

AN ACT ADOPTING THE ENVIRONMENT PROTECTION AND
MANAGEMENT LAW OF THE REPUBLIC OF LIBERIA

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ENVIRONMENT PROTECTION AND MANAGEMENT LAW OF LIBERIA

TABLE OF CONTENTS

PART I - PRELIMINARY

Section - Title

Section 2 - Short Title

Section 3 - Definition of Terms

PART II - GENERAL PRINCIPLES AND OBJECTIVES

Section 4 - Principles of Environmental Management and Objectives

Section 5 - Protecting the Right to a Clean and Healthy Environment

PART III - ENVIRONMENTAL IMPACT ASSESSMENT, AUDIT AND MONITORING

Section 6 - Application for an Environmental Impact Assessment License

Section 7 - Notice of Intent

Section 8 - Submission of a Project Brief

Section 9 Duties of the Project proponent/applicant

Section 10 - Duties of the Agency in the Environmental Impact Process

Section 11 - The Scoping Process

Section 12 - Environmental Reviews

Section 13 - Environmental Impact Study and Report

Section 14 - Environmental impact Statement

Section 15 - Comprehensive Environmental Mitigation Plan and Implementation Strategy

Section 16 - Review of Environmental Impact Statements

Section 17 - Public Consultation on the Environmental Impact Statement

Section 18 - Public Hearing

Section 19 - Line Ministries Comments on Environmental Impact Statement

Section 20 - Constitution of the Environmental Impact Assessment Committee

Section 21 - Approval or Rejection of the project or Activity

Section 22 - Decision of the Agency

Section 23 - Environmental Impact Assessment License and Record of Decision

Section 24 - Environmental Monitoring

Section 25 - Environmental Audit

Section 26 - Submission of Environmental Impact Assessment Report after Issuance of an Environmental Impact Assessment License

Section 27 - Mitigation Plan, Audits and Monitoring for Existing Industries, Projects and Activities

Section 28 - Transfer of Environmental Impact Assessment License

Section 29 - Fees

Section 30 - Appeals

Section 31 - Immunity

Section 32 - Trans-Border and Related Environmental Effects

Section 33 - Public Access to Environmental Impact Documents

PART IV - ENVIRONMENTAL QUALITY STANDARDS

Section 34 - Establishment of a Monitoring System

Section 35 - Water Quality Standards

Section 36 - Air Quality Standards

Section 37 - Standards, Classification and identification of hazardous waste and materials

Section 38 - Classification of hazardous Waste

Section 39 - Solid Waste Management Standards

Section 40 - Solid Quality Standards

Section 41 - Standards for Noise

Section 42 - Noise in Excess of Established Standards Prohibited

Section 43 - Exemptions

Section 61 - Water Pollution Prohibited

Section 62 - Prohibition of Solid Waste Pollution

Section 63 - Duty to Supply Information to the Agency

Section 64 - Application for Solid and Hazardous Waste Disposal License

Section 65 - Cancellation of a Waste License

Section 66 - Court Order to Cease Operation

Section 67 Appeals

Section 68 - Register of Waste License and other Pollution License

Section 69 - Prohibition of Pollution by Emission

Section 70 - Emissions by Motor vehicles and other Conveyance

Section 71 - Pollution Emission License

Section 72 - Additional Licensing Procedure

Section 73 - Register of Pollution Emission License

PART VI - GUIDELINES AND STANDARDS FOR THE MANAGEMENT OF THE ENVIRONMENT AND NATURAL RESOURCES

Section 74 - Management of Rivers, Lakes and Wetlands

Section 75 - Protection of Rivers, Lakes and Wetlands

Section 76 - Protection of Landscape from Environmental Degradation

Section 77 - Protection of Forests

Section 78 - Re-Forestation and Afforestation

Section 79 - Protection of Natural Environmental Areas

Section 80 - Protection of Wild Animals and Birds

Section 81 - Conservation of Energy and Use of Renewable Sources

Section 82 - Protection of the Coastal Zone and Marine Environment

PART VII - PROTECTION OF BIODIVERSITY, NATIONAL HERITAGE AND THE OZONE LAYER

Section 83 - Conservation of Biological Diversity

Section 84 - Conservation of Biological Resources In-Situ

Section 85 - Conservation of Biological Resources Ex-Situ

Section 86 - Access to Genetic Resources of Liberia

Section 87 - Land Use Planning

Section 88 - Protection of Natural heritage Sites

Section 89 - Protection of the Ozone Layer

Section 90 - Environmental Restoration Order

Section 91 - Service of Environmental Restoration Order

Section 92 - Reconsideration of Restoration Order

Section 93 - Action by an Environmental Inspector of the Agency in Case of Non Compliance with an Environmental Restoration Order

Section 94 - Issue of Environmental Restoration Order by the Court

PART IX - INSPECTION, ANALYSIS AND RECORDS

Section 95 - Powers and Duties of Environmental Inspectors

Section 96 - Designation of Analytical Laboratories, Analysts and Reference Analysts

Section 97 - Certificate of Analysis

PART X - INTERNATIONAL OBLIGATIONS

Section 98 - Harmonization of Regional Environmental Agreements

Section 99 - International Environmental Conventions and Treaties on the Environment

PART XI - INFORMATION, ACCESS, EDUCATION AND PUBLIC AWARENESS

Section 100 - The Agency to Collect, Analyze and Disseminate Environmental Information

