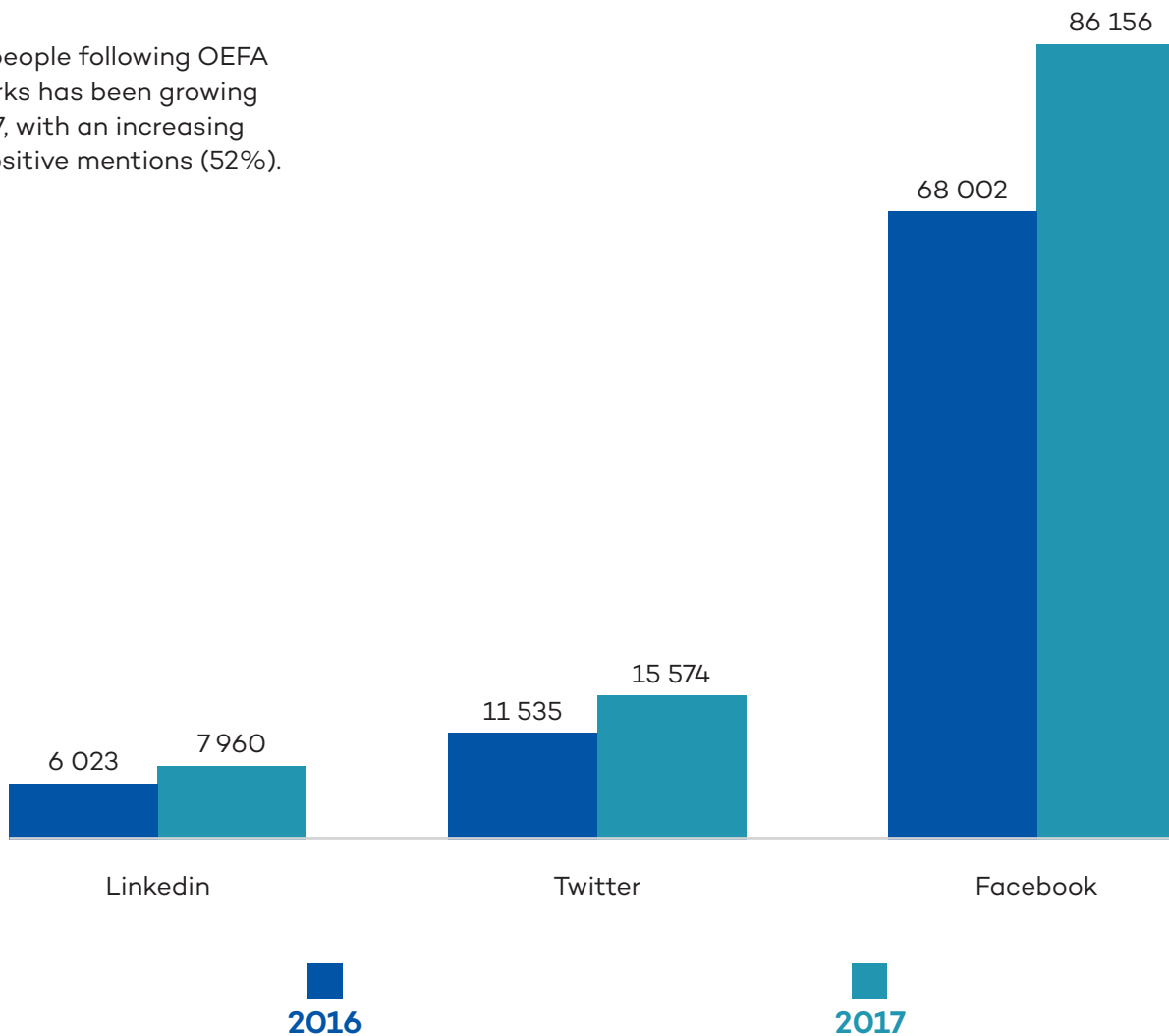
The 1,220 positive mentions in the media during 2017 resulted in savings equivalent to S / . 3 448 171,91 in purchasing advertising space.



