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NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS
ENFORCEMENT AGENCY (ESTABLISHMENT ACT, 2007)

NATIONAL ENVIRONMENTAL (MOTOR VEHICLE &
MISCELLANEOUS ASSEMBLY SECTOR) REGULATIONS 2013



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S. I. No. 35 of 2013

NATIONAL ENVIRONMENTAL (MOTOR VEHICLE AND
MISCELLANEOUS ASSEMBLY SECTOR) REGULATIONS 2013

In exercise of the powers conferred on me by Section 34 of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007, and all other powers enabling me in that behalf, I, Arc. Darius Dickson Ishaku, fnia, Honourable Minister, Federal Ministry of Environment, hereby make the following Regulations :

[29th October, 2013]

Commence-
ment.

PART I—GENERAL PROVISIONS

1.—(1) The purpose of these Regulations is to prevent and minimize pollution and wastes from all activities of the Motor Vehicle (MV) and Miscellaneous Assembly sector to the Nigerian environment and these Regulations shall cover new, used and end-of-life Motor Vehicles (UV/ELV).

Purpose.

(2) These Regulations are based on life cycle approach and shall cover all the aspects of the Motor Vehicle & Miscellaneous Assembly from "cradle to cradle".

(3) The principles of these Regulations shall be anchored on the 5Rs which are: Reduce, Re-use, Repair, Recycle and Recover as the primary drivers of the sector and shall encompass all categories of vehicles.

2.—(1) A facility shall submit to the Agency :

Planning.

(a) an Environmental Impact Statement (EIS) arising from the Environmental Impact Assessment (EIA) for new project or modification including expansion of existing ones before commencement of activity ;

(b) an Environmental Audit Report (EAR) of existing facility every three years to be conducted by an external consultant accredited by the Agency ; and

(c) Environmental Management Plan (EMP) as prescribed in Schedule I to these Regulations.

3.—(1) A facility, body corporate or organisation shall :

Emergency
Response
Plan.

(a) apply up-to-date, Best Practicable Environmental Option, Cleaner Production and Green Technologies to reduce pollution to a minimum.

(b) plan and set up machinery for combating pollution hazards and maintain equipment in the event of an emergency.

(c) have an Emergency Response Plan and a stock of pollution response equipment which shall be readily accessible and available to combat pollution hazards in the event of accidental discharges as prescribed in Schedule II to these Regulations ; and

(d) prepare and implement a functional Emergency Response Plan which shall include measures to be taken :

- (i) in the discharge of deleterious substances ;
- (ii) to prevent any deposit(s) or discharges out of the normal course of events of such a substance ; and
- (iii) to mitigate the effects of such deposits or discharges.

(2) Practicable steps shall be taken to ensure that accidental discharges such as spills or leaks, do not pollute the storm water system, local waterways or water bodies by :

- (a) keeping chemicals (such as fuels, solvents, oils and coolants) within a bund wall and covered storage area ;
- (b) having adequately stocked spill kits on hand ; and
- (c) training staff on the use of spill kits.

Pollution
Abatement
Equipment.

4.—(1) A facility, body corporate or organisation shall install anti-pollution equipment for the detoxification or treatment of effluent and emission emanating from it so as to meet the prescribed effluent and emissions standards in Schedules VII and IX respectively.

(2) The installation of anti-pollution equipment made pursuant to sub-regulation (1) of this regulation shall be based on the Best Available Technology (BAT) or the Best Practicable Technology (BPT).

Polluter Pays
Principle.

5.—(1) The Polluter-Pays-Principle shall apply to every facility, body corporate or organisation.

(2) The collection, treatment, transportation and final disposal of wastes shall be the responsibility of the body corporate or organisation generating the wastes within the specified standards and guidelines.

(3) In the event of an incident resulting in an adverse impact on the environment whether socio-economic or health wise, the facility shall be responsible for :

- (a) the cost of damage, assessment and control ;
- (b) remediation ; and
- (c) reclamation.

Best
Practices and
Waste
Minimisa-
tion.

6.—(1) Implementation of cleaner production processes and pollution prevention measures shall be employed to yield economic, social and environmental benefits as prescribed in Schedule III to these Regulations.

(2) All damaged and disused components including wires, electronic devices, oil filters, batteries, tyres, airbags, etc, shall be amenable to recovery under the Extended Producer Responsibility Programme or by recyclers in an Environmentally Sound Manner (ESM).

(3) All waste from motor vehicle assembly or manufacturing with hazardous properties shall be clearly labelled, stored separately from the general waste and contained in storage areas that are chemically resistant before disposal in an environmentally sound manner.

7.—(1) A facility, body corporate or organisation shall put in place organizational system for pollution control and shall assign a qualified Environmental Manager (EM) or Pollution Control Manager (PCM) as prescribed in Schedule IV to these Regulations.

Pollution
Control
Organisa-
tional
System.

(2) It is important for the capacity of PCMs to be continually strengthened with the ultimate goal of attaining the Agency's required qualification and certification as prescribed in Schedule IV to these Regulations.

8.—(1) All vehicles containing POP-BDEs polymer materials are banned from entering into the country.

Banned and
Restricted
Chemicals.

(2) Any vehicle designated for Nigeria shall have a certificate of 'free of POP(s)/BDE polymer or hazardous chemicals'.

(3) Use of restricted chemicals shall be with a permit from the Agency and the list of banned/restricted chemicals is as stated in Schedule V to these Regulations.

9.—(1) All importers, exporters, manufacturers, assemblers, distributors of motor vehicles as well as spare parts dealers, of various brands of motor vehicle products shall subscribe to an Extended Producers Responsibility Programme as prescribed in Schedule VI to these Regulations.

Extended
Producers
Responsibility.

(2) Manufacturers and Importers of Motor Vehicle shall partner with the Agency on the Extended Producers' Responsibility Programme within two (2) years of commencement of these Regulations.

(3) It shall be the responsibility of the :

(a) manufacturers, importers, assemblers, distributors, spare parts and components producer to put in place a collection system to take back the end-of-life motor vehicles and components and setup dismantling points or centres ; and

(b) manufacturers and importers of motor vehicles to setup junk yards to collate the vehicle carcass for recycling.

10.—(1) A facility, body corporate or organisation shall :

(a) ensure that there is no contamination arising from leakage of surface and underground oil, used oil, refrigerant, fuel or chemicals storage tank likely to cause pollution of the environment including surface and ground water ;

(b) have an impermeable base for any ancillary equipment and provide an appropriate bund wall in the event of any unanticipated discharge or spillage ; and

(c) install underground tanks and fuel dumps with leak detection equipment and shall be regularly inspected for leakages to prevent seepage into ground water.

Manage-
ment of
Chemicals,
Oil Station
and Fuel
Dump Sites.

