Extraordinary

FEDERAL REPUBLIC OF NIGERIA

OFFICIAL GAZETTE

N0.66 **Lagos – 16th October, 2009** **Vol.96**

Government Notice No. 287

The following is published as Supplement to this Gazette:

Printed and Published by The Federal Government Printer, Lagos, Nigeria

FGP 113/102009/1,000 (0L 61)

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

NATIONAL ENVIRONMENTAL (TEXTILE, WEARING APPAREL, LEATHER AND FOOTWEAR INDUSTRY) REGULATIONS 2009

ARRANGEMENT OF REGULATIONS

REGULATIONS

PART I

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

NATIONAL ENVIRONMENTAL (TEXTILE, WEARING APPAREL, LEATHER AND FOOTWEAR INDUSTRY) REGULATIONS 2009

In exercise of the powers conferred on me be section 34 of the national Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007, and all other powers enabling me in that behalf, I, John Odey, Ministers of Environment hereby make the following Regulations.

30th September, 2009

1. The purpose of these Regulations is to prevent and minimize pollution from all operations and ancillary activities from the sector to the Nigeria Environment.

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

   a) an Environmental Impact Statement (EIS) for new industries and major developmental projects before commencement of operations;

   b) an Environmental Audit Report (EAR) for existing industries every 3 years;

   c) without prejudice to 21(1)(b) of this regulation, where a facility is to be decommissioned, transferred or alienated for any reason whatsoever, an EAR must be conducted and submitted to the Agency by the owner for verification and approval; and

   d) an Environmental Management Plan (EMP) as contained in Schedule XIV.

   (2) New facilities and investments in the sector shall apply cost effective, up-to-date, efficient 'cleaner production' technologies to minimize pollution to the highest degree practicable.

   (3) The National Standards for effluent and emission limitations represent minimum standards and different effluent standards shall be required based on the condition of the receiving medium.

   (4) Industries' emphasis on environmental planning shall be to prevent, reduce or eliminate pollutants at source and less emphasis shall be placed on external hardware which are end-of-pipe mechanisms.

3. (1) Every facility shall plan and set up machinery for combating pollution hazards and maintain equipment in the event of an emergency.

   (2) Every facility shall for the purposes of sub-regulation (1) of this regulation have an emergency plan and a stock of pollution response equipment which shall be readily available and accessible to combat pollution hazards in the event of accidental discharges and the plan shall be as provided in schedule X to these Regulations.

   (3) The owner or operator of a facility shall prepare an emergency response plan that describes the measures to be taken in respect of an accidental discharge of deleterious substance to prevent any deposit or discharges out of the normal course of events of such deposit or discharges. The emergency response plan shall include such details as stated in Schedule X.

4. (1) Every facility shall install anti-pollution equipment or process for the detoxification of effluent and emission emanating from it so as to meet the prescribed effluent and emissions standard.

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

5. (1) The Polluter-Pays-Principle shall apply to every facility that pollutes.

   (2) The collection, treatment, transportation and final disposal of wastes shall be the responsibility of the facility 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-economically or health wise, the facility shall be responsible for:

   a) the cost of damage assessment, control and clean-up;

   b) remediation;

   c) reclamation or restoration.

6. (1) Implementation of cleaner production processes and pollution prevention measures must be employed to yield economic, social and environmental benefits.

   (2) Pollution prevention programs shall focus on reduction of use of water and on more efficient use of process chemicals.

(3) Every facility shall implement programs on best practices as set out in Schedule VIII or assign the responsibility for pollution control to a person or body corporate accredited by the Agency.

(4) Every facility shall ensure that no employee is exposed to any hazardous condition in his place of work.

7. Every facilities shall conform to minimal waste generation guideline as provided in Schedule III.

8. (1) Every facility shall put in place organizational system for pollution control. It shall assign environmental Pollution Control Manager (PCM) who oversees pollution control and prevention duties. The organizational system shall be as described in the Schedule XI.

   (2) In addition lecture courses and assessments shall be conducted to help environmental pollution control managers and operators to obtain required qualifications and certification by the Agency as provided in Schedule XI.

9. (1) Every facility shall submit to the nearest office of the Agency:

   a) a list of the chemicals used in the manufacturer of its products;

   b) details of stored chemicals and storage conditions;

   c) where chemicals are bought, sold or obtained, the name of secondary buyer;

   d) the Material Safety Data Sheet (MSDS) for all imported chemicals.

   (2) Every facility shall ensure that the use of:

      a) organic solvents are minimized;

      b) ozone-depleting substances are used in accordance with the provisions of the Montreal Protocol.

10. Use of restricted chemicals must be with a permit from the Agency; the list of banned or restricted chemicals is in Schedule IX.

11. (1) All permits (notices, orders, consent or demand) shall be in writing.

    (2) No facility shall:

a) Discharge or cause to be discharged any effluent, or oil in any form into water system, public drains, or underground injection and land without a permit from the Agency;

b) Use Chlorine gas-based chemical in the production process without a permit;

c) Use Alkyl phenol ethoxylates or discharge effluent containing alkyl phenol ethoxylates into the environment without a permit from the Agency;

d) Release hazardous or toxic substances into the water or land of Nigeria's ecosystem beyond the permissible limits as in Schedule I;

e) Release Persistent Organic Pollutants (POPs) into the ambient air without a permit List of POPs are in Schedule IX.

(3) Application for a permit is as set out in Part 3 of these Regulations.

12. (1) There shall not be contamination arising from leakage of surface or underground oil or fuel or chemicals storage facility likely to cause pollution of the environment in including the surface water and groundwater.

(2) Every facility shall have an impermeable base for any ancillary equipment and provide an appropriate bund wall in the event of any unanticipated discharge as spillage.

13. Every facility shall be given equal treatment without preference as far as inspection and enforcement of relevant laws are concerned.