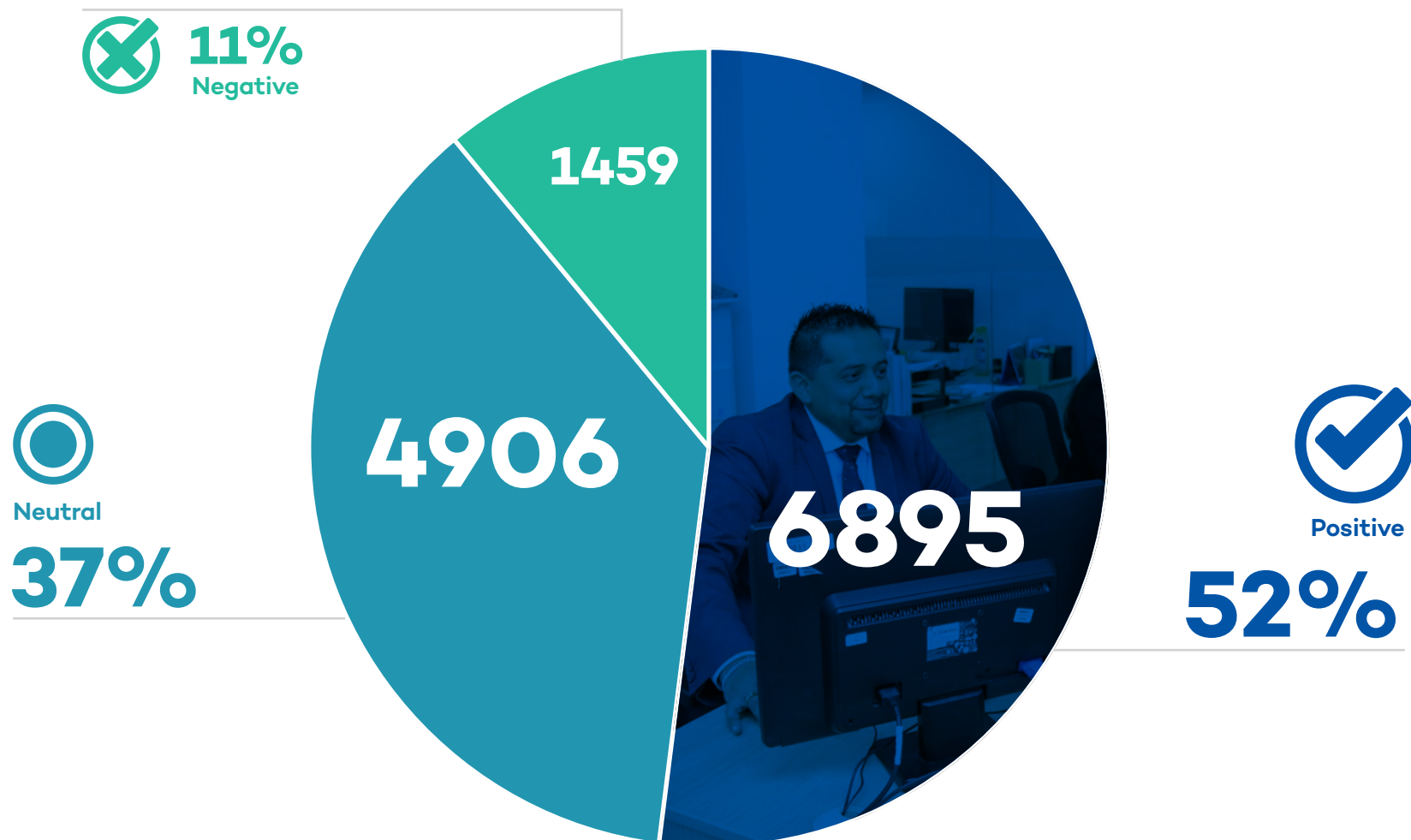
Progress in the number of followers on social networks, 2017

Period: January 2016 - December 2017

The number of people following OEFA on social networks has been growing throughout 2017, with an increasing proportion of positive mentions (52%).



Opinion on social networks 2017





Communication strategy in emergency zones

During 2017, the decision was taken to build a communication strategy in Puno, Cajamarca and Moquegua, areas prioritized by the institution due to the socio-environmental conflicts that exist in these areas. Here, the local media and citizens' opinion of OEFA's performance was characterized by distrust and complaints, mainly due to the perception that the work of the institution had been ineffective and inappropriate.

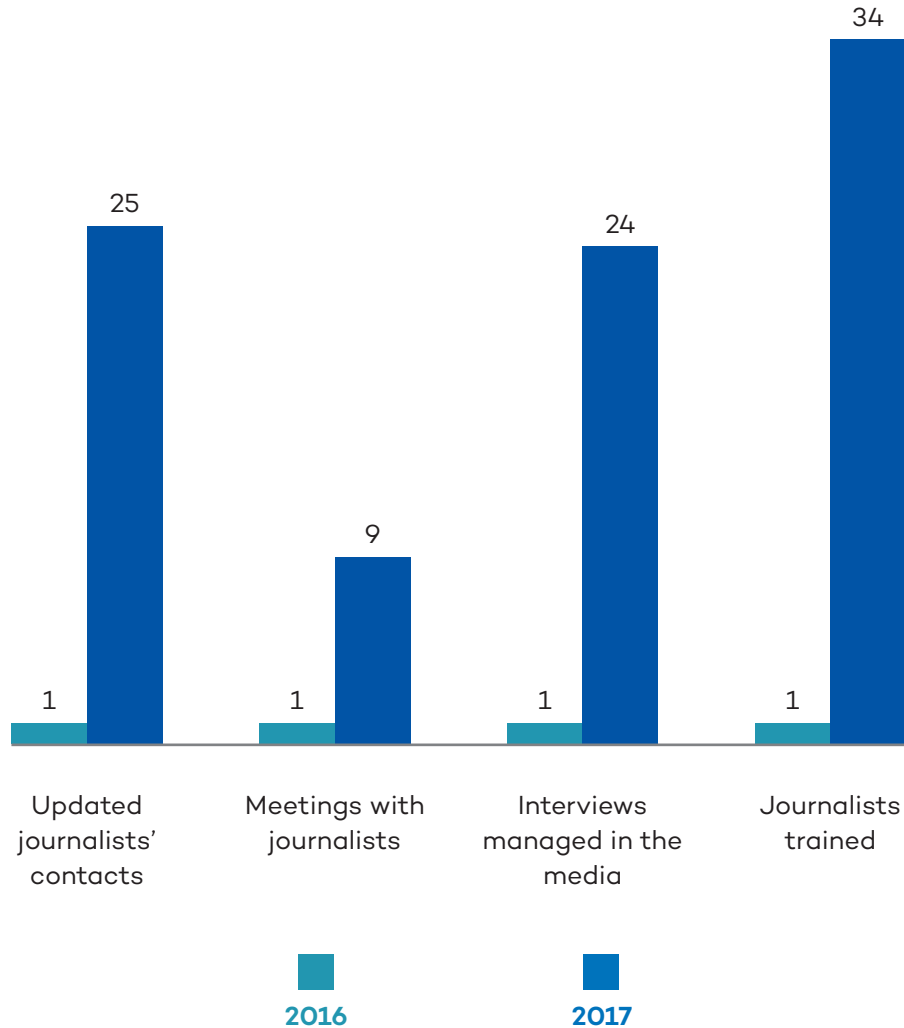
Given this situation, a strategy was developed and implemented to strengthen the relationship with the press based on efficient communication of the actions carried out by the entity under the new supervision approach.