Section 101 - Access to Environmental Information

Section 102 - Environmental Education

Section 103 - State of the Environment Report

Section 104 - Record Keeping

PART XII - OFFENCES

Section 105 - Offences Relating to Environmental Impact Assessment

Section 106 - Offences Relating to Records

Section 107 - Offences Relating to Restoration Orders

Section 108 - Liability of Bodies Corporate and Partnerships

Section 109 - Forfeiture, Cancellation, Community Service and Other Orders

PART XIII - MISCELLANEOUS

Section 110 - Regulations

Section 111 - Rules of Construction

Section 112 - General Penalty

Section 113 - Consistency with the Provisions of other Laws

Section 114 - Severability

Section 115 - Transition

Section 1 Title

"Coastal Zone" means any area declared to be a coastal zone under section (83) or the Law.

"Contiguous Zone" means the zone contiguous to the exclusive economic zone established under the Maritime Zones Law.

"County Environmental Committee" means the Coordinating Committee established under section (24) of the Agency Act.

"County Environmental Action Plan" means the plan e

"Environmental Impact Study" means the study conducted to determine the possible environmental impacts of a proposed project and measures to mitigate their effects.

"Environmental inspector" means a person designated under section (20) of the Agency Act and section (96) of this Law.

"Environmental management" includes the protection, conservation and sustainable use of the

"Handling" includes production, transportation, use, storage and discharge of toxic hazardous chemicals.

"Hazardous substance" means a chemical, waste, gas, liquid, odor, heat pharmaceutical, plant, animal which, because of their concentration or phy

"Occupier" means a person in occupation or control of premises, and in relation to premises different parts of which are occupied by different persons, means the respective persons in occupation or control of each part.

"Oil" includes:

- a) Crude oil, refined oil, diesel oil, fuel oil and lubricating oil, and
- b) Any other description of oil which may be prescribed.

"owner" in relation to any premises means:

- a) The registered proprietor of the premises;
- b) The lessee, including a sub-lessee of the premises.

"Ozone layer" means the ozone layer defined in the Vienna Convention for the Protection of the Ozone Layer 1985 the layer of atmospheric ozone above the planetary layer.

"Person" means any individual, partnership, joint venture, association, or cooperation, trust, estate, government or state, branch, division, instrumentality, authority or agency or any organized group of persons whether incorporated or not.

"pollutant" means a substance whether liquid, solid, or gaseous which directly or indirectly alters the quality of a segment or element of the receiving environment or is hazardous or potentially hazardous to human health or the environment and includes objectionable odors, radio-activity, noise, temperature change or other physical, chemical or biological change to any segment or element of the environment.

"Polluter-pays principle" means generally that environmental management tools such as licensing and enforcement are fashioned such that the economic cost of pollution is passed on to the polluter and that the cost of cleaning up a segment of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law.

"Pollution" means an indirect or direct alteration of the physical, thermal, chemical, biological or radio-active properties of a segment of the environment by discharging, emitting or depositing substances or wastes so as –

- a) To affect any beneficial use adversely;
- b) To cause a condition which is hazardous or potentially hazardous to public health, safety, welfare or, to animals, birds, wildlife, fish or aquatic life or to plants.

"Practicable" means reasonably practical having regard, among other things, to local conditions and knowledge and the term "practicable means" include the provision and the efficient maintenance of plants and the proper use thereof, and the supervision by or on behalf of the occupier of any process or operation;

"Radiation" includes ionizing radiation and any oth

PART II - GENERAL PRINCIPLES AND OBJECTIVES

Section 4

Principles of Environmental Management and Objectives

- 1) This Law in its administration shall be guided by:
 - a) The principle of sustainable development;
 - b) The pre-cautionary principle
 - c) The polluter - pays principle
 - d) The principle of inter-generational equity
 - e) The principle of public participation
 - f) The principle of international co-operation in the management of environmental resources shared by two or more states; and
 - g) Other principles of natural resources and environmental management.

- 2) This Law shall be so administered so as to:
 - a) Ensure the sustainable or wise use of the natural resources in pursuance of social and economic development within undermining the ecosystem's renewal and re-supply process;
 - b) Use and conserve the environment and natural resources of Liberia equitably both for the present and future generations, taking into account the rate of population growth and productivity of available resources, and in order to bequeath of future generations a natural resource patrimony that is in as good a condition as is feasible.
 - c) Facilitate the restoration, protection, and the conservation of biological diversity for the function of the biosphere and the maintenance of the ecological system and processes;
 - d) Ensure implementation of the biodiversity conservation principles and measures declared by treaty law to which Liberia is a party faithfully, through the institutional arrangements as shall be established under this Law;
 - e) Ensure respect, preservation, promotion and proper management of the historic, cultural, spiritual and future generations;
 - f) Ensure the environmental education and awareness is treated as an integral part of national programmes at all levels;
 - g) Encourage and ensure maximum participation by the people of Liberia in the management and decision making processes of the environment and natural resources;
 - h) Ensure access to environmental information and promote disclosure for the ultimate benefit of the environment;
 - i) Develop a policy framework that encourages sustainable patterns by use of appropriate technology, efficient production processes, minimal generation of waste and reduction of wasteful consumption;
 - j) Require prior environmental assessments of proposed projects which may significantly affect the environment or use of natural resources;
 - k) Establish adequate environmental protection standards and to monitor any changes in environmental quality;
 - l) Ensure the true and total costs of environmental pollution are borne by the polluter;

- m) Reclaim lost ecosystems and where possible reverse the degradation of natural resources; and
- n) Provide for a legal framework for Liberia's international cooperation with other states as well as relevant international organizations in environmental protection and the sustainable utilization of natural resources.

