

CHAPTER 53

EBONYI STATE ENVIRONMENTAL PROTECTION AGENCY LAW

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CHAPTER 53

EBONYI STATE ENVIRONMENTAL PROTECTION AGENCY LAW

A Law to regulate Environmental Protection in Ebonyi State.

(28th May, 1999)

EBSN Edict
1999.

Commencement.

PART I- ESTABLISHMENT, MEMBERSHIP, FUNCTIONS AND POWERS OF THE EBONYI STATE ENVIRONMENTAL PROTECTION AGENCY

This Law may be cited as the Ebonyi State Environmental Protection Agency Law, 1999.

Citation

In this Law, unless the context otherwise requires:

Interpretation

"Agency" means the Ebonyi State Environmental Protection Agency;

"Air Pollution" means air that contains one or more chemicals in high enough concentrations to harm humans, other animals, vegetation or materials;

"Attorney - General" means the Attorney-General of Ebonyi State;

"Authorised Officer" means any employee of the Agency or any Police Officer not below the Rank of an Inspector of Police, authorised by the General Manager/Chief Executive of the Agency to carry out the provisions of this Law or any regulation made thereunder;

"Board" means the Ebonyi State Environmental Protection Board;

"Contaminant" means any solute or other material that upon contact or on mixing with air, water or land or other elements that will adversely affect its purity as to cause pollution of the air (as in air borne contaminants), water, land or in the case of any other elements that will cause same to be impure.

"Council" means the Governing Council established under Section 15 of this Law;

"Effluent" means any substance particularly liquid that enters the environment from a point source and generally refers to waste water from sewerage treatment or industrial plant;

"Environment" includes water, air, land and all plants and men or other animals living therein, and the interrelationship which exists between these or any of them;

"Environmental Impact Statement" (EIS) or "Environmental Impact Report" (EIR) is a decision making tool that is meant to furnish scientific data on potential effect on people and the environment;

"Environmental Protection Court" is a special court where cases related to sanitation and other offences related to environmental abuse are determined;

"Fees" means the fees charged for refuse collection, removal, disposal and other like services rendered by the Agency under this Law;

"FEPA" means the Federal Environmental Protection Agency;

"Landfill" means a waste disposal site on a land which is located without regard to possible pollution of ground, water and surface water due to runoff and leaching. Waste is covered intermittently with a layer of earth to reduce scavenging, disease, air pollution and aesthetic problems;

"Governor" means the Governor of Ebonyi State of Nigeria.

"Open Burning" means land disposal site where wastes are deposited and left uncovered with little or no regard for control of scavenger, disease, air pollution, water pollution or aesthetic problems;

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including hand dug wells, bore holes, intake pumping stations, treatment plants, reservoirs, storage tanks and appurtenances collectively or generally actually used or intended for use for the supply of water for drinking and general domestic use;

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, or any legal entity or their legal representative, agent, or assignee;

"Pollution" means an undesirable change in the physical, chemical, or biological characteristics on the air, water or land that can harmfully affect the health, survival or activities of human or other living things;

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"Refuse" means garbage or other discarded solid materials resulting from domestic, industrial, commercial or agricultural operations or from community activities;

"Refuse Disposal" means the collection, removal, storage, treatment, utilisation, processing, or final disposal of refuse;

"Sanitary Landfill" means the disposal of refuse on land without creating nuisance or hazards to public health or safety by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or at such more frequent interval of time as may be necessary;

"Secured Landfill" means a land site for the storage of hazardous solid and liquid wastes, which are normally placed in containers and buried underground, the location has restricted access, is continually monitored and is located above geological strata that should prevent any wastes from being leached into ground water;

"Sewerage Works" means individually or collectively those contributions or devices used for collection, pumping, treating and disposing of sewerage, industrial waste water, or other waste or for the recovery of by-product from such waste;

"Sludge" means solid matter, settling to the bottom of sedimentation tanks in a sewerage treatment plant that must be disposed of by digestion or other methods or recycled to the ground;

"Significant" or "Significantly" means wherever it appears potential to degrade the quality of the environment over a long term or potential for individual effect on the environment, though limited to have great short term cumulative effect;

"Water" means all accumulation of water, surface or underground, natural, artificial, public and private or part thereof which are wholly or partially within, flow through or border upon the State;

"State" means Ebonyi State of Nigeria;

"Watershed" means land area immediately bordering on streams, rivers, lakes, dams, reservoirs or water catchment area or drainage.

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Establishment
of the Agency
etc.

3. (1) There is hereby established a body to be known as the Ebonyi State Environmental Protection Agency which shall be a body corporate with perpetual succession and a common seal with power to sue and be sued in its corporate name.

(2) The Agency shall be an integral part of the office of the Governor and shall co-ordinate the activities of various Ministries, Agencies, Parastatals, other Institutions and the general public on environmental matters.

Functions of
the Agency

4. (1) The Agency, subject to the provisions of this Law, shall have responsibility for the protection and development of the environment and biodiversity conservation and sustainable development of the State's natural resources in general and environmental technology including initiation of Policy in relation to environmental research and technology; and without prejudice to the generality of the foregoing, it shall be the duty of the Agency to:-

(a) determine the condition of the State's environment, report on same and whenever necessary recommend new environmental policies and programmes to the Governor;

(b) prepare a comprehensive State Policy for the protection of the environment and conservation of natural resources, including procedure for environmental impact assessment, for all developmental projects;

(c) prepare in accordance with the State Policy on the environment, periodic master plans for the development of environmental sciences and technology and advise the State Government on the financial requirements for the implementation of such plans;

(d) advise:

(i) the State Government on the State Environmental Policies and Priorities, the conservation of the natural resources and sustainable development and scientific and technological activities affecting the environment and natural resources;

(ii) the State Government on the utilisation of the 2% (two percent) ecological fund for the protection of the environment.

- (c) promote co-operation on environmental sciences and conservation technology with similar bodies in other countries that are connected with the protection of the environment and the conservation of natural resources;
- (f) co-operate with Federal and State Ministries, Local Governments, Statutory bodies, non governmental organisations and research agencies on matters relating to the protection of the environment and the conservation of natural resources;
- (g) prepare an annual environmental report for the State and transmit copies to the Governor and to the Secretariat of the National Council on Environment and to the Federal Environmental Protection Agency on or before the first day of December of each year;
- (h) identify the ecological problems of the State including devastating soil erosion and flood, brief the State Government on their causes and effect and then design and implement control measures;
- (i) establish mechanisms to prevent ecological disasters, identify the problems of drainage and sewerage systems and carry out measures to improve, protect and remedy the ecosystems;
- (j) monitor and ensure the implementation of Environmental Impact Assessment (EIA) and Environmental Audit Report Guidelines and Procedures on environmental related policies and developmental projects within the State;
- (k) identify water, air and soil pollution and their sources and carry out measures to prevent or control them;
- (l) organise and carry out public enlightenment and environmental education and promotion of healthy environment and also to encourage the formation and sustenance of environmental and health clubs or associations in all schools and colleges in the State;
- (m) control the use and management of Streets, Public Parks, Public Places, Cattle driving and rearing of domestic animals;
- (n) promote the general ecosystem including flora and fauna by encouragement of proper agricultural practices and forest conservation;
- (o) in consultation with FEPA, ensure implementation and enforcement of FEPA's regulations in the State while also collaborating with the FEPA in conducting public investigation on major environmental pollution;
- (p) assess in conjunction with relevant bodies or authorities, building plans of new industrial layouts, markets and other similar projects to ensure adequate provision for waste management facilities and adequate sanitary provisions;

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Powers of the
Agency to give
grants etc.

