

**NATIONAL ENVIRONMENTAL PROTECTION (POLLUTION ABATEMENT IN INDUSTRIES AND FACILITIES  
GENERATING WASTES) REGULATIONS**

[S.1. 9 of 1991.]

under section 37

[15th August, 1991]

[Commencement. ]

**1. Restriction on the release of toxic substances**

No industry or facility shall release hazardous or toxic substances into the air, water or land of Nigeria's ecosystems beyond limits approved by the Agency.

**2. Monitoring pollution units**

An industry or a facility shall-

- (a) have a pollution monitoring unit within its premises;
- (b) have on site a pollution control; or
- (c) assign the responsibility for pollution control to a person or body corporate accredited by the Agency.

**3. Discharge monitoring report**

A discharge, including solid, gaseous and liquid waste from any industry or facility shall be analysed and reported to the nearest office of the Agency every month, through a Discharge Monitoring Report.

**4. Unusual or accidental discharges**

An unusual discharge or accidental discharge of waste from any industry facility shall be reported to the nearest office of the Agency not later than 24 hours of the discharge.

**5. List of chemicals**

An industry or facility shall submit to the nearest office of the Agency-

- (a) a list of the chemicals used in the manufacture of its products;
- (b) details of stored chemicals and storage conditions;
- (c) where chemicals are bought, sold or obtained, the name of any secondary buyer.

**6. Pollution Response Centre**

The State and zonal offices of the Agency shall serve as Pollution Response Centres for co-ordinating pollution response activities.

**7. Contingency plan**

An industry or a facility shall have a contingency plan approved by the Agency against accidental release of pollutants.

**8. Machinery for combating pollution, etc.**

(1) An industry or a facility shall set up a machinery for combating pollution hazard and maintain equipment in the event of an emergency.

(2) An industry or a facility shall, for the purposes of paragraph (1) of this regulation, have a stock of pollution response equipment which shall be readily accessible and available to combat pollution hazards in the event of accidental discharges.

#### **9. Pollution emergency**

If there is a case of pollution emergency, the nearest office of the Agency shall serve as an "On-the-Scene Co-ordinator" to co-ordinate all response activities.

#### **10. Storage treatment and transport of harmful toxic waste**

(1) No person or body corporate shall engage in the storage treatment and transportation of harmful toxic waste within Nigeria without a permit issued by the Agency.

(2) The permit shall be in such form as may be determined by the Agency.

#### **11. Generator's liability**

The collection, treatment, transportation and final disposal of waste shall be the responsibility of the industry or facility generating the waste.

#### **12. Industrial layouts in each State**

(1) Each State of the Federation shall-

- (a) designate industrial layouts which shall be separate from residential areas; and
- (b) provide buffer zones between industrial layouts and residential areas.

(2) A buffer zone shall-

- (a) be rigidly kept away from developers;
- (b) be monitored to prevent developing encroachment by developers.

#### **13. Strategies for waste reduction**

An industry or a facility, including those to be established after the commencement of these Regulations, shall adopt in-plant waste reduction and pollution prevention strategies.

#### **14. Restriction on new source of pollution**

(1) No new industry or facility shall commence production without compliance with the provisions of these Regulations.

(2) The Agency shall prevent an industry or facility from commencing operation where the Agency believes that such industry or facility may constitute a new point source of pollution.

#### **15. Permissible limits of discharge into public drains, etc.**

(1) No effluent with constituents beyond permissible limits shall be discharged into public drains, rivers, lakes, sea or underground injection without a permit issued by the Agency or any organisation designated by the Agency.

(2) No oil, in any form, shall be discharged into public drains, rivers, lakes, sea, or underground injection without a permit issued by the Agency or any organisation designated by the Agency.

(3) Application for a permit and the permit shall be in the Forms set out in the schedule to these Regulations or as specified by the Agency.

(4) The Agency may revoke a permit issued under paragraph (1) of this regulation if the Agency is satisfied, after the due enquiry, that the industry or facility has not complied with any of the conditions specified in the permit.