14. Every facility shall have a sustainable community relationship program.

EFFLUENT LIMITATION

15. (1) The National Environmental Standards in relation to effluent limitations for the sector shall be as set out in Schedule I.

(2) Any effluent shall be deemed to be a pollutant if:

a) the concentration of any of its parameters exceeds the permissible limits as specified in the first column of Schedule I;

b) it does not comply with the corresponding limit specified in the second or third column of Schedule I, as the case may be;

c) it is discharged from a facility without pre-treatment.

(3) Such an effluent as described under sun-regulation (1) of this regulation shall not be discharged from a facility, without pre-treatment as provided in Schedule 1 of this regulation.

16. (1) No Facility shall discharge effluent onto land, into a watercourse or into a water body unless the facility ensures that the parameters of the effluent do not exceed the permissible limits set out in Schedules I and VI to these Regulations.

(2) Notwithstanding sub-regulation (1) of this regulation, no facility shall discharge or cause to be discharged any effluent into a water system used or earmarked as source of potable water supply.

(3) Notwithstanding sub-regulation (1) of this regulation, any facility using an effluent, the limits of concentration or value of any of the parameters of which exceeds the permissible limit for that parameter set out in Schedule I, shall ensure that the concentration or value of the parameters of the effluent conforms to the prescribed standard.

(4) Disposal of hazardous waste on water or land is prohibited without prior treatment.

(5) Generators of hazardous waste for land filling must provide notification of such to the Agency.

17. (1) Facilities that discharge effluent into the environment shall treat the effluent to the permissible level as specified in Schedule I to these Regulations, to ensure assimilation by the receiving medium.

(2) Every facility shall:

a) carry out effective treatment, all the time that the plant or unit is operating;

b) ensure the environmentally sound management of sludge containing heavy metals or other toxics and dispose same in a landfill or designated disposal site approved by the Agency;

c) ensure the treatment 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 I to these Regulations.

(3) Wastes that contain toxic organic shall be subject to thermal treatment to effectively destroy or remove over 99.99 per cent of toxic organics and the resulting residue shall be disposed of as set out in Schedule II to these Regulations.

18. (1) No facility shall discharge sludge directly into any water body or to any part of the environment except under a sludge disposal licence.

(2) Sludge disposed of onto land shall be classified and not exceed the prescribed limit in Schedule II to these Regulations.

(3) Any other sludge beside purely domestic organic sludge and purely agricultural organic sludge will be treated as hazardous waste disposal.

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

EMISSIONS

19. (1) The National Environmental Standards in relation to emissions limitations for the sector shall be as set out in Schedule V to these Regulations.

(2) The facility shall be required to quantify and report sources and emissions data. It shall undertake emission reduction and implementation plan, which shall be reviewed every three years.

20. (1) A facility with any source or potential source may be required, to measure the emission of every priority air pollutant emitted there from and to develop and implement a plan to control such emission in accordance with the Standard as prescribed in Schedule V to these Regulations.

(2) Any facility that causes or allows the regeneration of any odour from any source that unreasonably interferes, or is likely to unreasonably interfere, with any other person's lawful use or enjoyment of his property shall use recognized good practices and procedures to reduce such odour to a reasonable minimum, including any method for reducing odour as may be specified by the Agency.

(3) No Facility shall burn or permit to burned, light oil fuel containing over 0.5 percent sulphur by weight as fired in an existing source or in a new source.

(4) No Facility shall burn or permit to be burned medium oil fuel containing over 1.1 percent sulphur by weight as fired.

(5) Notwithstanding, heavy fuel oil with no more than 3% sulphur may be burned at a new or existing facility with new fuel combustion sources or a combination or new and existing fuel combustion sources if:

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

b) the actual total sulphur dioxide emissions from the entire facility are less than the allowable sulphur dioxide emissions.

21. (1) A facility which discharges gaseous emission shall treat it to the permissible level as prescribed in Schedule V to these Regulations.

(2) Treatment can be achieved through the use of appropriate treatment technologies for minimizing the release of significant pollutants to the air, such include:

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

b) bag houses (for particulate mater removal);

c) biological filters;

d) cyclone, or any other appropriate technology;

e) electrostatic Precipitator (ESP) for removing dust.

22. (1) The activities listed in Schedule IV to these Regulations require atmospheric emission licences to operate.

(2) The Agency may, by notice in the *Gazette* when necessary, amend the list by:

a) adding to the list of activities in addition to those provided under Schedule V to these Regulations;

b) removing activities from the list; or

c) making changes to particulars on the list.

23. Every Facility shall evaluate its installations and ensure that routine controls are sufficient to prevent risks of noise pollution for levels to be within the prescribed limits in Schedule VII.

24. Noise abatement measures shall be in place to achieve either the levels prescribed in Schedule VII or a maximum increase in background levels of 3 decibels (measured on the A scale) [dB(A)].

25. (1) Every facility 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 fifty percent.

    (2) For purposes of the 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.

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

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

    ii) the attenuation provided by hearing protectors being used by employees may be rendered inadequate to meet requirements of paragraph (i) of this regulation.

PART II – SAMPLING PROCEDURES

27. For the purposes of determining licence classification and licence compliance, the facility shall analyse samples according to standard analytical methods in a laboratory approved by the Agency.

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

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

    b) the sample shall be analysed immediately after collection where possible but not later than 24 hours after taking the sample, and the whole sample volume shall be used;

c) all samples collected shall be preserved to avoid contamination or decomposition;

d) sampling Points shall be geo-referenced.

29. 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:

a) a minimum of five samples of equal volume of not less than 500 ml each shall betaken at the point of discharge or, if the discharge has stopped, at the nearest practicable point within one kilometer 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, will be used to prove the source and extent of pollution;

c) the samples shall be kept as cool as at site conditions and sample analysis shall commence not later than 24 hours after taking the last sample;

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

30. The whole volume of spot sample and further laboratory analysis shall be taken at one time at the point of discharge.