Community
Relations.

11. A facility, body corporate or organisation shall have a sustainable community relations programme as part of demonstration of compliance with her Corporate Social Responsibility.

EFFLUENT LIMITATION

Effluent
Limitation
Standards.

12.—(1) The National Environmental Standards in relation to effluent limitations for the sector shall be as prescribed in Schedule VII to these Regulations.

(2) An effluent shall be deemed to be polluted if :

(a) the concentration of any of its parameters exceeds the permissible limits as prescribed in Schedule VII to these Regulations ; and

(b) it is discharged from a facility without appropriate pre- treatment.

(3) Effluent as described in sub-regulation (2) of this regulation shall be treated to attain the minimum standard as prescribed in Schedule VII to these Regulations before discharge.

Restriction
on the
Release of
Toxic
Effluent.

13.—(1) A facility, body corporate or organisation shall not discharge effluent or discard spent oil, grease, wash-water, debris, flammable liquids such as paint, litter, sediment etc disposed of on land, into a water course or water body except treated to the permissible limits as prescribed in Schedule VII to these Regulations.

(2) Under no circumstance shall any person wash a spill down the drain.

(3) Notwithstanding sub-regulation (1) of this regulation, a facility, body corporate or organisation using an influent, shall ensure that the concentration or value of any of the parameters of the effluent conforms to standard as prescribed in Schedule VII to these Regulations.

Effluent
Treatment.

14.—(1) A facility, body corporate or organization that discharges effluent into the environment shall treat the effluent to the permissible limits as prescribed in Schedule VII to these Regulations.

(2) A facility, body corporate or organization shall :

(a) carry out effective treatment each time the plant operates ;

(b) ensure that the Environmentally Sound Management of sludge containing heavy metals or other toxic materials are disposed of in a designated disposal site or landfill by the appropriate Regulatory Authority ;

(c) ensure the treatment and disposal of toxic organics contained in both effluent and sludge as approved by the Agency ;

(d) ensure that effluent is not diluted to achieve the standards contained in Schedule VII to these Regulations ; and

(e) ensure that wastes containing toxic organics are treated with Best Available Technology (BAT) and Best Environmental Practices (BEP).

15.— (1) A facility, body corporate or organisation shall not discharge sludge directly into any water body or the environment except under a sludge disposal permit.

Sludge
Disposal.

(2) Sludge disposed of on land shall be classified and none of its components shall exceed the limit as prescribed in Schedule VIII to these Regulations.

(3) Any sludge except purely domestic or organic sludge and purely agricultural (organic) sludge shall be treated as hazardous waste and subject to the provisions of the Harmful Waste (Special Criminal Provisions, etc) Act Cap. HI LFN, 2004.

(4) Hazardous Sludge shall be treated and disposed of in a secured landfill approved by the Agency.

16. A person, facility, body corporate or organisation who operates a machine or uses a motor vehicle shall comply with the Air Emission Standards as prescribed in Schedule IX to these Regulations and the National Environmental (Control of Vehicular Emissions from Petrol and Diesel Engines) Regulations, S.I No. 20 of 2011.

Emission
Standards.

17.—(1) A facility, body corporate or organisation with any source or potential source of emission shall be required to measure the emission, develop and implement a plan to control it in accordance with the standards prescribed in Schedule IX to these Regulations.

Priority Air
Pollutants.

(2) A facility, body corporate or organisation shall be required to report the data, sources of emissions with a view to undertaking its reduction in accordance with the implementation plan which shall be reviewed every three (3) years by the Agency.

(3) A facility, body corporate or organisation shall ensure that it measures the odour detection threshold and the odorous dilution ratio of the working environment or emissions.

(4) The dilution method of testing odours shall adopt American Society for Testing Materials (ASTM) or any other method as may be prescribed by the Agency to safeguard the health of the workers.

18.—(1) A facility, body corporate or organisation shall not burn, or be permitted to burn light fuel oil containing over 0.5 percent sulphur by weight in an existing source or a new source.

Burning of
Fuels.

(2) A facility, body corporate or organisation shall not burn, or be permitted to burn medium fuel oil containing over 1.1 percent sulphur by weight.

(3) Notwithstanding the provisions of sub-regulation (1) and (2) of this regulation, heavy fuel oil with no more than 3 per cent sulphur may be burnt at a new or existing fuel combustion sources or a combination of both where :

(a) one or more of such sources operate in a manner that sulphur dioxide is absorbed by coming into contact with the product or with a scrubbing device or other material ; and

(b) the actual total sulphur dioxide emissions from the source is less than the allowable sulphur dioxide emissions.

Abatement Technologies for Air Emissions.

19.—(1) A facility, body corporate or organisation which discharges gaseous substances shall treat such to the permissible limits as prescribed in Schedule IX to these Regulations.

(2) Treatment can be achieved through the use of appropriate pollution abatement technologies for minimizing the release of significant pollutants to the air including the following :

(a) stack gas scrubbing, carbon adsorption or combustion (for toxic organics) ;

(b) bag houses or cyclone (for particulate matter removal) ; and

(c) biological filters or any other appropriate technology.

Noise Standards.

20. Noise standards shall be subject to the National Environmental Noise Standards and Control) Regulations, S.I No. 35, 2009.

Noise Abatement.

21. A facility, body corporate or organization shall evaluate its installations and ensure that routine controls are sufficient to prevent risks of noise pollution.

Hearing Conservation Program.

22.—(1) A facility, body corporate/organisation shall administer a continuing, effective hearing conservation programme, whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 90 decibels measures on the A scale (slow response) or, equivalent to a dose of 80 as stipulated by Occupational Safety and Health Act, Laws of the Federation of Nigeria 2004, OSHA 18001 as prescribed in Schedule X to these Regulations.

(2) For the purpose of hearing conservation programme, employee noise exposures shall be computed, regardless of the provision and the use of Personal Protective Equipment.

(3) An 8-hour time weighted average of 90 decibels shall be referred to as the action level.

Noise Monitoring.

23. Monitoring shall be repeated whenever a change in production, process, equipment or control, increases noise exposures to the extent that :

(a) additional employees may be subjected to risk at the action level ; or

(b) the attenuation as a result of hearing protectors being used by employees may be rendered inadequate to meet requirements of regulation 22(1) of these Regulations.

PART II—SAMPLING PROCEDURES

24. A facility, body corporate or organization shall collect and analyse samples according to Standard Operating Procedure (SOP) as developed by the Agency.

Collection and Analysis of Samples.

25. A spot sample for the purpose of analysis for all the tests including oil and grease, dissolved oxygen, pH, chlorine and sulphide shall be taken as follows :

Spot Sampling for Physical or Chemical Parameters.