In the case of Puno, one of the areas with the greatest social conflict, the most influential journalists were identified, individual meetings were held with them, constant information was provided according to their requirements and their requests for interviews were answered.

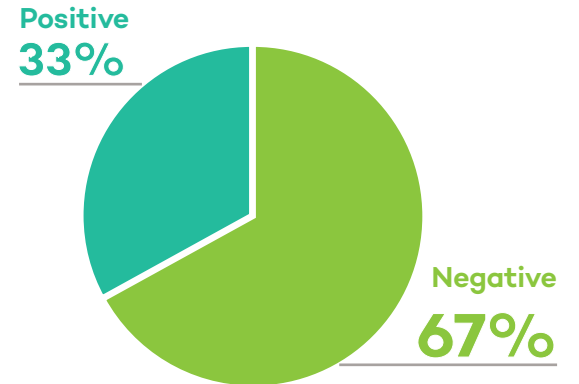
Subsequently, a workshop for journalists was conducted, which resulted in a successful turnout. Due to this, the presence of OEFA spokespersons and the dissemination of the opinion on administrative measures had great dissemination results, both on the radio and in print media. Amongst the corrective actions issued by the entity that were disseminated in the press, those imposed on the mining company Cori Puno S.A.C., which ordered the transport of water from tailings to be stopped; as well as those imposed on the mining company Aruntani SAC, which ordered the dumping of waste to be stopped due to the inadequate treatment of acidic waters, the treatment of the water flow coming from the drainage basin, the paralysis of the pool of major events and the remediation of the soil, among others. As a result of the communication of these actions, the perception of the entity in the media turned positive.

City of Moquegua, Moquegua.

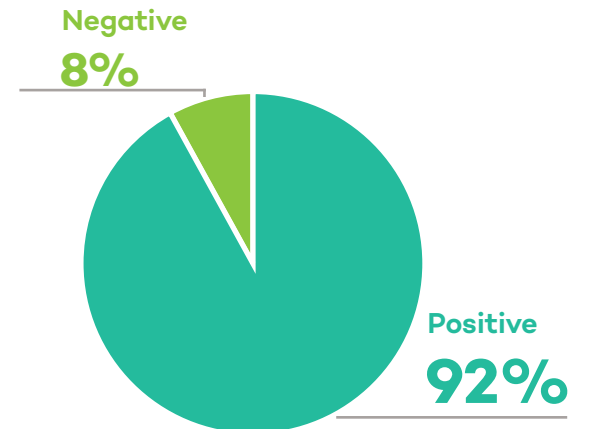
Communication strategy in areas of social conflict - Puno case study



