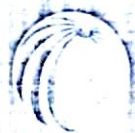


# THE LAWS OF EKITI STATE



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**A Law to make provision for the establishment of Ekiti State Environmental Protection Agency, and other matters connected therewith.**

## PART I

*Establishment and Composition of Environmental Protection Agency***1. Citation**

This Law may be cited as the Ekiti State Environmental Protection Agency Law, 2009.

**2. Interpretation**

In this Law, unless the context otherwise requires—

“Agency” means the Ekiti State Environmental Protection Agency;

“appropriate agencies” means any government agencies which has jurisdiction over the land or water affected by the pollution or any Government agencies that ordinarily has jurisdiction over the operation which led to the pollution;

“appropriate authority” means the Governor of Ekiti State or any Ministry or person so designated by him;

“Attorney-General” means the Attorney-General of Ekiti State;

“Auditor-General” means the Auditor-General of Ekiti State;

“**Authorised Officer**” means any employee of the Agency, or any Police Officer not below the rank of an Inspector of Police or any Customs Officer;

“**Chairman**” means the Chairman of the Agency and includes any person for the time being exercising the functions of Chairman;

“**Commissioner**” means the Commissioner charged with the responsibility for environment;

“**Court**” means the High Court;

“**developer**” means a person or body corporate whether public or private who carries out any act of physical development in any part of the State;

“**disposal**” includes both land-based disposal and dumping in waters and airspace of the State;

“**drinks**” include water, fruits;

“**effluent limitation**” means any restriction established by the Agency of quantities, rates and concentration of chemical, physical, biological or other constituents which are discharged from point sources into the waters of the State;

“**environment**” includes water, air, land and all plants and human beings or animals living therein and the inter-relationships which exists among these or any of them;

“**Executive Council**” means Executive Council of Ekiti State;

“**financial year**” means the period of twelve calendar months commencing from January and ending in December of any year;

“**Gazette**” means the official *Gazette* of Ekiti State;

“**Government**” means Ekiti State Government;

“**Governor**” means the Governor of Ekiti State;

“**hazardous substance**” includes any substance designated as such by the Commissioner by an order published in the State *Gazette*;

“**member**” includes the Chairman;

“**new source**” means any source, the construction of which is commenced after the publication of any regulations prescribing a standard of performance under this Law, which is applicable to such source;

“**owner**” or “**operator**” means—

- (a) in the case of a vessel, any person owning, operating or chartering by demise such vessel;
- (b) in the case of an onshore facility or an offshore facility, any person owning or operating such onshore facility or offshore facility; and
- (c) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

“**ozone**” means chemical component of upper air layer that shields the earth from harmful effects of the sun;

“**point source**” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation or vessel or other floating draft from which pollutants are or may be discharged;

“**pollution**” means man-made or man-aided alteration of chemical, physical or biological quality of the environment to the extent that is detrimental to that environment or beyond acceptable limits and “**pollutant**” shall be construed accordingly;

“**removal**” means removal of hazardous substances from water in the State, including shorelines or the taking of such other actions as may be necessary to minimize or mitigate danger to the public health or welfare, ecology and cultural preserves of the State;

“**sewage system**” means a system of collecting waste organic liquids and disposing them through sewers;

“**State**” means Ekiti State of Nigeria;

“**stratosphere**” means that part of the atmosphere above the troposphere;

“**water of the State**” means all water resources in any form, including atmospheric, surface and subsurface and underground water resources where the water resources are inter-local Government, territorial waters, Exclusive economic zone or in any area under the jurisdiction of the State Government

### 3. Establishment of the Agency

(1) There is hereby established a body to be known as Ekiti State Environmental Protection Agency hereinafter called “the Agency”.

(2) The Agency shall be a body corporate with perpetual succession and a common seal and with a power to sue and to be sued in its corporate name and to acquire, let, lease, construct, maintain or repair a movable and immovable property.

### 4. Membership of the Agency Board

(1) There shall be established a board for the Agency.

(2) The Board shall consist of five members which shall be appointed by the Governor for a period of four years as follows—

- (a) a chairman who shall be a person with wide knowledge in Environmental matters; and
- (b) four other members, each representing at least each of the Senatorial Districts in the State and shall be people who are versed in environmental matters;
- (c) the Chairman shall report directly to the Governor for all his requirements.

