

EKITI STATE WASTE MANAGEMENT AUTHORITY LAW, 2020.

NO. 18 OF 2020

EKITI STATE OF NIGERIA

A LAW TO ESTABLISH THE EKITI WASTE MANAGEMENT AUTHORITY AND FOR CONNECTED PURPOSES.

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**A LAW TO ESTABLISH THE EKITI WASTE MANAGEMENT
AUTHORITY AND FOR CONNECTED PURPOSES.**

NO. 18 OF 2020.

EKITI STATE OF NIGERIA

Commencement / /

ENACTED BY THE EKITI STATE HOUSE OF ASSEMBLY *as follows:*

Establishment of the Ekiti Waste Management Authority.

1. (1) There is hereby established in Ekiti State a Waste Management Authority (referred to in this Law as "the Authority").
- (2) The Authority shall -
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) be capable of purchasing, acquiring, holding and disposing off movable and immovable property for the purpose of carrying out its functions under this Law.

Establishment and Composition of the Governing Board.

2. (1) There is established for the authority a Governing Board (referred to in this law as "the Board").
- (2) The Board shall consist of: -
 - (a) a Chairman;
 - (b) the General Manager who shall be the Chief Executive Officer of the Authority;
 - (c) a representative of the Office of the Governor who must be an officer not below Grade Level 15;
 - (d) one local government Chairman from each of the three senatorial districts in the State;
 - (e) a representative of the private sector;
 - (f) the Commissioner for Environment or his representative not below Grade Level 15;
 - (g) the Commissioner for Local Government and Community Development or his representative not below Grade Level 15;
 - (h) a representative of the Health Care Industry conversant with waste management;

- (i) a Secretary, who shall also be a Legal Adviser to the Authority and not below the rank of a Deputy Director from the Civil Service/Public Service;
- (3) (a) The Chairman and Members of the Board shall be appointed by the Governor, subject to the confirmation of the House of Assembly;
- (b) The Governor shall appoint the Chairman of the Board from amongst the members of the Board, who shall be an expert in any science or public health related profession.

Tenure of Office of Members.

- 3. (1) Members of the Board shall hold office for a term of four (4) years, and may be re-appointed for a further term of four (4) years only.
- (2) The Local Government Chairmen on the Board shall hold office for the duration of the period of serving as Chairmen.
- (3) All members of the Board shall serve on part-time basis except the General Manager and the Secretary.

Cessation of Office.

- 4. A member of the Board shall cease to hold office if member:
 - (a) resigns by giving one (1) month notice in writing to the Governor;
 - (b) is unfit or unable to discharge the functions of the office, either by reason of infirmity or mental incapacity;
 - (c) has been convicted by a competent Court of Law for offences involving dishonesty;
 - (d) is an undischarged bankrupt or is in obvious financial distress; or
 - (e) is guilty of gross misconduct in relation to the duties of the office.

Remuneration and Allowances.

- 5. The remuneration and allowance of the members of the Board shall be determined by the Governor.

Powers of the Board.

6. (1) Notwithstanding other provisions of this Law, the powers of the Board shall include –
 - (a) Preparation of long-time plans in consultation with appropriate Government authorities;
 - (b) conduct of research relating to waste disposal system and cleaning of streets;
 - (c) establishment of standards relating to waste collection and waste disposal system, the clearance and maintenance of public drainage facilities and cleaning of streets within the state in collaboration with appropriate government authorities; and
 - (d) the conduct of other related or incidental activities.
- (2) The Board may make regulations for the general conduct of the business of the Authority and may-
 - (a) establish special and standing committees of the Board;
 - (b) establish advisory committees consisting of members of the board and persons other than members;
 - (c) regulate proceedings of such committees; and
 - (d) delegate any of its duties to such committees.
- (3) Notwithstanding the provisions of Section 4 of this Law, the Governor may remove any member of the Board if satisfied that it is in the public interest to do so.

Meetings of the Board.

7. (1) The Board shall meet at least once every two (2) months at such place and time as the Chairman may determine.
- (2) A special meeting of the board may be summoned at the request of the Chairman.
- (3) All meetings of the Board shall be summoned by the Secretary.
- (4) The Chairman shall preside at any meeting of the Board but when absent, members of the board shall elect one of the members present to preside.
- (5) The General Manager and Secretary of the Authority must be in attendance at all meetings of the Board and take part in its proceedings and the board may also require any of its officers to attend such meeting and take part in the proceedings.

- (6) The secretary and any of the officer of the Authority attending its meeting will not have right to vote on any matter, unless otherwise invited by the presiding officer.

Voting.

8. (1) Every question for decisions by the Board at any meeting shall be decided by a majority of the votes of members present and voting.
- (2) The Chairman or the member presiding in the Chairman's absence shall at any meeting have a deliberate vote but in the case of an equality of votes, shall have a second or casting vote.

Quorum.

9. The quorum of the Board for its meeting shall be six (6) members.

Disclosure of interests by Members of the Board.

10. A member of the Board who is directly or indirectly interested in the project or a transaction of the authority must disclose the nature of the interest at meeting of the Board and the disclosure must be recorded in the minutes book of the Authority and the member must not take part in any deliberation or decision of the Board with respect to that transaction.

Common Seal.

11. (1) The common seal of the Authority shall be determined by the Board and affixing of the common seal will be authenticated by the signature of the General Manager and the Secretary or some other person(s) authorised by the Board for that purpose.
- (2) A document duly executed under the common seal of the Authority shall be admissible in court and unless the contrary is proved to be deemed to be so executed.

Functions of the Authority.

12. (1) The Functions of the Authority are to –
 - (a) liaise with the Ministry, Local Government Areas and all relevant Agencies, Boards and Authorities to ensure the achievement of the overall objectives of this Law;
 - (b) make regulations for the standard of collection and disposal of the controlled waste collected in the State by the Authority, Local Government Areas and waste

disposal contractors or by any other person authorised by it within the State.