(a) the whole sample volume is to be taken at one time, at the point of discharge or, where the discharge has stopped, at the nearest practicable point within one kilometre upstream and downstream of the point of discharge ; and

(b) the sample shall be analysed immediately after collection where possible but not later than 24 hours after taking the sample.

26. A composite sample for the purpose of analysis for all tests other than those for temperature and pH shall be taken by combining individual samples as follows :

Composite Sampling for Physical or Chemical Parameters.

(a) a minimum of five samples of equal volume of not less than 500 ml each shall be taken at the point of discharge or, where the discharge has stopped, at the nearest practicable point within one kilometre upstream and downstream of the point of discharge, at approximately equal intervals of time over a minimum period of four hours within any 24 hour period ;

(b) two of the composite samples collected when the discharge has been stopped, shall be used to prove the source and extent of pollution ;

(c) the samples shall be kept as cool as at site conditions licence ;

(d) sample analysis shall commence not later than 24 hours after taking the last sample ; and

(e) where the discharge has stopped or is intermittent, two grab samples shall be collected at the nearest practicable point within one kilometre upstream and downstream each of the point of discharge.

27. The whole volume of spot samples for further laboratory analysis shall be taken at one time at the point of discharge.

Sampling for Licence Classification.

28. Where full laboratory facilities do not exist on the site, or in the absence of a calibrated Dissolved Oxygen (DO) meter, the oxygen in the sample may be "fixed" at the time of sampling by adding any of the following reagents : 1 ml of manganese (II) sulphate followed by 1 ml of alkali-iodide-azide solution, (alkaline azide, sulphuric acid, permanganate, oxalate, manganous sulphate and alkaline iodide) or any other approved scientific method provided that :

Sampling for other Parameters.

(a) the stopper of the sample container shall be replaced and the solution shall be well mixed by shaking ; and

Air Sampling
for Analysis.

(b) the remaining steps shall be carried out later in the laboratory.

29.—(1) Measurements of air quality parameters shall take place at any facility, downwind and upwind.

(2) Measurement of total suspended particulate shall be by gravimetric method using air sampler or by any other recommended scientific method and the following shall be observed :

(a) a three sampling period (morning 8-10am, afternoon 12-2pm and evening 4-6pm) shall be adopted ; and

(b) the heavy metals level of total suspended particulate shall be determined using any referenced standard method using atomic absorption spectrometer.

(3) Gaseous pollutants shall be measured in a manner as may be approved by the Agency in any of the following ways :

(a) passive sampling method shall require the submission of analysis certificate along with results ;

(b) a three sampling periods (morning 8-10am, afternoon 12-2pm and evening 4-6pm) shall be adopted ;

(c) active sampling for NO_x shall use the Saltzman or any other recommended standard method ;

(d) active sampling for SO_2 shall use the West-Gaeke, hydrogen peroxide, conductimetry or any other recommended standard method ;

(e) active sampling for hydrocarbons shall use the adsorption on activated charcoal method ;

(f) continuous sampling of any gaseous air pollutant shall use instrument with detection range accommodating the maximum allowable limit of measured parameter ; and

(g) measurement shall last for at least 1 hour in every sampling location.

Noise
Measure-
ments.

30.—(1) Noise levels shall be measured with instrument having both A and C weighting, a resolution not more than 0.1 dB and fast or slow responses.

(2) Measurement shall be taken at least 3 meters from any barrier or other sound reflecting sources, at about 1.2-1.5 meters above ground level or working platform and shall last for at least 10 seconds.

(3) Daytime (07:00-22:00) and night time (22:00-7:00) measurements shall be taken at the fence line of any facility.

PART III—VEHICLE SERVICING AND MAINTENANCE

Servicing
and mainte-
nance.

31.—(1) A person, technician, body-corporate, or organization involved in repair, dismantling and re-assembling of Motor Vehicle shall :

(a) register with the Agency ; and

(b) operate in accordance with the guidelines for good housekeeping as prescribed in Schedule XI to these Regulations.

32.—(1) A person, body-corporate, or organization, involved in operating auto body shops shall ensure that :

Auto Body Shops.

(a) paints free of heavy metals including but not limited to Lead Mercury are used ;

(b) all spray painting is done in an enclosed spray booth equipped with filters ;

(c) when cleaning spray guns with solvents, a smaller diameter tubing are used with less solvent ; and

(d) spent or used solvents from the process bath systems are not discharged into the drain, but through a pre-treatment system.

PART IV—END OF LIFE VEHICLES (ELV)

33.—(1) A person, body-corporate or organization operating a dismantling centre shall :

Registration/
Approval for
EL Motor
Vehicle.

(a) register with the Agency ; and

(b) provide information as specified in Schedule XII to these Regulations.

34.—(1) A person, body-corporate or an organisation shall not discard, throw and or drop any Motor Vehicle component anywhere except in designated centers and shall ensure that :

Vehicle
Waste
Handling.

(a) hazardous waste are segregated from other wastes ;

(b) motor vehicle components are not disposed of in trash receptacles or at a dump-site and or landfill ;

(c) the vehicle carcass is taken to the junk yard for transportation to the designated recycling-centre ; and

(d) open burning of waste shall be in accordance with the National Environmental (Control of Bush, Forest Fire and Open Burning) Regulations 2011.

(2) Open burning of tyre and other plastic component is prohibited.

(3) An operator of a facility, technician, assembler or scavenger of motor vehicle shall dispose waste in an environmentally sound manner and shall not :

(a) burn motor vehicle waste in the Nigerian environment ;

(b) dispose of motor vehicle waste alongside domestic and or municipal waste ;

(c) dispose of motor vehicle waste at dump site, land-fill site, water body, etc ;

(d) release Chlorofluorocarbons (CFCs) from cooling systems ; and

(e) release used oil into the environment.

35. A facility, body corporate, maintenance and repairs workshop, organisation involved in the handling of motor vehicle, recycling plants shall

Use of PPE.

(4) Operator of treatment facility shall :

(a) issue certificate of destruction to the licensed owner of EL motor vehicle in accordance with the requirements as prescribed in Schedule XIV to these Regulations ;

(b) maintain copies of all EL motor vehicle manifests and/or receipts and make same available for sighting ;

(c) forward a copy of the EL motor vehicle manifests to the Agency within thirty days of removal ; and

(d) sign copies of the EL motor vehicle manifest.

(5) Operator of shredder EL motor vehicle treatment facility shall :

(a) ensure that shredded metals are stored in an appropriate place prior to collection by the end users ; and

(b) ensure that shredder residues are disposed of using Best Environmental Practices (BEP) and Best Available Technology (BAT).

39.—(1) An authorized road or off-road motor vehicle license registration office shall upon registration, keep records and furnish the Agency in writing of the quantity so registered the preceding year by 30th of June of every year and shall also enter details to National Automotive Council Nationwide AUTO DATA platform at point of registration.