(3) The constitution and proceedings of the meeting of the Board of the Agency shall be as provided in the First Schedule one to this Law.

## 5. Functions of the Agency

The Agency shall, subject to this Law, provide for the State policies that will enhance the protection, construction and development of the environment in general and environmental technology, including initiation of policy in relation to environmental research and technology and without prejudice to the generality of the foregoing, it shall be the duty of the Agency to—

- (a) encourage a productive and enjoyable harmony between man and his environment;
- (b) promote efforts, which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of Ekiti State people in general;
- (c) enrich the understanding of the ecological systems and resources important to Ekiti State;
- (d) initiate policies and carry out environmental research and the acquisition of relevant environmental technology and report on the state of the environment;
- (e) set and/or enforce adequate minimum environmental standards for the State as well as to monitor, evaluate and report on the state of the environment;
- (f) identify the State's ecological and environmental problems and proffer solutions;
- (g) advise and assist the state and Local Governments to formulate environmental policies and priorities and specific technological activities that may affect the environment in consonance with guidelines and standards existing at the Federal level;
- (h) encourage and co-ordinate sectoral and intersectoral activities relating to environmental protection in the State;
- (i) ensure the protection of environment against all forms of pollution on air, water and land and vegetation;
- (j) ensure the development and maintenance of the public drainage system, sewage system, channelisation of domestic watercourse and public toilets;
- (k) arrest and prosecute any person who commits any offence under this Law;
- (l) prescribe standards for noise and gaseous pollution in order to create harmony between man and his environment; request for periodical submission of samples of portable water and drinks produced in the state for quality audit;
- (m) request from the producer of portable water and other drinks the Environmental Test and Audit Report;
- (n) work in conjunction with Government agencies like Federal Road Safety Corps, Vehicle Inspection Office and the Police in ensuring that smoky vehicles are kept off the roads; register and monitor all GSM base stations to ensure compliance with environmental standards;
- (o) register and control the sale and use of chemicals to prevent the use of persistent organic pollutants (POPs) and ozone depleting chemicals aerosols;

- (p) vet and approve Environmental Impact Assessment/Analysis/Audit of new and existing projects and issue appropriate Environmental Impact Statement/Directive;
- (q) issue environmental clearance for the sitting of major land uses or other land polluting uses to prevent soil and water pollution;
- (r) carry out erosion and flood alleviation works in the State;
- (s) establish programmes and guidelines for the prevention, reduction and elimination of arboreal, terrestrial and aquatic environmental degradation as well as programmes for the restoration and enhancement of the stub;
- (t) prescribe safety standards for construction operations in the State;
- (u) educate the public on preventive methods for prospecting or mining or building on eco-fragile area;
- (v) oversee engineering, design, drawing, detailing and evaluation of gutters, culverts, bridges and other hydraulic structures;
- (w) register and monitor all GSM base stations to ensure compliance with environmental standards; and
- (x) carry out such other activities as are necessary or expedient for the full discharge of its functions under this Law or any other Law.

#### 6. Power of the Agency

The Agency shall have power to—

- (a) make grants to suitable authorities and bodies with similar functions for demonstration and for such other purposes as may be determined appropriate to further the purposes and provisions of this Law;
- (b) collect and make available through publication and other appropriate means and in co-operation with public or private organisations, basic scientific data and other information pertaining to pollution and environmental protection matters;
- (c) enter into contracts with public or private organisations and individuals for the purpose of executing and fulfilling its functions and responsibilities pursuant to this Law;
- (d) establish, encourage and promote training programmes for its staff and other appropriate individuals from public or private organisations;
- (e) enter into agreements with public or private organisations and individuals on developmental programmes, research findings basic data on chemical, physical and biological effects of various activities on the environment and other environmental related activities as appropriate;
- (f) establish advisory bodies composed of administrative, technical or other experts in such environmental areas as the Agency may consider useful and appropriate to assist it in carrying out the provisions of this Law;

- (g) establish such environmental criteria, guidelines, specifications or standards for the protection of the state's air and inter-Local Government Waters as may be necessary to protect the health and Welfare of the populations from environmental degradation;
- (h) establish such procedures for infrastructural, commercial, residential estates, industrial or agricultural activities in order to minimise damage to the environment from such activities;
- (i) maintain programme of technical assistance to bodies (public or private) concerning implementation of environmental criteria, guidelines, regulations and standards and monitoring enforcement of the regulations and standards thereof; and
- (j) charge and collect appropriate fees from developers for Environmental Impact Assessment/Environmental Audit Report/Quality Tests or any other services stipulated in the Second Schedule two to this Law. The fees shall be subject to review as may be deemed fit by the Agency.

