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EBONYI STATE OF NIGERIA

LAW NO. 009 OF 2015

EBONYI STATE
ENVIRONMENTAL PROTECTION
LAW, 2015

Sammy
S.N. Arua
29/07/15

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ARRANGEMENT OF SECTIONS

Long title
Enactment

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EBONYI STATE OF NIGERIA
LAW NO. 009 OF 2015

A Law to establish Ebonyi State Environmental Protection Law and other related matters therewith and Repeal the Ebonyi State Environmental Protection Agency Law (cap 53) vol. 2, Laws of Ebonyi State of Nigeria, 2009 *Long Title*

BE IT ENACTED by the House of Assembly of Ebonyi State of Nigeria as follows: *Enactment*

PART 1
PRELIMINARY

SECTION 1

This Law may be cited as the Ebonyi State Environmental Protection Law, No.009 of 2015. *Citation*

SECTION 2

This Law shall be deemed to have come into force on Tuesday, the 29th of September, 2015. *Commencement*

SECTION 3

The Ebonyi State Environmental Protection Agency Law (cap 53), vol. 2, Laws of Ebonyi State of Nigeria 2009, is hereby repealed. *Repeal of cap. 53 vol. 2, Laws of Ebonyi State, 2009*

SECTION 4

In this Law, unless the context otherwise requires: *Interpretation*

“*Ministry*” means the Ebonyi State Ministry of Environment;

“*Commissioner*” means Commissioner of Environment;

“*Air Pollution*” means air that contains one or more chemicals in high concentrations to harm human being, animals, vegetation or materials;

“*Attorney General*” means the Attorney-General of Ebonyi State;

“*Authorised Officer*” means any employee of the Ministry or any Police Officer not below the Rank of an Inspector of Police, authorised by the Commissioner/most Senior Civil Servant of the Ministry to carry out the provisions of this Law or any regulation made thereunder;

“*Contaminant*” means any solute or other material that upon contact or on mixing with air, water or land or other elements that will

diversely affect its purity as to cause pollution of
to air (as in air borne contaminants), water, land
in the case of any other element that will cause
time to be impure;

"Effluent" means any substance particularly
quid that enters the environment from a point
source and generally refers to waste water from
wage 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 environment abuse are
determined;

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

"NESREA" means the National Environmental
Standards and Regulation 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;

"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, utilization, 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 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 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;

"Sewage-Works" means individually or collectively those contributions or devices used for collection, pumping, treating and disposing of sewage 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 sewage 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.

"Adequate notice" means notice given to occupants of the make-shift structure, at least four (4) weeks.

Signature SIA Ane
DEPARTMENT
22/10-2015

PART II:
ESTABLISHMENT, FUNCTIONS AND
POWER OF EBONYI STATE MINISTRY
OF ENVIRONMENT

SECTION 5

- (1) There is hereby established Ebonyi State Ministry of Environment which shall be headed by;
- (a) A Commissioner for Environment; and
- (b) In the absence of the Commissioner, the most Senior Officer in the Ministry

*Establishment of the
Ministry*

SECTION 6

- (1) The Ministry, subject to the provisions of this Law shall have responsibility for the protection and development of the environment and bio-diversity 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 forgoing, it shall be the duty of the Ministry 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

*Functions of the
Ministry*

- and conservation of natural resources, including procedure for, environmental impact assessment, for all developmental projects;
- (c) prepare in accordance with the State Policy on environment, periodic master plans for the development of environmental sciences and technology and advise the State Government on the financial requirements for 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, scientific and technological activities affecting the environment and natural resources;
- (ii) the State Government on the utilisation of the (two percent) ecological fund for the protection of the environment.
- (e) 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 NESREA on or before the first day of December of each year;
- (h) identify the ecological problems of the State including devastating soil erosion. 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 sewage 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 in area of environment;
- (n) promote the general ecosystem including flora and fauna by encouragement of proper agricultural practices and forest conservation;
- (o) in consultation with FIPA ensure implementation and enforcement of NESREA regulations in the State while also collaborating with the NESREA 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;
- (q) maintain a programme of technical assistance for individuals and bodies whether public or private in order to achieve excellent standard of environmental cleanliness based on the criteria guidelines, regulations and standards set out under any Law or made pursuant to this Law;