31. It full laboratory facilities do not exist on the site, the oxygen in the sample may be “fixed” a the time of sampling by adding any of the following reagents; alkaline azide reagent, sulphuric acid, permanganate, oxalate, manganous sulphate and alkaline iodide or any other approved scientific method.

Provided that:

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

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

32. (1) When a number of samples for different purposes are to be taken from the same sampling point, the following precautions are to observed:

a) the sample for bacteriological examination shall be collected first;

b) samples for bacteriological examination shall be kept strictly separate from all other to avoid contamination;

c) boxes for the transportation of samples shall be made of materials that can be disinfected regularly, and they shall not be used for carrying anything other than samples of water for bacteriological examination.

d) Sterile bottles used exclusively for bacteriological purposes that are fit for immediate use shall be provided by the laboratory performing the examination.

(3) Officers must ensure that the volume of each sample is at least 500 ml and that at least one sample is taken at each sampling point.

33. (1) Measurements of air quality parameters shall take place at any facility, downwind and upwind as listed below.

(2) Measurement of total suspended particulate shall be gravimetric method using air sampler such as:

a) a minimum of two sampling periods (both 1 hour and 8 hour) shall be adopted;

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

(3) Gaseous pollutants shall be measured by passive sampling, active sampling or continuous sampling such as:

a) passive sampling method shall require the submission of analysis certificate along with results. A minimum of three sampling periods (1-hours, 24-hour and 30-day) shall be adopted;

b) active sampling for NO_X shall use the Saltzman or any other standard method;

c) active sampling for SO_2 shall use the West-Geake, hydrogen peroxide, conductimetry or any other standard method;

d) active sampling for hydrocarbons shall use the absorption on activated charcoal method;

e) continuous sampling of any gaseous pollutant shall use instrument with detection range accommodating the maximum allowable limit of measured parameter. Measurement shall last for at least 1 hour in every sampling location.

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

(2) Measurement shall be taken at least 3m from any barrier or other sound reflecting sources, at about 1.2-1.5m 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 – PERMIT: GENERAL PROVISION

35. Procedures for application for permit including revocation of such permit when it had already been issued, are contained in the National Environmental (Permitting and Licensing System) Regulations 2009.

PART IV – INDUSTRIAL EFFLUENT, EMISSION MONITORING AND REPORTING

36. (1) The Permittee subject to categorical standards shall comply with reporting requirements under the Agency's Permit including but not limited to Incidence Report and monthly effluent data sheet to the Agency's Field Offices.

(2) The Permittee must submit to the Agency at least quarterly, on dates specified a description of the nature, concentration and flow of the pollutants 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 reporting shall be in compliance with format as in Schedule XIV to these Regulations.

(4) The Permittee shall report all sample results for parameters listed on the effluent limitations and monitoring requirement, on the Industrial and Commercial Discharge Monitoring Report Forms as in Schedule XV to these Regulations.

(5) The Permittee shall install at its own cost monitoring equipment approved by the Agency to facilitate the accurate observation, sampling and measurement of he quality

of waste discharges as required by the permit. Such equipment shall be in working order and kept safe and accessible at all times. Whether owned by public or private organization, such monitoring equipment shall be according to the specifications given by the Agency and other applicable standards. Plans and specifications for such work shall be submitted to the Agency, for review and comments.

(6) The permittee discharging or proposing to discharge effluent to a general sewer or treatment plants 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 any other records necessary to demonstrate compliance with these Regulations.

(7) The Permittee shall be required to file reports with the Agency if the Permittee:

a) in any month commits a serious violation or fails to submit a completed monthly effluent data sheet;

b) 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

c) has discharges that could cause problems to the environment, including any sludge loadings.

37. (1) The Permittee shall sign the report and attach a copy of the Certificate of analysis from the Agency's approved laboratory.

(2) Each report must be signed by a responsible corporate officer.

(3) All reports shall include the certification statement as contained in schedule XV to these Regulations.

38. Such records shall be made available to the Agency and shall be retained for a minimum of five (5) years and throughout the course of any pertinent litigation thereafter.

39. (1) The Agency shall adopt charges and fees that shall include:

    a) fees for processing application for permit;

    b) fees for reviewing procedures for accidental discharges, and prevention;

    c) other fees as the Agency may deem necessary to carry out the requirements contained herein which may include emergency incident response and cost of personnel and equipment.

    (2) These fees relate solely to the matters covered by these Regulations and are separate from all other fees chargeable by the Agency and subject to review.

40. Public access shall be governed by the Act. Effluent constituents and characteristics, shall not be recognized as confidential information to the Agency.

PART V – ENFORCEMENT

41. (1) The Agency has the primary responsibility of enforcing all applicable pre-treatment standards and requirements and on the basis of any information available to it, the Agency may take any enforcement action at any time as appropriate.

    (2) While a permit is in force, it shall be the duty of the Agency to take such action under these Regulations as may be necessary for the purpose of ensuring that the conditions of the permit are complied with.

42. (1) If the Agency is of the opinion that an operator has contravened, is contravening or is likely to contravene any condition of the permit, the Agency shall serve an enforcement notice.

    (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) 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.

43. (1) Where an operator failed to comply with the notice within the specified period as provided for in regulation 42 of these Regulations, the operator is entitled to be served with a second notice.

(2) Failure to comply with the second notice (reminder) within the specified time limit may lead to punitive action as may be necessary.

(3) Enforcement notice shall be delivered by any of the following: hand, registered post, courier, newspaper publication, and pasting at the facility or registered premises of the organization.

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

(2) The Agency may withdraw a suspension notice after compliance by hand delivery or registered post.