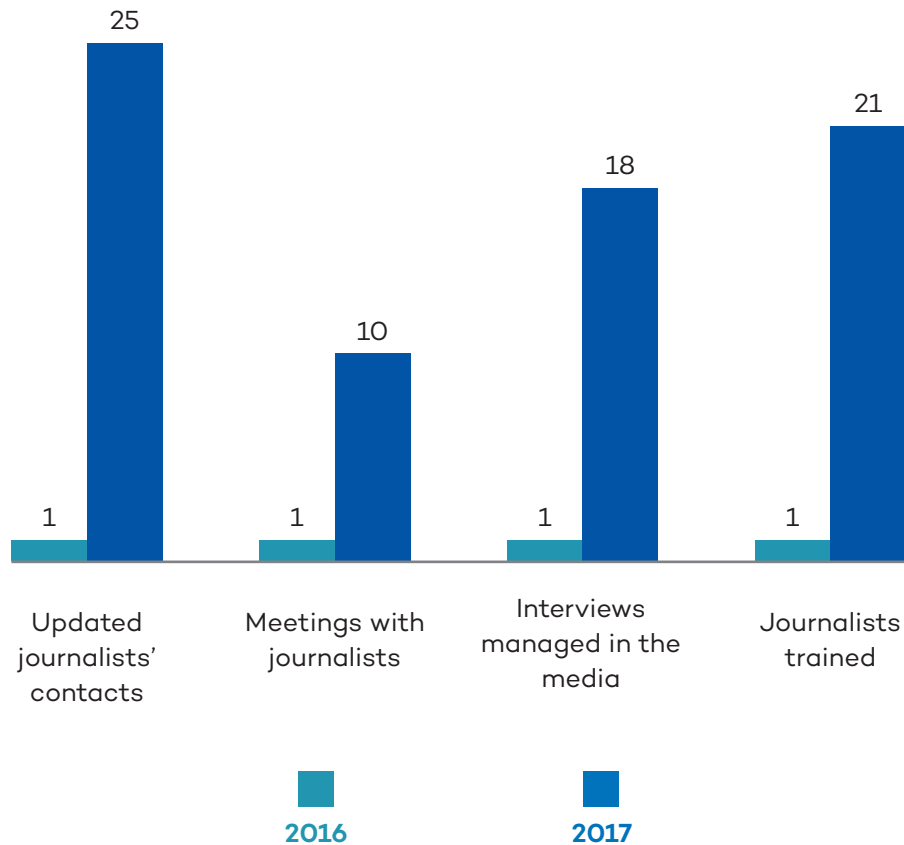
Opinion of OEFA 2016



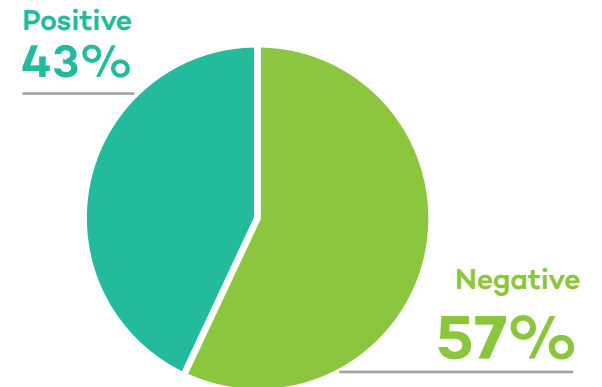
Opinion of OEFA 2017



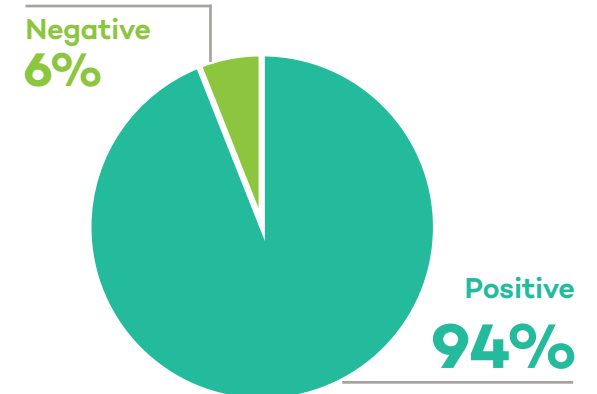
Communication strategy in areas of social conflict - Cajamarca case study