Record keeping.

(2) A producer or importer of motor vehicle, shall keep records and furnish the Agency in writing of the quantity of all motor vehicles which have been imported the preceding year by the 30th of June of every year.

(3) An operator of any collection centre and recycling plant shall keep records and furnish the Agency in the prescribed format, quarterly of the quantity of EL motor vehicles received and the quantity dismantled and shall keep such records for a minimum period of 5 years.

40. An applicant for a permit issued under these Regulations shall satisfy the Agency that he has subscribed to appropriate insurance policies for the applicant's staff and the public covering risks likely to arise, out of the activity for which the permit is required.

Insurance Policy.

PART V—PERMITS

41.—(1) All permits shall be in writing and as set out in the National Environmental (Permitting and Licensing Systems) Regulations, 2009.

General Permits.

(2) A facility, body corporate or organisation shall obtain permit from the Agency for :

(a) discharging or causing to be discharged, any effluent, or oil in any form into water system, public drains, or underground injection and land ; and

(b) releasing of hazardous or toxic substances into the water, land or air of Nigerian ecosystem within the permissible limits as prescribed in Schedule VII to these Regulations.

ensure that the technicians, repairers or scavengers wear appropriate Personal Protective Equipment (PPE) as prescribed in schedule XIII to these Regulations.

Citizens
Obligation.

36. It shall be the responsibility of any individual, group of persons or body corporate, to :

(a) report any fly tipping and disposal of motor vehicle wastes in an undesignated location to the appropriate authority ;

(b) incorporate sound environmental care in their daily activities ;

(c) report all categories of abandoned vehicles on all roads to the appropriate authority ; and

(d) dispose of end-of-life vehicles at authorized treatment facility and obtain certificate of destruction as prescribed in schedule XIV to these Regulations.

Establish-
ment of EL
Motor
Vehicle
Treatment
Facility.

37—(1) A person, or organisation intending to establish a treatment facility shall :

(a) register with the Agency ;

(b) provide information for approval to operate the facility as prescribed in Schedule XII to these Regulations ; and

(c) comply with the requirements prescribed in Schedule XII to these Regulations.

(2) All registered end- of -life treatment facilities shall ensure that :

(a) a treatment facility has sufficient capacity to treat the actual number of end-of-life vehicles that are designated to the facility ;

(b) where necessary, transportation of end-of-life vehicle from one treatment facility to an alternative treatment facility is carried out in accordance with the provisions of these Regulations ; and

(c) treatment facilities are reasonably accessible to any person who wishes to deliver an end-of- life vehicle.

Management
of ELV.

38.—(1) An end-of-life treatment facility (dismantling center, junk yard, shredder or recycling facility) shall ensure that the facility is maintained in a clean and orderly condition.

(2) Treatment Facilities and Dismantling Centers shall ensure that all scrap motor vehicles are 'treated' in an environmentally sound manner and this requires :

(a) removal of battery, tyres, LPG tank, activation of explosive devices, airbags and pre-tensioners, materials containing POP-BDEs (upholstery seats, headrest, steering wheel, dashboard etc) and

(b) separation and storage of Fuel, Motor oil, Transmission oil, Gearbox oil, Hydraulic oil, Cooling liquids, Anti-freeze, Brake fluids and Air conditioning fluids.

(3) Treatment facility and dismantling centre shall ensure that all materials listed above and those containing POP-BDEs in vehicles are managed in accordance to the BAT/BEP principles.

(3) Procedures for application for permits and revocation of such permits where they have already been issued shall be as contained in the National Environmental (Permitting and Licensing System) Regulations, 2009, S.I. No. 29.

(4) A permit is designed to allow the holder thereof to conduct activities listed in the permit only after strict compliance with conditions and applicable effluent limitations.

Permits.

42. A facility, body corporate or organisation involved in motor vehicle manufacturing, servicing and maintenance, dismantling or treatment facility shall obtain relevant permit from the Agency and such permits shall be in the format as contained in the *Annex* to these Regulations and shall include :

- (a) Spare Parts (Second hand) Import Permit ;
- (b) Dismantling Centre Permit ;
- (c) Spent Oil Collection Permit ;
- (d) Junk Yard Permit ;
- (e) Industrial/Commercial Discharge Permit ; and
- (f) Sludge Disposal Permit.

Effective Date/ Validity.

43. A permit shall become effective from the day of issuance and shall expire on December 31st of the second year and shall thereafter be renewable once every year.

PART VI—INDUSTRIAL EFFLUENT MONITORING AND REPORTING

Reporting Requirements.

44.—(1) A Permit holder, shall subject to categorical standards, comply with reporting requirements under the Agency's Permit including (but not limited to) Incidence Report and Monthly Effluent Data Sheet by submitting these documents to the Agency's Field Offices.

(2) The Permit holder shall submit to the Agency quarterly, a description of the nature, concentration and flow of the pollutants in the Monthly Effluent Data Sheet required to be reported.

(3) The report shall be based on sampling analysis performed in the period covered by the report. All reports shall be in compliance with the format as prescribed in Schedule XV to these Regulations.

(4) The Permit holder shall report all sample results for parameters listed on the Effluent Limitations and Monitoring Requirement, on the Industrial or Commercial Discharge Monitoring Report Forms as prescribed in Schedule XV to these Regulations.

(5) The Permit holder shall install monitoring equipment to facilitate accurate observation, sampling and measurement of the quality of waste discharges as required by the permit and such equipment shall be in working order and accessible to all authorized officials at all times.

(6) A permit holder who discharges effluents shall have in place :

- (a) flow meters ;
- (b) point inspection chambers ;
- (c) recording apparatus ; and
- (d) sampling test points/points of inspection.

(7) The Permit holder discharging or proposing to discharge effluent to a general sewer or treatment plant shall maintain the following :

- (a) records of production ;
- (b) water consumption and discharge flow records ;
- (c) complete monitoring records as specified in these Regulations ;
- (d) process monitoring records ;
- (e) incident reports ;
- (f) waste handling records ; and
- (g) any other records necessary to demonstrate compliance with these Regulations.

(8) The Permit holder shall be required to file reports with the Agency where the permit holder :

- (a) commits a serious violation ;
- (b) fails to submit a completed Monthly Effluent Data Sheet ;
- (c) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months ; and
- (d) has discharges that could cause problems to the Environment, including any sludge loadings.

45.—(1) The Permit holder shall sign the report referred to in sub-regulation (8) of regulation 44 and attach a copy of the Certificate of analysis from the Agency's accredited laboratory.

Authorized
Signatory.

(2) Each report shall be signed by the appropriate officer.

(3) The report shall include the following certification statement :

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. The information herein submitted is, to the best of my knowledge and belief, true, accurate, and complete.