- (c) define environmental aspects of the State Waste Management Sector Strategy in close collaboration with other key stakeholders;
- (d) collect and dispose off waste from public institutions;
- (e) monitor environmental impact of the waste management system related to air, water and soil pollution and adopting standards and regulations as well as environment protection strategy and policies;
- (f) inspect waste management facilities permitted by the Authority after the completion of their construction on a regular basis while under operations to ensure compliance with relevant environmental laws, regulations, standards and conditions of operations;
- (g) receive tenders and outsourced public service to operators of incinerators and waste recycling plants;
- (h) tendering performance of service providers and managing the contracts of service providers and consultants under this Law;
- (i) provide support services on waste management related inquiries or complaints through a call centre. The call centre shall be under the supervision of the Authority;
- (j) promote private investment in solid waste management;
- (k) clean streets, roads, collect and dispose off domestic, commercial waste from designated public places and any other form of solid including medical, marine waste garden waste and building waste in accordance with the provision set out in schedule 3 of this Law;
- (l) remove and dispose off abandoned and scrapped vehicles;
- (m) remove and dispose off animal carcass from public places;
- (n) prepare and update the master plan for waste collection and disposal in the cities, towns, and villages in the State and control resultant waste system within the State;
- (o) approve and monitor all solid waste disposal systems in the state;
- (p) make provision for waste management services to State

- agencies, Local Governments Areas, industries, business entities and private persons within the State by receiving waste at the Authority's facilities pursuant to contractual agreement between the Authority and such other party;
- (q) issue, suspend, renew and revoke licence of private waste, collectors, incinerators and waste recycling plants;
 - (r) maintain a central data base information system for collation of data;
 - (s) develop guidelines and targets for waste avoidance and volume reduction through source reduction and waste minimisation measures, including composting, recycling re-use recovery and green charcoal process;
 - (t) regulate proper segregation and containerisation of waste through policy formulation and public awareness;
 - (u) ensure proper collection, transportation, treatment and disposal of waste by adopting best environmental practice;
 - (v) promote research and development programs for improved waste management and resource conservation techniques, effective institutional waste reduction, re-use, collection, treatment and separation;
 - (w) do all such acts as are necessary or incidental to the proper discharge of its duties under this Law and;
 - (x) prevent, stop or discontinue any activity or omission, which is likely to cause harm or has caused harm to human health or the environment.
- (2) The Authority may in association with any other person or body lawfully empowered to do so in accordance with the provisions of this Law or any other Law:
- (a) grant franchise or enter into partnership with the private sector regarding waste management; or
 - (b) performing any of its statutory function or related functions in accordance with applicable regulations or guideline.
- (3) The Authority may, subject to the provision of any other relevant Law, require a waste generator, licensee, service provider or person involved in or associated with the provision of domestic and or commercial waste collection service within a specific area to furnish information to the

Authority which may be reasonably required for the information system and this may include –

- (a) significant source of waste generation and the identification of generators of waste;
- (b) quantities and classes of waste generated;
- (c) management of waste by waste generators
- (d) waste handling, waste treatment and waste disposal facilities,
- (e) population and development profiles;
- (f) reports on progress in achieving waste management targets;
- (g) management of radioactive waste; and
- (h) any other information required by legislation, regulations or guidelines.

Powers of the Authority.

13. The Authority shall have power to –

- (a) employ such staff as it may consider necessary for the purpose of carrying out its functions under this Law and may in accordance with the process applicable in respect of transfer of officers in the public service as officers on secondment to the Authority as soon as possible at the commencement of this Law;
- (b) determine the remuneration of its staff as well as establish, maintain and manage a pension scheme for the benefit of its officers or employee in accordance with any applicable Pension Law of the State;
- (c) promote and exercise disciplinary control over such staff in accordance with Civil Service Rules;
- (d) determine the fees payable for issuance and renewal of licence to private waste collectors;
- (e) liaise with the Ministry of Environment to seal off any premises that fail to conform with Sections 18, 19, 20 & 21 of this Law in accordance with applicable Laws;
- (f) charge commercial tariffs, which may vary from area to area and;
- (g) provide other related services not mentioned in this Law as may be required.

Power to make Regulations.

14. The Authority may make regulations for the effective implementation of the provisions of this Law and in particular for –
- (a) service charge for removal and collection of waste;
 - (b) condition and fees payable for the issuance and renewal of licence;
 - (c) charge payable for other incidental services rendered by the Authority;
 - (d) all forms of notices required to be given or issued under this Law and services of same;
 - (e) penalties for offences in respect of any regulation made in accordance with the provisions of this Law; and
 - (f) any other matter incidental to the performance of its functions under this Law.

Appointment of the General Manager of the Authority.

15. (1) There shall be appointed by the Governor a General Manager who shall be the Chief Executive Officer of the Authority.
- (2) The General Manager shall be responsible for the execution of the policy of the Authority and for the day to day administration of its affairs in accordance with the provision of this Law.
- (3) The General Manager shall hold office for a term of four (4) years, and may be reappointed for a further term of four (4) years only; and
- (4) On such terms and conditions as may be specified in the letter of appointment.

Secretary of the Authority.

16. (1) There shall be appointed by the Governor, on the recommendation of the Attorney General, a Secretary, who shall be a Legal Practitioner from the Civil Service/Public Service not below the rank of a Deputy Director.
- (2) The Secretary shall –
- (a) keep the records and conduct the correspondence of the Board;
 - (b) make arrangement for the meetings of the Board;
 - (c) prepare the agenda and minutes of such meeting; and
 - (d) perform such other duties as the General Manager may assign.

Pension.

17. The Authority shall –
- (a) maintain a sustainable staff pension scheme in accordance with the State Pension Law;
 - (b) grant pensions or retirement benefits to its employees;
 - (c) grant benefits to the dependants or estates of deceased employees; and
 - (d) require its employees to subscribe with any Pension Fund Administrator of their choice.