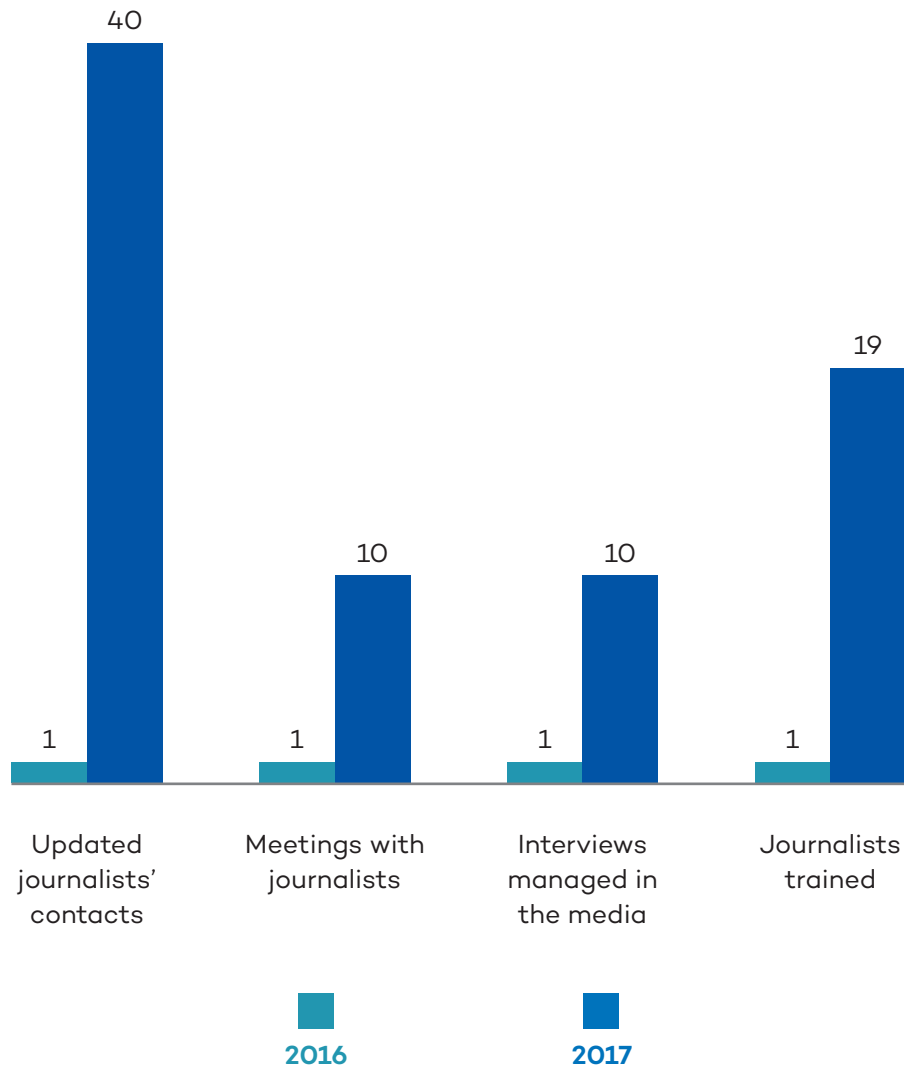
Opinion of OEFA 2016



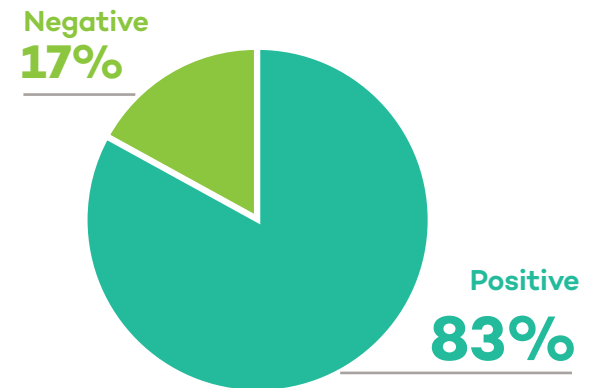
Opinion of OEFA 2017



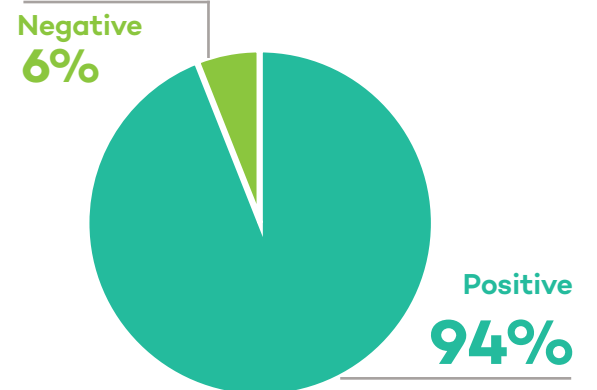
Communication strategy in areas of social conflict - Moquegua case study