46. Monitoring records shall be made available to the Agency, and shall be retained for a minimum of ten years and throughout the course of any pertinent litigation thereafter.

Monitoring
Records.

Confidential Information and Public Access to Records.

47. Without prejudice to any extant law, public access to records shall be governed by NESREA Act but effluent constituents and characteristics, shall not be recognized as confidential information.

PART VII—ENFORCEMENT

Enforcement Notices.

48.—(1) An enforcement notice shall be served where the Agency is of the opinion that an operator has contravened, is contravening or is likely to contravene any condition of a permit.

(2) An enforcement notice shall :

(a) specify the matters constituting the contravention or the matters making it likely that the contravention will arise, as the case may be ;

(b) specify the steps that must be taken to remedy the contravention or to remedy the matters making it likely that the contravention will arise, as the case may be ; and

(c) specify the period within which those steps must be taken.

(3) The provisions of sub-regulation (2) (a) of this regulation shall apply whether or not the particular manner of operating the facility in question, is regulated by or contravenes a condition of the permit.

(4) An officer of the Agency may, in the course of his duty under these Regulations, at any reasonable time :

(a) enter and search any premises or facility to take samples or specimen for analysis, and measurements in length or of level of standards to which these Regulations relate ; and

(b) seize and detain for such time as may be necessary for the purpose of these Regulations any article by means of or in relation to which he reasonably believes any provision of these Regulations has been contravened.

Equity.

49. Every facility, body corporate or organisation shall be given equal treatment with respect to inspection and enforcement of relevant laws.

Mode of Delivery.

50. An Enforcement notice shall be delivered by hand, registered post courier, electronic transmission, newspaper publication, or pasted at the facility or registered premises of the organisation.

Enforcement notice Reminder.

51.—(1) Where a person fails to comply with the enforcement notice within the specified period as contained under of regulation 48(2) of these Regulations, a second notice shall be served.

(2) Failure to comply with the second notice in sub-regulation (1) of this regulation within the specified time limit will lead to issuance of a suspension notice or any other punitive action as may be necessary.

Suspension of Permit.

52.—(1) Notice shall be served or any other punitive action taken as may be necessary .

(2) Where a suspension notice is served pursuant to these Regulations the permit shall, on the service of such notice cease to have effect as stated in the notice.

(3) The Agency may withdraw a suspension notice after verifying that the operator has complied with these Regulations.

(4) Notwithstanding the provisions of these Regulations, the Agency shall have the power to enter and seal any facility found contravening any of the provision of these Regulations.

PART VIII—CONTRAVENTIONS/OFFENCES

53.—(1) It shall be an offence for a person to operate any treatment facility (dismantling centre, Junk yards or recycling facility) without registration with the Agency.

Offences
General.

(2) It shall be a contravention for a person to manufacture, import, assemble, or distribute motor vehicle or operate a dismantling centre or junk yard without making provision for its end-of-life collection.

(3) It shall be a contravention for a person, organization, manufacturer, importer, assembler, distributor of motor vehicle to :

(a) discard, throw, drop any motor vehicle or municipal waste anywhere except in authorized collection centre ;

(b) dispose motor vehicle waste at dump site, landfill site, water body, or any other place except at the designated recycling plant ;

(c) burn tyres or other plastic components in the environment ;

(d) release Chlorofluorocarbons (CFCs) from cooling system ;

(e) transport motor vehicle waste to non-designated recycling plant ;

(f) fail to supply information as required for approval to operate treatment facility ;

(g) fail to maintain treatment facility in (an environment friendly) clean and orderly condition ;

(h) fail to comply with the decommissioning conditions of treatment facility ;

(i) fail to submit to the Agency within a specified period, information or data about materials received at facility ; and

(j) fail to submit an Environmental Audit Report as required by these Regulations.

54. It is a contravention where a person fails to comply with :

(a) any condition stipulated under a permit ;

(b) the requirements of an enforcement notice or closure notice under these Regulations ; and

Contra-
ven-
tion of
Permit
Condition.

(c) any other requirement imposed by a notice served by the Agency without reasonable excuse.

False Statement.

55. It shall be a contravention to have in possession a document that is likely to mislead or deceive the Agency or make a statement which is known to be false or misleading particularly, where the statement is made :

(a) in purported compliance with a requirement to furnish any information pursuant to the provisions of these Regulations ;

(b) for the purpose of obtaining a permit for the body corporate or organisation for variation, transfer or surrender of a permit ;

(c) to intentionally make a false entry in any record pertaining to the permit ; and

(d) with intent to deceive, to forge or use a document issued or authorized to be issued under any condition of a permit.

Failure to comply with abatement measures.

56.—(1) It shall be a contravention if a person fails to :

(a) take reasonable measures to remove or otherwise treat and dispose of any effluent to minimize adverse effects ;

(b) take measures required by the Agency after unauthorized release of effluent ;

(c) remediate the environment to the standard prescribed by the Agency ;

(d) furnish all information to the inspector ;

(e) remove equipment containing materials causing release into the environment from place when requested by inspector ;

(f) produce document when requested by the inspector ;

(g) comply with the guidelines with respect to the handling, storing and transport of any effluent ; and

(h) ensure the use of Personnel Protective Equipment (PPE) in the course of operational activity in the facility.

(2) It shall be an offence for a body corporate or organisation to :

(a) handle effluent in a manner which causes adverse effect to human health and the environment ;

(b) intentionally obstruct the inspectors from performing their duties ;

(c) dismiss, suspend or sanction employees who report any contravention of these Regulations ;

(d) impose penalty on any employee who reports cases of contravention of these Regulations to the Agency ;

(e) transports effluent and sludge which are not covered by a manifest, completely enclosed, or secured ; and

(f) transports hazardous effluent and sludge in bulk without prior authorization from the Agency.

57. It shall be an offence if a person fails to :

- (a) maintain records of all discharges ; and
- (b) file quarterly and annual reports of all discharges.

Failure to Report.

58. It shall be an offence for a person to :

- (a) release effluent and sludge into the environment beyond the permissible level ;
- (b) fail to report release of effluent and sludge into the environment in excess of permissible level as contained in these Regulations ; and
- (c) fail to take reasonable measures to prevent, reduce or remedy the adverse effect of effluent, sludge and emissions released into the environment.

Discharge of Effluent beyond Permissible Level.

PART IX—FINES/PENALTIES

PENALTY

59.—(1) A person who violates the provisions of regulations 53 (1), (2) and (3) (a)-(j) of these Regulations commits an offence and shall on conviction be liable to a fine not less than ₦500,000.00, or to imprisonment for a term not less than two years or to both such term and imprisonment.

Fine/
Penalty.