- (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 premisses (public or private) suspected to be polluting the environment with a view to ascertaining environmental pollution level, collect waste samples or polluted environment (e.g. water, soils for further investigation);
- (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 view to enforcing 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 as it concerns environs;
- (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 Ministry may wish to test;
- (r) Control domestic gas similar to that emitted from 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 Federal of Nigeria, 2004 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 premisses, markets, motor parks pay the necessary environmental rates as may be determined by the Governor from time to time;
- (v) ensure in collaboration with NESREA and other relevant agencies, that industries are not located within residential and commercial areas whether existing or proposed;
- (v) ensure in collaboration with NESREA and other relevant agencies, that industries are not located within residential and commercial areas whether existing or proposed; control domestic gas similar to that emitted

- from abattoir and refuse dumps;
- (w) advise in co-operation with other agencies such as NESREA, National Emergency Agency Committee (NEMA) and State Relief Committee on the adequate compensation payable to community 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 sewage system and provide maintenance services for such sewage 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 as may approve by the Governor from time to time or through appointed agents;
 - (ab) undertake refuse management by either direct labour, contract or outright privatization;
 - (ac) Provided that when refuse disposal is to be undertaken by contract or privatization 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, individual, group of persons or companies 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 Environment protection Court or Court of coordinate jurisdiction and upon conviction, be liable to pay the prescribed rate as may be determined by the Governor from time to time.
 - (3) A Director, officer or any other person concerned with the management of any establishment, organisation, industry, corporate body, institution, business or company who contravenes the provisions of paragraph (u) of Sub section (1) of this section shall be tried before an Environmental protection Court or court of coordinate jurisdiction and upon conviction, pay the prescribed charge as may be determined by the Governor from time to time.
 - (4) For a continuing offence under paragraph (u) of Sub section (1) of this section} such offender shall pay for every month he remain's in default the necessary fees as may be determined by the Governor from time to time.

SECTION 8

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

*Power of the
Governor to give
directions*

- (1) The Ministry may appoint such other persons to be employees or consultants of the Ministry as it may deem fit for the proper conduct of its business on such terms and conditions as may be determined by the Ministry.
- (2) The remuneration of the employees of the Ministry shall be as applicable in the public service of the State.

SECTION 9

- (1) The Commissioner shall, subject to the policies laid down by the Ministry develop programmes to carry out the purposes and provisions of this Law and without prejudice to the generality of the foregoing, shall in particular and in consultation with the agencies:

*Power of the
Commissioner*

- (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 enhancement of the State's environment;
- (b) evolve a well packaged program aimed at enhancing the level of personal hygienic 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 organizations concerning causes effects, extent, prevention, reduction and elimination of pollution and such other to environmental protection and natural resources conservation as the Ministry 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 Commissioner shall:
 - (a) be responsible for carrying out the policy and decisions of the Ministry and the day-to-day operations of the Ministry.
 - (b) subject to the overall control and direction of the Ministry, exercise general authority and disciplinary control over the Staff of the Ministry

- and also preserve the Ministry's properly; and
- (c) carry out such other activities as may from time to time be directed by the Governor

SECTION 10

- (1) Subject to sub-section (2) of this section, the ministry may accept gifts, grants, books, audio, visual, money, other technical gadgets, other materials, land or property from local and international donors upon such terms and conditions as may be specified by the donor.
- (2) The Ministry shall not accept any gift where the conditions or terms of donation attached thereto by the donor are inconsistent with the functions of the Ministry as stipulated under this Law.