Section 5

Protecting the Right to a Clean and Healthy Environment

- 1) Any person assert their right to a clean and healthy environment in fulfillment of section (34) of the agency Act by:
 - a) Petitioning the Agency to take action;
 - b) Bringing action before the Environmental Court established under section (32) of the Agency act.
- 2) An aggrieved person shall submit a petition for redress on a prescribed form and in a manner prescribed by the Agency detailing the issue

8) The injunctive relief provided by the Court shall not restrict any right which any person

- a) The nature of the project in accordance with the categories specified in the annex I of this Law;
 - b) The location of the project and the county under whose jurisdiction it is situated and reasons for proposing the project in the area;
 - c) The activities that shall be undertaken during and after the development of the project;
 - d) The design of the project;
 - e) The materials to be used in the project, including during construction;
 - f) The possible products or by-products anticipated and their environmental consequences including the potential mitigation methods and measures;
 - g) The number of people the project shall employ;
 - h) The projected areas of land, air and water that may be affected;
 - i) Findings of the scoping activities; and
 - j) Any other pertinent evidence and analysis which the Agency may require for decision-making.
- 2) The Agency shall transmit a copy of the project brief with questions and comments to the line Ministry that may have an interest or expertise in the proposed project, and shall

Section 9

Duties of the Project proponent/Applicant

- 1) For any project or activity requiring the preparation of a project brief, an environmental review, an environmental impact study and/or an environmental impact statement:
 - a) The project proponent/applicant shall be responsible for the timely preparation of the required documents in accordance with all procedures and guidelines prescribed by the Agency;
 - b) The cost of preparing the required documents shall be borne by the project proponent/applicant who may be subject to fees, payable to the Agency, that reflect the average costs incurred by the Agency in reviewing the documents.

Section 10

Duties of the Agency in the Environmental Impact Assessment process

- 1) For any proposed project that may have a significant impact on the environment, the Agency shall develop and implement regulations establishing the procedures for evaluating the impact of the proposed project, which shall include:
 - a) A description of the format and procedures to be followed in the preparation of all required documents;
 - b) Procedures and guidelines for reviewing the qualification of professionals who shall be authorized to prepare environmental reviews, studies, statements and audits required under the Law.
- 2) The Agency shall maintain a Registry of the names and qualifications of approved consultants from which the Agency, in consultation with the Line Ministry, shall authorize a consultant to prepare an environment impact study;
- 3) The Agency shall employ and train such personnel as may be necessary to ensure effective compliance by project proponent/applicant with the environmental impact assessment requirements under this Law.

Section 11

The Scoping process

- 1) Prior to preparing an environmental review, impact study or impact statement, the project proponent or applicant shall conduct public consultations to be termed as "scoping" to:
 - a) Identify, inform and receive input from the effected stakeholders and interested parties;
 - b) Determine and narrow the scope of the issues to be addressed in the environmental impact assessment;
 - c) Identify and define, at an early stage of the EIA process, the significant environmental issues, problems and alternatives related to the different phases of the proposed project or activity;
 - d) Ensure public participation early in the EIA process;
 - e) Ensure that all relevant issues and alternatives are adequately addressed in the environmental impact study;

- f) Provide the applicant with the information necessary for formulating the terms of reference for the environmental impact study and impact statement; and
 - g) Guide the applicant's consultants in preparing the environmental impact statement.
- 2) The applicant or project proponent shall take appropriate measures, through the County Environment Committee and District Environment Committee, during the scoping period and on an as-needed basis, to seek the views of the people who may be affected by the project during the study and such measures shall include:
- a) Publishing the intended project and its anticipated effects in the district media;
 - b) Holding public meetings to consult the District communities on their opinion on the project;
 - c) Incorporating the views of the District communities in the report of the study; and
 - d) Any other measures prescribed by the Agency.
- 3) The project proponent or applicant shall, in a prescribed manner, submit to the Agency a written scoping report which shall contain:
- a) Description of the scoping process used;
 - b) Results of the scoping process;
 - c) Identification of all the authorities involved in the project or activity;
 - d) The identification of all interested and affected persons; and
 - e) Any other information or specific conditions recommended by interested persons and affected persons.

Section 12
Environmental Reviews

- c) Identify the timing, the stage at which the anticipated impact is likely to occur and the duration of the impact;
- d)

Section 19

Line Ministries Comments on Environmental Impact Statements

- 1) The Line Ministry shall make comments on the environmental impact statement and transmit them back to the Agency;
- 2) The Line Ministry and any other agency to which a copy of the environmental impact statement is transmitted shall give its comments to the Agency within 30 days or such extended period as agreed with the Agency;
- 3) Any disagreement between the Line Ministry and the Agency may be referred to the Environmental Court to be resolved in a timely manner.