(2) A person who violates the provisions of regulations 54 to 58 of these Regulations commits an offence and shall on conviction, be liable to a fine not less than ₦200,000.00 or to imprisonment for a term not less than six months or to both such fine and imprisonment and an additional fine of ₦5,000.00 for every day the offence subsists .

(3) Where an offence under regulations 53 (1), (2) and (3) (a)-(j) of these Regulations is committed by a body corporate, it shall on conviction, be liable to a fine not less than ₦1,000, 000.00 and an additional fine of ₦50,000 for every day the offence subsists.

PART X—MISCELLANEOUS

60. The environmental performance requirements shall be based upon agreed criteria and rating for each sector.

Performance
Criteria and
Rating.

PART XI—INTERPRETATIONS

61. In these Regulations, unless the context otherwise requires :

"Act" means the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 ;

"Agency" means the National Environmental Standards and Regulations Enforcement Agency (NESREA) ;

"*air emission*" means any emission or entrainment process emanating from a point, non-point or mobile source that result in air pollution ;

"*air pollution*" means any change in composition of the air caused by smoke, soot, dust (including fly-ash), cinders, solid particle of any kind, gases, fumes, aerosols and odorous substances ;

"*ambient air*" means air occurring at a particular time and place out of structure ;

"*appropriate authority*" means NESREA or any other relevant Governments Agency ;

"*assembler*" means a person or groups of persons who bring or fix together, separate parts of motor vehicle ;

"*authorised treatment facility*" means any facility (collection, dismantling, junk yard and recycling) operated by an establishment or undertaking carrying out treatment and which is licensed or otherwise permitted under or by virtue of any legislation made in Nigeria, as stated in these Regulations ;

"*auto body shop*" means any industry that provides repair and customization work to the interior and body of passenger cars, trucks, vans and trailers (industry that specialize in certain auto repairs; for example, panel beating shop, paint shops ;

"*Best Available Technology (BAT)*" means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges ;

"*Best Environmental Practices (BEP)*" means actions carried out to mitigate environmental impact of a facility ;

"*body corporate*" means an artificial person with perpetual succession and common seal who may sue and be sued in its corporate name ;

"*carcass*" means worthless body of the vehicle that is meant for treatment facility ;

"*collection centre point*" means a centre or point where ELV are collected and stored temporarily for the purpose of recycling ;

"*cooling systems containing refrigerants*" means refrigerators, chillers or air conditioners ;

"*development control*" means the arm of the government that is responsible for development activities of a state/area ;

"*Director General/Chief Executive Officer (DG/CEO)*" means the Director General of the National Environmental Standards and Regulations Enforcement Agency (NESREA) ;

"*dismantling*" means disassembling, or substantially altering a motor vehicle's components ;

"*distributor*" means any person who makes available motor vehicle or components on a commercial basis to the party who is going to use it ;

"*effluent*" means waste water treated or untreated that flows out of a treatment plant, sewer, or industrial outfall resulting from the commercial or industrial use of water, generally refers to wastes discharged into surface waters ;

"*end-of-life*" means motor vehicles that have attained end of their usefulness ;

"*enforcement*" means actions to obtain compliance with environmental laws, rules, regulations and agreements or obtain penalties or criminal sanctions for violations ;

"*enforcement officer*" means :

(a) an officer of NESREA who is authorised in writing by NESREA to act as an enforcement officer for these Regulations, or

(b) a person appointed by the Minister responsible for Environment matters, authorising him in writing to act as an enforcement officer for these Regulations ;

"*environment*" means the sum of all external conditions affecting the life, development and survival of an organism ;

"*environmental assessment report*" means a report prepared for an organisation or body corporate which identifies potential or existing environmental contamination liabilities ;

"*Environmental Audit (EA)*" means :

(a) an independent verification of current status of a party's compliance with applicable legislative requirement ; or

(b) an independent evaluation of a party's environmental compliance, policies, practices and control ;

"*Environmental Impact Assessment (EIA)*" means the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made ;

"*Environmental Impact Statement (EIS)*" means a document issued by Federal Ministry responsible for Environment matters after duly completed EIA process ;

"*Environmental Management Plan (EMP)*" means a plan that describes the process that an organization will follow to maximize its compliance and minimize harm to the environment. This plan also helps an organization map its progress toward achieving continual improvements ;

"*Environmentally Sound Manner (ESM)*" means the best management practices for motor vehicle recyclers that can be used in conjunction with recycling Industry operating standards to ensure compliance with all applicable regulations and ensure environmental and workers protection ;

"*expansion*" means an increase in size, volume or other physical dimensions of an activity such that the increase may cause an adverse effect if not properly mitigated ;

"*hazardous wastes*" means substances which even in low concentrations are harmful to animals, plants, human health and the environment and may take the form of solids, liquids or sludge.

"*ICNRP*" means International Commission for Non ionization Radiation Protection ;

"*importer*" means a person or body corporate who, in the ordinary course of conduct of a trade, occupation or profession, imports motor vehicle.

"*influent*" means either processed waste water or raw water from a river, stream, spring or canal, or water abstracted from underground and used by a facility ;

"*inspection officer or inspector*" means an officer who has the legal authority to enter facilities to conduct an inspection under environmental legislation (*Acts*), guidelines and policies ;

"*junk yard*" means any place of storage or deposit, of motor vehicle carcass intended to be transported to treatment facility ;

"*large scale business*" means any facility that has more than fifty employees.

"*Minister*" means the Minister responsible for environment matters or the appropriate government structure operating at that time ;

"*modification*" means a change in any activity that may cause an adverse effect if not properly mitigated and includes, but not limited to, the expansion of the same process, addition of product lines and replacement of equipment with different technology other than that presently in use ;

"*motor vehicle*" means a self-propelled wheel that does not move on the rail which includes trucks, trailers, tractors, cars, tricycles, motor cycles, boats e.t.c. ;

"*motor vehicle and miscellaneous assembly sector*" means a facility, or body corporate or organisation involved in manufacturing, assembling, servicing, maintaining, dismantling or recycling any components contained in the categories of motor vehicle as listed in these Regulations.

"*permit*" means an official document, authorization, license, or equivalent control document issued by the Agency to implement the requirements of these regulations to discharge effluent especially for a limited period of time ;

"*Polybrominated Diphenyl Ethers (PBDEs)*" mean hazardous chemicals that can be added to many consumer products found in homes, office, automobile amongst others ;

"*Persistence Organic Pollutants (POPs)*" means a group of organic chemicals that are resistant to environmental degradation ;

"*permit holder*" means a person authorised by a permit to carry out a specific function ;

"*person*" means a natural and juristic personality including a facility ;

"*producer*" means the local manufacturer or importer of record of motor vehicle and other motor vehicle components both new and used to be placed on sale at first invoice in the Nigerian market ;

"*5Rs*" means Reduce, Repair, Reuse, Recycle and Recover ;

"*recovery*" means any operation leading to the creation of value of material ;

"*recycling*" means the reprocessing in a production process of the waste materials for the original purpose or for other purposes ;

"*reuse*" means any operation by which motor vehicle or components thereof are used for the same purpose for which they were conceived, including the continued use of the equipment or components thereof which are returned to collection points, distributors, recyclers or manufacturers ;

"*scavenger*" means a person who searches and picks waste that can be useful for recycling purposes by people that will convert them to other useful forms ;

"*servicing*" means a series of maintenance procedures carried out at a set time interval or after the vehicle has travelled a certain distance.