5. (1) In carrying out the functions prescribed in this Law, it shall be lawful for the Agency to:
- (a) offer grants to suitable establishments and bodies with similar functions so as to foster and promote the functions of the Agency and the provisions of this Law;
 - (b) collect, analyse and publish relevant scientific data and other information relating to pollution and environmental protection matters including degradation of natural resources;
 - (c) enter into contracts with public or private organisations, individuals and international organisations for the implementation and fulfillment of its functions and responsibilities pursuant to the provisions of this Law;
 - (d) establish, encourage and promote training programmes for its staff and other appropriate individuals from public organizations;
 - (e) enter into agreement with public or private organisations and individuals to develop, utilise, co-ordinate and share environmental monitoring programmes, research efforts, basic data on chemical, physical and biological effects of various activities on the environment and other environmentally related activities as appropriate;
 - (f) establish such environmental criteria, guidelines, specification or standards for the protection of the State's air, water bodies and land as may be necessary to protect health and welfare of the population from environmental degradation;

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- (g) establish such procedures for industries, agricultural and human related activities in order to minimise damage to the environment and natural resources;
- (h) maintain a programme of technical assistance to bodies (public or private) concerning implementation of natural resource conservation, environmental criteria, guidelines, regulations and standards and monitoring enforcement of the regulations and standards thereof;
- (i) develop and promote such processes, methods, devices and materials as may be useful or incidental in carrying out the intendment of this Law;
- (j) enter and inspect premises engaged in industrial or business activities and indeed all premises (public or private) suspected to be polluting the environment with a view to ascertaining environmental pollution level, collect waste samples of polluted environment (e.g. water, soil) for further investigations;
- (k) apply enforcement measure to combat environmental pollution, degradation and noise control;
- (l) enter into areas where such activities as mining, quarrying, logging are going on with a view to enforcing set environmental standards on restoration;
- (m) enforce full compliance on legislation against bush burning;
- (n) enforce full compliance on legislation regulating Mining activities in the State including quarrying;
- (o) monitor, survey and control gaseous, liquid and soil wastes discharge in the State;
- (p) Establish for industries that emit gaseous waste an air quality standard that shall be permissible in the vicinity of such industries;
- (q) establish laboratories for the testing and analysis of pollutants discharged and for the testing of other substances that the Agency may wish to test;
- (r) control domestic gas similar to that emitted from electricity generators, abattoir and refuse dumps;
- (s) assess building plans of new industrial and residential layouts so as to ensure that there are adequate provisions for both solid and liquid waste management facilities;
- (t) ensure strict compliance with the relevant provisions of the Factories Act, Laws of the Federation of Nigeria, 1990 on the use of protective clothing for industrial workers while on duty;
- (u) assess and ensure that every privately owned house or tenement industrial or business premises, markets, motor parks indicated in column 2 of the second schedule to this Law pay the corresponding rate in column 3 of the same schedule;

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- (v) ensure in collaboration with FEPA and other relevant agencies, that industries are not located within residential and commercial areas whether existing or proposed;
 - (w) advise in co-operation with other agencies such as FEPA, National Emergency Agency Committee (NIEMA) and State Relief Committee on the adequate compensation payable to communities affected by environmental pollution or natural disasters;
 - (x) monitor, regulate and oversee the installation of any pollution control devices, waste treatment methods, or waste disposal systems and management;
 - (y) device blue-prints for the construction of sewerage system and provide maintenance services for such sewerage systems;
 - (z) enforce in collaboration with appropriate authority, the collection, removal and disposal of refuse and good sanitation of the State including the management of landfills and waste dumps;
 - (aa) collect the charges in column 3 of the second Schedule of this Law by itself or through appointed agents; and
 - (ab) undertake refuse management by either direct labour, contract or outright privatisation. Provided that when refuse disposal is to be undertaken by contract or privatisation to a firm or agent, such firm or agent shall possess the requisite technology and equipment for collection, removal, storage, treatment and final disposal to the designated landfill.
- (2) Any person or individual in any privately owned house or tenement who contravenes the provisions of paragraph (u) of Sub section (1) of this section shall be tried before an Environmental Protection Court and upon conviction, be liable to pay the prescribed rate in column 3 of the Second Schedule to this Law including payment of the corresponding fine in column 4 of the same schedule.
- (3) A Director, Officer or other person concerned with the management of any establishment, organization, industry, corporate body, institution, business or company which contravenes the provisions of paragraph (u) of Sub section (1) of this section shall be tried before an Environmental Protection Court and upon conviction, pay the prescribed charge in column 3 of the Second Schedule to this Law including payment of the corresponding fine in column 4 of the same Schedule.

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Ebonyi State Environmental Protection Agency Law [CAP. 53]

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(4) For a continuing offence under paragraph (u) of Sub section (1) of this section, such offender shall pay for every month he remains in default, the corresponding fine contained in column 4 of the Second Schedule to this Law.

6. Subject to the provisions of this Law, the Governor may give to the Agency directions of a general or specific nature and it shall be the duty of the Agency to comply in a manner that best protects the provisions of this Law.

Powers of the
Governor to give
directions.

7. (1) There shall be appointed by the Governor, a General Manager of the Agency who shall:

General
Manager and
other staff of
the Agency

(a) be the Chief Executive of the Agency and shall hold office on such terms and conditions as may be specified in his letter of appointment or any other Instrument;

(b) hold office in the first instance for five (5) years and thereafter shall be eligible for re-appointment for one further term of five (5) years only; and

(c) be a person with at least twelve (12) years post qualification experience, ten (10) of which must have been at management level and with a bias in environmental and engineering sciences.

(2) The Agency may appoint such other persons to be employees or consultants of the Agency as it may deem fit for the proper conduct of its business on such terms and conditions as may be determined by the Agency.

(3) The remuneration of the employees of the Agency shall be as applicable in the public service of the State.

8. It is hereby declared that service in the Agency shall be Public Service for the purpose of the Pensions Act. (Cap 346) Laws of the Federation of Nigeria, 1990 and accordingly officers and all other staff of the Agency shall in respect of their services be entitled to such pensions, gratuities and other retirement benefits as are prescribed thereunder.

Pensions,
gratuities etc.