Section 20

Constitution of the Environmental Impact Assessment Committee

- 1) The Agency shall, after receiving all the comments on the environmental impact statement under sections (16), (17), (18), and (19) constitute the Environmental Impact Assessment Committee to review the environmental impact statement;
- 2) The committee members shall include pertinent staff

- 2) The Agency shall consider the environmental impact statement and all the comments from the public, an line ministries before any decision is made;
- 3) The Agency shall issue by public notice an account of the decision-making process and how the environmental impact assessment results were used to make the decision arrived at;
- 4) The Agency's decision shall contain reasons for the decision;
- 5) The decision shall be communicated to the developer, or project proponent, and a copy shall be available at the Agency's Registry for public inspection and its availability published;

Section 23

Environmental Impact Assessment License and Record of Decision

- 1) Where the Agency approves the application it shall issue to the applicant an Environmental Impact Assessment license on the terms and conditions appropriate and necessary to facilitate sustainable development and sound environmental management;
- 2) The Agency shall keep records which shall include:
 - a) Its decisions to the Application;
 - b) The date of the decision;
 - c) Key factors of that decision including responses to material issues raised by any person during the environmental impact assessment process;
 - d) The environmental mitigation/management plan an implementation strategy;
 - e) A copy of the environmental impact assessment license if issued;
 - f) Information with respect to the right of any person to seek reconsideration of the decision of the Agency and how such reconsideration may be sought.

Section 24

Environmental Monitoring

- 1) The Agency shall, in consultation with the relevant Line Ministry, monitor:
 - a) All environmental elements of mitigation measures with a view of making an assessment of a possible in the environment and their possible environmental impacts;
 - b) The mitigation measures for the operation of an industry, project or activity with a view to determining its immediate and long-term effects on the environmental impacts;
 - c) The operation of all projects in existence at and after the commencement of this Law with a view of determining whether they comply with the provisions of this Law.
- 2) The operation of the project shall comply w eff ects o wi. wi.A45(-)-0..36903(-)-0.478208(t

4)

activities that are carried out on that land or premises in accordance with section 21 of the Agency act;

- 5) Monitoring reports shall be available for public inspection, without charge, at the Registry of the Agency.

- 3) Any person being a holder of an environmental impact assessment license, who fails to comply with the directions issued under sub-section (1)
 - a) Commits an offence and is liable, on conviction, to a fine not exceeding 10,000 US DOLLARS or imprisonment for a period not exceeding 5 years, or to both; and
 - b) The environmental impact assessment license shall be cancelled.

Section 27

Mitigation Plan, Audits and Monitoring for Existing Industries, Projects, Activities

- 1) The owner/management of all industries, projects, activities existing or initiated prior to the effective date of this Law, but which fall into the category of activities subject to an environmental impact assessment, shall within 90 days of the effective date, submit to the Agency Plans for improving environmental performance, which shall include:
 - a) Identification of the major environmental effects; and
 - b) A comprehensive mitigation plan in accordance with section (15 of this Law.
- 2) The mitigation plan shall be reviewed by the Agency in consultation with the Line Ministry, an agreement on mitigation strategies and timeframe reached with the owner/management.
- 3) Thereafter, all such industries, projects and activities are subject to periodic audits and ongoing monitoring in accordance with section (24), (25) and (26) of this Law.
- 4) Any owner/management of any industries, project, activities existing or initiated prior to the effective date of this Law, who fails to comply with the directions issued under section (27) commits an offence and is liable, on conviction, to a fine not exceeding 10,000 US DOLLARS or imprisonment for a period not exceeding 5 years, or to both.

Section 28

Transfer of Environmental Impact Assessment License

- 1) The holder of may transfer an environmental impact assessment license to another person only in respect of the project/activity in relation to which the license was issued;
- 2) Where the license referred to in subsection (1) is transferred, the person to whom it was issued must give the Agency prior notice of the pending transfer and both the license and the person to whom it is transferred to, shall jointly and in writing notify the Agency of the transfer, within 30 days of the transfer;
- 3) The holder of the license shall, where no joint notification of a transfer is given be deemed for the purposes of this Law to be the owner or the person having charge, or management or control of the project;
- 4) A transfer of an environmental impact assessment license shall be effective from the date the agency is notified of he transfer;
- 5) He Agency may prescribe additional procedures for transference of environmental impact license;
- 6) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding 25,000 US DOLLARS or to imprisonment for a period not exceeding 10 years or to both.

- b) Make guidelines for the preservation of fishing areas, aquatic areas, water resources and reservoirs and other areas where water may need special protection;
- c) Identify areas of research and initiate or commissio)

- g) Order or carry out investigations of actual or suspected air pollution including pollution produced by aircraft, motor vehicles, factories and power generating stations;
 - h) Order an industry or any other source of air pollution to file reports and provide any information as it may require; and
 - i) Do all such things which may be necessary for the monitoring and controlling of air pollution.
- 2) Any person who emits or causes to emit a substance, which causes air pollution in contravention of emissions standards established under this Act, shall be guilty of an

b) Criteria and procedures for the measurement of noise

- c) Inspect and examine any area, place or premises or any vehicle or any vessel in or upon which the Agency has reasonable cause to believe that radioactive material or any source of ionizing radiation is stored, used, transported or disposed of;
- d) Examine any person with respect to matters under this where there is reasonable cause to believe that a person is contaminated with radioactive material or is in unlawful possession of an ionizing radiation source;
- e) Provide and disseminate information to the public in order to warn and protect the public in case of actual or potential exposure to radioactive material or ionizing radiation;
- f) Conduct an ionizing radiation monitoring, control, and protection measures;
- g) Maintain records o release of radioactive contaminants into the environment;
- h) Maintain register of all radioactive substances imported into Liberia;
- i) Do all such things as may be necessary for the monitoring and control of pollution from radiation.