Power to accept gift etc

SECTION 11

- (1) The ministry shall establish and maintain an account where all bonus due to the Ministry in the performance of its duty shall be paid into from which it may defray some expenses incurred by the Ministry in the performance of its duties and functions under this Law.
- (a) The Ministry shall maintain a budgetary allocation made to it by the State Government;

Financial provisions

- (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 Ministry by way of gifts, grants-in aid, testamentary disposition and sale of publications;
- (c) such sum as may from time to time be granted to the Ministry by the Federal Government;
- (d) all subscriptions, fees and charges for services rendered by the Ministry and all other sums that may accrue to Ministry from any other source including mobile sanitation fee;
- (e) contribution from the NESREA;
- (f) contribution of the local Government Councils;
- (g) all monies Accruing to the Ministry by way of endowment, grant, gift or either sources which shall not be loan;
- (h) All interests on monies invested by the ministry; and
- (i) all other sums of money or property which in any manner becomes payable to or vested in the ministry in respect of any matter incidental to its function.
- (3) The ministry shall have the authority to accept and receive 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 ministry may invest any of its surplus monies in such gift-edged securities as may be permitted or approved by the Governor.

SECTION 12

The Ministry 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 advance from any source, any monies required by the Ministry of meet its obligation functions under this Law, provided that the amount so borrowed does not exceed the sum approved over the period for the Ministry by the State Government.

Power to borrow

SECTION 13

- (1) The Ministry 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.
- (2) The Ministry shall;
- keep proper account
 - keep proper records relating to the accounts; and

*Annual Estimate,
Accounts and audit*

- (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 Ministry shall be audited annually by an external Auditor appointed by the Ministry from a list of auditors qualified to be so appointed submitted to it by the State Auditor-General and such appointment shall be approved by the Governor.
- (4) As soon as possible after the end of the financial year, the Ministry shall;
- prepare an Annual report of its activities during the preceding Financial year; and
 - transmit to the Governor the annual report together with a certified copy of the audited account of the Ministry.
- (5) The Financial year of the Ministry shall be the same as the Financial year of the State

PART III

STATE ENVIRONMENTAL STANDARDS

SECTION 14

*Functions of the
Ministry*

- (1) (a) The ministry shall be charged with the duty of making all State waters safe for fish and other aquatic animals, wildlife and people.
- (b) The Ministry in collaboration with other relevant agencies 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 Ministry and obtain written approvals of the Ministry 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) 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 Ministry 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 Ministry 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 Ministry to be satisfactory from the standpoint of sanitary quality
- (f) The Ministry may adopt regulations governing the location, design, construction and continuous operation and maintenance of water supply systems as recommended by NESEREA or other agencies.
- (3) (a) Public water suppliers shall direct and maintain the continuous operation and maintenance of water facilities so that water shall be assured 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 Ministry. The corresponding ice as in second schedule shall be paid by the owners of public water supplied 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 Ten Thousand Naira (N10,000.00) only or imprisonment for six month or both such fine and imprisonment.

SECTION 15

- (1) No person shall:

Prohibited acts

- (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 Ministry 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 Ministry 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 Ministry;
- (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 Ministry 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;
- (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;
- (h) wash or park cars or vehicles of all kinds on paved roads not designated as such by the Ministry;
- (i) cause or allow the drying of food items, whether cooked or raw on paved roads; to violate regulations or standards adopted by the Ministry under this Law;
- (j) defecate in an unapproved place other than a toilet system facility;
- (k) close and or obstruct traffic on any road either for ceremony or for any other purpose except for security purposes;
- (l) burn tyres or any combustible material on any paved road;
- (m) display for trading any wares, food items including of any material on a

- paved road;
- (n) post billboards within the capital territory without the consent of the Ministry; but if the consent of the ministry first sought and obtained, the billboard shall be for a period of 120 days on payment of specified fees, without which the ministry shall remove same;
- (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 Ten Thousand Naira (₦10,000.00) only 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 Fifty Thousand Naira (₦50,000.00) only.