9 (1) The General Manager shall, subject to the policies laid down by the Agency, develop programmes to carry out the

Power of the
General Manager

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purposes and provisions of this Law and without prejudice to the generality of the foregoing, shall in particular and in consultation with the appropriate agencies:

- (a) establish programmes for the prevention, control and mitigation of pollution of the State's air, land and water, as well as programmes for the restoration and enhancement of the State's environment;
- (b) evolve a well packaged programme aimed at enhancing the level of personal hygiene in the State, and introduce programmes for the restoration and enhancement of the State's environment and natural resources to ensure sustainable human and infrastructural development;
- (c) utilise and promote the expansion of research, experiments, surveys and studies by public or private agencies, institutions and organisations concerning causes, effects, extent, prevention, reduction and elimination of pollution and such other matters related to environmental protection and natural resources conservation as the Agency may from time to time determine necessary and useful;
- (d) encourage and promote the co-ordination of the conservation of natural resources and environmentally related activities at all levels of the State; and
- (e) conduct public inquiries and investigations on matters surrounding contravention of the provisions of this Law.

(2) The General Manager shall:

- (a) be responsible for carrying out the policy and decisions of the Agency and the day-to-day operations of the Agency;
- (b) subject to the overall control and direction of the Agency, exercise general authority and disciplinary control over the staff of the Agency and also preserve the Agency's property; and
- (c) carry out such other activities as may from time to time be directed by the Governing Council or the Governor.

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10. (1) Subject to sub-section (2) of this section, the Agency may accept gifts, grants, books, audio visual, money, other technical gadgets, and other materials, land or property from local and international donors upon such terms and conditions as may be specified by the donor.
- (2) The Agency shall not accept any gift where the conditions or terms of donation attached thereto by the donor are inconsistent with the functions of the Agency as stipulated under this Law.
11. For the Purpose of providing residential accommodation for its staff and officers, the Agency may:
- (a) purchase, acquire or lease any interest in land;
- (b) build, furnish, equip and maintain residential quarters and offices or other premises.
- (3) be granted statutory right of occupancy or be assigned any interest in real estate; and
- (4) alienate any rights as acquired in sub-section (3) of this section with the consent of the Governor as may be deemed necessary in the execution of the functions of the Agency under this Law.
12. (1) The Agency shall establish and maintain a fund from which shall be defrayed all expenses incurred by the Agency in the performance of the Agency's duties and functions under this Law.
- (2) The fund shall consist of:
- (a). funds accruing to the State Government in respect of flood or erosion control and other environment related problems from the Federal Government's two percent Ecological Relief Fund;
- (b). all monies raised for the purposes of the Agency by way of gifts, grants-in-aid, testamentary disposition and sale of publications;
- (c). such sums as may from time to time be granted to the Agency by the Federal Government;
- (d). all subscriptions, fees and charges for services rendered by the Agency and all other Sums that may accrue to the Agency from any other source including mobile sanitation fee;

Power to
accept gifts
etc.

Right of
Occupancy,
residence,
office and
premises

Financial
provisions

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- (c). budgetary allocation made to it by the State Government;
 - (f). contribution from the Federal Environmental Protection Agency;
 - (g). contribution of the Local Government Councils;
 - (h). all monies accruing to the Agency by way of endowment, grant, gift or other sources which shall not be loan;
 - (i). All interests on monies invested by the Agency; and
 - (j). all other sums of money or property which in any manner becomes payable to or vested in the Agency in respect of any matter incidental to its functions.
- (3). The Agency shall have the authority to accept, receive and administer on behalf of the State, grants, gifts, or other funds made available to the State from any source for the purpose of this Law or for air, land or water pollution control and other pollution affecting public water supply, solid waste disposal, noise abatement or other environmental protection activities including erosion and flood control.
- (4). The Agency may invest any of its surplus monies in such gilt-edged securities as may be permitted or approved by the Governor.

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Power to
borrow

- 13 The Agency may with the consent of the Governor or in accordance with any general authority given by the State Government, borrow by way of loan or advances from any source, any monies required by the Agency to meet its obligations and functions under this Law, provided that the amount so borrowed does not exceed the sum approved over the period for the Agency by the State Government.

Annual
Estimate
accounts
and audit

- 14 (1) The Agency shall within six (6) months prior to the end of each financial year prepare an estimate of its expenditure and projected income for the succeeding financial year and when so prepared shall be submitted to the Governor through the Governing Council.
- (2) The Agency shall:
- (a) Keep proper accounts;
 - (b) Keep proper records relating to the accounts; and

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- (c) Prepare, in respect of each financial year, a Statement of Accounts in a form prescribed by the Ministry of Finance and Economic Development and conforming with the best commercial standards.
 - (3) The Accounts of the Agency shall be audited annually by an External Auditor appointed by the Agency from a list of auditors qualified to be so appointed submitted to it by the State Auditor-General.
 - (4) As soon as possible after the end of the financial year, the Agency shall:
 - (a) prepare an Annual Report of its activities during the preceding financial year; and
 - (b) transmit to the Governor the annual report together with a certified copy of the audited accounts of the Agency.
 - (5) The Financial year of the Agency shall be the same as the Financial year of the State.
- 15 (1) There is hereby established for the Agency, a Governing Council, which shall consist of the following members:
- (a) the Secretary to the State Government who shall be the Chairman;
 - (b) the General Manager of the Agency who shall be the Secretary to the Council; and
 - (c) the Commissioner charged with responsibility for:
 - (i) Works and Transport;
 - (ii) Health;
 - (iii) Agriculture and Food; and
 - (iv) Commerce, Industry and Mineral Development.
- (2) The functions of the Council shall be to deliberate and make recommendations to the Agency on all issues referred to it by the Agency.
- (3) The provisions contained in the First Schedule of this Law shall apply to the proceeding of the Council.
- 16 (1) There is hereby established for the Agency a Technical Committee to be known as the Ebonyi State Environmental Protection Agency Technical Advisory Committee (in this Law referred to as the Committee).

Establishment of
the Governing
Council

Establishment of
Technical
Advisory
Committee

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- (2) The Technical Advisory Committee shall consist of the following members that is to say:
- (a) the General Manager of the Agency who shall be the Chairman;
 - (b) the Heads of Department of the Agency;
 - (c) two distinguished persons who are professionals with wide knowledge in environmental protection matters and who possess such skills and expertise in environmental matters as may be considered desirable to be appointed by the Governor on the recommendation of the General Manager;
 - (d) one representative each from the following ministries not below Grade Level 13, that is to say:
 - (i). Agricultural and Food;
 - (ii). Health;
 - (iii). Commerce, Industry and Mineral Development;
 - (iv). Finance and Economic Development;
 - (v). Works and Transport;
 - (vi). Justice;
 - (vii). Women Affairs and Social Development
 - (viii). Education;
 - (xi). Culture and Tourism;
 - (x). Land, Survey & Urban Planning; and
 - (xi). Youth and Sports.
 - (e) one representative each from:
 - (i). The Manufacturers' Association of Nigeria (Ebonyi State Chapter);
 - (ii). Such non-governmental organizations as may be considered necessary;
 - (iii). Quarry operators in the State; and
 - (f) the Zonal Head of the Federal Environmental Protection Agency (FEPA).