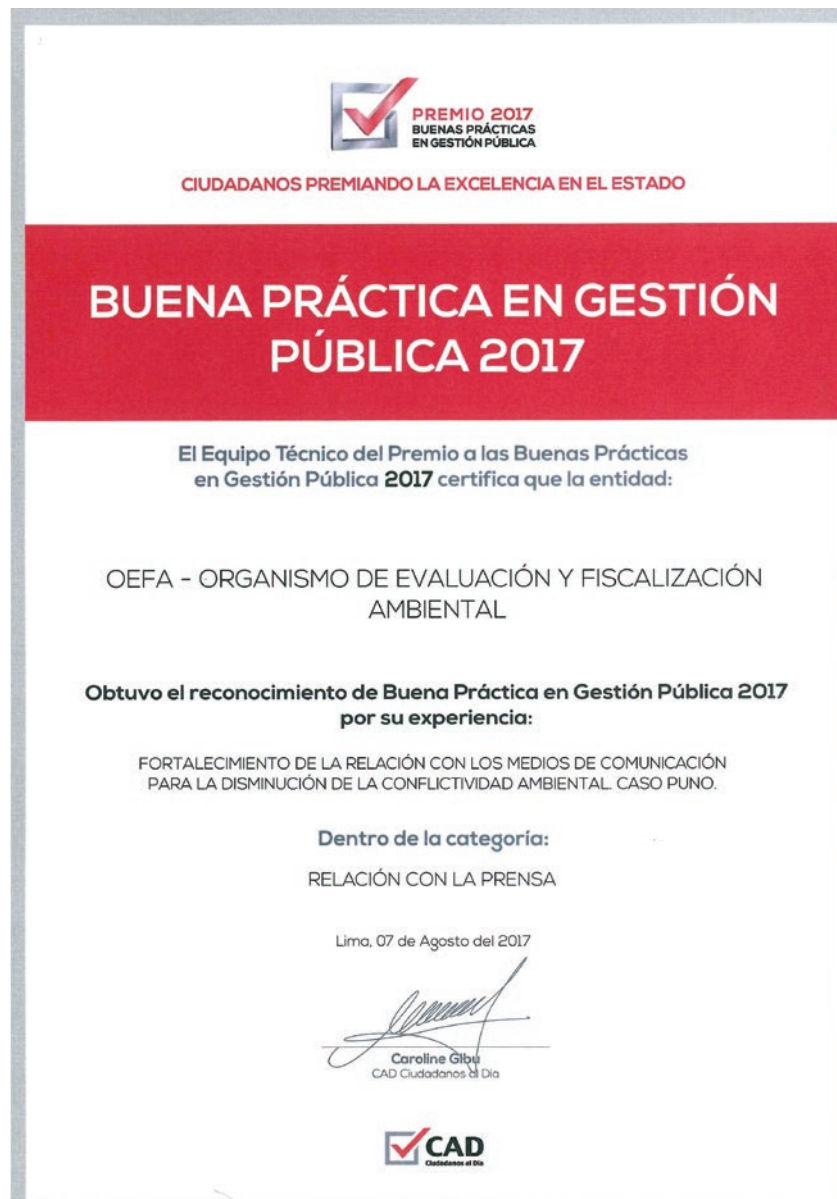
Opinion of OEFA 2016



Opinion of OEFA 2017



It should be noted that the community strategy implemented in Puno was presented to the “Good Practices in Public Management” competition organized by the civil association Ciudadanos al Día, and resulted in the strategy obtaining official recognition as Good Practice in Public Management 2017 in the category “Relations with the Press”.



Institutional relations

During 2017, within the framework of its international strategy, OEFA participated for the first time in the meetings of APEC (Asia Pacific Cooperation Forum) and OECD (Organization for Economic Cooperation and Development), two of the most important economic cooperation forums worldwide.

The OECD allows governments to work together to share experiences and find solutions to common problems and understand the reasons that lead to economic, social and environmental change. In this sense, and in line with the Peruvian State's policy aim of joining the OECD by 2021, OEFA actively participated in the meetings of the Regulatory Policy Committee and its related groups, which allows access to international standards so that they can be applied in enforcement and control policies.

APEC aims to create greater prosperity for the people of the Asia-Pacific region through economic integration and the promotion of balanced, inclusive, sustainable and innovative growth. It also promotes the strengthening of capacities, exchange of experiences and good practice among its 21 member countries.

With this international strategy, carried out with the constant support of the German Cooperation for Development, implemented by GIZ through ProAmbiente II, OEFA seeks to consolidate its leadership in several world-class scenarios, strengthening the active and permanent presence of Peru in international forums and organizations.



OEFA led different work meetings of the South American Network for Environmental Enforcement and Compliance (Redsufica).

In addition, with the support of German cooperation, the network developed its Strategic Plan and a new Statute that was approved at the V Meeting of the network on November 28th in Brazil. With this, and after the incorporation of Bolivia, Costa Rica, Guatemala, Honduras, Mexico, Panama and the Dominican Republic, the Redsufica began a new phase under the name of the Latin American Network for Environmental Enforcement and Compliance (Redlafica).



Investment projects

Nationwide improvement and expansion of environmental quality services

In February 2017, the Peruvian State signed a loan agreement with the World Bank for USD 40 million to execute the program “Improvement and Expansion of Environmental Quality Services at the National Level”, co-financed by Minam and OEFA with USD 30.4 million additional resources.

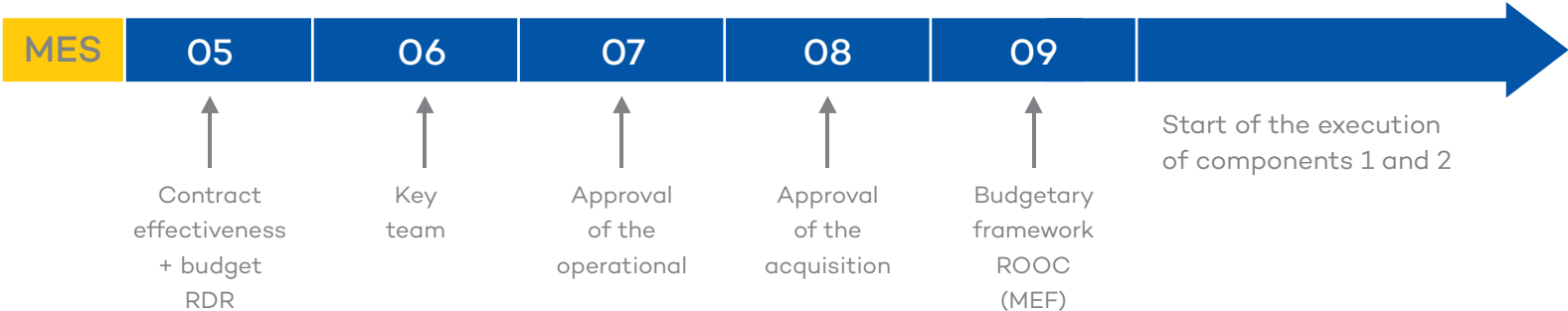
The Program will be implemented in a 5 year period and considers three components:

- Component 1: “Improvement and Expansion of the Environmental Quality Control Service at the National Level”, in which the following activities will be carried out

- i) Support Minam in the elaboration of environmental quality regulations (Maximum permissible limits and environmental quality standards)
- ii) Implement monitoring stations for air quality in 6 cities (Iquitos, Cusco, Huancayo, Chiclayo, Trujillo and Piura), as well as water quality monitoring stations in the Rimac basin
- iii) Build and implement an environmental laboratory accredited with the ISO 17025 standard in environmental matrices that are within OEFA’s scope of intervention.