Section 45

Offences Relating to Ionizing Radiation

- 1) No person shall import, process, mine, export, possess, transport, use or dispose of radioactive materials or other sources of dangerous radiation unless he holds an ionizing radiation license issued under this Law or the regulations made under this Law;
- 2) An ionizing radiation license issued under this section shall be valid for one year;
- 3) An application for a ionizing radiation license shall be in the prescribed form and accompanied by the prescribed fee;
- 4) A person who contravenes the provisions of subsection (1) commits an offence and is on conviction liable to a fine not exceeding 50,000 US DOLLARS or to imprisonment for a period not exceeding 20 years or to both;
- 5) Where a person is convicted in respect of this section, the Agency may, in addition to the penalties provided in subsection (4), seize, impound, destroy or dispose of radioactive

- 2) Notwithstanding the provisions of paragraph (a) of subsection (1), an environment inspector shall not enter a private dwelling house unless he has obtained a search warrant from the Environmental Court for a search where the private dwelling house is situated authorizing for the entry, and the inspection, examining and impounding of the radioactive material or sources of dangerous ionizing radiation.

Section 47
Standards for the Control of Noxious Odors

The Agency, shall in consultation with the relevant Line Ministry establish:

- a) Procedures for the measurement and determination of noxious odors;
- b) Minimum standards for the control of pollution of the environment by noxious odors;
- c) Guidelines for measures for the abatement of noxious odors whether from human activities or from naturally occurring phenomena.

Section 48
Offences Relating to Noxious Odors

- 1) No person shall pollute the environment with noxious odors contrary to the established standards for the control of noxious odors;
- 2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction liable to a fine not exceeding 10,000 US DOLLARS or to imprisonment for a period not exceeding five years or to both.

Section 49
Other Standards

- 1) The Agency shall, in consultation with the relevant Line Ministry, establish standards, procedures and criteria for the protection of human health and the environment in:
 - a) Labor and work places;
 - b) Industrial products;
 - c) Materials used in industry, agriculture and for domestic uses;
 - d) Consumer products; and
 - e) Such other matters and activities that may affect human health and the environment.

Section 50
Guideline for Environmental Disasters

- 1) The Agency shall, in consultation with the relevant Line Ministries, Armed Forces, Police Force, the National Fire Service, health care authorities, the county and district environmental committees and other organizations which the Agency considers necessary, develop and implement contingency plans for the management of environmental disasters including:

- a) Major oil spills and gas leakage;
 - b) Spills of hazardous substances;
 - c) Industrial accidents;
 - d) Natural disasters including floods, droughts and major pests infestation, or other intrusion of alien species of fauna and flora;
 - e) Fire;
 - f) Other human activity that may cause disaster to human health and the environment.
- 2) The County Environment committees and the District Environment committees, in collaboration with the Agency, shall prepare plans for responses to environmental

- a) No prosecution under the Law has been instituted with regard to the pesticide or toxic substance;
- b) No person is convicted of an offence under this Law;

5)

Importation and Exportation of Hazardous Waste Prohibited

- 1) No person shall illegally import into Liberia any hazardous waste or substance;
- 2) No person shall export from Liberia to any county hazardous waste or substances unless he has a license issued by the Agency;
- 3) The exporter of hazardous waste or substance shall, before a license is issued, produce to the Agency written confirmation from an appropriate Agency of the receiving country that the Agency subject to such conditions as the Agency may impose;
- 4) No person shall transport within Liberia hazardous waste or substances except under a license issued by the Agency subject to such conditions as the agency may impose;
- 5) Any person who imports any hazardous waste or substance into Liberia contrary to subsection (1) shall be responsible for the removal of the waste from Liberia and for its safe disposal;
- 6) In addition, any person who imports into Liberia, exports out of Liberia, and transports within Liberia, hazardous waste except as prescribed by the provisions of this section commits an offence and is on conviction liable to a fine not exceeding 50,000 US

- 5) Notwithstanding sub-section (4), in the face of a threat to the environment and/or human health by discharge of hazardous substance, if the owner or operator of a discharging, production or storage facility, vehicle, conveyance cannot be located, the Agency shall take the necessary measures to mitigate the impact of the discharge, and may recover the cost either through administrative or judicial means;
- 6) Any person who contravenes the provisions of subsection (4) commits an offence and is on conviction liable to a fine not exceeding 50,000 US DOLLARS or to imprisonment for a period not exceeding 20 years or to both;
- 7) The Agency may seize the production or storage facility, vehicle, conveyance from which a discharge occurred until the

- 2) Every application for an effluent discharge license shall be in a prescribed form and accompanied by a prescribed fee;
- 3) The discharge license shall be valid for a period of not more than one year from the date of issue;
- 4) Where the Agency rejects an application for an effluent discharge license, the Agency shall in writing state reasons for rejecting the application;
- 5) A person, ministry or authority, who at the effective date of this Law, owns or operates a trade, industrial undertaking that shall discharge into the sewerage system, or operates a sewerage system, shall apply in writing to the Agency for a license under this section within 3 months as of the effective date of this Law;
- 6) Any person who contravenes the provisions of subsections (1) and (5), commits an offence and is on conviction liable to a fine not exceeding 15,000 US DOLLARS or imprisonment for a period not exceeding 5 years or to both.