## PART II

### *Employment and Staff Matters*

#### 7. Appointment of General Manager

(1) The Executive Governor shall appoint a person with requisite qualifications and experience as General Manager of the Agency.

(2) The General Manager shall be the Chief Executive of the Agency and shall hold office on such terms and conditions as may be specified in his letter of appointment.

#### 8. Functions of the General Manager

(1) The General Manager shall, subject to the policies laid down by the Agency, develop programmes to carry out the purposes and provisions of this Law and without prejudice to the generality of this Law, the General Manager shall in consultation with appropriate Ministries, Agencies or Department perform the following functions—

- (a) establish programmes for the effective monitoring, evaluation, reduction, prevention and elimination of environmental pollution as well as initiating programmes for the restoration and enhancement of the State Environment;
- (b) conduct public investigations on pollution and environmental degradation with the aim of invoking public participation;
- (c) initiate and promote environmental research including the utilisation of research findings from other sources to enhance the quality of the environment;
- (d) advise the State on matters relating to the state of environment;
- (e) encourage and promote the co-ordination of environmental related activities at all levels;
- (f) brief the Board on the activities of the Agency; and



- (g) liaise with agencies and departments of the Federal, State or Local Government and international bodies responsible for environmental protection on matters of interest relating to environment.
- (2) The Agency may appoint such other persons as its employees as it may deem fit either by direct employment, posting and secondment or in such other manners as may be prescribed by the Agency.
- (3) The service in the Agency shall be public service and accordingly officers and other staff of the Agency shall in respect of their services be entitled to pension.

#### **9. Power to accept gifts**

(1) Subject to subsection (2) of this section, the Agency may accept grants or gifts of land, money, books or other property from local or international body(ies) or person(s) upon gifts such terms and condition, if any, as may be specified by the body or person making the grant or gifts.

(2) The Agency shall not accept any grant or gift if the condition(s) attached thereto by the person making the gift are inconsistent with the functions of the Agency under this Law.

#### **10. Power to invest money**

The Agency may invest all or any portion of its funds in such useful programmes relating to environmental protection as the appropriate authority may approve.

#### **11. Financial provision**

(1) The Agency shall establish and maintain a fund from which there shall be defrayed all expenses incurred by it.

(2) There shall be paid and credited to the fund established under subsection (1) of this section—

- (a) such sums as may, from time to time, be granted to the Agency by the Federal, State or Local Government;
- (b) all money raised for the purposes of the Agency by way of gifts, grants-in-aid, testamentary dispositions and sales of publications;
- (c) all subscriptions, fees and charges for services rendered by the Agency and all other sums that may accrue to it from any other source.

#### **12. Borrowing power**

(1) The Agency may, with the consent of the Governor or in accordance with the general authority given by the Government, borrow by way of loan or overdraft from any source any monies required by the Agency to meet its obligations and its functions under this Law, so however that no such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being specified in relation to the Agency by the State Government.

(2) The Agency may invest any of its surplus funds in such securities as may be permitted by law.

**13. Annual report**

(1) The Agency shall cause to be prepared not later than six months before the end of each year an estimate of the expenditure and income of the Agency during the next succeeding financial year and when prepared they shall be submitted to the Governor.

(2) The Agency shall cause to be kept proper account and records in relation thereto and when certified to the Agency such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Agency shall be audited after the end of each year by the Auditor-General.

**14. Contract on behalf of the Agency**

(1) The Agency shall prepare and submit to the appropriate authority not later than the first day of January of every financial year an annual report in which form as the appropriate authority may direct on the activities of the Agency during the last preceding financial year and every such annual report shall have annexed thereto a copy of the auditor's report for the last preceding financial year.