(5) Revocation of a permit shall be in the Forms C and D set out in the Schedule to these Regulations or as specified by the Agency.

(6) An industry or a facility with a new point source of pollution or a new process line with a new point source shall apply to the Agency for discharge permit not later than 180 days before commencing the discharge of any effluent arising from any operation.

#### **16. Solid wastes to be disposed of in environmentally safe manner**

(1) Solid wastes generated by any industry or facility, including sludge and all by-products, resulting from the operation of pollution abatement equipment, shall be disposed of in an environmentally safe manner.

(2) No industrial solid waste shall be disposed of in any municipal landfill.

#### **17. Release of gaseous matters**

An industry or a facility which is likely to release gaseous, particulate, liquid or solid untreated discharges shall install, into its system, appropriate abatement equipment in such manner as may be determined by the Agency.

#### **18. Surroundings of factories**

The surroundings of a factory or facility shall be maintained to preserve their aesthetic and sanitary conditions.

#### **19. Safety of workers**

No industry shall expose an employee to any hazardous condition in his place of work.

#### **20. Forms**

The Forms set out in the Schedule to these Regulations shall be used for the purposes specified therein with or without modification by the Agency.

#### **21. Environmental impact assessment, etc.**

The Agency shall demand environmental audit from existing industries and environmental impact assessment from new industries and major developmental projects and the industries shall comply within 90 days of the receipt of the demand.

**22. Penalty**

A person or body, whether corporate or unincorporate, who contravenes any provision of these Regulations shall be guilty of an offence and liable on conviction to the penalty specified in section 35 or 36 of the Act.

**23. Short title**

These Regulations may be cited as the National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations 1991.

---

SCHEDULE

[Regulations 15 (3) and 20.]

FORM A

*Application for Waste Discharges/Disposal Permit*

1. Name of company requesting permit .....  
.....
2. Year of incorporation and Registration Number of business name .....  
.....
3. Location(s) of business premises (*i.e. State, local government area, etc.*) .....  
.....  
.....
4. Result of quantitative and qualitative sampling of liquid, gaseous and solid effluent from factory .....  
.....  
.....
5. Description of plant facilities, out fall location(s), effluent characteristic(s) and production figures (*please attach engineering drawings of layout of factory and process line*) .....  
.....  
.....

6. A listing of all toxic substances used or manufactured on the site (*For guidance, refer to Parts II and III of FEPA 's Interim Guidelines*)

.....

7. Does the factory have any other permit issued to the facility? (*State type*) .....

.....

.....

8. Description of pollution abatement/monitoring facilities on site (including details of year of installation, capacity, etc.) .....

.....

9. Name and brief resume of FEPA accredited consultant(s), contractors involved with pollution control at the facility (attach r sum  if possible)

.....

.....

10. Number and range of qualification and experience of staff involved with pollution control programme at the facility .....

.....

.....

11. A listing of all chemicals in use at the facility (trade names not acceptable)

.....

.....

12. For new sources: A submission of an environmental impact assessment report is mandatory. Request for permit system must be made 180 days before discharge commences, (*attach photocopies of the relevant documents*).....

.....

13. A listing of all intermediates and final products at facility including details of storage condition( s)

.....

.....

.....

14. Any safety/contingency plan? (*submit details*) .....

.....

.....

.....

15. Distance of facility from residential area (include map) .....

- .....
16. Distance from any other industry (*state name of industry and direction*)  
 .....
17. Present discharge (*outfall*) locations (*illustrate*) and position of inspection tap for compliance monitoring  
 .....
18. Volume of raw water consumption .....
19. Source of energy at facility and quantitative estimate of consumption on a monthly basis  
 .....
20. Detailed description of waste disposal methods .....
21. Any other information? .....

*Declaration*

I declare that all the foregoing information is correct to the best of my knowledge.

22. ....  
*Name of applicant or his attorney*

23. ....  
*Designation*

24. ....  
*Signature*

DATE .....20.....