Section 59
Cancellation of Effluent Discharge License

- 1) The Agency may in writing and in consultation with the Line Ministry, cancel an effluent discharge license:

- a) If the holder of the license contravenes the provisions of subsections (1) and (5), commits an offence and is on conviction liable to a fine not exceeding 15,000 US DOLLARS or imprisonment for a period not exceeding 5 years or to both.

2)

transportation, storage or disposal presents imminent and substantial danger to public health, the environment or natural resources.

Section 67

Appeals

Any person aggrieved by decision of the Agency under this Part may in writing appeal to the Environmental Court established under the provisions of the Agency Act or may seek judicial review of this decision.

Section 68

Register of Waste Licenses and other Pollution Licenses

- 1) The Agency shall maintain a register of all garbage, waste licenses and any other pollution license issued pursuant to this Law;
- 2) The register referred to in subsection (1) shall be a public document and may be inspected by any person during regular business hours at no cost.

Section 69

Prohibition of Pollution by Emission

- 1) The Agency, in collaboration with the Ministry of Health and the Ministry of Transport shall investigate the impact of the use of generators on the environment and human health and formulate guidelines that will help to reduce the impact of generator emission;
- 2) No person shall pollute, permit or cause any other person to pollute by emission into the environment in excess of any standards or guidelines established under this Law;
- 3) A person who pollutes, permits or causes any other person to pollute by emission into the environment in excess of any standards and guidelines established under this Law commits an offence and is liable on conviction to a fine not exceeding 10,000 US DOLLARS or to imprisonment for a period not exceeding five years or to both;
- 4) A person who pollutes, permits or causes any other persons to pollute the environment by emission other than in accordance with this Law may be required by the Agency to clean-up, remove or dispose of the pollutant in such manner and within such period as the Agency shall direct;
- 5) In addition to any sentence that may be imposed upon a polluter under subsection (2), the court may require such person to:
 - a) Pay the full cost of cleaning up the environment and of removing the effects of the pollution; or
 - b) Clean up the environment and remove the effects of

- 6) Without prejudice to the provisions of subsection (2) and (3) , the court may also require the polluter to meet the costs of the pollution to third parties through compensation, restoration or restitution.

Section 70

Emissions by Motor Vehicles and Other Conveyances

- 1) The Agency, in collaboration with relevant ministries and agencies, shall develop an effective conveyance inspection system and establish a permitting system to reduce and prevent vehicular emission;
- 2) No owner or operator of a motor vehicle, train, ship or aircraft or any similar conveyance shall:
 - a) Operate it in such manner as to cause air pollution in contravention of the established emission standards; or
 - b) Import any machinery, equipment or any similar device which is likely to cause emissions into the ambient air in contravention of the established emission standards;
- 3) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding 5,000 US DOLLARS or to imprisonment for a period not exceeding two years or to both.

Section 71

Pollution Emission License

- 1) No person shall carry out any project or activity, which is likely to pollute the environment in excess of any standards or guidelines issued under this Law unless he is in possession of pollution license;
- 2) Every person, owner or operator of a trade or industrial undertaking who, at the commencement of this Law is carrying on a project or activity which is likely to pollute the environment in excess of any standards or guidelines prescribed under this Law shall, within three months of the coming into operation of this Law apply for an emission license;
- 3) An application for a pollution license shall be in the prescribed form and accompanied by the prescribed fee;
- 4) Where the Agency rejects an application for the grant of a pollution license it shall within 21 days notify the applicant of its decision and state in writing its reasons for rejecting the application;
- 5) A pollution license shall be valid for a period of one year from the date of issue;

- 6) The Agency shall before issuing a pollution license:
- a) Consider the possible effects of the emission on the quality of ambient air;
 - b) Consider existing licenses affecting the same air resource;
 - c) Give due regard to the requirements of the residents, human settlements and other industrial and commercial activities;
 - d) Solicit the comments of District authorities and concerned ministries or organizations;
 - e) i

- 1) The Agency may by published notice prescribe general or specific guidelines or standards for the management of rivers, lakes, and wetlands which shall include the following:
 - a) Measures for the prevention or control of soil erosion;
 - b) The conservation of any vegetation growing in and around a river, lake or wetlands;
 - c) The contingency plan for the prevention and control of any deliberate or accidental discharge which is likely to pollute the river, wetland or lake;
 - d) The control measures to be taken in harvesting of minerals including strategies for the restoration of mining sites;
 - e) The control measures to be taken in harvesting aquatic living and non-living resources to ensure optimum sustainable yield; and
 - f) Promotion of environmental friendly tourism.
- 2) Every County Environment Committee, with the assistance of the District Environment Committees, shall identify the rivers, lakes and wetlands within its jurisdiction which have value to the local communities or which are at risk from environmental degradation and take all appropriate measures to minimize the risk or recommend to the Agency the need for the protection of those areas.