Functions of
the Technical
Committee

17. The functions of the Technical Advisory Committee shall be:
- (a) to assist and advise the Agency in the performance of its functions; and
 - (b) to give technical opinion on such issues as the Agency may from time to time refer to or delegate to it.
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- 18 The office of a Technical Advisory Committee member who is not a Public officer shall be vacant if:
- (a). he dies;
 - (b). he resigns his appointment by a letter addressed by him to the Governor through the Chairman of the Committee; and
 - (c). the Governor is satisfied that it is not in the best interest of the Agency for such a member to continue in office as a member.
- 19 (1) A member of the Technical Advisory Committee who is not a Public Officer shall be a part-time member and shall hold office for a term of four years in the first instance and shall be eligible for re-appointment for a further term of four years.
- (2) A member shall be paid such remuneration and allowances as the Governor may from time to time determine.
- (3) Subject to sub-section (1) of this section, the tenure of office of a Public officer who:
- (a). occupies his public office for a given term, shall be for the duration of the term he occupies that office or
 - (b). represents his ministry, department or organisation, shall be at the pleasure of the ministry, department or organization he represents.
20. The provisions contained in the First Schedule of this Law shall apply to the proceedings of the Technical Advisory Committee and other Committees established under this Law or regulations made hereunder.

Cessation of
Technical
Advisory
Committee
membership.

Tenure of
Office and
remuneration

Proceedings
at the meeting
of the
Technical
Advisory
Committee

PART II: STATE ENVIRONMENTAL STANDARDS

- 21 (1) (a) The Agency shall be charged with the duty of making all State waters safe for fish and other aquatic animals, wildlife and people.
- (b) The Agency shall establish and enforce different water quality standards for different uses.
- (2) (a) Public water suppliers or their authorised representatives shall submit Environment Impact Assessment, Plans and Specifications to the Agency

Functions of
the Agency

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- and obtain written approvals of the Agency before the construction of any proposed public water supply installations, changes or before making any additions.
- (b). Plans and specifications as required under paragraph(a) of subsection (2) of this section shall be complete and of sufficient detail to show all proposed construction changes and additions that may affect sanitary quality, mineral quality or adequacy of the public water supply or where necessary, the said plans and specifications shall be accompanied by supplemental review thereof.
- (c). The Agency shall reserve the right to close down any public or private water supply source that is found to be polluted and does not meet with World Health Organisation's water quality standard.
- (d). For the purpose of this Law, the Agency shall carry out periodic water quality monitoring through the use of appropriate water quality testing equipment.
- (e). Plans and specifications submitted pursuant to sub section (2) of this section shall be approved and determined by the Agency to be satisfactory from the standpoint of sanitary quality.
- (f). The Agency may adopt regulations governing the location, design, construction and continuous operation and maintenance of water supply systems as recommended by IEPA or other agencies.
- (3) (a). Public water suppliers shall direct and maintain the continuous operation and maintenance of water supply facilities so that water shall be assuredly safe in quality and satisfactory in mineral contents for domestic consumption.
- (b). Owners of public water supply system, including hand dug wells, shall be required to submit samples of water for analysis and such reports of operation pertaining to the sanitary quality of such supplies as may be requested by the Agency. The corresponding fee as in second schedule shall be paid by the owners of public water supplies for such services rendered.
- (4) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N10,000.00 or imprisonment for six months or both such fine and imprisonment.

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- 22 (1) No person shall:
- (a). cause or allow the discharge *of* any contaminant into the environment in any part of the State so as to cause or tend to cause water, air or land pollution in the State either alone or in combination with matters from other sources or so as to violate regulations or standards adopted by the Agency under this Law;
 - (b). construct, install or operate any equipment, facility, vessel or aircraft capable of causing or contributing to water pollution or any type of pollution so designated by the Agency or in violation of any conditions imposed by such permit;
 - (c). discharge any contaminant into the water, water ways, air or land or construct or install any sewage treatment facility or any new outlet for contaminant into the water bodies of this State without a permit granted by the Agency;
 - (d). deposit any contaminant upon the land in a place and manner so as to create water pollution or hazard;
 - (e). sell, offer or use any article in any area in which the Agency has by regulation forbidden its sale, offer or use for reasons of water pollution control;
 - (f). hawk or offer for sale any wares on any Street in the State or such other places not designated as market in the State; and
 - (g). load or discharge passengers on any Street or in such other places that are not designated as motor park by relevant authority in any part of the State.
- (2) Any person who contravenes the provisions of the foregoing sub-section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N10,000.00 or imprisonment for one year or both such fine and imprisonment.
- (3) Where the offender is a body corporate, the fine on conviction shall be N50, 000.00
23. No Industry:
- (a). Which emits obnoxious gas, or

Prohibited
acts

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Prohibition
of Industrial
Pollution

Solid Waste
Management

- (b). which generates noise in excess of the Agency's ambient noise limit, 65-80 db, shall be sited within or near a residential area.
24. (1) The Agency shall regulate, monitor and introduce modern methods of solid waste management while discouraging and eliminating the use of open dumps.
- (2) No person shall:
- (a). Abandon, dump or deposit any waste upon public highways or such other places except on dumps or landfills approved by the Agency.
 - (b). Use or cause to be used in his premises any refuse bin which is not fly-proof for the collection and disposal of house refuse or office waste.
 - (c). Throw or deposit in any open drain, any rubbish or substance that may obstruct or hinder a free and uninterrupted flow of water in such drain.
 - (d). Discharge, deposit or leave urine, faeces or other human waste or defecate on land, water bodies or water ways except in well constructed and agency approved toilet system.
 - (e). In the process of any construction at any site, deposit on any road, road verge, or drain, sand, laterite, gravel, iron rod, plant or any building material without the approval in writing of the Agency.
 - (f). Not being engaged in any essential services as stipulated in our laws, be found loitering, idling away or engaging in any other activity other than cleaning of their premises during the National/State environmental sanitation period or any other period of sanitation as may be specified by the State or other authorities empowered to do so.
 - (g). Leave an undeveloped plot or building including road verges to be overgrown by weeds or use the latter for farming.
 - (h). Conduct any waste collection or disposal operations except waste generated by the operator's own activities, without permission granted by the Agency or other related body working in co-operation with the Agency.

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- (i). Organize and carry out Street cleaning, clearing, addition of structure that constitute nuisance.
 - (3) Every landlord or owner of premises within the State shall provide a well constructed drainage in his building to safely channel and convey domestic sewage into the main drain. Where the construction of such drainage is impracticable, the landlord/owner shall construct a soak-away pit for such purpose.
 - (4) Upon the enactment of this Law, it shall constitute an offence for any person or persons to throw domestic waste water or allow domestic waste water to flow on any place other than as provided in subsection (3) above.
 - (5) Any person or persons who contravene the provision of the foregoing sub-section is guilty of an offence and on conviction, shall be liable to a fine not exceeding N10,000.00 or imprisonment for three months or both such fine and imprisonment.
- 25 (1) Notwithstanding the provisions of any other written law the Agency shall be responsible for the:
- (a). maintenance of clean and healthy environment in such places and towns in the State including implementation of special clean up exercises;
 - (b). collection of waste disposal charges or other environmental related charges including the mobile sanitation fees either by itself or through its appointed agents;
 - (c). designing, construction and maintenance of dump sites including landfills;
 - (d). carrying out of periodic inspection of buildings and premises for purposes of ensuring that sanitary conditions are maintained in such buildings and premises;
 - (e). control of pets and other animals whose activities constitute environmental nuisance and waste management problem; and
 - (f). development and management of open spaces.
- (2) The Agency shall liaise with appropriate authority such as Local Government Administration to stop such activities as trading in undesignated places that tend to constitute environmental nuisance and waste management problem.