"*sludge*" means liquid or solid sediments including other residue from a municipal sewage collection treatment system and liquid or solid and other septic from septic or holding tank pumping from commercial, industrial or residual establishments ;

"*Small scale business*" means any facility that has less than ten employees ;

"*standards*" means a consensus document with limits ;

"*Treated sludge*" means the sludge which has undergone biological, chemical, heat treatment, long term storage, or any other appropriate process so as to reduce or completely eliminate its toxicity or hazards to human and the environment ;

"*treatment*" means any activity after a motor vehicle waste has been handed over to a facility for depollution, disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery or disposal or both of the motor vehicle waste ;

"*used motor vehicle and components*" means secondhand motor vehicle and components meant for reuse ;

"*vehicle*" means a mobile machine that is designed or used to transport people or cargo and includes bicycles, cars ,motorcycles, tricycles, trains, ships, boats, aircraft, etc. ;

"*water bodies*" means underground water, ground water, river, stream, spring, canal, reservoir, well, lake, lagoon, ocean etc ;

"*water efficient device*" means any device that minimizes the use of water in the production process ;

"*wastewater system*" means a sewer (excluding house sewers), conduit, pump, engine or other appliance used or intended to be used for the reception, conveyance, removal, treatment and disposal of effluent ;

"*watercourse*" means any natural or artificial channel, pipe or conduit (excluding the sewerage system), carrying, or that may carry, and discharges water directly or indirectly into a water body ;

"*water pollution*" includes introducing litter, sediment, oil, grease, wash water, debris, storm water system, ground water, flammable liquids such as paint, etc. into waters or placing such material where it is likely to enter waterways ;

"*writing*" includes text that is :

- (a) transmitted by electronic means ;
- (b) received in legible form ; or
- (c) capable of being used for subsequent reference ;

"*year*" means a calendar year commencing on 1st January.

Citation.

62. These Regulations may be cited as the National Environmental (Motor Vehicle and Miscellaneous Assembly) Regulations, 2013.

SCHEDULE 1

Regulation 2 (1)(c)

GUIDELINES FOR PREPARING ENVIRONMENTAL MANAGEMENT PLAN (EMP)

An Environmental Management Plan (EMP) describes the process that an organization will follow to maximize its compliance and minimize harm to the environment. This plan also helps an organization map its progress toward achieving continual improvements.

Regardless of the organization's situation, all environmental plans must include the following elements :

- (a) policy ;
- (b) planning ;
- (c) implementation and operation ;
- (d) impact characterisation ;
- (e) checking and corrective action ; and
- (f) management review and commitment.

Policy : Policy statements are important to an organisation because the organisation relies on a core set of beliefs. These environmental guiding principles will enable all members of an organisation to focus on the same objective. They provide an opportunity for outside interests to understand the operation of the organisation. The policy should be focused, concise and easy to read. The environmental policy should address the following :

- (a) compliance with legal requirements and voluntary commitments ;
- (b) minimising waste and preventing pollution ;
- (c) continual improvement in environmental performance, including areas not subject to these Regulations ;
- (d) sharing information on environmental performance with the community.

Planning : The planning should define the organisation's environmental footprints and set goals. Goals and objectives should be focused on maximising their positive impacts on the environment. When evaluating, the following elements should be considered :

- (a) impacts on the environment through its activities, products and services ;
- (b) legal requirements associated with protecting the environment ;
- (c) meaningful and focused environmental objectives and targets.

Implementation and Operation : Implementation and operation should define the activities that the organisation will perform to meet its environmental objectives and targets. This section should identify the activity that each person is responsible for, ensure completion and set targets for each of the identified activity. In addition, this area should specify employee training, communication and outreach activities that are necessary to ensure successful implementation of the plan.

Checking and Corrective Action : The EMP should describe the process that will be followed to verify proper implementation and how problems will be corrected in a timely manner. Routine evaluation and continual improvement on the process is necessary to make sure that the plan successfully leads towards the completion of environmental objectives and targets.

Management Review and Commitment to Improvement : Routine management review and support is a necessary and meaningful tool for the organization. This should identify the routine management evaluations that will be conducted to ensure that the plan is appropriately implemented to meet its environmental objectives.

SCHEDULE II

Regulation 3(1)(c)

GUIDE TEMPLATE FOR EMERGENCY PROCEDURES IN MOTOR VEHICLE FACILITY

CONTENTS

STEP I—ESTABLISH A PLANNING TEAM

There shall be persons responsible for developing the emergency management plan, and the following actions taken :

- (a) form the Team to include the local Community likely to be affected ;
- (b) establish Authority ;

- (c) issue a Mission Statement in English and local language ;
- (d) establish a Schedule and Budget.

STEP 2 - ANALYZE CAPABILITIES AND HAZARDS

This step entails gathering information about current capabilities and about possible hazards and emergencies, and then conducting a vulnerability analysis to determine the facility's capabilities for handling emergencies, and includes the following actions.

- (a) where do you stand right now ?
- (b) meet with outside groups.
- (c) identify codes and regulations.
- (d) identify critical products, services and operations
- (e) identify internal resources and capabilities.
- (f) identify external resources.
- (g) do an insurance review.
- (h) conduct a vulnerability analysis.
- (i) list potential emergencies.
- (j) estimate probability.
- (k) assess the potential human impact.
- (l) assess the potential business impact.
- (m) assess the potential property impact.
- (n) assess internal and external resources.
- (o) evaluate the capabilities and hazards. .

STEP 3 - DEVELOP THE PLAN

Emergency planning must become part of the corporate culture.

Look for opportunities to build awareness ; to educate and train personnel ; to test procedures ; to involve all levels of management, all departments and the community in the planning process ; and to make emergency management part of what personnel do on a day-to-day basis.

STEP 4-IMPLEMENT THE PLAN

Implementation means more than simply exercising the plan during an emergency, it also means acting on recommendations made during the vulnerability analysis, integrating the plan into company operations, training employees and evaluating the plan, and includes the following actions :

- (a) integrate the plan into facility or organisation's operations ;
- (b) conduct training, drills and exercises ; and
- (c) activate the plan as and when necessary.