No Waste Collection Without Licence.

18. (1) No person shall operate any waste collection, transportation, recycling and disposal business without a license issued by the Authority.
- (2) On an application by any person or body corporate, the Authority may subject to the payment of prescribed fees and demonstration of competence in terms of skills and equipment and other requirements, issue a licence as set out in this Law.
- (3) Notwithstanding the provisions of sub-section (1), a person or operator may collect or transport any form of waste other than that specified in its licence or authorised by the Authority and for the purpose of this Section, the category of waste shall include –
- (a) domestic waste;
 - (b) commercial (bulk containerised) waste;
 - (c) industrial waste;
 - (d) special industrial waste;
 - (e) hazardous waste;
 - (f) recyclable waste;
 - (g) healthcare waste; and
 - (h) building waste.

Grant of Licence.

19. (1) To obtain a licence under this Law, a Private Waste Operator and/or its technical partner must -
- (a) have the managerial, technical and financial capability to efficiently perform the activities as required in the licence applied for;

- (b) have a good reputation and proven track record for performing the activities as required in the licence applied for; and
 - (c) agree to abide by the Authority's rules with respect to abuse or any market power and restriction of competition.
- (2) For the purpose of this law, a prospective license and/or its technical partner shall in addition to other requirements by the Authority –
- (a) submit a full Scoping study of their plans;
 - (b) undertake all risk insurance with respect to the waste disposal vehicles and any other facility used by the prospective licensee;
 - (c) provide an acceptable Health Safety and Environment (HSE) Policy;
 - (d) provide its employees with adequate personal protective equipment;
 - (e) prove that the Technical Partner has a beneficial stake in the equity of the Private Operator;
 - (f) that there exists a Technical Service Agreement between the Private Operator and its Technical Partner;
 - (g) prove that its vehicles and facilities are in good working condition; and
 - (h) show proof of its business offices within its operational area(s)/ zone(s).
- (3) Private Operators holding a Waste Collection/Street Cleaning licence shall at all times maintain a personal injury and life assurance cover for its employees engaged in street sweeping, with a reputable insurance company.

Renewal of Licence.

- 20. (1)** Any licence issued in accordance with this law shall be renewed every twenty-four (24) calendar months from the date of issuance. A licensee wishing to renew shall not later than two (2) weeks before the expiry of the licence, apply for a new licence and renewal shall be subject to the same consideration as an application for the grant of a license.

- (2) Any licence issued prior to the commencement of this Law shall within sixty (60) days of the commencement of this Law be submitted to the Authority for review and brought into compliance with the provisions and requirements under this Law. **Provided** that any pre-existing licence not submitted for review in accordance with this Section shall be deemed revoked.
- (3) Any licence issued in accordance with the provisions of this section shall not be assigned without the prior written consent of the Authority.

Suspension / Revocation of Licence.

21. (1) Where it appears to the Authority that the provisions of this part –
 - (a) are not being carried into effect;
 - (b) a condition of the licence has been breached;
 - (c) the licensee has ceased to be eligible; or
 - (d) it is in the interest of the public to do so, the Authority may –
 - (i) suspends the operation of such licensee until the conditions which caused the order of suspension to be issued have been rectified; or
 - (ii) revoke the licence.
- (2) In accordance to the provision of this Section, all commercial and industrial entities shall patronise approved private operators for the collection and transportation of their waste to designated disposal sites.

Transfer of Licence.

22. (1) A licence may be transferred to another person in accordance with the provisions of this Section.
- (2) Where the holder of a licence desires that the licence be transferred to another person (“the proposed transferee”) the licence holder and the proposed transferee shall jointly make an application to the Authority for a transfer of it.
- (3) An application under subsection (2) above for the transfer of a licence shall be made in such form and shall include such

information as the Authority prescribes by regulations and shall be accompanied by the prescribed fee payable under the regulation.

- (4) If there is no such application, the Authority shall effect a transfer of the licence to the proposed transferee, and shall cause the licence to be endorsed with the name and other particulars of the proposed transferee as the holder of the licence from such date as may be agreed with the applicants and specified in the endorsement.
- (5) If within the period of ninety (90) days beginning with the date on which the Authority receives an application for the transfer of a licence, or within such longer period as the Authority and the applicants may at any time agree in writing, the Authority has neither effected a transfer of the licence nor given notice to the applicants that the Authority has rejected the application, the Authority shall be deemed to have accepted the application.

Duty to Provide Information.

23. The Authority may, subject to the provision(s) of any other relevant Law require a waste generator, licensee, service provider or person involved in or associated with the provision of domestic or commercial waste collection service within a specific area to furnish the Authority with information which may be reasonably required for the information system and this may include-
- (a) significant sources of waste generation and the identification of the generators of waste;
 - (b) quantities and classes of waste generated;
 - (c) management of waste by waste generators;
 - (d) waste handling, waste treatment and waste disposal facilities;
 - (e) population and development profiles;
 - (f) reports on progress in achieving waste management targets;
 - (g) markets for waste by class of waste or category; and
 - (h) any other information required by legislation, regulations or guidelines.

Production of Licence for Inspection.

24. The Authority may by notice in writing addressed to a private waste collector or waste disposal contractor require the production of the

original copy of licence for inspection, and any officer of Authority may be authorised to enter the premises of the private waste collector between the 9am and 5pm for the purpose of inspecting the licence.

Owner, occupier to provide waste storage bin.

25. Every owner or occupier of a tenement must provide an approved receptacle as may be specified by the Authority outside the tenement for the storage of waste provided that the placement of such storage bins will not contravene the provision of any physical planning or building regulations in the State.

Payment for Waste Charge.

26. The owner or occupier of premises must pay the Authority or a licensed private operator or franchisee the prescribed charge for the provision of waste service as and when due.

Domestic and Bulky Waste.