(2) The appropriate authority shall cause to be laid before the House of Assembly a copy of every annual report submitted by the Agency in accordance with this section.

(3) Notwithstanding any information which may be contained in the annual report, the appropriate authority may by notice in writing served on the Chairman requiring the Agency to furnish the appropriate matters within the competence of the Agency as may be specified in the notice.

**PART III***State Environmental Standards***15. Water quality standards**

(1) The Agency shall make recommendations to the Commissioner for the purpose of establishing water quality standards for the inter Local Government waters to protect the public health or welfare and enhance the quality of water to serve the purposes of this Law.

(2) In establishing such standards, the Agency shall take into consideration the use and value for public water supplies, propagation of fish and wildlife recreational purposes; agricultural, industrial and other legitimate uses.

(3) The Agency shall establish different water quality standards for different uses.

**16. Effluent limitation**

(1) The Agency shall as soon as possible after the commencement of this Law, establish effluent limitation for new point sources which shall request application of the best control technology currently available and implementation of the best environmental friendly management practices.

(2) The Agency shall, as soon as possible after the commencement of this Law, establish effluent limitations for existing point sources which shall require the application of the best environmental friendly management practices under any circumstances as may be determined by the Agency and shall include schedules of compliance, installation and operation of the best practicable control technology as determined by the Agency.

### 17. Air quality

(1) The Agency shall establish more criteria, guidelines, specifications and standards to protect and enhance the quality of State's air resources so as to promote the public health or welfare and the normal development and productive capacity of the State's human, animal or plant life, and include in particular—

- (a) minimum essential quality standards for human, animal, or plant health;
- (b) the control of concentration of substances in the air which separately or in combination are likely to result in damage or deterioration of property or of human, animal or plant health;
- (c) the most appropriate means to prevent and combat various forms of atmospheric pollution;
- (d) controls for atmospheric pollution originating from energy sources, including that produced by aircraft and other self propelled vehicles and factories and power generating stations;
- (e) standards applicable to emission from any new mobile sources which in the Agency's judgement causes or contributes to air pollution which may reasonably be anticipated to endanger public health or welfare; and
- (f) the use of appropriate means to reduce emission permissible levels.

(2) The Agency may establish monitoring stations or networks to locate sources of atmospheric pollution and determine their actual or potential danger.

### 18. Ozone protection

(1) The Agency shall undertake to study data and recognise developments in other States and countries regarding the cumulative effect of all substance, practices, processes and activities which may affect the stratosphere especially ozone in the stratosphere.

(2) The Agency may make recommendations and programme for the control of any substance, practice, process or activity which may reasonably be anticipated to affect the stratosphere especially ozone in the stratosphere, when such effect may reasonably be anticipated to endanger public health or welfare.

### 19. Noise control

(1) The Agency shall, as soon as practicable after the commencement of this Law, in consultation with the appropriate authorities—

- (a) identify major noises sources, noise criteria and noise control technology; and
- (b) establish such noise abatement programmes and noise emission standards as it may deem necessary to preserve and maintain public health or welfare.

(2) Any noise criteria identified under this section shall reflect the scientific knowledge most useful in indicating the kind and extent of all identifiable effect on the public health or welfare which may be expected from differing qualities and quantities of noise.

(3) The Agency shall make recommendations to control noise originating from industrial, commercial, domestic, sports, recreational, transportation or other similar activities.

## **20. Discharge of hazardous substances and related offences**

(1) The discharge in such harmful quantities of any hazardous substances into the air or upon the land in the State or at the adjoining shore lines is prohibited except where such discharge is permitted or authorised under any Law in force in the State.

(2) Any person who violates the provisions of subsection (1) of this section commits an offence and shall on conviction be liable to a fine not exceeding one hundred and fifty thousand naira if the offence is committed on State water;

(3) (a) Where an offence under subsection (1) is committed by a body corporate, it shall be liable on conviction to a fine not exceeding five hundred thousand naira if committed on the State waters, or four hundred thousand naira if committed on land or three hundred thousand naira if committed in the air space of the state and an additional fine of one thousand naira for every day the offence subsists.