SECTION 16

15. No Industry:

- (a) Which emits obnoxious gas or
- (b) which generates noise in excess of the Ministry's ambient noise limit, 65-80 db, shall be sited within or near a residential area.

*Prohibition of
Industrial Pollution*

SECTION 17

- (1) The Ministry shall regulate, monitor and introduce modern methods of solid waste management while discouraging and

*Solid waste
management*

- 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 Ministry;
- (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 water flow;
- (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 Ministry approved toilet system;
- (e) In the process of any construction at deposit on any road, road verge, or drain, sand, latrine, gravel, iron, rod, plant or any building material without the approval in writing of the Ministry;
- (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 Ministry or other related body working in co-operation with the Ministry;
- (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 Ten Thousand Naira (N10,000.00) only or imprisonment for three months or both such fine and imprisonment;

SECTION 18

- (1) Notwithstanding the provisions of any other written Law, the Ministry 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 rates or other environmental related charges including the mobile sanitation ices 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;
 - (f) development and management of open spaces;
 - (g) direction of owners of buildings along major roads that are in bad shapes to put the buildings in a environment friendly form within six (6) months of the service of the notice of the Ministry requiring so to do, failure of which the Ministry shall make good the buildings

*Duties of the
Ministry*

- and charge the owners for the cost of expenses incurred by the Ministry.
- (2) The Ministry 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.
 - (3) Upon the enactment of this Law, it shall be mandatory that every household, commercial business operates commercial vehicles in the State shall properly contain all waste generated from their activities in the Ministry'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 Ten Thousand Naira (N10,000.00) only 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 Ten Thousand Naira (N10,000.00) only or imprisonment for a term not exceeding three months;

SECTION 19

- (1) The Ministry 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;

*Control and
Management of
Toxic and
Hazardous Waste*

- (c) test and certify the safeness of new chemical prior to granting approval for their usage, manufacture, sale and disposal in the State; and
 - (d) prohibit and enforce compliance against the use substances which the ministry 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 Ministry 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 quality 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 One Hundred Thousand Naira (N100,000.00) only 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 Five Hundred Thousand Naira (N500,000.00) only and an additional fine of Five Thousand Naira

(N5,000.00) only for everyday the offence subsists.

- (6) Where such toxic or hazardous substances, including radioactive substances have been illegally discharged, disposed of or buried within the State environmental boundaries, the Ministry 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.

SECTION 20

The Ministry shall adopt and enforce NESREA 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

Air quality etc.

disturbance of human, animal or plant, health or property;

- (a) the most appropriate means to prevent and combat various forms of atmospheric pollution;
- (b) control of atmospheric pollution originating from energy sources, including that produced by aircraft, other self propelled vehicles, in factories and power generating stations;
- (c) standard application to emission from any automobile source which in the Ministry's opinion causes or contributes to the pollution which may endanger public health or welfare; and
- (d) the use of appropriate means to reduce emission to permissible levels.

SECTION 21

- (1) The Ministry shall in line with NESREA provisions on noise control and in consultation with appropriate authorities:

Noise control and standard

- (a) identify major noise sources, noise level and noise control technology that may emanate from any source;
- (b) establish such noise abatement programmes and noise emission standards as it may determine necessary to preserve and maintain public health or welfare; and
- (c) make recommendations to control noise originating from industrial, commercial, domestic, 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.

SECTION 22

- (1) The Ministry shall cooperate with such International organisations as the World Wild Life Fund International (WWF-I) and the International Union for the Conservation Nature and Natural Resources (IUCN) and may require the State and Local Government Councils to set aside key tracts of undeveloped land as wilderness free from being trampled by human.
- (2) The Ministry 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, religion and archaeological treasures on them.

*Conservation and
preservation of land*

SECTION 23

- (1) The Ministry shall identify lands that are vulnerable to erosion or land slide and acquire such lands or property through Ministry of land for over riding public interest.