27. (1) The occupier of the premises on which domestic or bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time.
- (2) A licensed operator may collect domestic and or bulky waste, and deposit same at designated recycling facility or any other facility authorised by the Authority.
- (3) The owner or occupier of the premises on which construction waste is generated must ensure that –
- (a) until disposal, all construction waste, together with any container used for the storage, collection or disposal, is kept on such premises;
 - (b) the premises on which the construction waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building construction waste;
 - (c) any construction waste which is blown off the premises, is promptly retrieved; and
 - (d) pursuant to any directive from relevant government agency any structure necessary to contain the construction waste is provided.
- (4) Notwithstanding the provisions of this Section, the owner or occupier of any premises on which garden waste is generated

may, with the written approval of the Authority compost the waste on such property.

- (5) Notwithstanding the provisions of subsection (4) of this Section, the Authority may specify conditions for the storage and removal of building waste on a verge.
- (6) Every receptacle used for the storage and removal of construction waste may be placed on a verge if –
 - (a) the name, address and telephone number of the person in control of that receptacle is clearly written on it;
 - (b) it is fitted with reflective materials which must completely outline the front and the back; and
 - (c) it is covered at all times other than when actually receiving waste or being emptied of waste so that no displacement of its contents can occur.
- (7) The owner or occupier of premises on which garden, bulky or construction waste is generated must ensure that same is collected by a licensed operator or any person so authorised by the Authority.
- (8) A licensed operator may collect garden, bulky or building waste and shall deposit same at a designated recycling facility or any other facility as may be designated for same.

Health, Industrial and Biomedical Solid Waste.

- 28.** (1) A person may not carry on any activity which will cause the generation of special industrial, hazardous or healthcare waste, without notifying the Authority in writing, prior to the commencement of such activity. Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of this Law, the generator must notify the Authority as contemplated in this subsection within thirty (30) days of the commencement of this Law.
- (2) The Authority may require that the notification referred to in subsection (1) must be accompanied by –
 - (a) an analysis of the composition of the proposed waste certified by qualified chemist or waste expert; and
 - (b) an estimated quantity of waste to be generated.
 - (3) The person referred to in subsection (1) must notify the Authority in writing of any change occurring with respect to the generation, composition, and quantity of waste.
 - (4) Special industrial, hazardous and healthcare waste must be

stored in an approved receptacle and for such period as may be prescribed by the Authority.

- (5) Special industrial, hazardous and healthcare waste shall be collected and disposed off by an approved licensed operator in accordance with the provisions of this Law or any regulation or guideline issued by the Authority.
- (6) A licensee must dispose off special industrial, hazardous and healthcare waste at a waste treatment and disposal facility designated by the Authority or such other facility as may be so authorised.
- (7) No obnoxious, toxic or poisonous waste shall be deposited in the waste bin not so designated for that purpose.
- (8) Failure to comply with the provisions of this section shall attract a fine of Twenty Thousand Naira (₦20,000.00) for individuals and Two Hundred Thousand Naira (₦200,000.00) for corporate bodies.

Prohibition of Unauthorised or Harmful Disposal or Treatment of Waste.

29. (1) A person shall not –
- (a) collect, transport, sort, recover, treat, dispose off or otherwise manage waste in a manner that results in an adverse effect or creates a significant risk of an adverse effect occurring;
 - (b) dump waste of any description at any place other than a waste disposal site designated by the Authority;
 - (c) treat, keep or dispose off controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed off –
 - (i) in or on any land, or
 - (ii) by means of any mobile vehicle or plant, except under and in accordance with a waste management licence;
 - (d) A person shall not treat, keep or dispose off controlled waste in a manner likely to cause pollution of the environment or harm to human health.
- (2) Any person who contravenes the provisions of subsection (1) above, commits an offence and shall on conviction be liable to a fine of Twenty Thousand Naira (₦20,000.00) for an individual and Fifty Thousand Naira (₦50,000.00) for a corporate entity, and on subsequent commission of the same offence shall on conviction be liable to imprisonment for a term not exceeding two (2) years for an individual and in the case of a corporate entity its Directors and Management Staff responsible for the day to day operation of the company for a term not exceeding two (2) years for each of such Director(s) or Management

staff of the company, and the company shall be liable to a fine of Five Hundred Thousand Naira (₦500,000.00)

Disposal of Healthcare, Individual and Biomedical Waste.

30. (1) A person shall not dispose off waste in such a manner that it becomes litter or is likely to become litter.
- (2) A person who contravenes the provisions of subsection (1) above commits an offence and shall, on conviction, be liable to a fine not less than Ten Thousand Naira (₦10,000.00).
- (3) Where controlled waste is carried in and deposited from a vehicle, the person who controls or is in a position to control the use of the vehicle shall for the purposes of subsection (1) of this Section be treated as knowingly causing the waste to be deposited whether or not the person gave any instruction for this to be done.

Receptacles for Waste.

31. (1) Every owner or occupier of a tenement shall provide covered waste receptacles outside the tenements to be used for depositing waste, and the Authority may by notice in writing to such an owner or occupier prescribe the receptacles of a kind and number.
- (2) In making prescriptions under subsection (1) of this Section, the Authority may by notice make provisions with respect to –
- (a) the size, construction and maintenance of the receptacles;
 - (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose-
 - (i) the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and
 - (ii) the steps to be taken by occupiers or owners of premises to facilitate the collection of waste from receptacles.
- (3) The provisions in subsection (1) of this Section shall be applicable to household waste, industrial waste, commercial waste and clinical waste.

Prohibition of Obnoxious, Toxic or Poisonous Waste.

32. An obnoxious, toxic or poisonous waste shall not be deposited in the waste receptacles mentioned in Sections 31 of this Law.

Prohibition of Certain Waste Disposal Practices.

33. (1) A person shall not burn or cause to be burnt any tenement waste of

any description.