NOTE.-

Every application form for permit must be accompanied with ₦50.00 bank draft administration fee in the name of the Federal Environmental Protection Agency.

This Notice is for all private and public enterprises or facilities intending or already discharging any form of wastes (solid, liquid or gaseous) into Nigeria's ecosystem (including waste disposal boards and mining and mineral prospecting companies, on and off farm processing facilities, etc.).

All applications duly processed will be issued with the discharge permit on or before 1 October 1991.

Non-possession of Federal Environmental Protection Agency Discharge Permit by 1 October 1991 shall be tantamount to criminal violation of Federal Environmental Protection Agency Act.

A permit shall be valid for two (2) years effective from 1 October, of the year of issue.

---

FORM B

P/No .....

Industrial Waste Discharge/Disposal Permit

The Director of the Federal Environmental protection Agency (FEPA), hereby grants an Industrial Waste Disposal Permit, pursuant to an application for registration.

DATED..... day of.....20 .....

in respect of the following-

Full name and address of permit holder .....

Location of site to which Permit relates .....

Mode of discharge of disposal to which this Permit relates .....

Type/volume/quality of waste/wastes/waste stream of which discharge or disposal is authorised .....

This Permit is granted subject to the following conditions-

.....

.....

*Date*

*Name and Signature*

NOTES.-



1. The following conditions shall apply to industrial solid waste-
  - (a) appropriate site preparation; and
  - (b) pre-determination of-
    - (i) depth to groundwater;
    - (ii) direction of groundwater flow;
    - (iii) groundwater characteristics; available provisions for leachate containment;
    - (iv) available provision for leachate containment, sampling and analysis.

---

FORM C

*Notice of Revocation of Permit*

To: .....

WHEREAS the Federal Environmental Protection Agency on.....20.....

granted you a waste Disposal/Discharge Permit relating to.....

AND WHEREAS the Federal Environmental Protection Agency is satisfied that the following condition(s) specified in the Permit is/are not being complied with, namely-

.....

NOW THEREFORE the Federal Environmental Protection Agency hereby requires you to comply with the said condition(s) before .....

Failure to do so shall result in the revocation of the Permit.

<i>Date</i>	<i>Name and signature</i>
<i>Name</i>	<i>Designation</i>

---

FORM D

Revocation Order

To: .....

WHEREAS the Federal Environmental Protection Agency on..... 20.....  
granted you a waste Disposal Permit No..... relating to.....

AND WHEREAS it appears to the Agency that the continuation of activities to which the permit relates would cause pollution or danger to public health or would be so seriously detrimental to the amenities of the locality affected by the activities that the continuation of them ought not to be permitted and that the pollution , danger or detriment cannot be avoided by modifying the conditions specified in the permit;

WHEREAS the Federal Enviromental Protection Agency dated.....20.....  
requiring you to comply with the following condition (s).....

.....  
before..... 20 .....was reserved upon you on .....20.....

and you have not complied with the said conditions within the said period-

.....  
NOW THEREFORE the Federal Protection Agency hereby revokes the permit with effect from.....  
.....

*Signature*

.....

*Name*

*Designation*

FORM E

*Certificate of Sampling*

This is to certify that .....

*(Name of Registered Plant)*

discharging treated waste/storm water/solid waste into .....

*(identify point of discharge)*

from a treatment plant .....  
(identify unit/code)

has collected water sample(s)/solid wastes samples from/at .....  
.....  
(idenufy point of source)

on .....  
Date Time

Sample(s) has/have been taken to.....  
(identify laboratory)

for the analyses of the following parameters-

(i) ..... (vi) .....

(ii)..... (vii) .....

(iii) ..... (viii) .....

(iv)..... (ix) .....

(v) ..... (x) .....

Sample Preservation Method .....

Name and Signature of Sample Collector.....

.....

Official

.....

.....

Name and Signature of Company/  
Officer in Charge

\_\_\_\_\_