PART VI – OFFENCES

45. It is an offence for a facility to –

a) fail to comply with or contravene a condition of a permit;

b) fail to comply with the requirements of an enforcement notice, or a closure notice under these Regulations;

c) fail without reasonable excuse, to comply with any requirement imposed by a notice served by the Agency.

46. (1) It shall be an offence for a facility to 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 imposed by or under any provision of these Regulations;

b) for the purpose of obtaining a permit for the facility for variation, transfer or surrender of a permit;

c) by intentionally making a false entry in any record pertaining to the permit; or

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

(2) It shall be an offence to make a statement or have in possession a document that is likely to mislead or deceive the Agency.

47. (1) It shall be an offence if a facility 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 or contain materials causing release into the environment from place when requested by inspector;

f) produce document when requested by the inspector;

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

h) ensure the use of Personnel Protective Equipment (PPE) while handling, storing, treating, or disposing or effluent.

(2) It shall be an offence if a facility:

a) handles effluent in a manner which causes adverse effect to human and the environment;

b) knowingly obstructs the inspectors from performing their duties;

c) dismisses or suspends or sanctions employee who report =contravention of the Act;

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

e) transports, any effluent and sludge which is not covered by manifest;

f) transports effluent and sludge which is not completely enclosed covered and secured;

g) transport effluent and sludge in bulk without prior authorization from the Agency.

48. It shall be an offence if a facility fail to –

a) maintain records of all discharges;

b) file quarterly and annual reports of all discharges.

49. It shall be an offence for a facility to –

a) release effluent and sludge into the environment in excess of permissible level;

b) fail to report release of effluent and sludge into the environment in excess of permissible level as contained in schedules I and II;

c) fail to take reasonable measures to prevent, reduce or remedy the adverse effect of effluent, sludge and emissions released into the environment.

50. It shall be an offence for a facility to engage in the operation of listed activities in schedule V without a permit.

PART VII – PENALTY

51. (1) Any person who violates any of the provisions of regulations 46 to 51 of these Regulations commits an offence and shall on conviction, be liable to a fine not exceeding N200,000:00 or imprisonment for a term not exceeding two years or to both such fine and imprisonment and an additional fine of N5,000:00 for every day the offence subsists.

(2) Where an offence under sub-section 1 of this section is committed by a facility, its shall on conviction, be liable to fine not exceeding N1,000,000:00 and an additional fine of N50,000:00 for every day the offence subsists.

PART VIII – INCENTIVES

52. Each Facility and Organization that demonstrates environmental leadership, adopt environmentally responsible practices, demonstrate commitment to environmental

quality and maintain exemplary environmental compliance records shall be recognized and encouraged by the Agency.

53. The environmental performance requirements shall be based upon agreed criteria and rating for each sector as contained in Schedule XII of these Regulations.

54. The Agency shall recognize environmental compliance in five categories and reward deserving facilities as contained in Schedule XII of these Regulations.

55. (1) The Agency shall annually institute and certify the best environmentally performing facility and organization with the NESREA Green Mark (✓)

(2) The Logo of the NESREA Green Mark (✓) shall only be used by facilities and organizations certified and duly recognized by the Agency.

56. These regulations may be cited as the National Environmental (Textile, Wearing Apparel, Leather and Footwear Industry) Regulations 2009.

PART IX – INTERPRETATION

57. 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) established under section 1 of the Act;

"Clean-up" means the process of removing dirt, pollution, or things that are considered bad or immoral from a place;

"Composite Sample" means representative mixture of several different samples (Usually bulk sample);

"Designated Officer" means a person who has been appointed by the Agency to be responsible for processing applications with respect to activities designated under these regulations, and includes an acting officer;

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

“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;

“EIA” (Environmental Impact Assessment) 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;

“Enforcement Notice” means suspension notice or any other punitive notice;

“Extension” means an increase in sixe, volume or other physical dimensions of an activity such that the increase may cause an adverse effect if not properly mitigated;

“Facility” means a Textile, Wearing apparel, Tannery, Leather and Footwear Industry;

“Grab Sample” means a single or measurement taken at a specific time or over a short period of time as feasible;

“Influent water” 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 of the Agency who has the legal authority to enter facility to conduct an inspection under the Act, or other environmental legislation, guidelines and policies;

“Minister” means the Minister of Environment;

“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;

“Other facility wastewater” means effluent originating from the washing and general maintenance of a facility;

“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;

“Permittee” means an individual, group of individuals, organizations, facility that have been empowered by the permit to discharge effluent;

"Person" means a natural and juristic personality (including a facility);

"Reclamation" means to obtain material from waste products so that they can be used again;

"Remediation" means a way or process at solving a problem, especially when this involves correcting or improving something that has been done wrong;

"Process" means an activity undertaken by industries to detoxify effluent or emission;

"Responsible Corporate Officer" means Chief Executive, or Managing Director, or Chairman of the Corporation in charge of a principal business function, or any designated person who performs similar policy or decision making functions for the corporation;

"Sample" means a small part of item intended as a representative of the whole;

"Standard" means a consensus document with limit;

"Water bodies" means underground 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":

a) Means a sewer, conduct, pump, engine or other appliance used or intended to be used for the reception, conveyance, removal, treatment and disposal of effluent; and

b) Does not include house sewers;

"Watercourse" means any natural or artificial channel, pipe or conduit, excluding the sewerage system, carrying, or that may carry, and discharging water directly or indirectly into a water body.

58. These Regulations may be cited as National Environmental (Textile, Wearing Apparel, Leather and Footwear Industry) Regulations 2009.