- (2) A person shall not deposit or dump or cause to be deposited or dumped into a river, lagoon, stream, lake, pond, sea or any body of water, roadmaps, beautified sites, setbacks or waste of any description.
- (3) (a) In the case of Markets in the State, dumping waste of any description at any place other than a waste disposal site designated by the Authority in the market is hereby prohibited.
- (b) Any person who contravenes the provisions of subsection (a) above commits an offence and shall on conviction be liable to a fine of Ten Thousand Naira (₦10,000.00) for an individual and Fifty Thousand Naira (₦50,000.00) for the market if the contravention is done by the market people in general, and on subsequent commission of the same offence shall on conviction be liable to imprisonment for a term not exceeding two (2) months for an individual and in the case of the market people in general, the officers of the market union (chairman and secretary) for a term not exceeding two (2) months for each of them.

Deposition of Waste in Undesignated Place(s).

34. If any controlled waste is deposited in or on any deposited waste land in contravention of the provisions of this Part, the Authority may by notice served on the person, require the occupier or owner of the tenement or property to do either or both of the following –
 - (a) to remove the waste from the land within a specified period not less than a period of seven (7) days beginning from the day of the service of the notice.
 - (b) to take within such a period specified steps with a view to eliminating or reducing the consequences of the deposit of the waste.

Waste Disposal Vehicle to be covered.

35. Any vehicle or contraction used for transporting or conveying waste shall be covered in such a way that the contents do not litter the highway or any road in the State.

Waste Recycle Plans.

36. It shall be the duty of the Authority in respect of household, green/garden and commercial waste to –
 - (a) carry out an investigation with a view to deciding what arrangements are appropriate for dealing with the waste by separating, labelling or otherwise

- packaging waste for the purpose of recycling it;
- (b) decide what arrangements are needed for that purpose;
- (c) prepare a statement ("the plan") for the arrangements made and proposed to be made by the Authority and other persons for dealing with waste;
- (d) carry out further investigations with a view to deciding what changes in the plan are needed;
- (e) make modification of the plan which it thinks appropriate in consequence of any such further investigation;
- (f) take such steps as in its opinion will give adequate publicity in each Local Government Area of the State to the plan or any modification of it: and
- (g) send to the Local Government Area waste disposal contractors or operators and such other relevant persons a copy of the plan or, as the case may be, particulars of the modification.

Designation of sanitary land -filled area.

- 37.** (1) The State Government has the power to designate a place as sanitary land-filled area where the waste collected from the user must be dumped.
- (2) The Authority has the sole right to design, plan, operate, manage, control and maintain such places designated as a sanitary land fill site.
- (3) Factors to be considered in designating an area as a sanitary landfill area shall include: -
- (a) Area capacity and availability.
 - (b) proximity to sensitive groundwater resources.
 - (c) Proximity to perennial surface water.
 - (d) Occurrence of flooding.
 - (e) Proximity to sensitive land users.
 - (f) Local ecological conditions.
 - (g) Current and future land use.
 - (h) Seismic condition.
 - (i) Geologic condition.
 - (j) Soil/land condition.
 - (k) Topography.
 - (l) Environmental friendly technology.

Special Hazardous Waste.

- 38.** (1) If the Authority considers that controlled waste of any kind is or may be so dangerous or difficult to treat, keep or dispose of that special provision is required for dealing with it, the Authority shall make

provisions by regulations for the treatment, keeping or disposal of waste of that kind ("hazardous waste").

- (2) Without prejudice to the generality of subsection (1) of this Section, the regulations may include provision –
- (a) for the giving of directions by the Authority with respect to matters connected with the treatment, keeping or disposal of special waste;
 - (b) for ensuring that special waste is not, while awaiting treatment or disposal in pursuance of the regulation, kept at anyone place in quantities greater than those which are prescribed and in circumstances which differ from those which are prescribed;
 - (c) for requiring the owner or occupier of premises on which special waste is situated to give notice of that fact and other prescribed information to the authority;
 - (d) for the keeping of the records by the Authority and by persons who import, export, produce, keep, treat or dispose of special waste or deliver it to another person for treatment or disposal, for the inspection of the records and for the furnishing by such persons to the Authority of copies of information derived from the records; providing that a contravention of the regulations shall be an offence and prescribing the maximum penalty for the offence.

Duty to Keep Land and Highways Clear of Litter etc.

39. (1) The duty to keep land, roads and highway clear and free of litter shall be that of –
- (a) each Local Government Area for any relevant road for which it is responsible;
 - (b) the Authority, for any relevant highway, trunk road, special road and any relevant highway or relevant road for which it is responsible;
 - (c) the governing body of each designated education institution or, the educational authority responsible for the management of the institution, in respect of its relevant land; and
 - (d) the occupier of any relevant land within a little control area of a Local Government Area, to ensure that the land is kept clear of litter and refuse.
- (2) In determining what standard is required in respect of any description of land, highway or road, for compliance with subsection (1) of this Section, regard shall be had to the character and use of the land,

highway or road and the measures which are practicable in the circumstances.

- (3) A Local Government when discharging its duties under subsection (1) (a) of this Section shall –
 - (i) in respect of any relevant highway or road, place and maintain on the highway or road such traffic signs and barriers as may be necessary for giving warning and preventing danger to traffic or for regulating it;
 - (ii) remove such signs as soon as they cease to be necessary for those purposes; and
 - (iii) this subsection has effect subject to any direction given under subsection (4) of this Section.
- (4) In discharging its duty under subsection (1)(a) or (2) of this Section to keep clear of litters and refuse or to clean any relevant highway or relevant road for which it is responsible, the Local Government shall comply with any direction given to it by the highway or road management authority with respect to –
 - (a) the placing and maintenance of any traffic signs or barriers;
 - (b) the days or periods during which clearing or cleaning shall not be undertaken to any extent specified in the direction.

Summary Proceedings by persons Aggrieved.

