

KANO STATE OF NIGERIA

GAZETTE

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K.S. Law No. 15 of 2022

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Kano State Environmental
Pollution Control Law, 2022
(1444 A.H)



ENVIRONMENTAL POLLUTION CONTROL LAW, 2022



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Assented to this 22nd day of November, 2022 (28th R/Thani (1444 A.H.))

DAKTA ABDULLAHI UMAR GANDUJE OFR,
Governor,
Kano State of Nigeria

KANO STATE ENVIRONMENTAL POLLUTION CONTROL LAW, 2022

(1444 A.H)



K. S. Law No. 15 of 2022

Kano State of Nigeria

A Law to provide for the Control of Environmental Pollution in the State and for other matters connected therewith.

BE IT ENACTED by the Kano State House of Assembly as follows: -

PART I
PRELIMINARIES

- | | |
|---|--------------------------------------|
| <p>1. This Law may be cited as the Kano State Environmental Pollution Control Law, 2022 (1444 A.H) and shall come into operation on 22nd day of November 2022 (1444 A.H)</p> | <p>Citation and
Commencement</p> |
| <p>2. In this Law, unless the context otherwise requires:
 "Commissioner" means the Commissioner, Ministry of Environment;
 "Environment" include water, air, land, plants, Human beings, Animals and the entire Ecosystem;
 "Authorized Officer" means any officer of the Pollution Control Ministry or any other officer of the ministry or its agency or any other person or organization authorized by the Hon. Commissioner carrying out the provisions of this Law:
 "Contaminant" includes any solid, liquid and gaseous or radiation material that adversely affect any component of the Environment;
 "Pollution" means the release of certain harmful substances or form of energy into the environment above the standard limit that can cause adverse effect to public health and environment;</p> | <p>Interpretation</p> |

“Noise” means unwanted sound that can cause discomfort and or harmful effect to health and environment which is above the standard limit.

“Littering” means carelessly dropping or throwing of unwanted materials into the environment.

“Disposal” means the throwing of any waste unto any component of the environment.

“Fees” means any sum payable to the ministry for license, permits, approval and any other payment for services of the ministry.

“Financial Year” means a year beginning on the 1st day of January and ending on the 31st day of December.

“Waste” means any material(s) of which the owner has no use of and need to be disposed.

“Land Fill” means a facility for environmental safe disposal of solid or semi solid waste.

“Ministry” means Ministry of Environment.

“Point Sources” means discrete or well-defined source of pollutants.

“Non-Point Sources” means non-discrete or ill-defined sources of pollutants.

“Property” includes anything in action Agriculture, Residential, Commercial or Industrial Lands, Building Sites, Building and appurtenance, any interest in real or personal property, building or estate, in funds, loans account receivable, investment, lien, charge, claims and right.

“Solid Waste” means any waste material other than gaseous, liquid or semi-liquid.

“Industry” means micro, small, medium and large-scale industries.

“Unpurified Gas” includes Sulphur Dioxide, Oxides, Nitrogen, Hydrogen, Sulphide, Carbon Monoxide, Carbon dioxide, Chlorine smoke, Metallic dust, Green House Gases and other similar substances.

“State” means Kano State of Nigeria.

“EIA” means Environmental Impact Assessment.

“ESMP” means Environmental and Social Management Plan.

“EAR” means Environmental Audit Report,

“HSEP” means Health Safety and Environment Plan.

“EHIA” means Environmental Health Impact Assessment.

PART II

GENERAL PROVISIONS ON ENVIRONMENTAL POLLUTION CONTROL

- | | |
|--|-----------------------------------|
| <p>3. The objectives of this law shall include the undertaking of the State and the general public on their responsibility for all matters relating to Environmental Pollution Control, protection, technology, research and initiation of policy relating to the Environmental Protection and Management: PROVIDED THAT any Ministry, Department or Agency dealing with same or similar matters shall as from the commencement of this Law cease to deal with such matters.</p> | <p>Objective of the Law.</p> |
| <p>4. In pursuance of the provisions of Section 3 of this law, the Ministry shall perform the following functions: -</p> <ul style="list-style-type: none"> a) Enact State Regulations, control criteria, procedures, guidelines and environmental quality standards for effective control and prevention of point and non-point sources of pollution and environmental degradation. b) Formulate, Implement and Review: <ul style="list-style-type: none"> i. Environmental control policy in the state. ii. Demand and review Environmental Impact Assessment. iii. Environmental and Social Management Plan for all new development projects; and iv. Environmental Audit Report for existing development and such other operations which are deemed to have significant impact on the environment. c) Prevent any act, omission or commission, whose consequences are likely to adversely affect the environment and to generally deal with any discharge of solid, liquid, noise or gaseous waste deposited/released wilfully or otherwise in the environment and deal generally with any violation, which may be deemed hazardous to the environment and the ecosystem in this regard to: - <ul style="list-style-type: none"> i. Monitor the whole State for any of such discharges. ii. Cause the party or parties responsible to stop or remove such discharges. iii. Remove or cause to be removed such discharge(s) at the expense or account of the defaulter. | <p>Functions of the Ministry.</p> |