Duties of the
Agency

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- (3) Upon the enactment of this Law, it shall be mandatory that every household, commercial business operators and commercial vehicles in the State shall properly contain all waste generated from their activities in the Agency's approved garbage or trash container.
- (4) Failure to comply with sub-section (2) of this section shall upon conviction attract a fine not exceeding N10,000.00 or imprisonment for a term not exceeding one year or both.
- (5) Failure to comply with sub-section (3) of this section shall upon conviction attract a fine not exceeding N1,000.00 or imprisonment for a term not exceeding three months.

Control and
Management
of Toxic and
Hazardous
Waste

26.

- (1) The Agency shall:
 - (a). identify toxic and hazardous wastes and set standard for their management;
 - (b). control the usage, manufacture and disposal of toxic and hazardous substances;
 - (c). test and certify the safeness of new chemicals prior to granting approval for their usage, manufacture, sale and disposal in the State; and
 - (d). prohibit and enforce compliance against the use of substances which the agency believes may present unreasonable risk or injury to health or the environment.
- (2) The sale, use or manufacture of any substance in the State which the Agency has certified as toxic, hazardous, injurious to human health, or as having other unacceptable adverse environmental impact is prohibited.
- (3) The discharge or disposal in such harmful quantity of any toxic, hazardous or radioactive waste into the air or upon the land and the waters of the State or at the adjoining shorelines, is prohibited.
- (4) Any person who violates the provisions of subsections (2) and (3) of this section is guilty of an offence and shall on conviction be liable to a fine not exceeding N100,000.00 or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.
- (5) Where an offence under sub-section (2) and (3) of this section is committed by a body corporate, it shall on conviction be liable to a fine not exceeding N500,000.00 and an additional fine of N5,000.00 for everyday the offence subsists.

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- (6) Where such toxic or hazardous substances, including radioactive substances have been illegally discharged, disposed of, or buried within the State environmental boundaries, the Agency shall direct and supervise the clean-up and restoration of the environment to a standard comparable to its prior status at the expense of the offender. Such clean-up and restoration shall employ the best available technology (BAT).

This provision is however subject to the provisions of the Harmful Waste (Special Criminal Provisions etc) Act (Cap. 165).

- (7) Where any defaulter under the provision of this section is required by a court to pay compensation to any person, such compensation shall be paid by the said defaulter.

27. The Agency shall adopt and enforce FEPA criteria, guidelines, specifications and standards to protect and enhance the quality of air resources as to promote the public health or welfare and normal development and productive capacity of the nation's human, animal or plant life including:
- (a). minimum essential air quality standards for human, animal or plant health;
 - (b). control the concentration of substances in the air which separately or in combination are likely to result in damage or deterioration of human, animal or plant health or property;
 - (c). the most appropriate means to prevent and combat various forms of atmospheric pollution;
 - (d). control of atmospheric pollution originating from energy sources, including that produced by aircraft and other self propelled vehicles and in factories and power generating stations;
 - (e). standard application to emission from any automobile source which in the Agency's opinion causes or contributes to the pollution which may endanger public health or welfare; and
 - (f). the use of appropriate means to reduce emission to permissible levels.

Air quality
etc.

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Noise control
and standard

- 28 (1) The Agency shall in line with IEPA provisions on noise control and in consultation with appropriate authorities:
- (a) identify major noise sources, noise level and noise control technology;
 - (b) establish such noise abatement programmes and noise emission standards as it may determine to be necessary to preserve and maintain public health or welfare; and
 - (c) make recommendations to control noise originating from industrial, commercial, domestic, sports, recreational, transportation or other similar activities.
- (2) Any noise criteria identified under this section shall reflect the scientific knowledge most useful in indicating all kinds of identifiable effects on the public health or welfare which may be expected from differing qualities and quantities of noise.

Conservation
and
preservation
of land

- 29 (1) The Agency shall co-operate with such international organizations as the World Wild Life Fund International (WWF-I) and the International Union for the Conservation of Nature and Natural Resources (IUCN) and may require the State and Local Government Councils to set aside key tracts of undeveloped lands as wilderness free from being trampled by human.
- (2) The Agency shall propose that certain portions of land shall not be used or developed to preserve their beauty and ecological health as well as the cultural, historical, religious and archaeological treasures on them.

Protection of
fragile ecology
management of
land degradation
and watershed
rehabilitation

- 30 (1) The Agency shall in collaboration with the appropriate body, seek and oversee the protection of all gully/sheet erosion and the various watershed areas in the State and shall designate such areas in the State as "green belt". All such areas shall be published in a gazette and such green belt areas shall:
- (a) in densely populated areas, be within 200 metres from the rim of the gully/sheet erosion or each bank of the watershed; and
 - (b) in other areas be within 200 metres from the rim of gully/sheet erosion or each bank of the watershed.

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- (2) The Agency shall seek and oversee the protection of wild and scenic beauty of lowing riders in the State.
 - (3) The Agency shall issue guidelines and oversee the reclamation and restoration of all ecologically damaged, eroded, subsided, slumped, collapsed or instabilized land in the State.
 - (4) Save as may be permitted under the Forest Law in force in this State or any other enactment, a green belt shall remain permanently under vegetation.
 - (5) In order to combat natural disasters such as flooding, soil and wind erosion, stream siltation/desiccation and quarrying, excavation, road design, building construction, or any other form of construction are prohibited in green belt or along steep slopes and in any other areas so designated by the Agency in collaboration with the appropriate body.
 - (6) (a). Any person who contravenes or attempt to contravene or aids or abates or counsels any other person to contravene any of the provisions of this section, is guilty of an offence and shall be liable on conviction to a fine not exceeding N10,000.00 or to imprisonment for a term not exceeding two years or both such fine and imprisonment.
 - (b). Where a body corporate, organisation or company contravenes, attempts to contravene, aids or abates any other person, body corporate or organisation to contravene any of the provisions of this section, it is guilty of an offence and on conviction, it shall be liable to a fine of N500,000.00. In addition, any person or persons who is directly involved in the operation of the company or organisation shall pay a fine of N10,000.00 or two years imprisonment or both such fine and imprisonment.
31. (1) The Agency shall develop programmes for protecting the State's riparian forest, wetland and coastal zones.
- (2) The Agency shall develop plans to establish wildlife sanctuaries in collaboration with organisations like the World Wildlife Fund International (WWF-I).

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Protection of
riparian forests
etc.