Section 75

Protection of Rivers, Lakes and Wetlands

- 1) The Agency shall in consultation with the relevant Line Ministry issue guidelines and prescribe measures for protection of rivers, lakes, and wetlands;
- 2) Subject to subsection (3), no person shall in relation to a river, lake, or wetland carry out any of the following activities:
 - a) Use, erect, construct, place, alter, extend, remove or demolish any structure in, on, under, or over the bed;
 - b) Excavate, drill, tunnel or disturb the bed otherwise;
 - c) Introduce or plant any part of a plant, plant specimen or organism whether alien or indigenous, dead or alive in a river, lake or wetland;
 - d) Introduce any animal or micro-organism whether alien or indigenous, dead or alive in a river, lake or wetland;

- e) Deposit any substance in a river, lake, or wetland or in or under its bed, which is likely to have adverse environmental effects on the river, lake or wetland;
 - f) Direct or block a river, lake or wetland from its natural and normal course; and
 - g) Drain any river, lake or wetland.
- 3) The Agency may by notice publish:
- a)

- b) Protection of water catchment's area;
 - c) Prevention of soil erosion;
 - d) Regulation of human settlement;
 - e) Appropriate farming methods;
 - f) Disaster preparedness;
 - g) Afforestation and reforestation;
 - h) The carrying capacity of the area in relation to animal husbandry;
 - i) Any other measures that the Agency may consider necessary.
- 4) Every County Environment Committee with the assistance of the District Environment Committees shall ensure that the guidelines issued and measures prescribed under this section are implemented especially through voluntary activities of the local communities.

Section 77

Protection of Forest

- 1) The Agency shall, in consultation with the relevant Line Ministry, issue guidelines and prescribe measures for the sustainable use and protection and management of all forests in Liberia;
- 2) Every County Environment Committee with the assistance of the District Environment Committees shall ensure that the guidelines issued and measures prescribed under this section are implemented especially through voluntary self-help activities of the local communities;
- 3) The Agency, in collaboration with the relevant Ministries and Agencies define and designate communal forests and establish guidelines for management and use in accordance with subsection (1) of this section
- 4) The guidelines issued and measures prescribed pursuant to subsection (1) shall take into account the following:
 - a) forest land as sink for greenhouse gases to prevent ozone depletion;
 - b) rain forests, forests in protected areas, including forest reserves, national parks and game reserves;
 - c) wildlife in forest areas;
 - d) forests on land subject to interest held by private persons;
 - e) communal forests use and management;
 - f) traditional use of forests and specific plant species which are indispensable to the local community; and
 - g) Efficacy of setting aside a percentage of the forest land to conserve biological diversity.
- 5) The commercial or industrial exploitation of forest shall be carried out in accordance with the principle of sustainable use;

- 6) Pursuant to subsection (4), forest utilization agreements shall incorporate measures for rehabilitation and restoration requirements for:
 - a) Afforestation and reforestation;
 - b) Deposit bonds paid before the issuance of the exploitation licenses to ensure compliance with any conditions or performance of obligations for rehabilitation and restoration;
 - c) Involvement of the community in rehabilitation and restoration measures;
 - d) Any other measures and economic instruments that the Agency may in consultation with Line Ministry consider necessary.
- 7) Notwithstanding the provisions of subsection (1), (3) and (4), the Agency may in consultation with the relevant Line Ministries, expressly exclude human activities in any forest areas by declaring a forest areas a specially protected forest areas;
- 8) Any person who contravenes the provisions of subsection (6) commits an offence and on conviction is liable to a fine not exceeding 50,000 US DOLLARS or imprisonment for a period not exceeding 20 years or to both.

Section 78

Re-Forestation and Afforestation

- 1) Every County Environment Committee shall prepare a County Environment actin Plan, which shall specify the areas identified in accordance with this Law which should be targeted for afforestation or reforestation;
- 2) The Agency shall ensure, through the Line Ministries, the availability of the products of plants nursery for the plantation of trees for the District Environmental Committees;
- 3) Every District Environment Committee shall, through encouraging voluntary self-help in their respective communities take measures to plant trees and other vegetation in areas specified under subsection (1) which are within its area of jurisdiction and not subject to any personal interest in land;
- 4) Where the areas specified under subsection (2) are subject to any personal interest in land, the holder of that interest shall take measures to plant trees and other vegetation in those areas;
- 5)

- 2) The Agency shall, in consultation with the relevant Line Ministry, issue guidelines and prescribe measures for the management and protection of natural environmental areas. Every County Environment Committee with the assistance of the District Environment Committee shall ensure that the guidelines issued and measures prescribed under this section are implemented especially through voluntary self help activities of the District communities.

Section 80

Protection of Wild Animals and Birds

- 1) All wild animals and birds and in particular, rare, threatened and endangered species and their habitats shall be preserved and protected in accordance with the guidelines and recommendations made by the Agency after consultation with the Line Ministry;
- 2) The measures prescribed shall include the declaration by legislature of the wildlife conservation areas:
 - a) Before the declaration carryout an environmental impact study in accordance with Part III of this Law;
 - b) Investigate and make a report on the social and ecological consequences of the declaration.
- 3) A declaration under subsection (1) shall state:
 - a) Whether the wildlife conservation areas are to be wildlife protected area or wildlife management area;
 - b) The name and detailed boundary description of the protected area under this section.
- 4) A wildlife protected area shall be:
 - a) a national park;
 - b) a wildlife reserve;
 - c) nature reserve
 - d) any other area as the Line Ministry may declare a wildlife protected area.
- 5) A wildlife management area shall be:
 - a) a wildlife sanctuary;
 - b) a community wildlife area;
 - c) any other area as the Line Ministry may declare a wildlife management area.
- 6) The Agency shall prescribe conservation measures as are possible to ensure that communities and persons and wildlife co-exist in the wildlife management area and for wildlife to be protected;
- 7) The Agency shall prescribe such other measures as may be necessary for wildlife management.