40. (1) The Court may act under this Section on a complaint made by any person on the ground that the person is aggrieved by the defacement, litter or refuse of –
 - (a) relevant highway;
 - (b) any trunk road which is a special road;
 - (c) relevant land under a Principal Litter Authority;
 - (d) any State land;
 - (e) relevant land designated as statutory undertaker;
 - (f) relevant land designated as educational institution; or
 - (g) relevant land within a litter-controlled area of a Local Government Area.
- (2) The Court may act on a complaint made by any person on ground of unhygienic and unkempt highway or trunk road.
 - (3) A principal litter authority shall not be treated as a person aggrieved for the purposes of proceedings under this section.
 - (4) Proceedings under this Section shall be brought against the person who has the duty to keep the land clean under Section 39(1) or to keep the highway clean under Section 39(2).

- (5) Before instituting proceedings under this Section against any person, the complainant shall give to the person not less than five (5) days written notice of intention to lodge a complaint and the notice shall specify the matter complained of.
- (6) If the Court is satisfied that the highway or land in question is defaced by litter or refuse or, in the case of a highway, is unclean, the Court may, subject to subsections (7) and (8) of this Section, make an order ("a litter abatement order") requiring the defendant to clear the litter or refuse or, clean the highway within a time specified in the order.
- (7) The Court shall not make a Litter Abatement Order if the defendant proves that he has complied, with regards to the clearing of the highway or land, with his duty under Section 39(1) and (2) of this Law.
- (8) The Court shall not make a Litter Abatement Order when it appears that the complaint arises out of the directives of the Local Government under Section 39 of this Law by the highway Authority.
- (9) A person who, without reasonable excuse, fails to comply with a Litter Abatement Order commits an offence and is liable on summary conviction to a fine not exceeding Ten Thousand Naira (₦10,000.00) and One Thousand Naira (₦1,000.00) for each day for which the offence continues after the conviction.
- (10) In any proceedings for an offence under subsection (9) of this Section it shall be a defence for the defendant to prove that he has complied, in respect of the highway or land in question, with his duty under Section 39 (1) and (2) of this Law.
- (11) Where the Court is satisfied on the hearing of a complaint under this Section that-
 - (a) when the complaint was made to it, the highway court, the land in question was defaced by litter or refuse was wanting in cleanliness; and
 - (b) there were reasonable grounds for bringing the complaint, the Court shall order the defendant to pay such reasonable sum to the complainant as the Court may determine in respect of the expenses incurred by the complainant in bringing the complaint and the proceedings before the court.

Summary Proceedings by the Authority.

41. (1) Where a principal litter authority is satisfied in respects of any relevant-
 - (a) State or Federal land;
 - (b) land of a designated statutory undertaker;
 - (c) land of a designated educational institution; or

- (d) land within a litter-controlled area of a Local Government. that it is defaced by litter or refuse which is likely to reoccur, the authority shall serve a notice (a "litter abatement notice") imposing either the requirement or the prohibition or both specified in subsection (2) of this Section.
- (2) The requirement and prohibition referred to in subsection (1) of this Section are as follows-
- (a) a requirement that the litter or refuse be cleared within a time specified in the notice; and
- (b) a prohibition on the land to be defaced by litter or refuse.
- (3) The litter abatement notice shall be served-
- (a) in respect of relevant Government land, on the appropriate State or Federal authority;
- (b) in respect of relevant land of a designated educational institution, on the governing body of the institution or in such body or on the educational authority responsible for the management of the institution;
- (c) in any other case, on the occupier of the land or, if it is unoccupied, on the owner of the land.
- (4) The person served with the notice may appeal against the notice to the Court by way of summary application within the period of fourteen (14) days beginning on the date on which the notice was served.
- (5) If on any appeal under subsection (4) of this Section, the appellant proves that, in respect of the land in question, he has complied with his duty under Section 39 of this Law, the Court shall allow the appeal.
- (6) In any proceedings for an offence under this Section it shall be a defence for the person charged to prove that he has complied, in respect of the land in question, with his duty under Section 39 of this Law.
- (7) If a person on whom a litter abatement notice is served fails to comply with the requirement imposed by the notice in respect of any land, the authority may, subject to subsection (5) of this Section-
- (a) enter on the land and clear the litter or refuse; and
- (b) recover from that person the expenditure incurred except such of the expenditure as that person shows were unnecessary in the circumstances.
- (8) Subsection (7) of this Section does not apply in relation to relevant State or Federal land or relevant land of statutory undertakers.

Street Litter Control Notices.

42. (1) A principal litter authority may, with a view to the prevention of

accumulations of litter or refuse in and around any street or open land adjacent to any street, issue notices ("street litter control notices") imposing requirements on occupiers of premises in relation to such litter or refuse, in accordance with this Law.

- (2) If the Authority is satisfied, in respect of any premises which are of a description prescribed under this law and have a frontage on a street in their area, that –
 - (a) there is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises;
 - (b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no notice is served is likely to continue to be detrimental to the amenities of the locality by reason of the presence of litter or refuse; or
 - (c) there is produced, as a result of the activities carried on the premises, quantities of litter or refuse of such nature and in such amounts as are likely to cause the defacement of any part of the street, or of open land adjacent to the street, which is in the vicinity of the premises, the Authority may serve a street litter control notice on the occupier or the owner of the premises.
- (3) A notice shall, subject to Section 39 of this law
 - (a) identify the premises and state the grounds under subsection (1) of this section on which it is issued;
 - (b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;
 - (c) specify, in relation to that area or any part of it, such reasonable requirements as the authority considers appropriate in the circumstances; and, for the purposes of paragraph(b) of this subsection, an area which includes land on both sides of the frontage of the premises shall be treated as an area adjoining that frontage.

Obstruction of Duly Authorised Person.

43. Any person who obstructs the Authority or Local Government Area or any of their agencies, authorities or officials from carrying out any of their functions under the provisions of this Law commits an offence and is liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment for three (3) months or both.

Procedure in Respect of Suits against the Authority.