SCHEDULE 1(a)

Regulations 11(2)(d), 151), 2(a), (3), 16(1), 17(1), 2(d), 49(b)

Effluent Limitation Standards for Textiles, Wearing Apparel Sector

PARAMETER	UNIT	MAXIMUM PERMISSIBLE LIMIT
Colour	-	7(436nm, yellow) 5(525nm, red) 3(620nm, blue)
Appearance		Colourless
Temperature	^{0}C	40
Temperature increase	^{0}C	<3^0
pH	-	6-9
Total Suspended Solids (TSS)	mg/	25
Total Oil & Grease	mg/l	10
Ammonia as N	mg/l L	10
Chemical Oxygen Demand (COD)	mg/l	80
Biochemical Oxygen Demand (BOD_5)	mg/l	20 (30, in the next 5 years 20)
Sulphide	mg/l	1
Ammonia as N	mg/l	10
Total Pesticides	L	0.05-0.10
Total Nitrogen	mg/l	10
Free Chlorine	mg/l	0.5
Phenol		0.5
Total Phosphorus	mg/l	2

Dissolved Oxygen	mg/l	
METALS (mg/L)		
Iron		
Lead		0.1
Nickel		0.5
Manganese		1.0
Cadmium	mg/l	0.02
Cobalt	mg/l	0.5
Copper	mg/l	0.5
Molybdenum	mg/l	0.01
Total Chromium	mg/l	0.5
Chromium (hexavalent)	mg/l	0.1
Zinc	mg/l	2
	mg/l	
	mg/l	0.0
	mg/l	
Detergents (as LAS*)	mg/l	15
Toxicity to fish^{0}	T.U. 96h	2
Coliform bacteria^{0}	MPN/100ml	400

a) At the edge of scientifically established mixing zone which takes into account ambient water quality, receiving water use, potential receptors and assimilative capacity, the effluent should result in a temperature increase of no more than 3^{0}C at the edge of the zone where initial mixing and dilution takes places. Where the zone is not defined, use 100 meters from the point of discharge.

b) 0.05 mg/L for total pesticides (organophosphorus pesticides excluded); 0.10mg/L for organ phosphorus pesticides.

Note: effluent requirements are for direct discharge to surface waters. The liquid effluent should not be coloured.

Linear Alkylate Sulphonate

World Bank value

SCHEDULE 1(b)

Effluent Limitation Standards for Tanning and Leather Finishing

PARAMETER	UNIT	MAXIMUM PERMISSIBLE LIMIT
Colour	-	7(436nm, yellow) 5(525nm, red) 3(620nm, blue)
Appearance		Colourless
Temperature	^{0}C	40
Temperature increase	^{0}C	<3^0
pH	-	6-9
Total Suspended Solids (TSS)	mg/	25
Total Oil & Grease	mg/l	10
Ammonia as N	mg/l	10
Chemical Oxygen Demand (COD)	mg/l	160
Biochemical Oxygen Demand (BOD_5)	mg/l	50
Sulphide	mg/l	1
Total Pesticides	L	0.05-0.10
Total Nitrogen	mg/l	10

Free Chlorine	mg/l	0.5
Phenol		0.5
Total Phosphorus	mg/l	2
Dissolved Oxygen	mg/l	
METALS (mg/L)		
Cadmium	mg/l	0.02
Total Chromium	mg/l	0.5
Chromium (hexavalent)	mg/l	0.1
MICROBIOLOGICAL ANALYSIS		
		0.0
		15
Toxicity to fish[0]	T.U. 96h	2
Coliform bacteria[0]	MPN/100ml	400

a) At the edge of scientifically established mixing zo0ne which takes into account ambient water quality, receiving water use, potential receptors and assimilative capacity, the effluent should result in a temperature increase of no more than 3^0C at the edge of the zone where initial mixing and dilution takes places. Where the zone is not defined, use 100 meters from the point of discharge.
b) 0.05 mg/L for total pesticides (organophosphorus pesticides excluded); 0.10mg/L for organ phosphorus pesticides.

Note: effluent requirements are for direct discharge to surface waters. The liquid effluent should not be coloured.

Linear Alkylate Sulphonate

World Bank value

SCHEDULE II

Section 18(3), 19(2) & 49(b)

SLUDGE DISPOSAL PERMISSIBLE LIMIT

DRY SLUDGE GENERATION FROM TANNERY WASTEWATER TREATMENT

Parameters	Sludge Production Kg DS/tone raw hide
Sludge (total)	200
Primary Treatment	
Mixing-sedimentation	80
Mixing-Chemical treatment + sedimentation	150-200
Mixing chemical treatment + Flotation	150-200
Biological Treatment	
Primary or chemical + extended aeration	70-150
Primary or chemical + extended aeration with nitrification and denitrification	130-150
Primary or chemical + Aerated facultative lagoon	100-140
Anaerobic treatment (Lagoon or Upflow) anaerobic sludge blanket	60-100

SCHEDULE III

Regulation 7

WASTE GENERATION IN TEXTILE MANUFACTURING FACILITIES

Output per unit of Product	Industry guideline (x 10^{-3}
Wastewater wool scouring	2-6 litre/kg
Wastewater yarn finishing wool	35-45 litre/kg
Wastewater yarn finishing cotton	100-120 litre/kg
Wastewater yarn finishing Synthetic Fibre	65-85 litre/kg
Wastewater Knitted fabric finishing wool	60-70 litre/kg
Wastewater Knitted fabric finishing cotton	60-135 litre/kg
Wastewater Knitted fabric finishing Synthetic Fibre	35-80 litre/kg
Wastewater woven fabric finishing wool	70-140 litre/kg
Wastewater woven fabric finishing cotton	50-70 litre/kg
Wastewater woven fabric finishing + Print Cotton	150-80m^3/kg
Wastewater woven fabric finishing synthetic fibre	100-180 m^3/kg
Sludge from wastewater treatment	1-5* kg/m^3 treated wastewater

SCHEDULE IV

Regulation 22(1)

ACTIVITIES REQUIRING ATMOSPHERIC EMISSION LICENCE

Based on precautionary consideration to safeguard public health and the environment, the following activities shall require Atmospheric Emission Licence.