- iv. Cause penalty to be paid for such violation and to negotiate appropriate compensation to the victim(s) of such discharge; and
 - v. Reinstate or rehabilitate the State at the expense of the party or parties responsible
- d) Issue permits, licenses, approvals and administer certification system and operational procedures as may be provided under any regulation, Law or Federal Enactment and to charge fees and levies for the issuance of such permits, licenses, approvals and certificates as the Ministry may from time to time prescribe.
- e) Generally, investigate all violations of this law and any rules, regulations, the terms and conditions upon which any permit is granted and to take or cause to be taken appropriate legal and penal remedies to prevent, remove or rehabilitate any aspect of the environment that has been violated or degraded.
- f) At all reasonable times, enter upon or have access to any public or private property or premises for the purpose of inspecting and investigating or ascertaining any violations or potential violations of this Law and any Regulations made there under.
- g) Monitor environmental quality, conduct program of continuous surveillance and regular inspection of actual or potential contaminants of point and non-point sources of pollution in accordance with any laid down regulations.
- h) Co-ordinate environmental protection processes throughout the state and liaise with federal government, other public and private agencies, ministries and institutions engaged in environmental protection.
- i) Establish and maintain close liaison and linkages with major research and scientific institutions, professional associations, experts and consultants as well as government and non-governmental organizations on environmental protection matters.
- j) Research, collect and collate information and research findings in various environmental disciplines.
- k) Store information, develop libraries and archives and to develop and maintain a database on environment.
- l) Stimulate public interest on environment by dissemination of information, organize lectures and seminars, public awareness campaigns and generally encourage sponsorship of environmental education programs in schools, mass media and other formal and informal sectors.

- m) Sponsor and conduct training programs for industrial, commercial and public Institutions, recruit and train environmental workers for the purpose of effective mobilization of the public towards environmental education and awareness.
- n) Establish zonal offices and constitute Joint Consultative Committee with the Federal and Local Governments for the purposes of operating and administering the provisions of this Law and Regulations.
- o) Advise the State Government on National, Local and International Environmental Policies and priorities and on science and technology activities and developments relating to environmental protection.
- p) Without prejudice to the generality of the functions of the Ministry in the provision of any Federal or Local Enactment, the Ministry shall be responsible for the issuance of Environmental Permits for all development projects including public buildings in accordance with the Environmental Impact Assessment Act to ensure their conformity to the environmental standards.
- q) Cause to conduct Environmental Impact Assessment of new projects and make continuous Environmental Audit of all existing projects and make recommendations for corrective measures.
- r) Charge fees for issuance of Environmental Permits in connection with any developmental projects in the state.
- s) Demand and receive Environmental Pollution fees annually from industrial and commercial enterprises whose activities pollute the environment.
- t) Set standards for the treatment or purification of waste and issue written permit which shall be renewable after every 12 calendar months.
- u) Establish and maintain pollution control laboratory to collect, collate and analyze samples for determining the level of pollution.
- v) Demand and receive gaseous emission fees from vehicles and large commercial electrical generators.
- w) Monitor and enforce monthly environmental sanitation exercise in the state.

PART III

HANDLING AND DISPOSAL OF WASTE

General Control of Waste.	<p>5. (1) The Ministry shall control all waste in accordance with international standards.</p> <p>(2) The Ministry may make regulations for the purposes of waste control in the State.</p>
Purification and Control of Waste, Noise, and Gaseous Emissions.	<p>6. (1) It shall be the duty of manufacturing companies, institutions or any other body which generate waste, gaseous emission or noise to purify, control or disposed of such waste in accordance with standard permissible limit in a place designated for such purpose.</p> <p>(2) Any person covered by this section who fails to comply with the provisions thereof commits an offence and shall be liable as provided by this law.</p>
Noise Pollution.	<p>7. (1) It shall not be lawful for any person to generate or cause to be generated any noise or sound above the international standard level.</p> <p>(2) Whoever violates the provisions of sub section (1) of this section commits an offence and is liable upon conviction to the punishment prescribed by this law.</p>
Littering.	<p>8. Whoever litters the environment contrary to the provisions of this law, commits an offence and shall be liable upon conviction to the punishment provided by this law.</p>
Treatment and Discharge of Effluent.	<p>9. (1) An industry in the state shall treat its effluent in accordance with the standards set by the Ministry for the purposes of assimilating such effluent by the water body.</p> <p>(2) The Ministry may take the sample and perform test of the discharge effluent where it thinks that an industry has not comply with the provisions of sub section 1 of this section.</p> <p>(3) Where the Ministry as a result of the test conducted found that an offence has been committed by the industry, same shall bear the cost of such tests.</p> <p>(4) Where a person fails to comply with provisions of this section, that person commits an offence and is liable as provided herein.</p>
Prohibition of Dumping of Hazardous Substances	<p>10. (1) It shall not be lawful for any person to dump, bury or cause or allow to be dumped or buried in any land or water within the state of any contaminant, hazardous substance or harmful waste except as may be designated or approved by the ministry</p>