(b) One hundred and twenty-five thousand naira if committed on land; or

(c) One hundred thousand naira if committed in the air space of the state or to a term of imprisonment not exceeding ten years in each case or to both such fine and imprisonment.

(4) Where any offence under this Law has been committed by a body corporate, the body corporate and every person who at the time the offence was committed was in charge of, or was responsible to the body corporate for the conduct of the business of the body corporate shall be liable to be proceeded against and punished accordingly.

(5) The Agency shall, as soon as possible after the commencement of this Law, determine for the purposes of this section, what substance are hazardous substance and such hazardous substances, the discharge (Special Criminal Provisions, etc.) Act shall apply in respect of which shall be harmful under the circumstances to public health or welfare and for this purpose, the Agency shall take into account such special circumstance including locations, quantity and climatic condition relating to discharge as it may determine appropriate.

(6) Notwithstanding the provisions of this section or of any other sections of this Law, the provisions of the Harmful Waste any hazardous substances constituting harmful waste as defined in section 17 thereof.

## **PART IV**

### *Supplementary and Miscellaneous Provisions*

## **21. Power to inspect**

For the purposes of enforcing this Law, any authorised officer may without a warrant—

(a) require to be produced, examine and take copies of, any licence, permit, certificate or other document required under this Law or any regulations made thereunder;

- (b) require to be produced and examine any appliance, device or other item used in relation to environmental protection.

## **22. Power of authorised officer**

(1) Any authorised officer, where he has reasonable grounds for believing that an offence has been committed against any provision of this Law or regulations—

- (a) enter and search any land, building, vehicle, tent, vessel, floating craft or any inland water he has reason to believe that an offence against this Law or any regulations made thereunder has been committed;
- (b) perform tests and take samples of any substances relating to the offence which are found on the land, building, vehicle, tent, vessel, floating craft or any inland water or other structure whatsoever, searched pursuant to paragraph (a) of this subsection;
- (c) cause to be arrested any person whom he has reason to believe has committed such offence; and
- (d) seize any item or substance 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 given for any article or thing seized under subsection (1) of this section and the grounds for such seizures shall be stated on such receipt.

## **23. Obstruction of authorised officer**

Any person who—

- (a) wilfully obstructs any authorised officer in the exercise of any, of the powers conferred on him by this Law; or
- (b) fails to comply with any lawful enquiry or requirement made by any authorised officer in accordance with the provisions of section 21 of this Law, commits an offence and shall on conviction be liable to a fine not exceeding ₦500,000.00 or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

## **24. Authorised officer to disclose identity**

Any authorised officer, not in uniform when acting under the provisions of this Law, 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.

## **25. Document executed by the Agency**

Any document purporting to be a document duly executed by or issued under the seal of the Agency shall, unless the contrary is proved, be deemed to be document so executed or issued as the case may be.

**26. Seal of the Agency**

The seal of the Agency shall be authenticated by the signature of the Chairman or General Manager.

**27. Legal proceeding**

(1) No member of the Agency, officer or employee of the Agency in his capacity as such shall be personally liable for act done or made in good faith in the discharging of any of the functions of the Agency under this Law.

(2) No suit against the Agency shall lie or be instituted in any court unless it is commenced within three months from the occurrence of the act, neglect or default complained of.

(3) No suit shall be commenced against the Agency until at least one month after the service on the Agency, a written notice by or on behalf of the intending plaintiff of intention to commence the suit stating—

- (a) the cause of action;
- (b) the particulars of the claim; and
- (c) the name and place of the intending plaintiff and the relief claimed.

(4) In any suit against the Agency, the Agency may without prejudice to any other form of representation be represented at any stage of the proceeding by any member, officer or employee of the Agency duly authorised in writing by the Agency in that behalf.

**28. Material misrepresentation and impersonate**

(1) Any person who knowingly or recklessly makes any statement in purported compliance with a requirement furnish information which is false in any material particular, he shall on conviction be liable to a fine not exceeding two thousand naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) Any person who falsely represents himself to be an authorised officer of the Agency and assumes to do any act or to attend in any place of the Agency shall be guilty of an offence under this on conviction shall be liable to imprisonment for a term not exceeding two years.