(1) Use of solvents ion activities such as printing processes, fabric cleaning, wool scouring, coating and dyeing operations and heat treatments (thermodixation, drying and curing).

(2) Printing processes including the use of ammonia, formaldehyde, methanols, and other alcohols, esters, aliphatic hydrocarbons, and several monomers.

(3) The use of perchloroethylene in dry cleaning machines.

- Dry-to-dry only > 2,100 gal/yr

  Transfer only > 1,800 gal/yr

  Dry-to-dry and Transfer > 1,800 gal/yr

(4) Any other activity whose process may result in atmospheric emission.

SCHEDULE V

Regulations 19(1), 20(1), 21(1)

AIR EMISSION GUIDELINES FOR TEXTILE, WEARING APPAREL, LEATHER AND FOOTWEAR INDUSTRY

Parameter	Maximum Value (mg/N/m3)
Particulate matter	50
VOCs	150
Ammonia	30
H_2S	5
CS_2	150
Chlorine	5
Formaldehyde	20
Cyanide	10
Phenol	5

SCHEDULE VI

Regulation 16(1)

SOIL QUALITY STANDARDS FOR TEXTILE, WEARING APPAREL,

LEATHER AND FOOTWEAR INDUSTRY

During routine operations of these industry specifics, there may be soil contamination and to preserve the environment, the below listed soil quality levels must not be exceeded in any areas of the industrial activities.

Parameter	Guideline value (mg/kg dry weight)
Arsenic	20
Barium	400
Cadmium	3
Chromium	100
Cobalt	50
Copper	100
Lead	164
Mercury	4
Molybdenum	40
Nickel	70
Tin	50
Zinc	421
Benzene	0.1
Toluene	0.1
Xylene	0.1
Styrene	0.1
Hexane	0.5
Heptanes	0.5
Fluorine	100

SCHEDULE VII

Regulations 23, 24

Noise standards

Maximum Permissible Noise Levels (Continuous or intermittent noise)

from a Factory or Workshop

Column 1	Column 2	Column 3
Leq dB (A)	Duration (Daily)	Duration (Weekly)
85	8 hours	40 hours
88	4 hours	20 hours
91	2 hours	10 hours
94	1 hour	5 hours
97	30 minutes	2.5 hours
100	15 minutes	1.25 hours
106	7.5 minutes	37.5 hours
109	1.875 minutes	9.375 hours

Noise Levels shall not exceed a Leq of

i) Factory/Workshops 85 dB (A)

ii) Offices 50 dB (A)

iii) Factory/Workshop Compound 75 dB (A)

SCHEDULE VIII

Regulation 6(2)

BEST PRACTICES

a) Embracing cleaner' production with emphasis on water reuse and recycling;
b) Encouraging more efficient use of process chemicals;
c) Recovering and reusing process chemicals and dye solution;
d) Substituting less-toxic dye carriers wherever possible and avoid carriers containing chlorine;
e) Using peroxide-based bleaches instead of sulphur and chlorine-based bleaches, where feasible;
f) Adopting counter-current rising and improved cleaning and housekeeping;
g) Wastewater load levels shall be less than $100m^3$ per ton of fabric, and not more than $150m^3$ per ton of fabric

SCHEDULE IX

Sections 10, 11(2)(c)

BANNED/RESTRICTED CHEMICALS

Table 1: BANNED CHEMICALS

1. 2,4,5 – Toluene
2. Aldrin
3. Binapacryl
4. Captafol
5. Chlordane
6. Chlodimeform
7. Chlorobenzilate
8. DDT
9. Dieldrin
10. Dinoseb and dinoseb salts
11. DNOC and its salts (such as ammonium salt, potassium salt and sodium salt)
12. EDB (1,2 dibromoethane)
13. Ethylene dichloride
14. Ethylene oxide
15. Fluoroacetamide
16. HCH (mixed isomer)
17. Heptachlor
18. Hexachlorobenzene
19. Monocrotophos
20. Parathion (all formulations –aerosols, dustable powder (DP), emulsificable concentrate (EC), granules (GR) and wettable powders (WP) – of this substance are included, except capsule suspensions (CS)).
21. Pentachlorophenol
22. Dustable powder formulations containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiran at or above 15 per cent.
23. Methanidophos (Soluble liquid formulations of the substance that exceed 600g active ingredient/l)
24. Methyl-parthion (emulsifiable concentrates (EC) with 19.5 per cent, 40 per cent, 50 per cent, 60 per cent active ingredient and dusts containing 1.5 per cent and 3 per cent active ingredient).
25. Phosphamidon (soluble liquid formulations of the substance that exceed 1000g active ingredient/l)
26. Crocidolite

27. Tris (2, 3 dibromopropyl) phosphate

Table 2: RESTRICTED CHEMICALS (to be used with permit from the Agency)

1. methyl- parathion (emulsifiable concentrates (EC) with 19.5 per cent, 40 per cent, 50 per cent, 60 per cent active ingredient and dusts containing 1.5 per cent, 2 per cent and 3 per cent active ingredient).
2. Actinolite asbestos
3. Amosite, asbestos
4. Amosite, asbestos
5. Polybrominated Biphenyls (PBBs)
6. Polychlorinated Biphenyls (PCBs)
7. Polychlorinated Terphenyls (PCTs)
8. Tetraethyl lead
9. Tetramethyl lead
10. Tremolite
11. Arsenic
12. Mercury
13. Alkyl-phenol-ethoxylate

SCHEDULE X

Regulation 3(2) (3)

DRAFT GUIDE TEMPLATE FOR EMERGENCY PROCEDURES IN INDUSTRY

Contents

Section 1: Step 1 – establish a Planning Team

There must be an individual or group in charge of developing the Emergency Management Plan.