(2) Whoever contravenes the provisions of this section, commits an offence and is liable as provided herein.

11. (1) It shall not be lawful for any person to site an abattoir within the residential area in the state.

Abattoir.

(2) The state or any agency responsible for the management of abattoirs in the state shall relocate the existing abattoirs which are within the residential areas to a suitable site.

(3) The Ministry shall conduct ESMP/HSE and any other relevant plan before issuing permit to establish an abattoir or a slaughterhouse.

(4) Whoever, being an abattoir owner or operator contravenes the provisions of this section commits an offence and is liable as provided herein.

12. (1) It shall not be lawful for any person to carry out commercial poultry farming of more than 100 birds or processing within the residential areas in the State.

Commercial
Poultry Farming
or Processing.

(2) Whoever, carry out commercial poultry farming or processing contrary to the provisions of this section commits an offence and is liable as provided herein.

13. For the purpose of enforcing this law, there shall be enforcement unit which shall comprise of persons referred to in this law as authorized officers.

Enforcement
Unit

14. An authorized officer may with or without warrant: -

Powers of an
Authorized
Officers.

- a) Require the production of any license, permit or certificate for inspection; and
- b) Require the production for examination of any appliance, device or other items used in relation to Environmental Pollution Control.

15. (1) Any authorized officer having reasonable grounds or belief that an offence has been committed against this law or any Regulations made thereunder, may with or without warrant:

Power to
Inspect, Search,
Seize or Arrest.

- a) Enter, inspect and search any premises, vehicle, tent or any other structure whatsoever, in which he has reason to believe that an offence has been committed against this Law: PROVIDED that a notice of such entry shall be given to the owner of the premises.
- b) Collect sample and perform test of any substances relating to the offence which were found in the places mentioned in paragraph (a) of this section and conduct search in pursuance thereto.

- c) Seize any item or substance, or close any place used in the commission of the offence or in respect of which the offence has been committed.
- d) A written receipt shall be issued on any article or thing seized under this section and the grounds for such seizure shall be stated in such receipt.

(2) Where a party is convicted of an offence under this section the court shall order the convict to pay the cost of any test conducted pursuant to paragraph (b) of sub section (1) of this section.

Authorized
Officer to
Disclose
Identity.

16. (1) Any authorized officer acting under the provision of this Law, shall produce to any such person against whom he is acting such identification or written authority as may be sufficient to show that he is an authorized officer.

(2) It shall not be an offence for any person to refuse to comply with the directives, request, demand or order of the authorized officer, if the authorized officer refuses to produce such identification or written authority.

Obstructing an
Authorized
Officer.

17. Any person who: -

- a) Wilfully obstructs any authorized officer in the exercise of any of the duties conferred upon him by this Law; or
- b) Fails to comply with any lawful enquiry made by an authorized officer; commits an offence and shall on conviction be liable to a fine not less than N10,000.00 or to imprisonment for a term not exceeding six months or both such fine and imprisonment.