Environmental
impact
Assessment

32

- (3) Abuse of a protected or preserved area or any action that have adverse impact on or is capable of impacting adversely on same shall attract a fine, the total sum of which shall not be less than the sum of the quantified value of such adverse effect, in addition to the cost of mitigating the said effect as is reasonably assessed by the Agency.
- (1) The Agency shall in collaboration with the Federal Environmental Protection Agency demand and process environmental impact assessment:
- (a). Prior to approval and issuance of construction permits for some projects/enterprises such as hospitals, industries, petrol stations, estates, layouts, markets and such other exploratory activities like mining, drilling, strip mining, quarrying and other projects/enterprises as may be specified by the Agency.
- (b). Prior to acquiring land for project that will have a significant impact on the State's environment.
- (2) Where such project/enterprise is already in existence before the enactment of this Law, the Agency shall by a letter under the hands of the General Manager or any other authorised officer of the Agency require the Director, Manager or any other person or persons responsible for the day to day running of such project or enterprise to carry out an environmental audit on such project or enterprise and submit a report to the Agency within such time as may be stipulated by the Agency.
- (3) Any person who in violation of the provisions of subsection (1) of this section, obtains or aid the issuance of a Construction Permit without the requisite environmental impact assessment as may be required under this Law or any other regulation hereunder is guilty of an offence and shall be liable on conviction to a fine not exceeding N20,000.00 or to imprisonment for a term of 3 years or both such fine and imprisonment. Where a corporate body is convicted of this offence, it shall pay a fine not exceeding N200,000.00.
- (4) Any person who ignores, refuses or neglects to abide with the letter issued under sub-section (2) of this section is

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guilty of an offence and shall on conviction be liable to a fine not exceeding N15,000.00 or imprisonment for a term of two years or both such fine and imprisonment.

- (5) Where the offence committed under sub section (1) relates to the carrying out of exploratory activities, the offender shall in addition to the punishment stipulated in sub-section (3) of this section, be liable to a fine of N10,000.00 for every site that is mined or drilled without an environmental impact assessment or environmental audit report. Where a corporate body ignores the provision of sub section (2) of this section, it shall pay a fine not exceeding N200, 000.00

- 33 (1) The Agency shall regulate, enforce and oversee restoration of all lands in the State following any mining, drilling, quarrying or strip mining activities.
- (2) Any person, body corporate, organisation or institution that refuses to comply with the Agency's directives on restoration of land following exploration, is guilty of an offence and shall upon conviction be liable to a fine which shall not exceed one and half times the cost of restoration of such land, but not exceeding N150,000.00.

Offences.

PART III: ENFORCEMENT POWERS

34. For the purpose of enforcing this Law, the General Manager shall set up a Compliance Monitoring Team (CMT) comprising personnel with specialised knowledge in natural or physical sciences, engineering, environmental science, microbiology and legal matters.

Establishment
of compliance
monitoring
team

The Compliance Monitoring Team may with or without warrant:

- (a). require the production for examination and custody, copies of any licence, permits, certificates or other documents required under this Law or any regulations made thereunder; and
- (b). require the production for examination, any appliances, device or other items used in relation to the provisions of this Law or any regulation made thereunder.

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Powers to
enter, seize,
and arrest

35. (1) Any authorised officer, where he has reasonable grounds for believing that an offence has been committed or is being committed under this Law or any other regulation made hereunder, may without warrant:
- (a). enter and search any land, building, vehicle, tent, vessel, floating craft or any inland water or other structure whatsoever;
 - (b). conduct tests and collect specimens of any substance relating to the offence which are found on the land, building, vehicle, tent, vessel, floating craft or any inland water or other structure whosoever;
 - (c). cause to be arrested any person who he has reason to believe has committed such offence; and
 - (d). seize or impound any item, substance, equipment or device which he has reason to believe has been used in the commission of such offence or in respect of which the offence has been committed.
- (2) A written receipt shall be issued for all goods or items seized under sub-section (1) of this section and the grounds for the seizure shall be stated on the receipt.
- (3) All expenses incurred by the Agency during the visit or inspection shall be defrayed by the institution visited or owners of such property inspected.
- (4) (a). Where the item or substance seized under this section or any other provision of this Law is not claimed within 30 days of such seizure, the Agency may, at any time thereafter, dispose such item or substance by the process of public auction sales or any other mode of sales the Agency may deem expedient in the circumstance.
- (b). The proceeds from auctioning such items or substance shall be paid into the funds of the Agency.

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39.

Obstruction of
enforcement
officers

- 36 (1) Any person who:
- (a). wilfully obstructs any authorised officer of the Agency from exercising any of the powers conferred on him by this Law; or
 - (b). fails to comply with any lawful enquiry or

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- investigation that is being conducted by any authorised officer or any requirements stipulated in section 35 subsections (1) and (3) of this Law is guilty of an offence and shall on conviction be liable to a fine not exceeding N20,000.00 or a term of imprisonment not exceeding two years or both such fine and imprisonment.
- (2) Where the offender is a body corporate, partnership, organisation or institution, it shall be liable to a fine not exceeding N500,000.00 and for every other subsequent offence to a fine not exceeding N100,000.00
- 37 (1) If any person knowingly or recklessly makes any statement in purported compliance with the requirements of the Law and furnishes information which is false, such a person is guilty of an offence and shall on conviction be liable to a fine of not less than N20,000.00 or a term of imprisonment not exceeding 10 years or both such fine and imprisonment.
- (2) Any person who falsely represents himself to be an authorised officer of the Agency and assumes to do any act or to attend to any place for the purpose of doing any act on behalf of the Agency is guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding 5 years or a fine not exceeding N5,000.00 or both such fine and imprisonment.
- 38 Where an authorised officer is not in uniform while acting under the provisions of this Law, he shall on demand, declare his office and produce to any person against whom he is taking action, such identification or written authority as may reasonably be sufficient to show that he is an authorised officer for the purpose of this Law.
39. The Agency may initiate proceedings and obtain an order from the State's Environmental Protection Court established under this Law to seal-up the premises of any person if:
- (a) the Agency is satisfied that the person or body has failed, refused or neglected to take any step to meet the environmental protection standards set by either the Federal Environmental Protection Agency or in pursuance to this Law; or

Misrepresentation
and impersonation

Authorized
officers to
disclose
identity

Power to
seal
premises

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- (b). the person or body corporate or institution, has failed or neglected to comply with a letter from the Agency requesting that an environmental pollution or nuisance be abated within a specified period of time.

Required notice
before
commencement
of suit.

40. (1) No suit against the Agency, member of the Agency, an employee of the Agency for any act done in pursuance or execution of the provisions of this Law or any other regulation made hereunder or in respect of any alleged neglect or default in the execution of such provisions or duties, shall lie or be instituted in any court unless it is commenced within six (6) months following the said action, neglect or default.
- (2) No suit shall be commenced against the Agency, a member of the Agency or an employee of the Agency prior to the expiration of one month after written notice of intention to commence the suit shall have been duly served on the Agency by the intending plaintiff or his appointed agent.
- (3) The notice in sub-section (2) of this section shall clearly and explicitly state:
- the cause of action;
 - the particulars of the claim;
 - the name and place of abode of the intending plaintiff; and
 - the relief he is claiming.

44.

Service of
documents

- 41 The notice in sub-section (2) of section 40 above and any summons or other notice or document required to be served upon the Agency under the provisions of this Law or any other written law, may be served by delivering same to the General Manager at the Agency's Head Office.