1. Form the Team
2. Assign Responsibility
3. Establish Authority
4. Issue a Mission Statement
5. Establish a Schedule and Budget

Section 1: 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 –

1. Where Do You Stand Right Now?
2. Meet with Outside Groups
3. Identify Codes and Regulations
4. Identify Critical Products, Services and Operations
5. Identify Internal Resources and Capabilities
6. Identify External Resources
7. Do an Insurance Review
8. Conduct a Vulnerability Analysis
9. List Potential Emergencies
10. Estimate Probability
11. Assess the Potential Human Impact
12. Assess the Potential Business Impact
13. Assess the Potential Property Impact
14. Assess Internal and External Resources
15. Add the Columns

Section 1: 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.

1. Plan Components
2. The Development Process

Section 1: Step 4 – Implement the Plan

Implementation means more than simply exercising the plan during an emergency. It means acting on recommendations made during the vulnerability analysis, integrating the plan into company operations, training employees and evaluating the plan.

- Integrate the Plan into Company Operations
- Conduct Training, Drills and Exercises

Source: www.fema.gov/about/index.shtm

SCHEDULE XI

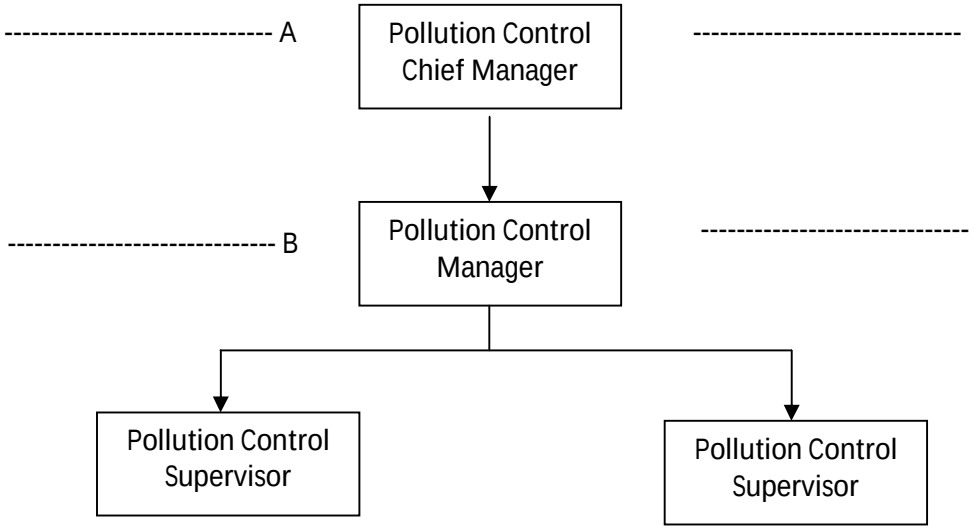
Regulation 8(1) (2)

ORGANIZATIONAL SYSTEM AND THE FUNCTIONS OF POLLUTION CONTROL MANAGER(S)

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 liaises with NESREA and other Government Authorities.

The Organizational system shall have Pollution Control Supervisor, Pollution Control Manager and Pollution Control Chief Manger which shall be elected/appointed. These shall be dully certificated.

Organizational for Pollution Prevention



Functions:

A – Manages the pollution control issues of the facility

B – Assists Supervisor and directs the Mangers (only applicable in facilities where large amount of smoke and sewage is generated).

C – Deals with technical matters like inspection of the facility and raw materials.

Note: - C depends on the size of the facility; for a large facility there shall be PCM for Air, Land and Water.

SPECIFIC DUTIES OF THE POLLUTION CONTROL MANGER (PCM)

The specific duties of the PCMs are:

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

CONCRETE POLICIES CONCERNING INDUSTRIES POLLUTION CONTROL

1. Management concerning pollution control at facilities –
    - improvement and operation of effective environmental management system.
    - Communication with NESREA's headquarters.
    - Ability to know when a system is malfunctioning.
    - Documentation of the environmental management procedure and control of the records and documents.
    - Co-operation with interested parties such as other related companies, regulatory agencies.

2. Addressing corporate-wide environmental measures –
    - Recognition of the business risk relative to the environmental management system.
    - Recourse management including maintenance of human resources for pollution control and their competency.
    - Establishing a corporate-wide environmental management system including risk information feed-back system.
    - Establishing an effective monitoring, assessment and self-improvement system.
    - Establishing a contingency plan and its verification.

SCHEDULE XII

Regulations 54, 55

NESREA COMPLIANCE FLAG AWARD

In order to encourage voluntary compliance by the regulated community, the Agency has established NESREA compliance Flag Award s an incentive-based pollution mechanism. The award will be given on the basis of environmental performance ratings to deserving facilities who comply with regulations, guidelines and standards.

The environmental performance ratings will be disseminated to the public through the media and it is expected to significantly reduce environmental abuse and neglect. This rating will range from outstanding to non compliant using five colour codes:

2. The criteria for the NESREA Compliance Flag Award are as follows:

THE FIVE LEVEL NESREA COMPLIANCE AWARD	Above 75%	Level 1 – Outstanding - Green
	50% to 75%	Level 2 – Good – Blue
	35% to 49.9%	Level 3 – Average – Yellow
	25% to 34.9%	Level 4 – Poor – Red
	15% to 24.9%	Non compliant – Black

Green Flag represents the best performing company. For a facility to be adjudged as having achieved 'excellent compliance', management commitment must have been demonstrated in addition to developing sustainable production technologies that can deliver environmental, economic and social benefits, good house keeping, robust waste management system, etc.

3. Major criteria

3.1 Criteria for raw material sourcing and processing

3.2 Criteria for production plant level environmental performance

* Input Management

* Process Management

* Waste Management

3.3 Criteria for product-use performance

3.4 Criteria for waste handing and disposal performance

3.5 Criteria for corporate environmental policy and management system

- Corporate policy related to environment
- Procurement policy and supply chain management
- Status of corporate environmental management and environmental management systems
- Research and development
- Health and Safety
- Transparency

3.6 Criteria for community and regulatory perception and compliance status

- Compliance with NESREA pollution control regulations and perception of NESREA officials
- Perception of local community
- Perception of local NGOs and media
- Perception of other Agencies officials.