**29. General penalties**

(1) Any person who contravenes any provision of this Law or any regulation made thereunder commits an offence and shall on conviction, where no specific penalty is prescribed therefore, be liable to a fine of five thousand naira or an imprisonment not exceeding twenty years or to both such fine and imprisonment.

(2) Without prejudice to subsection (1) of this section, the Court shall have power to make order for reparation against the contravener as the case may be.

**30. Companies**

Where any offence against this Law or any regulations made thereunder has been committed by body corporate or by a member or a partnership or other firm or business,

every director or officer of that body corporate or any member of a partnership or other person concerned with the management of such firm or business shall, on conviction, be liable to a fine not exceeding five hundred thousand naira for such offence and in addition shall be directed to pay compensation for any damage resulting from the breach thereof or to repair and restore the polluted environmental area to an acceptable level as approved by the Agency unless he proves to the satisfaction of the Court that—

- (a) he used due diligence to secure compliance with this Law; and
- (b) such offence was committed without his knowledge, consent or connivance.

### 31. Power to make regulation

The Commissioner, on the advice of the Board of the Agency may make regulations generally for the purposes of this Law but, without prejudice to the generality of the foregoing, the Commissioner may, in part prescribe standards for—

- (a) water quality;
- (b) effluent limitations;
- (c) air quality;
- (d) atmospheric protection;
- (e) ozone protection;
- (f) noise control;
- (g) control of hazardous substances and removal methods;
- (h) construction operations;
- (i) flood and erosion alleviation works;
- (j) set backs to drains, water bodies and gullies; and
- (k) fees and fines payable under this Law.

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## FIRST SCHEDULE

[Section 4 (3).]

### *Constitution and Proceedings of the Board of the Agency*

#### 1. Tenure of Office of member Resignation

The members of the Board of the Agency shall hold office for a term of four years.

#### 2. Notice of Resignation

The Chairman or any member may at any time by writing under his hand addressed to the Governor resign his office.

#### 3. Eligibility or re-appointment

A member of the Board who has ceased to be such member may be eligible for re-appointment for another term of four years only.

**4. Vacation of Office**

(1) The Governor may at any time in his own discretion remove from office any Board member of the Agency.

(2) If the Governor is satisfied that a member of the Board—

- (a) is incapacitated by physical or mental illness to the extent that he is unable to discharge the functions of his office;
- (b) is convicted for a criminal or moral turpitude; or
- (c) has been absent for three consecutive meetings of the Authority;

he may declare his seat as a member of the Agency vacant and notify the member in such manner as he may think fit and upon such notice the member shall vacate his office.

**5. Co-option of members**

Whenever in the opinion of the Board it is expedient or desirable to obtain the services or advice of any person upon any matter, the Board can co-opt such person to be a member at any such meeting of the Board as may be required and such person shall when co-opted have all rights and privileges of a member save that he shall not be entitled to vote on any question.

**6. Meetings**

(1) The Board shall hold its meeting once in every three calendar months and at such other time as may be expedient for the transaction of its business and such meeting shall be held at such places and times and on such days as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Board at which he is present and in his absence the members present at the meeting shall by a simple majority of votes elect one of the members to preside thereat.

**7. Voting**

Every decision or resolution taken or passed at any meeting of the Board shall be decided by a simple majority of votes of the members present and voting and in the event of an equality of votes the Chairman or in his absence the member presiding shall have a casting vote in addition to his deliberative vote.

**8. Quorum**

Three members of the Board inclusive of the Chairman or in his absence the member presiding shall form a quorum.

**9. Specification notification**

Notwithstanding the provisions of paragraph 8 of this Schedule any two members of the Board may by notice in writing, signed by them request the Chairman to call a meeting of the Board for such purposes as may be set out in the notice.

**10. Agencies**

The validity of any proceedings of the Board shall not be affected by any vacancy in the constitution of membership of the Agency or by any defect or irregularity in the appointment of a member.

**11. Temporary membership**

Where any member of the Board is temporarily incapacitated by illness or is temporarily absent from Nigeria, the Governor may appoint any person to hold temporarily the office held by such member who is incapacitated or absent during the period of such incapacity or



absence and all the powers and duties of such member under this Law shall devolve upon the person so temporarily appointed.