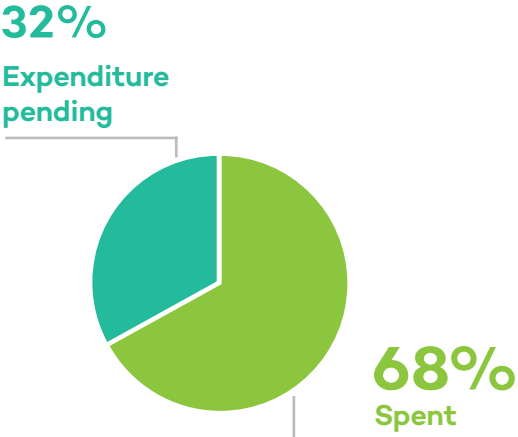
- Component 2: “Improvement and Expansion of the Information Service for the Control of Environmental Quality”, which will improve the technological capabilities of the National Environmental Information System (SINIA), and will increase access and dissemination of information on environmental quality.
- Component 3: in charge of the management of the program.

In May 2017, the effectiveness of the loan contract was achieved and the necessary steps were taken to begin the execution of the program in October.



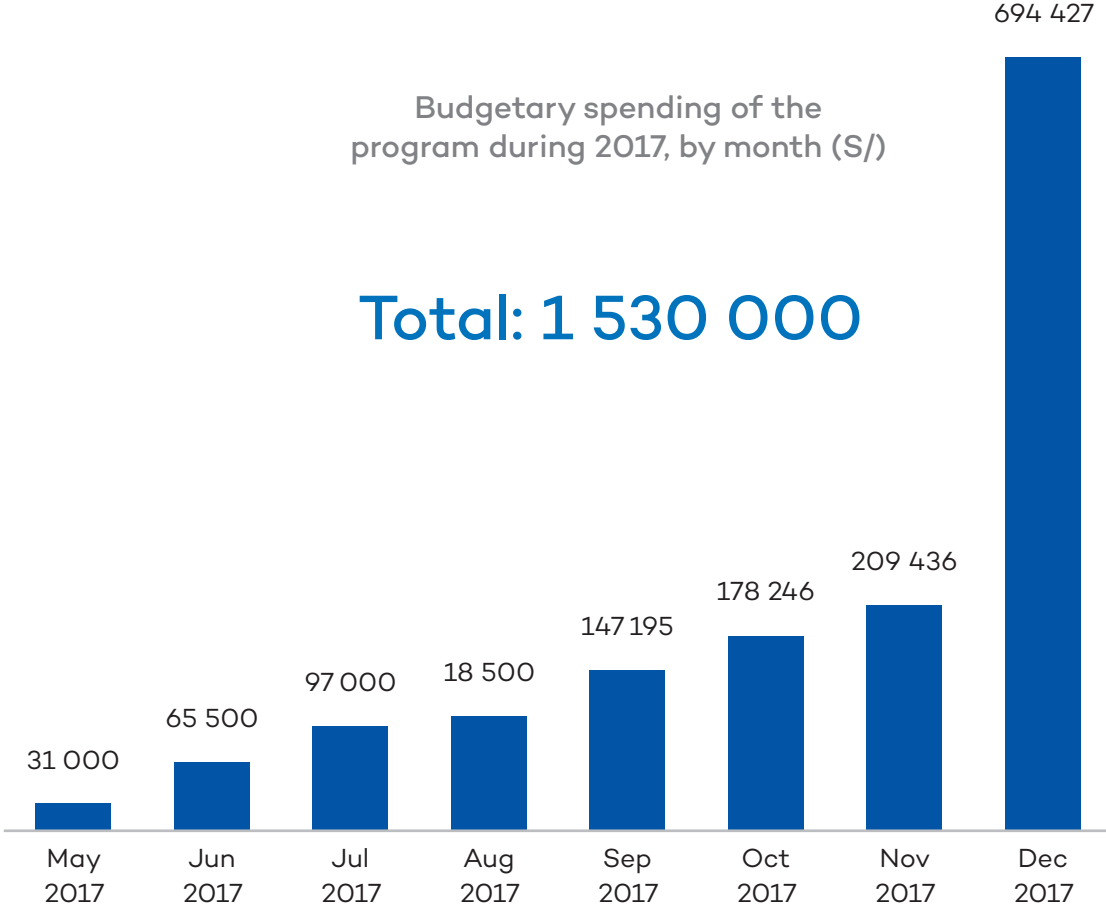
Financial spending of the program during 2017

The budgetary spending in 2017 was S / 1 530 000 out of a PIM of S / 2 240 000 (68%), an important amount for the start of the program.



Budgetary spending of the program during 2017, by month (S/)