4. Scoring System

Scores are assigned to the various criteria based on their environmental impacts during the entire life cycle. Thus, though the broader criteria remain the same, the score vary substantially between sectors. This scoring scale is aimed at encouraging facilities to perform better than what is currently required by the regulations.

SCHEDULE XIII

Regulation 36(4)

Form 1

NESREA MONTHLY DISCHARGE MONITORING REPORT (NMDMR)

FACILITY NAME AND ADDRESS:

Facility e-mail address:
Facility phone No.

PLEASE COMPLETE AND SUBMIT ONE COPY EACH MONTH

THIS REPORT MUST BE POSTMARKED NOT LATER THAN THE 28TH OF THE FOLLOWING MONTH.

Mail To: National Environmental Standards and Regulations Enforcement Agency (NESREA), No. 4, Oro-Ago Crescent, Garki II, *Abuja.*

Sampling Point Location ……

Month *Year*

Sampling Dates and Time ……

Date of Analysis ……..

TYPE OF SAMPLING							
PARAMETERS	WEEKLY RESULTS						NESREA's Regulatory Limits
PHYSICAL:	Units	1st	2nd	3rd	4th	Average	
Appearance							
Odour							
Temperature	^{0}C						
pH							
Conductivity	us/cm						
Turbidity	NTU						
Dissolved Oxygen (DO)	mg/l						
Total Suspended Solids (TSS)	mg/l						
Total Dissolved Solids (TDS)	mg/l						
BOD	mg/l						
COD	mg/l						
INORGANIC:							
Chloride	mg/l						
Nitrate	mg/l						
Sulphate	mg/l						

Sulphite	mg/l						
Cyanide	mg/l						
Nitrates	mg/l						
Chromium (hexa-valent)	mg/l						
Copper	mg/l						
Zinc	mg/l						
Lead	mg/l						
Cadmium	mg/l						
Manganese	mg/l						
Silver	mg/l						
Mercury	mg/l						
Arsenic	mg/l						
ORGANIC:							
Phenols	mg/l						
Oil & Gas	mg/l						
MICRO-BIOLOGICAL:							
Feacal Coli form	mg/l						

NOISE MEASUREMENTS																			
LOCATIONS									NOISE LEVELS										

				Signature with date of Principal Executive Officer or authorized agent:	I certify under penalty of law 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 gather and evaluate the information submitted.
Signature of Certified Operator	Date (month, day, year)			Date:	
				Signature:	

FORM 2
NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS
ENFORCEMENT AGENCY (NESREA).
INCIDENT REPORT FORM

This report is to be completed when accidental discharge, occupational illness or incident occurs. If an employee is injured or develops gradually a job-related illness as a result of his/her employment at the facility. He must complete and submit the "Incident Report". If the employee is unable to complete the form, the supervisor must complete on his/her behalf.

Incident reporting ensures there is a record on file with the employer. In no way does this waive the employee's right to work's compensation benefits. In an injury occurs, first aid may be appropriate treatment.

All accidental discharge/emergencies/accidents should be reported to NESREA within 48 hours.

1. FACILITY:

   Name and Address of Facility……

   ……

   ……

   ……

   ……

   Number of Employee ……

   ……

   Place of the accidental discharge ……

2. DISCHARGE:

   Cause(s) of discharge:

   Did the discharge occur as a result of mechanical or technical or unskilled application?

   Please specify:

   ……

   Was the discharged gaseous, liquid or solid? Please specify:

   ……

   What was the nature of discharge, sludge, effluent or influent? Please specify:

   ……

   Into which medium was it discharged to i.e. water body, land or air? Please specify:

   ……

- If water body, specify type of water: pond, stream, lake, river, etc.

……

- If land:
  - Name and location (Geo-reference) of the land where discharge occurred

……

……

……

  - Ways of disposing of discharge: I.e. burying, burning etc please specify:

……

Was there any previous accidental discharge of this kind? Yes ☐ No ☐

If yes, when? ……

How? ……

……

Who was or were the victim(s)? ……

……

SCHEDULE XIV

Regulation 2(1) (d)

GUIDELINE 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:

- Policy;
- Planning;
- Implementation and Operation;
- Checking and Corrective Action;
- Management Review and commitment.

Policy

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

- Compliance with legal requirements and voluntary commitments;
- Minimizing waste and preventing pollution;
- Continual improvement in environmental performance, including areas not subject to regulations;
- Sharing information on environmental performance with the community.

Planning

The planning shall define the organization's environmental footprints and set goals. Goals and objectives shall be focus on maximizing their positive impacts on the environment. When evaluating, the following elements should be considered:

- Impacts on the environment through its activities, products and services;
- Legal requirements associated with protecting the environment;
- Meaningful and focused environmental objectives and targets.

Implementation and Operation

Implementation and operation should define the activities that the organization will perform to meet its environmental objectives and targets. This section should identify activity 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.

Monitoring and Corrective Action(s)

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 to the process is necessary to make sure that the plan successfully leads towards the completion of environmental objective and targets.

Management Review and Commitment to Improvement

Routine review and support by management is a necessary and meaningful tool for the organization. This should identify the improvement that will be carried out to ensure that the plan is appropriately implemented to meet its environmental objectives.

SCHEDULE XV

CERTIFICATION STATEMENT

A Certification Statement shall be as follows:

"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 herein is, to the best of my knowledge and belief, true, accurate and complete."

Dated at Abuja this 30th day of September, 2009

Mr. John Odey,
Honourable Minister,
Ministry of Environment