## 12. Standing order

Subject to the provisions of this law, the Board shall have power to regulate its proceedings and may make standing orders for such purpose.

## SECOND SCHEDULE

### *Fees on Environmental Impact Assessment Environmental Audit Report*

S/N	INDUSTRIAL DEVELOPMENTS DRINKS	REGISTRATION FEE			INSPECTION FEE/AREA
		SMALL	MEDIUM	LARGE	
I.	Food drinks and Beverages industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
II.	Timber and furniture industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
III.	Metal working and metal products industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
IV.	Plastic and chemical industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
V.	Textile and leather industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
VI.	Clay, ceramics and building	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
VII.	Electrical goods and repair industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
VIII.	Printing and binding photocopy and photographic industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
IX.	Automobile repair and servicing Industry	₦1,000.00	₦5,000.00	₦20,000.00	₦5/m <sup>2</sup>
X.	Other activities—				
	(i) Road construction			₦20,000.00	₦6/m <sup>2</sup>
	(ii) Quarry			₦25,000.00	₦5/m <sup>2</sup>
	(iii) Global System for mobile communication (GSM)			₦50,000.00	₦25.00 per site
	(iv) Poultry, goaty and rabbitry			₦10,000.00	₦2/m <sup>2</sup>
	(v) Worship centres			₦2,500.00	₦2/m <sup>2</sup>

Definition of terms based on work force, and area developed per (m<sup>2</sup>)

Small — below 10 workers

Medium — 10-20 workers

Large — Above 20 workers

## SECOND SCHEDULE—continued

## Commercial Developments

S/N	COMMERCIAL DEVELOPMENTS	REGISTRATION	SITE FEE (M2)
1.	Banks	₦5,000.00	₦5 m <sup>2</sup>
2.	Shopping Complex	₦5,000.00	₦5 m <sup>2</sup>
3.	Textile materials	₦5,000.00	₦5 m <sup>2</sup>
4.	Musical centres	₦5,000.00	₦5 m <sup>2</sup>
5.	Spare part shop	₦5,000.00	₦5 m <sup>2</sup>
6.	Cement depot	₦5,000.00	₦5 m <sup>2</sup>
7.	Abattoir		₦5 m <sup>2</sup>
8.	Co-operative building	₦5,000.00	₦5 m <sup>2</sup>
9.	Hotel motel		₦5 m <sup>2</sup>
10.	Food, eatable and beverages	₦5,000.00	₦5 m <sup>2</sup>
11.	Cloth, apparel and footwear		₦5 m <sup>2</sup>
12.	Household goods, fancy articles and furniture	₦5,000.00	₦5 m <sup>2</sup>
13.	Machine, tools and spare parts		₦5 m <sup>2</sup>
14.	Building materials and fixtures	₦5,000.00	₦5 m <sup>2</sup>
15.	Electrical goods and services		₦5 m <sup>2</sup>
16.	Books and stationery	₦5,000.00	₦5 m <sup>2</sup>
17.	Others:- (i) Petrol Filling Station		₦5 m <sup>2</sup>

## THIRD SCHEDULE

## Fees Order for Laboratory Services

1. Testing of packaged water for standard conformance .....	₦2,000.00
2. Soil test .....	₦5,000.00
3. Effluent discharge test .....	₦5,000.00
4. Alcoholic beverage test .....	₦5,000.00
5. Fruit drink test .....	₦5,000.00
6. Polluted water (borehole, well, rivers) test .....	₦5,000.00
7. Air pollution test .....	₦5,000.00
8. Annual registration fees for chemical sellers .....	₦2,000.00
9. Annual registration for packaged water .....	₦2,000.00
10. Annual registration for musical shops .....	₦2,000.00
11. Annual registration for heavy duty generator owners .....	₦2,000.00

THIRD SCHEDULE—*continued*

12. Annual registration for mechanic workshops .....	- ₦2,000.00
13. Annual registration for alcoholic beverages .....	- ₦2,000.00
14. Annual registration for fruit drink factories .....	- ₦2,000.00
15. Annual registration for surface tanker owners .....	- ₦2,000.00

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CHAPTER E12

**EKITI STATE ENVIRONMENTAL PROTECTION AGENCY LAW**

**~ SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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