Execution
against the
property of
the Agency

42. In any suit in which judgment is obtained against the Agency, execution, attachment or process in the nature thereof shall be issued against the property of the Agency.

45.

General
penalties

43. (1) Any person who contravenes any provision of this law or any regulation made hereunder is guilty of an offence and shall on conviction where no specific penalty is prescribed thereof, be liable to a fine not exceeding N20,000.00 or to imprisonment for a term not exceeding two years or both such fine and imprisonment.

46.

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- (2) Any person, body corporate, firm or institution who contravenes, fails or neglects to comply with any provisions of this Law for which no penalty has been prescribed shall be liable on conviction to a fine not exceeding N 100,000.00
 - (3) Any person, body corporate or firm or institution who knowingly consents to his land being used as a dumping ground for any waste product or substance as specified under the Law without approval of the Agency, is guilty of an offence and shall on conviction be liable to a fine not exceeding N20,000.00 or to a term of imprisonment not exceeding 5 years.
 44. (1) Where the contravention, non-compliance or offence against this Law or any regulations made thereunder has been committed by a body corporate or by any member of a partnership or institution and their likes, every director or officer of the body corporate, firm or partnership, institution and other person or persons concerned with the management of such firm or business shall:
 - (a) be liable on conviction to pay a fine not exceeding N100,000 for such contravention, non-compliance or offence;
 - (b) in addition be directed to pay compensation for damage resulting from such breach thereof; or
 - (c) repair and restore the polluted area to an acceptable level as may be approved by the Agency.
 - (2) Provided that there will be no liability if it is proved that:
 - (a) he/it used due diligence to ensure compliance with this Law; and
 - (b) such offence was committed without his/its knowledge, consent or connivance
45. Nothing contained in this Law shall take away any remedy available to any person against any offender under this Law where such remedy exist under the provisions of any other existing law.
46. The Governor or a person authorised by him on the advice of the Agency may make regulations generally for the purposes of this Law.

Corporate penalties

Other remedies available

Power to make regulations

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Prosecution not
to operate as bar
to civil
proceedings.

47. Prosecution for an offence under the provisions of this Law shall not operate as a bar to any civil proceedings that may be instituted for damages or injury caused in contravention of any of the provisions of this Law.

PART IV- ESTABLISHMENT OF ENVIRONMENTAL PROTECTION COURT

53.

Establishment
of Ebonyi State
Environmental
Protection
Court.

48. There is hereby established a Court to be known as "Ebonyi State Environmental Protection Court".

Composition
of the Court.

49. (1) The Environmental Protection Court shall:
- (a) be presided over by a Magistrate or;
 - (b) a Legal Practitioner of at least 7 years post call experience.
- (2) The presiding officer of the Court shall be known as "The Chairman" and shall be appointed by the Governor of the State on the recommendation of the Honourable Chief Judge of Ebonyi State.
- (3) The Honourable Chief Judge of Ebonyi State shall, for administrative convenience, demarcate the State into Zones and recommend any person who satisfies the provisions of sub-section (1) of this section within such zones for appointment as Chairman of the Court for that zone.

54

55.

Right of
prosecution

50. A staff of the Agency or any Legal Practitioner authorized by the Agency shall serve as a prosecutor in the Environmental Protection Court.

56

General
jurisdiction
of the
Court.

51. Subject to the provisions of section 52 of this Law and notwithstanding anything in any other law in the State, the Environmental Court shall have exclusive jurisdiction to enforce the provisions of this Law or any other Law bordering on Environmental Protection and Sanitary improvement in the State.

Practice and
Procedure

52. (1) The practice and procedure of the Environmental Protection Court shall be in conformity with the practice and procedure obtainable in Magistrates' Courts in the State, except that such practice and procedure shall be subject to such modifications as may be necessary for the smooth running of the Court.

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- (2) The Environmental Protection Court shall sit on all sanitation days and any other days of the week that the Chairman shall designate as convenient and suitable.
53. (1) No provisions of this Law shall be deemed to preclude a Magistrate's Court from exercising jurisdiction on any offence created by this Law or any other Law.
- (2) Subject to the provisions of this Law, the Chairman of the Environmental Protection Court shall, for purposes of performing his functions, have all powers, privileges and immunities of a Magistrate under any Law in force in the State.
54. The Chairman of the Court shall be paid such allowances and perquisites as the Governor may deem fit.
55. Where, in course of trial or inquiry into any matter brought before it by the Agency, the Chairman of the Court discovers that the punishment provided for the particular offence exceeds N1,000,000.00 or 10 years imprisonment, the Court shall take cognizance of the matter and refer same to the appropriate court as provided in the Federal Environmental Protection Agency Decree, 1992.
56. (1) No provision in this Law shall be deemed to invalidate any proceeding, trial or orders of a Magistrate's Court issued before the constitution of the Environmental Protection Court in the State.
- (2) Where such a Court had been so constituted in any zone in accordance with the provisions of section 49(3) of this Law, the provision of section 51 of this Law shall apply to bar any Magistrate's Court from conducting any proceeding, inquiry, trial or issuing any order on any civil or criminal matter created by this Law or any other Law in the State bordering on environmental protection or sanitation standards in the State.

Magistrates to
try offences

Remuneration
of the
Chairman

Reference
jurisdiction

Saving and
Magistrates'
Courts
jurisdiction

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PART V: ESTABLISHMENT OF LOCAL GOVERNMENT ENVIRONMENTAL PROTECTION COMMITTEES AND ZONAL OFFICES OF THE AGENCY

Establishment
of Committees
in the Local
Government
Areas

57. (1) There shall be established in every Local Government Headquarters of the State, a Local Government Environmental Protection Committee for the purposes of maintaining good environmental standards in its area of authority.
- (2) The Local Government Environmental Protection Committee shall comprise the following officers:
- (a). the Chairman of the Committee who shall be the Local Government Chairman or his nominee;
 - (b). the supervisors responsible for:
 - (i). Works and transport,
 - (ii). Health,
 - (iii). Education,
 - (c). the most senior Environmental/Health officer in the Local Government Area;
 - (d). the Planning Officer of the Local Government Area;
 - (e). the Zonal Officer of the Agency;
 - (f). Traditional Rulers of all the autonomous communities in the Local Government Area or their nominees;
 - (g). two representatives from environmental organisations and/or other bodies that have shown interest in environmental matters in the Local Government Area to be appointed by the chairman of the local government; and
 - (h). the Local Government Information Officer.

Functions
of the
Committee

58. The functions of the Committee shall be:
- (a). to identify environmental problems affecting the Council Areas and report same promptly to the Agency; and
 - (b). to assist in the enlightenment of the local communities on the dangers of unhealthy practices that could occasion environmental problems in their Area.

Meeting of
the
Committee

59. The Local Government Environmental Committee shall meet in every quarter of the year or at such other intervals as the occasion demands.