44. (1) A suit against the Authority, a member of the Authority or any employee of the Authority for any act done in pursuance or execution of any Law, or of any public duty or authority will not lie or be instituted in any Court unless it is commenced within twelve (12) months after the act, neglect or default complained of or in case of continuance of damage or injury within twelve(12) months after.
- (2) A suit may not commence against the Authority or any member of the Authority or any person acting under the direction of the Authority in respect of any act purported to be done or any neglect of duty under this Law, before the expiration of a period of one (1) month during which written notice of intention to commence the suit must be served on the Authority by the intending claimant or the agent and the notice must clearly and explicitly state the cause of the action, the particulars of claim, the name and place of abode of the intending claimant and the relief claimed.
- (3) In any action or suit against the property of the Authority no execution or attachment or process of that nature will be issued against the Authority, but any sum of money which may be the judgment of the Court awarded against the Authority will subject to any direction given by the Court where notice of appeal has been given by the Authority in respect of that judgment. be paid from the general funds of the Authority.

Financial Provision.

45. (1) The funds of the Authority shall consist of all –
- (a) fees, charges and levies for services rendered by the Authority payable for all users including all organs and agencies of the Federal, State and Local Governments respectively;
 - (b) sums received as donations, grants subscriptions or amounts received as damages etc;
 - (c) sums and mortgages, debentures, investments and other property vested in the Authority;
 - (d) moneys which may be granted to or invested in the Authority by other persons, companies or corporation;
 - (e) sums earned or arising from any property or investment acquired by or vested in the Authority; and
 - (f) other sums accruing to the Authority from any other source.

- (2) The funds of the Authority shall be administered by the Authority for the purpose of this Law, in such manner as it deems fit.

Annual Account.

46. The Authority shall prepare not later than three (3) months before the end of each financial year an account of the expenditure and income of the Authority for the next succeeding financial year.

Accounts and Audit.

47. (1) The Authority must keep proper accounts in respect of its revenue and expenditure and within three (3) months after the end of each financial year, prepare an annual statement of account showing the financial position of the Authority in an accurate manner.
- (2) The annual statement of account must be audited by a reputable external audit firm selected from a list of auditors approved by the State Auditor-General in accordance with the Audit Law of the State.
- (3) As soon as the annual statement of accounts has been audited, the authority can forward copies of same together with copies of the audit report for confirmation to the State Auditor-General, for the Local Government and to the Governor.

General Reserves.

48. The Authority shall establish and maintain a general reserve fund out of the profits of the Authority for meeting contingencies, depreciation of assets, the liquidation of the Authority and for the purposes as the Board may consider for the proper functioning of Authority under this law.

Power to borrow.

49. (1) The Authority may with the approval of Governor, borrow such sum of money as it deems necessary, whether by way of mortgage or otherwise, for and in connection with the exercise of its functions under this Law.
- (2) An approval given for the purpose of this section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.

Quarterly Report.

50. The Authority must submit quarterly reports of its activities to the Governor, and these reports will be made available to the Public.

Annual Report.

51. The Authority must as soon as possible after the end of each financial year and in any case not later than the end of the March of the following year submits the annual reports of the activities to the Governor.

Power to make Regulation.

52. (1) The Authority shall have power to make regulations in accordance with the Regulations Approval Law.
- (2) Without derogating from the generality of subsection (1) of this Section, the Authority may make regulations for all or any of the following:
- (a) the duties, powers, rights and obligations of a licensee;
 - (b) the procedure for applying for licences, requirements for information and documentation to be submitted by the applicants;
 - (c) the procedure for amending and cancellation of licences;
 - (d) fees and levies payable by industrial and commercial waste generators;
 - (e) the determination of standards of performance that will be required from licensees;
 - (f) the information and returns that will be required from licensees and the manner in which it is to be provided;
 - (g) fees, levies and other charges that may be payable by licensees;
 - (h) the regulation of under-served areas;
 - (i) fines and penalties payable by licensees and waste generators for breach of any of the provisions of this Law or the Regulations made under it; and
 - (j) such other regulations as may be required.

Vesting of Assets.

53. There will be transferred to and vested in the Authority as soon as possible after the commencement of this Law all properties whether real or personal, all trench and waste ground water depots and vehicles or other equipment used for collection of waste held by the Ekiti Waste Disposal Board on such terms as may be agreed upon by the Authority.

Monitoring and enforcement.

54. (1) The Authority –
- (a) has the responsibility of monitoring the enforcement activities and operations of private sector participants.
 - (b) must ensure compliance with waste management activities; and
 - (c) will be charged with the responsibility of enforcing the provisions of this Law.
- (2) In accordance with subsection (1) of this Section, the Authority must set standard enforcement rules as may be required for the performance of its functions under this Law.

Offences and Penalties.

55. (1) Any person who contravenes any of the provisions of this Law commits an offence and is liable on conviction to a fine of Twenty Thousand Naira (₦20,000.00) or to three (3) months imprisonment.
- (2) Where the offence is committed by a corporate body, or firm other than a waste collector or operator, the body corporate or firm shall be liable on conviction to a fine not exceeding five hundred thousand naira (₦500,000.00) and in addition, the Secretary or Manager of the Company shall be liable to a fine of Two Hundred and Fifty Thousand naira (₦250,000.00) or three (3) months imprisonment.
- (3) Where the offence is committed by a licensed waste collector or operator, the Authority may in addition to subsection (2) of this Section suspend or cancel any licence issued in accordance with Section 21 of this Law.
- But where the contravention relates to the provisions of Sections 18 and 20 of this Law, the person will be liable to a fine of One hundred thousand naira (₦100,000.00) or six months imprisonment or both, and in the case of a body corporate or firm to a fine at least of not less than Two hundred and fifty thousand naira (₦250,000.00) and in addition, the Secretary, Director or Manager of the Company will be liable to a fine of Fifty thousand naira (₦50,000.00) or to six months imprisonment.
- (4) Notwithstanding the provisions of any Law, a person who –
- (a) fails or neglects to pay the tariffs, fees or charges prescribed under the Law will be deemed to be a debtor

and such debt will be recoverable by civil action in the appropriate Court; or

- (b) fails or neglects to pay the tariffs, fees or charges as and when due will be liable - to penalty on such fee, or charges as may be prescribed in any regulation made under this Law.

