

**THE NATIONAL ENVIRONMENT
MANAGEMENT ACT, 1994**

**ENVIRONMENTAL DISCHARGE
(PERMITTING) REGULATIONS, 1999**

IN EXERCISE of the powers conferred on the Council by sections 38 (1) and 63 (1) of the National Environment Management Act, 1994 and on the recommendation of the Agency these Regulations are hereby made.

Citation 1. These Regulations may be cited as the Environmental Discharge (Permitting) Regulations, 1999.

Dangerous material 2. For the purposes of section 38 of the National Environment Management Act, 1994, the term "dangerous material" shall include -

(a) for discharge into the Air particulate matter, oxides of nitrogen, oxides of sulphur, oxides of carbon, organic compounds, metals, metalloids and their compounds, asbestos, glass, fibres, mineral fibres halogens and their compounds, and phosphorus and its compounds, and radioactive materials.

(b) for discharge into water mercury and its compounds, cadmium and its compounds, lead and its compounds, cyanide and its compounds, pesticides, radioactive materials. any effluent with a pH of less than 3, any effluent with a pH of more than 11 oil, or any effluent containing oil.

- (c) for discharge to land any liquid effluent, any material containing microbial pathogens, mercury and its compounds, cadmium and its compounds, lead and its compounds, cyanide and its compounds, pesticides, organo-metallic compounds, alkali metals and their compounds, phosphorus, and polyhalogenated organic compounds, asbestos and radioactive materials.

Prescribed processes

3. (1) No person shall carry on a process listed in the schedule unless it is carried on in accordance with these Regulations.

(2) No person shall carry on a process in categories I and II of the schedule unless he or she registers with and obtains a discharge permit from the Agency.

(3) No person shall carry on a process in category III of the Schedule unless he or she registers with the Agency.

(4) The Agency may issue a notice regarding the operation of the processes within category III of the schedule, and a person carrying on a process within that category shall do so in accordance with the notice.

Application for Discharge Permit

4. (1) An application for a discharge permit shall be made to the Agency and shall be accompanied by a fee of -

(a) one thousand dalasis for a process in category I of the schedule, and

(b) five hundred dalasis for a process in category II of the schedule.

(c)

(2) The application shall contain a comprehensive description of the process, the discharge to air, water and land, and the measures to be taken to minimise environmental damage caused by the discharge.

(3) Where an application is made to the Agency, the Agency shall within a period of sixty days determine whether it shall refuse or issue a permit with such conditions as it may determine specifying

(a) the dangerous material that the process may produce in gaseous, liquid or solid form;

(b) the maximum allowable quantity or concentration of discharge of dangerous material in gaseous, liquid or solid waste form;

(c) the monitoring of gaseous, liquid or solid waste discharge which the process operator is required to undertake, including the parameter to be monitored, the frequency of monitoring, the sampling and analytical techniques to be used, the laboratory to be engaged and the presentation of the results; and

(d) other environmental management measures which the process operator is required to undertake.

(4) The Agency shall not issue a permit unless the Agency considers that the applicant is in a position to carry on the process in accordance with the conditions attached to the permit.

(5) The Agency may, in granting a permit for a process which is in operation, specify a reasonable time within which the operator shall comply with the conditions stipulated by the permit or these Regulations.

Matters to be considered by Agency in

5. (1) In determining an application for a discharge permit the Agency shall consider

issuing or
refusing Permit

(a) ambient environment quality standards under the Environmental Quality Standards Regulations;

(b) the available options for reducing environmental damage, taking into account;

(i) the risk to the environment or human health;

(ii) the financial cost; and

(iii) the best practice in comparable situations elsewhere in Africa and other developing countries.

(3) With respect to processes subject to Environmental Impact Assessment under sections 22 and 23 of the Act, the Agency shall consider the findings of the environmental impact assessment in relation to the predicted environmental effects of proposed discharge levels.

Duration of
Permit

6. (1) A discharge permit shall be valid for a period of four years from the date of issue unless revoked earlier by the Agency.

(2) Except in situations of grave emergency, a permit may only be revoked after an improvement notice has been served on an operator and the operator fails to comply with it, to the satisfaction of the Agency, for a period of ninety days.

(3) The Agency may, from time to time review the terms and conditions of discharge permit issued under these Regulations.

Cost of
compliance to be
borne by
operator

7. The operator of a process under these Regulations shall bear the cost arising from compliance with the terms and conditions of a discharge permit and improvement notice, and where any such cost is incurred by the Agency, it shall recover such cost from the operator.

Improvement
Notice

8. (1) An operator who fails to comply with the terms and conditions of the discharge permit shall be

served with an Improvement Notice specifying -

- (a) the nature of the breach;
- (b) the action required to remedy the breach;
- (c) the time within which the required action shall be taken.

(2) Where an operator fails to comply with an Improvement Notice within the time specified therein the process shall be closed down by the Agency until such, time that the notice is complied with.

Register

9. (1) The Agency shall maintain a Register containing the following:-

- (a) applications for discharge permits;
- (b) permits granted under these Regulations;
- (c) results of monitoring registered processes
- (d) Improvement Notices; and
- (e) all other notices issued under these Regulations.

(2) The Register shall be available for inspections by the public during official working hours.

Appeals

10. (1) A person operating a process may apply to the Council for review of any decision relating to:

- (a) the assignment of a process to a particular category under the schedule;
- (b) the refusal of a discharge permit,
- (c) the conditions attached to a discharge permit,
- (d) the service of Improvement Notices, and
- (e) the issuance of a notice under these Regulations.

(2) Where an application for review is made, the Council shall within a reasonable time determine the application and communicate the outcome to the applicant.

(3) The decision of the Council on an application for a review is final.

SCHEDULE

PROCESSES WITH THE MOST SERIOUS POTENTIAL FOR POLLUTION

- CATEGORY I:
- (a) processing, packaging and manufacturing industries;
 - (b) major agro-industries;
 - (c) incinerators
 - (d) power generation facilities with an installed capacity of 1MW or more;
 - (e) the handling or storage of bulk quantities of hydrocarbons;
 - (f) sewage disposal operations, works and sewage outfalls;
 - (g) hospitals and medical clinics;

CATEGORY II: PROCESSES WITH A LOWER POTENTIAL FOR POLLUTION

- (a) hotels with over 100 beds;
- (b) vehicle repair garages;
- (c) mechanical workshops;
- (d) construction companies;
- (e) Seaports and Airports;
- (f) small scale agro-industries;

(g) fish processing plants; and

(h) all other industrial processes not included in category I above.

CATEGORY III SMALL SCALE ARTISANAL PROCESSES

(a) small scale industries not listed under categories I and II above;

(b) processing sites not listed under categories I and II above.

MADE THIS

DAY OF

1999

CHAIRMAN OF THE COUNCIL