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60. (1) For the purpose of discharging its functions effectively under this Law; the Agency shall establish Zonal Offices in each of the three Senatorial Zones in the State and such other semi urban or urban towns where intense human activities necessitate its establishment. Establishment of zonal offices
- (2) The zonal office shall be headed by an officer with relevant training/experience in environmental issues and with qualification not below National Diploma.
61. The functions of the Zonal Officer shall be to: Functions
- (a). co-ordinate the activities of the Local Government Environmental Committee and file monthly reports to the headquarters of the Agency;
- (b). act as the Agency's representative in the Local Government Environmental Protection Committee; and
- (c). carry out other functions as may be directed by the General Manager of the Agency.
62. The Ebonyi State Environmental Protection Agency Edict, NO. 4 of 1998 is hereby repealed. Repeal

FIRST SCHEDULE (Sections 15(3) and 20)

SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY'S PROCEEDINGS.

1. Every meeting of the Committee shall be presided over by the Chairman or in his absence, the members present at the meeting shall elect one of their members to preside at the meeting.
2. (1) At any meeting of the Committee, every matter shall be decided by a majority of votes of the members present and voting.
- (2) Where the votes are equally divided, the person presiding at such meeting shall have as a second and casting vote.
- (3) The Committee may make standing orders to provide for the proper conduct of its proceedings or any other Committee thereof.
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- (4) Six members present at a meeting shall form a quorum.
- (5) If the Committee desires to obtain the advice of any person on any particular matter, the Committee may co-opt that person to participate for as many meetings as may be necessary and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

7.

8.

Ad hoc
committee

- 3 (1) (a). Subject to its standing orders, the Committee may appoint such member as Ad-hoc Committee as it thinks fit to consider and report on any matter with which the Committee is concerned;
- (b). Every Ad-hoc Committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Committee and shall be made up of such number of other persons, not necessarily members of the Committee as the Committee may determine in each case.
- (c). The quorum of any Ad-hoc Committee set up by the Committee shall be as may be determined by the Committee.
- (2) Where standing orders made pursuant to sub-paragraph (b) of paragraph (3) of this schedule provides for an Ad-hoc Committee of the Agency to consist of co-opted persons who are members of the Committee of the Agency, the Ad-hoc Committee may advise the committee on any matter referred to it by the Agency and the members thereof may attend any meeting of the Committee for that purpose.

9.

Miscellaneous
provisions

4. The fixing of the seal of the Agency shall be authenticated by the signature of the General Manager/Chief Executive of the Agency.
5. Any contract of agreement which if made by a person not being a corporate body, would not be required to be under seal may be made or executed on behalf of the Agency by the General Manager/Chief Executive or by any other person generally or specifically authorised to act for that purpose by the Agency.
6. Any document purporting to be a contract, instrument or any document duly signed or sealed on behalf of the Agency may be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

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2.		More than 3 bedroom flat e.g. Duplex	100.00	
		<u>LARGE INDUSTRIES, BUSINESS, INSTITUTIONS, GOVERNMENT ESTABLISHMENTS</u>		(b) where the rate is above N150.00 but less than N1,000.00 the offender shall pay 50% of the rate as fine.
	a.	Extra Large Industries (e.g big quarry Ind.)	5,000.00	
	b.	Large Industries	2,000.00	
	c.	State Government, Ministries and Parastatals	500.00	
	d.	General Hospitals	1,000.00	
	e.	Universities, Polytechnics and Colleges of Education	1,000.00	
	f.	Medium Finance Houses and Community Banks	500.00	
	g.	Banks (each branch)	1,000.00	
	h.	Hotels above 50 chalets	1,000.00	
	i.	Filling Stations with service centre	1,000.00	
	j.	Filling Stations without service centre	500.00	
3.		<u>MEDIUM INDUSTRIES GOVERNMENT ESTABLISHMENTS</u>		Where the rate is above N1,000.00 but less than N5,000.00 the offender shall pay 20% of the rate as fine

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	a.	Cement Industry	5,000.00	
	b.	Quarry with crusher only	500.00	
	c.	Quarry with crusher and blasting	1,000.00	
	d.	Medium Industries	1,000.00	
	e.	Hotel above 20 chalets but less than 50	500.00	
	f.	Slaughter Houses	1,000.00	
	g.	Federal Parastatals and Ministries	500.00	
	h.	Hospitals and Clinics	500.00	
	i.	Maternity Home	500.00	
	j.	Post Primary Schools	250.00	
	k.	Hotels less than 10 chalets	250.00	
	l.	Restaurant	150.00	
	m.	Canteen	60.00	
	n.	Other Businesses make shift structures	40.00	
	o.	Rice Mill per mill	100.00	
4.		WOOD/METAL MANUFACTURING OR CABINET/ FURNITURE WORKSHOPS AND ESTABLISHMENTS	500.00	Where the rate is above N5000.00 the fine shall be 10% of the rate
	a.	Cabinet Workshop	200.00	
	b.	Carpenters shed	50.00	
	c.	Vulcanizing/bicycle repairer/motorcycles repairers, share/stand	50.00	
	d.	Motor park	2,000.00	
	e.	Car wash per centre	200.00	
	f.	Bore-hole/Hand dug well	500/300.00	
	g.	Laundry	70.00	
	h.	Block Industries	200.00	
	i.	Cold store	250.00	
	j.	Iron Works	50.00	
	k.	Printing Press Large	250.00	
	l.	Printing Press Medium/small	150.00	
	m.	Photographic studio	50.00	

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5.		<u>SMALL BUSINESS ENTERPRISES INSTITUTIONS</u>		
	a.	Commercial and vocation schools	200.00	
	b.	Supermarkets and pharmacy shop (large)	200.00	
	c.	Supermarkets and pharmacy shop (medium)	100.00	
	d.	Supermarket and pharmacy shop (small)	75.00	
	e.	Bakery and Bakery house	300.00	
	f.	Building materials shop and shed (large/medium)	200/100.00	
	g.	Corn/cassava mills (large/Medium/small)	150/100/50	
	h.	Confectioneries and bakery	200.00	
	i.	Stores inside market	20.00	
	j.	Provisions stores	50.00	
	k.	Beer parlour	100.00	
	l.	Patent medicine stores	50.00	
	m.	Hair saloon/barbing saloon	50.00	
	n.	Tailoring shop/spare parts shop/electronics shop	100/150/150	
	o.	Mechanic workshop	75.00	
	p.	Textile shed/shop	75.00	
	q.	Multi national trading company	2,000.00	
	r.	Warehouse	500.00	
	s.	Insurance company	100.00	
	t.	Business professional constituting offices etc. e.g. Lawyers chambers, surveyors, architects, estate valuers, accountants etc	100.00	
	u.	Market	3,000.00	
	v.	Mechanic village	3,000.00	
	W	Mechanic shades	100.00	

Mob
autor

(a)

(b)

(c)

(d)

(e)

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Mobile sanitation fee as may be fixed by EBSEPA for various automobiles as follows:

- | | | | | |
|-----|---------------------------|---|-------|-----------|
| (a) | Motorcycles | - | N200 | per annum |
| (b) | Commercial Buses or Taxis | - | N500 | per annum |
| (c) | Lorries/ Luxuries Buses | - | N700 | per annum |
| (d) | Tankers or Trailers | - | N1000 | per annum |
| (e) | Abnormal vehicles | - | N200 | per annum |

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