*Protection of fragile
ecology
management of land*

- (2) The Ministry 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 belt areas shall:

*Degradation and
watershed
rehabilitation*

- (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. The Ministry shall seek and oversee the protection of wild and scenic beauty of lowing riders in the State.
- (3) The Ministry 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 situation/desication, 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 Ministry in

collaboration with the appropriate body.

- (6) (a) Any person who contravenes, attempt to contravene, aids, 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 Ten Thousand Naira (N10,000.00) only 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 Five Hundred Thousand Naira (N500,000.00) only
- (c) In addition, any person or persons who is directly involved in the operation of the company or organisation shall pay a fine of Ten Thousand Naira (N10,000.00) only or two years imprisonment or both such fine and imprisonment.

SECTION 24

- (1) The Ministry shall develop programmes for protecting the State's riparian forest, wetland and coastal zones.
- (2) The ministry shall develop plans to

*Protection of
riparian forests etc.*

establish wildlife sanctuaries in collaboration with organisations like the World Wildlife Fund International (WWF-I).

- (3) Abuse of 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 qualified value of such adverse effect, in addition to the cost of mitigating the said effect as is reasonably assessed by the Ministry.

SECTION 25

- (1) The Ministry shall in collaboration with the NESREA demand and process environmental impact assessment:

*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 Ministry;
- (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 Ministry shall by a letter under the hands

of the Commissioner or any other authorized officer of the ministry 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 Ministry within such time as may be stipulated by the Ministry.

- (3) Any person who in violation of the provisions of subsection (1) of this section, obtains or aid the issuance 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 Twenty Thousand Naira (N20,000.00) only 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 Two Hundred Thousand Naira (N200,000.00) only.
- (4) Any persons who ignores, refuses or neglect to abide with the letter issued under sub-section (2) of this section is guilty of an offence and shall on conviction be liable to a fine not exceeding Fifty Thousand Naira (N50,000.00) only or imprisonment for a term of one year 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 Ten Thousand Naira (N10,000.00) only 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 Two Hundred Thousand Naira (N200,000.00) only.

SECTION 26

Offences

- (1) The Ministry shall regulate, enforce and covers restoration of all lands in the State following any meaning drilling, quarrying or strip mining activities.
- (2) Any person, body corporate, organisation or institution that refuses to comply with the Ministry'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 Two Hundred Thousand Naira (N200,000.00) only.

PART IV ENFORCEMENT POWERS

SECTION 27

- (1) For the purpose of enforcing this Law, the Commissioner may 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*
- (2) The Compliance Monitoring Team may with or without warrant:
- (a) require the production for examination and 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, may appliances, device or other items used in relation to the provisions of this Law of any regulation made thereunder.

SECTION 28

- (1) Any authorised officer, where he has reasonable grounds for believing that an offence has committed or is being committed under this Law or any other regulation made hereunder, may without warrant:
- Power to enter seize
and arrest*

- enter and search any land, building, vehicle, tent, vessel, floating craft or any inland water or other structure whatsoever;
- (b) conduct test and collect specimens of any substance relating to the offence which are found on the land, building, vehicle, tent, vessels, floating craft or any inland water or other structure whatsoever;
 - (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 Ministry in any legal action shall be defrayed by the institution visited or owner of such property inspected and shall be added in the cost awarded against the instruction.
- (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 Ministry may, at any time thereafter, dispose such item or substance by the process of public action sales.

- (b) The proceeds from auctioning such items or substance shall be paid into the fund of the Ministry.

SECTION 29

- (1) Any person who:
- Willfully obstructs any authorised officer of the Ministry from exercising any of the powers conferred on him by this Law; or
 - fails to comply with any lawful enquiry or investigation that is being conducted by any authorised officer or any requirements stipulated in Section 28 subsection (1) of this Law is guilty of an offence and shall on conviction be liable to a fine not exceeding Fifty Thousand Naira (N50,000.00) only 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 One Hundred Thousand Naira (N100,000.00) only.