STEPS 5 - RISK ASSESSMENT

How to assess the risks in your workplace entails the following :

- (a) identifying the hazards ;
- (b) deciding who might be harmed and how ;
- (c) evaluating the risks and deciding on precautions ;
- (d) recording your findings and implementing them ; and
- (e) reviewing your assessment and updating if necessary.

SCHEDULE III

Regulation 6 (1)

BEST PRACTICES

- (1) Every industry shall develop a data base for all effluent generated.
- (2) Every industry shall install.
 - (a) anti-pollution equipment for the detoxification/treatment of effluent and sludge ;
 - (b) efficient effluent treatment plant based on the Best Practicable Technology (BPT) and Best Environmental Practices ;
 - (c) containment equipment for spills in case of accidental discharge ;
- (3) Every person, body corporate or organisation shall adopt in-plant waste and energy reduction and pollution prevention strategies.
- (4) Every person, body corporate or organisation shall :
 - (a) provide a buffer zone between a facility and the nearest human settlement in accordance with the Planning Permit ;
 - (b) provide appropriate bund walls around tank farms for containment in case of accidental discharges ;
 - (c) provide adequate protection (e.g. Shield) for ionizing radiations emanating from manufacturing processes ; and
 - (d) report an unusual or accidental discharge of waste from a facility to the nearest office of the Agency within 24 hours of the discharge.

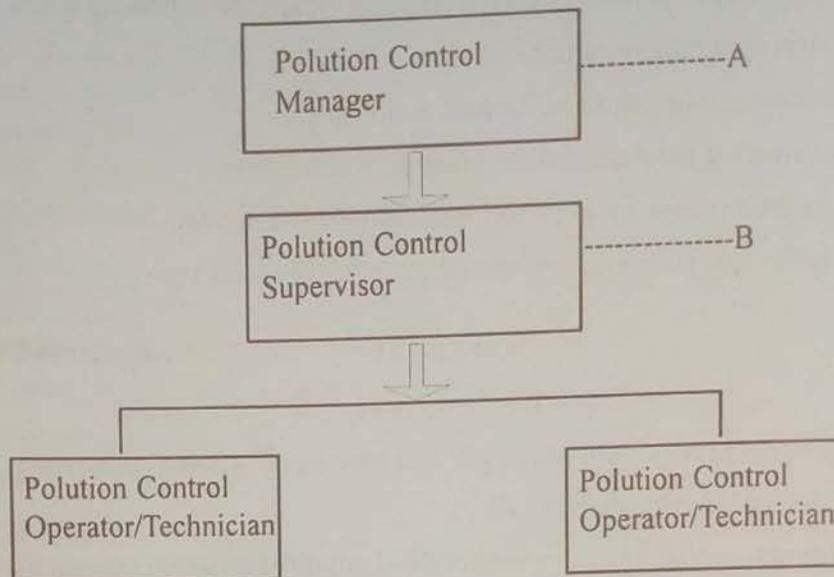
SCHEDULE IV

Regulation 7(1)(2)

ORGANIZATIONAL SYSTEM AND FUNCTIONS OF POLLUTION CONTROL MANAGER(S)

- (1) Each facility shall be mandated by the Agency to have an organizational system that will carry out Internal Environmental Auditing of the facility as well as liaise with NESREA and other relevant Government Authorities.
- (2) The organizational system shall have Pollution Control Supervisor, Pollution Control Manager and Pollution Control Chief Manager which shall be elected, appointed or outsourced to a NESREA accredited Consultant. These shall be certified by the Agency through a National qualifying examination.

Organization for Pollution Prevention



FUNCTIONS :

- (a) manages the pollution control issues of the facility ;
- (b) assists the Manager and directs the Operators/Technicians ; and
- (c) deals with technical operations of the pollution abatement equipment.

NOTE : (c), depends on the size of the facility; for a large facility there shall be PCM for Air, Land and Water.

(2) SPECIFIC DUTIES OF THE POLLUTION CONTROL MANAGER (PCM)

The specific duties of the PCM are :

- (a) to ensure that the responsibilities are very clear for all the staff involved in pollution control ;
- (b) to ensure that daily pollution control practices are complied with ; and
- (c) to maintain smooth and proper environmental and safety communications within the facility and the regulatory authorities as well as the host community.

(3) CONCRETE POLICIES CONCERNING INDUSTRIES' POLLUTION CONTROL

1. Management concerning pollution control of facilities are :

- (a) improvement and operation of effective environmental management system ;
- (b) communication with NESREA's headquarters ;
- (c) ability to know when a system is malfunctioning ;
- (d) documentation of the environmental management procedure and control of the records and documents ; and
- (e) cooperation with interested parties such as other related companies.

2. addressing corporate-wide environmental measures entails :

(a) recognition of the business risk relative to the environmental management system ;

(b) recourse management including maintenance of human resources for pollution control and their competency ;

(c) establishing a corporate-wide environmental management system including risk information feed-back system ; and

(d) establishing a redundant monitoring, assessment and self-improvement system ;

(e) establishing a contingency plan and its verification.

SCHEDULE V

Regulation 8 (3)

BANNED /RESTRICTED CHEMICALS

<i>Chemical/Pesticide</i>	<i>CAS Number</i>
ROTTERDAM CONVENTION	
PART 1: Banned Chemicals and Pesticides	
2,4,5-T	93-76-5
Aldrin	309-00-2
Binapacryl	485-31-4
Captafol	2425-06-1
Chlordane	57-74-9
Chlordimeform	6164-98-3
Chlorobenzilate	510-15-6
DDT	50-29-3
Dieldrin	60-57-1
DNOC and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1;2980-64-5;5787-96-2;2312-76-7
Dinoseb and its salts and esters	88-85-7
EDB (1,2-dibromoethane)	106-93-4
Ethylene dichloride	107-06-2
Ethylene oxide	75-21-8
Fluoroacetamide	640-19-7
HCH (mixed isomers)	608-73-1
Heptachlor	76-44-8
Hexachlorobenzene	118-74-1
Lindane (gamma-HCH)	58-89-9
Mercury Compounds	
Monocrotophos	6923-22-4

Parathion	56-38-2
Parathion (all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP) - of this substance are included, except capsule suspensions (CS))	56-38-2
Pentachlorophenol	87-86-5
Toxaphene (Camphechlor) dustable powder formulations containing a combination of benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%	8001-35-2 17804-35-2;1563-66-2;137-26-8
Methamidophos (Soluble liquid formulations of the substance that exceed 600g active ingredient/l)	10265-92-6
Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)	298-00-0
Monocrotophos	6923-22-4
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000g active ingredient/l)	13171-21-6 (mixture, (E)&(Z)-isomers) 23783-98-4 ((Z)-isomer), 297-99-4 ((E)-isomer)
Actinolite asbestos	77536-66-4