PART IV

OFFENSES AND PENALTIES

- | | |
|---|---|
| <p>18. (1) Any person who proposes to undertake a major developmental project in the state shall conduct EIA, ESMP, EAR, HSEP for approval by the Ministry.</p> <p>(2) Whoever breach the provisions of this section commits an offence and shall be liable in accordance with the provisions of this law.</p> | <p>EIA, ESMP, EAR, HSEP.</p> |
| <p>19. Whoever fails to observe the provisions of monthly environmental sanitation exercise in the state shall be liable to punishment as provided in the schedule to this law.</p> | <p>Environmental Sanitation.</p> |
| <p>20. (1) No person shall defecate in any open environment within the state.</p> <p>(2) Any person who contravene the provisions of sub section 1 of this section commits an offence and is liable upon conviction to a term of imprisonment which may extend to one month or a fine of N500.00</p> | <p>Open Defecation.</p> |
| <p>21. (1) Any person who discharges or cause to be discharge untreated human waste into drain, wastewater-course, gorge, stream or onto any land or water shall be guilty of an offence.</p> <p>(2) Where facilities for the treatment of waste are provided, it is mandatory for residents to connect to such facility.</p> <p>(3) Where no sewerage facility is provided, a household owner shall provide a standard soak away or septic tank for the house hold.</p> <p>(4) Any person who contravenes the provisions of sub sections (2) and (3) of this section shall be guilty of an offence.</p> | <p>Discharge of Untreated Human Waste.</p> |
| <p>22. (1) No person shall operate as a sewage collector unless he has been licensed by the Ministry.</p> <p>(2) A sewage collector shall dispose of sewage only at an approved site.</p> <p>(3) any person who contravenes the provisions of sub sections (1) and (2) of this section commits an offence and is liable upon conviction to a term of imprisonment which may extend to 2 years or a fine of not less than N20,000.00.</p> | <p>Licensing of Sewage Collectors</p> |
| <p>23. It shall be the duty of any person who deals with oils to provide protective measures to preserve the environment.</p> | <p>Protective Measures Against Oil Discharge.</p> |

- Discharge of Oils. **24.** No person shall discharge any form of oil into any land, drainage, water, and gorge or road verge.
- Punishment for Discharge of Oil. **25.** Any person being:
- a) An individual who contravenes the provisions of section 18 of this law commits an offence and is liable upon conviction to term of imprisonment which may extend to 2 years or a fine of not less than N10,000.00
 - b) A corporate body who contravenes the provisions of section 18 of this law commits an offence and is liable upon conviction to term of imprisonment which may extend to 2 years or a fine of not less than N200,000.
- Discharge into the Atmosphere. **26.** (1) It shall be an offence for any person to discharge into atmosphere inadequately filtered or unpurified gas containing substances injurious to health and environment.
 (2) No person shall burn or cause to be burnt refuse of any description or used tyres, animal parts or electronic waste except in accordance with the guidelines provided by the Ministry.
 (3) No person shall drive or use any vehicle which produces pollutant exhaust.
 (4) No person shall use electrical generator which emits pollutant exhaust.
 (5) any person who contravenes the provision of sub section 3 of this section commits an offence and is liable upon conviction to a term of one (1) month imprisonment or a fine which may extend to N5,000.00.
- Penalty for Non-compliance with Law. **27.** (1) Where a person contravenes the provisions of this law and no specific punishment is prescribed for such contravention, that person shall be liable to punishment as contained in the schedule to this law.
 (2) Where the offence is committed by a corporate body, such body shall in addition to the punishment prescribed be liable to be closed until compliance within such reasonable time as the Court may determine.
- Environmental Court. **28.** (1) For the purpose of trial of any offences under this law, the chief judge of the state shall designate a Magistrate to try such offenders.
 (2) All offenses under this law may be tried summarily.

SCHEDULE PENALTIES AND FINES				(Section 27) Alternative Sentence - Term of Imprisonment
S/N	Violation	Minimum	Maximum	Terms
1	Treatment and Discharge of Effluent	N500,000.00	N5,000,000.00	2 months
2	Discharge of Untreated Human Waste.	N5,000.00 (Individual) N10,000.00 (Corporate)	N150,000.00 (Individual) N600,000.00 (Corporate)	1 month
3	Purification and Control of Waste, Noise and Gaseous Emission.	N5,000.00	N50,000.00	1 week
4	Gaseous Emission by Large Electrical Generator	N5,000.00	N500,000.00	1 month
5	Littering	N500.00	N50,000.00	1 month
6	Defaulter of Monthly Environmental Sanitation Day	N1,000.00 (Individual) N100,000.00 (Corporate)	N100,000.00 (Individual) N5,000,000.00 (Corporate)	1 week
7	Defaulters of EIA, ESMP, EAR, HSEP	N500,000.00	N5,000,000.00	2 months
8	Prohibition of Dumping of Hazardous Substances	N1,000.00 (Individual) N50,000.00 (Corporate)	N200,000.00 (Individual) N1,000,000.00 (Corporate)	1 month
9	Commercial Poultry Farming or Processing	N50,000	N1,000,000.00	1 month
10	Operation of Abattoir	N50,000	N1,000,000.00	1 month
11	Fines for Miscellaneous/Other Offences	To be decided by courts	To be decided by courts	To be decided by courts

AUTHENTICATION BY THE CLERK TO THE HOUSE

This printed impression has been carefully compared by me with the **Bill Kano State Environmental Pollution Control Law, 2022 (1444 A.H)** which has been passed by the Kano State House of Assembly and found by me to be a true and correctly printed copy of the said Law.

GARBA BAKO GEZAWA

Clerk/Head of Legislative
Kano State House of Assembly



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