SECTION 30

- (1) If any person knowingly or recklessly makes statement in purposed compliance with the requirements of the Law and

*Obstruction of
enforcement officers*

*Misrepresentation
and impersonation*

furnished 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 Fifty Thousand Naira (N50,000.00) only or a term of imprisonment not exceeding 1 year or both such fine and imprisonment.

- (2) Any person who falsely represents himself to be an authorised officer of the Ministry and assumes to do any act of to attend to any place for the purpose of doing any act on behalf of the Ministry 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 Fifty Thousand Naira (N50,000.00) only or both such fine and imprisonment.

SECTION 31

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.

*Authorized officers
to disclose identity*

SECTION 32

The Ministry may initiate proceedings and obtain an order from the state Environment Protection Court of coordinate jurisdiction established under this Law to seal up the premises of any person if:

*Power to seal
premises*

the Ministry 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 NESREA or in pursuance to the Law; or
- (b) the person or body corporate or institution has failed or neglected to comply with a letter from the Ministry requesting that an

SECTION 33

Legal proceedings

- (1) No suit against the Ministry, or against any member, officer or employee of the Ministry in respect of any act, neglect or default done or committed or omitted to be done in his capacity as such member, officer or employee shall lie or be instituted in any court. Unless it is commenced within three months from the date of the occurrence of the act, neglect or default, or in the case of a continuance of damage or injury, within three months immediately after cessation.
- (2) No suit shall be commenced against the Ministry or any member, officer or employee of the Ministry in respect of any act, neglect or default done or committed or omitted to be done by him as such member, officer or employee of the Ministry until at least one month after the service on the Ministry, member, officer or employee of a written notice by or on behalf the intending Plaintiff of his intention to commence the suit, stating
- (i) the cause of action;

- (ii) the particulars of claim;
- (iii) the name and place of abode of the intending plaintiff; and
- (iv) the relief claimed.

The notice referred to in sub-section (2) of this section and any summons, notice or other document required or authorized to be served on the Ministry or on the member, officer, or employee of the Ministry may, except where there is express provision to the contrary, be served:-

- (i) on the Ministry by delivering it to the Commissioner or sending it by registered post addressed to the Commissioner at the Principal Officer of the Ministry;
- (ii) all the member, officer or employee.

In any suit by or against the Ministry, the Ministry, without prejudice to any other form of representation, be represented at and stage of the proceedings by any member, officer or employee of the Ministry duly authorized in writing by the Commissioner in that behalf.

SECTION 34

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

*Execution against
the property of the
Ministry*

SECTION 35

- General Penalties*
- (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 Fifty Thousand Naira (₦50,000.00) only or imprisonment for a term not exceeding two year or both such fine and imprisonment.
 - (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 One Hundred Thousand (₦100,000.00) only.
 - (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 Ministry, is guilty of an offence and shall on conviction to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) only.

SECTION 36

- Corporate Penalties*
- (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 One Hundred Thousand Naira (₦100,000) only 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 Ministry.
- (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.

SECTION 37

The Governor or a person authorised by him on the advice of the Ministry may make regulations generally for the purpose of this Law.

Power to make regulations

SECTION 38

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 caused in contravention of any of the provisions of this Law.

Prosecution not to operate as bar to civil proceedings

PART V

ESTABLISHMENT OF ENVIRONMENTAL PROTECTION COURT

SECTION 39

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

*Establishment of
Ebonyi State
Environmental
Protection Court*

SECTION 40

- (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 for appointment as Chairman of the Court for that zone.

*Composition of the
Court*

SECTION 41

A Staff of the Ministry or any Legal Practitioner authorized by the Ministry shall serve as a

Right of prosecution

prosecutor in the Environmental Court.

SECTION 42

- (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.
- (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 or any other place as the Chairman may direct.

*Practice and
Procedure*

SECTION 43

- (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 performing his functions, have all powers, privileges and immunities of magistrate under any Law in force in the State on environmental related matter only.