Total: 1 530 000



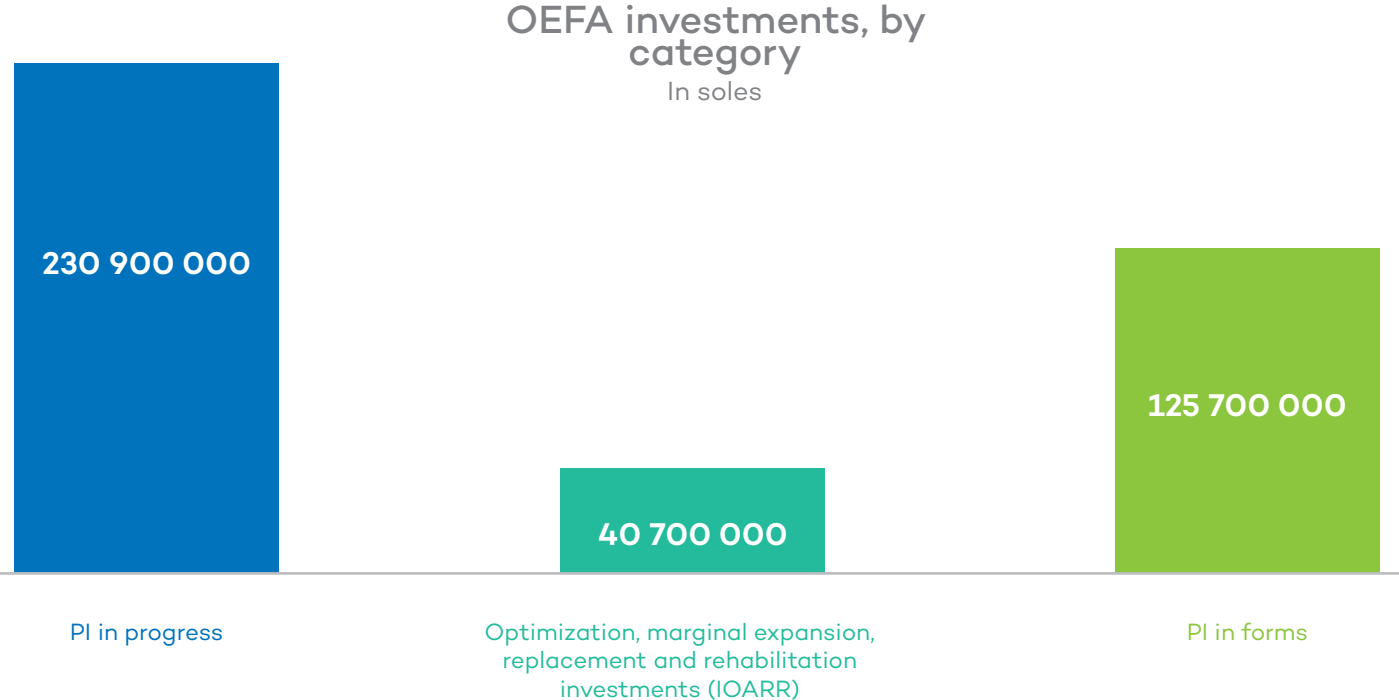
An important aspect is the acquisition of land for the environmental laboratory, for which the selection process was chosen to be in December 2017.

Investment portfolio

The initiatives registered in the multi-year investment program of the environmental sector 2018-2020 seek to promote projects that focus on making changes and improvements in the operating capacities of the entity to con-

tribute towards an adequate provision of environmental enforcement services. During 2017, new investment project (PI) initiatives were launched, aimed at improving environmental assessment services through environmental monitoring

stations, systematized with real-time information. Currently, these initiatives are in the process of preparatory studies.



OEFA's investment portfolio is comprised of investments in progress, such as the program co-financed with the World Bank; approved investments, such as the acquisition of land for the construction of the environmental laboratory; and investments in the stage of project formulation.

Investment projects in progress



Improvement and expansion of the information service for the control of environmental quality at the national level

S/ 15 841 671



Improvement and expansion of the environmental quality control service at the national level

S/ 201 449 065



Program management and others: improvement and expansion of environmental quality services nationwide

S/ 13 642 402

IOARR investments approved

	Investment projects in progress	Investment amount (S/)
Optimization investment	1 Acquisition of land for OEFA's institutional premises	40 702 900
	Total	40 702 900



Oefa

OEFA headquarters, Lima.



Investment projects in planning

Lima



Improvement in the environmental monitoring and surveillance service of the air component in the Cajamarquilla area, Lurigancho - Chosica district, Lima

Investment amount
S/. 6 100 000



Improvement in the capacity to provide environmental enforcement services at OEFA's institutional headquarters.

Investment amount
S/. 70 107 857

Ica



Improvement in the environmental monitoring and surveillance service of the air component in the province of Pisco

Investment amount
S/. 6 100 000

Apurímac



Improvement in the environmental monitoring and surveillance service of the air and water components in the Challhuahuacho district, province of Cotabambas

Investment amount
S/. 10 000 000

Total: S/ 125 712 857

Junín



Improvement in the environmental monitoring and surveillance service of the air component in the province of Yauli

Investment amount

S/. 7 575 000

Cusco



Improvement in the environmental monitoring and surveillance service of the air and water components in the Velille district, province of Chumbivilcas

Investment amount

S/. 10 000 000



Improvement in the environmental monitoring and surveillance service of the air and water components in the province of Espinar

Investment amount

S/. 10 000 000

Moquegua



Improvement in the environmental monitoring and surveillance service of the air component in the province of Ilo

Investment amount

S/. 5 830 000

Institutional Memory 2017

This management began in September 2016 with the firm purpose of improving compliance with environmental obligations through efficient, results-oriented, articulated, predictable actions that also provide feedback on public policy objectives that seek to protect the right to live in a healthy environment for people and to have sustainable investments for our country.

The pride and passion we feel in the OEFA for contributing to achieving these objectives provide us with important advances in environmental control during 2017, which we present pleasantly in the Institutional Memory.