Interpretation.

56. In this Law, unless the context otherwise requires:

“Authority” means the Ekiti State Waste Management Authority established under Section 1 of this Law;

“Appropriate court” include a Customary Court, Magistrates court and High Court of the State or any other Court established for that purpose;

“Biomedical Waste” includes any solid or liquid waste which may present a threat of infection to humans, including non-liquid tissue, body parts, blood, blood products and body fluids from humans and other laboratory and veterinary waste which contain human disease-causing agents; and discarded sharps. The following are also included:

- (a) Used, absorbent materials saturated with blood or blood products, body fluids, or excretions or secretions contaminated with visible blood; and absorbent materials saturated with blood or blood products that have dried; and
- (b) Non-absorbent, disposable devices that have been contaminated with blood, body fluids or, secretions or excretions visibly contaminated with blood, but have not been treated by an approved method.

“Biomedical waste generator” includes a facility or person that produces biomedical waste, hospitals, skilled nursing or convalescent hospitals, intermediate care facilities, clinics, dialysis clinics, dental offices, health maintenance organizations, surgical clinics, medical buildings, physicians offices, laboratories, veterinary clinics and funeral homes but does not include:

- (a) Mobile health care units, such as bloodmobiles, that are part of the stationary biomedical waste generator; and
- (b) Funeral homes that do not practice embalming.

“Body fluids” include those fluids which have the potential to harbour pathogens such as human immune deficiency virus and hepatitis B

virus and include blood produced, lymph, semen, vaginal secretions, cerebrospinal, snivel, pleural, peritoneal, body fluid, body excretions such as nasal discharges, saliva, sputum, sweat, tears, urine and vomit shall not be considered biomedical waste unless visibly contaminated with blood.

“Commissioner” means the Commissioner for Environment in Ekiti state

"Domestic waste" means garbage and other discarded solid waste from a solid material resulting from dwelling or residential home or tenement, a university and other educational establishment, and includes carcass of animals;

"Employees" mean officers in the Public Service of the State or in the service of Local Government transferred to the Authority.

"Facility" means all contiguous land, structure, and other appurtenance which is owned, operated, and licensed as a single entry which may consist of several general treatment or storage units.

"Hazardous Waste" means any waste possessing the following qualities –

- (a) a liquid waste which has a flash point of less than or equal to 140 degree F (60 degrees CT as determined by an approved test method;
- (b) a non-liquid waste which under standard conditions, is capable of a fire through friction, absorption of moisture or a spontaneous chemical change and when ignited, the waste turns vigorously and persistently for it extracts a hazard;
- (c) an ignitable compressed gas or oxidizer;
- (d) waste that may pose a substantial present or potential hazard to health or the environment when improperly treated, stored or disposal or otherwise mismanaged; or
- (e) waste which may cause or contribute to an increase in mortality increase in irreversible or incapacitating illness.

"Health care provider" means any person who provide medical care or personal services.

"Leak resistant" means anything that prevent liquid from escaping

to a environment in the upright position.

"Person" means any individual, partnership, corporation, association or public body engaged in the generation, storage, transport, of biomedical waste.

"Recyclable materials" means materials which are capable of being recycling which may be segregated from other waste material or collection and recycling than collection and disposal;

"Sealed" means free from opening that allow the passage of liquids;

"Sharps" means objects capable of puncturing, lacerating, or otherwise penetrating the skin.

"Market" means Oja Oba, Oja Bisi Oja Awedele and any other market that might be opened up for business.

"Authorise any officer or employee of the authority to –

- (a) act as the agent in respect of any function, service or facility which may be exercised, performed or produced by the authority under this Law;
- (b) Set, collect and revise rates, rentals and charges for the use of facilities or service provided by the Authority subject to the approval of the Board;
- (c) Establish and manage an organisational structure for promoting recycling activities in the State;
- (d) Purchase, acquire, lease, hold, construct, manufacture or maintain any property whatsoever whether movable or immovable for the purpose of carrying out its functions in accordance with existing legislations in the State;
- (e) Acquire any land for the purpose planning, designing, transferring, managing, constructing, operating, maintaining waste disposal and processing facilities in accordance with existing legislations in the State;
- (f) Enter into to contractual agreement with any agency, body, or organisation including local or state government agency or regional agency as regional agency as may be necessary for the discharge of its functions under this law or any other enactment;
- (g) Subject to the provisions of this Law, provide consulting services to local, state, regional authorities, private and corporate individuals regarding waste management services and may plan, design, construct, manage operate and maintain any waste management facility on their behalf as may be

- permitted by Law;
- (h) Invest money standing to its credit not for the time being required for its purpose under this Law in stocks, shares, debentures, or other securities and subject to the approval of the Governor sell such stocks, shares and debentures or other securities;
 - (i) Accept or acquire and hold any security of any kind in any form whatsoever, excluding security in any company that has an interest in waste management or related activities such as operations, manufacture and sale of equipment and services including consultancy services;
 - (j) Surrender, transfer or re-convey any security held by the Authority whether in exchange for other security or upon discharge; and
 - (k) Adopt an official seal.

Citation.

57. This Law may be cited as the Ekiti State Waste Management Authority Law, 2020.

This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be a true copy of the said Bill.

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MR. TOLA ESAN
Clerk of the House of Assembly

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RT. HON. FUNMINIYI AFUYE
Speaker of the House

Governor's Assent

I hereby signify my assent to this Bill

DR. JOHN KAYODE FAYEMI
Executive Governor of Ekiti State

MADE AT ADO EKITI THIS DAY OF2020