Magistrate to try

SECTION 44

The Chairman of the Court shall be paid such allowances and perquisites as the Governor may

*Remuneration of
the Chairman*

deem fit.

SECTION 45

Where in course of trial or inquiry into any matter brought before it by the Ministry, the Chairman of the Court discovers that the punishment provided for the particular offence exceeds One Million Naira (N1,000,000.00) only 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 Act, 1992.

*Reference
jurisdiction*

SECTION 46

- (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.

*Saving and
Magistrate Courts
Jurisdiction*

- (2) where such a Court had been so constituted in any zone in accordance with the provisions of section 40(3) of this Law, the provisions of this Law shall not apply to bar any other 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.

PART VI

ESTABLISHMENT OF LOCAL GOVERNMENT AND ZONAL ENVIRONMENTAL PROTECTION COMMITTEE

SECTION 47

- (1) There shall be established in every Local Government Council 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 Ministry;
 - (f) Traditional Rulers of all the autonomous communities in the Local Government Area or their nominees;
 - (g) two representatives from environmental organization and/or other bodies that have shown interest in

*Establishment of
Committees in the
Local Government
Area*

environmental matters in the Local Government Area to be appointed by the Chairman of the local government; and

(h) the Local Government Information Officer.

SECTION 48

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

Functions of the Committee

SECTION 49

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

Meeting of the committee

SECTION 50

For the purpose of discharging its functions effectively under this Law, the Ministry may 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.

SECTION 51

The functions of the zonal Officer shall be to:

Functions of zonal offices

- (a) co-ordinate the activities of the Local Government Environmental Committee and file monthly reports to the headquarters of the Ministry;
- (b) act as the Ministry's representative in the Local Government Environmental Protection Committee; and
- (c) carry out other functions as may be directed by the Commissioner of the Ministry.

SECTION 52

The provisions contained in the first schedule of this Law shall apply to the proceedings of the Committees established under this Law or regulations made hereunder.

Supplementary provision related to committee's proceedings

SECTION 53

Generally the Governor shall specify the rates, fees, fines and other charges that may be paid under this Law from time to time, subject to the confirmation of the State House of Assembly.

Rates, fees, etc.

SECTION 54

The object and purpose of this Law is to establish Ebonyi State Environmental Protection and other related matters Law.

Object and purpose

FIRST SCHEDULE

(SECTION 51)
SUPPLEMENTARY PROVISIONS
RELATING TO THE COMMITTEE'S
PROCEEDINGS

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.

(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 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.

Six members present at a meeting shall form a quorum.

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.

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.

Ad-hoc Committee

SCHEDULE

FORM A

This printed impression has been compared by me with the Bill which has been passed into Law by the Ebonyi State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MRS. ROSE NNENNIA NWOKORO
CLERK OF HOUSE OF ASSEMBLY,
EBONYI STATE OF NIGERIA.

Dated this 29th day of September 2015

FORM B

Assented to by me this 22nd day of October 2015

CHIEF ENGR. DAVID NWEZE UMAHI
GOVERNOR, EBONYI STATE OF NIGERIA

FORM C

I hold my assent.

GOVERNOR
EBONYI STATE OF NIGERIA

I this day of 2015

FORM D

This Bill to which the Governor has by Letter Reference No.

Dated this day of 2015
Signified the withholding of his assent has again been passed by the House of Assembly
of Ebonyi State of Nigeria by a two third majority this day of
..... 2015

CLERK OF EBONYI STATE HOUSE
OF ASSEMBLY

Dated at Abakaliki this day of 2015

OR

Passed by the House of Assembly of Ebonyi State of Nigeria by a two third
Majority this day of 2015

This printed impression has been carefully compared by me with the Bill
which has been passed into Law by the House of Assembly of Ebonyi State
of Nigeria and found by me to be a true and correctly printed copy of the said
Bill.

CLERK OF EBONYI STATE HOUSE
OF ASSEMBLY

Dated this day of