Section 81**Conservation to Energy and Use of Renewable Sources**

- 1) The Agency shall, in consultation with the relevant Line Ministry promote the use of renewable sources of energy by:
 - a) Promoting research in appropriate renewable sources

g)

- 1) The Agency shall, in consultation with the relevant Line Ministry, issue guidelines and prescribe measures necessary for the conservation of biological diversity and in this respect the Agency shall:
 - a) Specify national strategies, plans and programmes for the conservation and sustainable use of biological diversity as part of the National Environmental Action Plan process;
 - b) Identify, prepare and maintain an inventory of biological diversity of Liberia;
 - c) Determine which components of biological resources are endangered, rare or threatened with extinction;
 - d) Integrate conservation and sustainable utilization ethic in relation to biological diversity in existing State activities and activities of private persons;
 - e) Set out codes of general practice to ensure respect and encouragement of the diverse cultural and aesthetic values and sacred knowledge and interests of the communities in biodiversity;
 - f) Protect and integrate to the extent practicable effective indigenous knowledge and practices of District communities in respect of biological diversity conservation;
 - g) Measure the value of unexploited natural resources in terms of watershed protection and influences on climate and other potential genetic value;
 - h) Collect disaggregated data on the roles of women and youth in the conservation of biological resources and the impact of natural resource policies on women and youth; and promote the allocation resources and capacity building in support of their effective contribution to biological conservation.

Section 84

Conservation of Biological Resources In-situ

- 1) The Agency shall, in consultation with the relevant Line Ministry issue guidelines and prescribe measures to ensure the conservation of biological resources in situ for:
 - a) Land use methods that are compatible with the conservation of biological diversity;
 - b) The selection and management of protected areas so as to promote the conservation of the various terrestrial and aquatic ecosystems of Liberia;
 - c) The selection and management of buffer zones near protected areas;
 - d) Special measures for protection of species, ecosystems, and habitats are threatened with extinction;
 - e) Prohibiting or controlling of the introduction of alien species;
 - f) Integrating traditional knowledge for the conservation of biological diversity with mainstream scientific knowledge.
- 2) In this section "in situ" means conservation within the natural ecosystems and habitat of the biological organism.

Section 85

Conservation of Biological Resources Ex-situ

1)

section are implemented especially through voluntary self-help activities of the communities in the District.

Section 89

Protection of the Ozone Layer

- 1) The Agency shall, in consultation with the relevant Line Ministry:
 - a) undertake or commission other persons to undertake national studies and give due recognition to development in scientific knowledge relating to substances, activities and practices that deplete the stratospheric ozone layer and other components of the stratosphere to the detriment of public health and the environment;
 - b) issue guidelines, and institute programmes relating to:
 - i. the elimination of substances that deplete the ozone layer;
 - ii. controlling practices and activities likely to lead to the degradation of the ozone layer and the stratosphere; or
 - iii. reduction and minimization of risks to human health created by the degradation of the ozone layer and the stratosphere;
 - iv. formulate strategies, prepare and evaluate programmes for phasing out ozone depleting substances;
 - v. the conservation of Liberia rainforests as sink for greenhouse gases.

PART VIII - ENVIRONMENTAL RESTORATION ORDER

Section 90

Environmental Restoration Order

- 1)

g) levy a charge, or bond which represents a reasonable estimate of the cost of any action taken by an authorized person or organization to restore the environment to the state in which it was before the taking of the action which is the subject of the order.

2) An environmental restoration order shall have contain such terms or conditions and impose such obligations on the person on whom it is served as will in the opinion of the Agency enable the order to achieve all or any of the purposes for which it was issued;

3) An Environmental Inspector of the Agency shall have power to inspect, at any reasonable time, in accordance with section (21) of the Agency Act any activity on any premises for purposes of determining whether the activity is harmful to the environment of the

levy a charge for conservation of na3536(i)-2.5(b)-0.958863(l)-2.53414(e)3.16033()250TJ -260.b-2.53536(e)3.15789(v)-1

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- 3) The Environmental Inspector shall inspect an activity to determine whether that activity is harmful to the environment or human health, and the Agency shall take into account

was served; and take all necessary action in respect of the activity to which that order relates so as to enforce that order as may be deemed fit;

- 2) Where the Agency exercised the power under subsection (1), it may recover as a civil debt, in the Environmental Court from the persons referred to in subsection (1), the expenses necessarily incurred by the Agency in the exercise of its power.

Section 94

Issue of Environmental Restoration Order by the Court

Without prejudice to the powers of the Agency under sections (93) and (94) the Court may in proceedings brought by any other person, issue an environmental restoration order against a

- g) issue an improvement notice requiring the owner or operator of any manufacturing plant, undertaking or establishment which pollutes or is likely to pollute the environment to take appropriate remedial measures including the installation of new plant or machinery, where necessary;
 - h) close any manufacturing plant, establishment or other activity which pollutes or is likely to pollute the environment contrary to the provisions of this Law;
 - i) require the owner or operator of the manufacturing plant, establishment or other activity referred to in paragraph (h) to implement remedial measures that the environmental inspector may, in the notice closing down that manufacturing plant undertaking or establishment, direct;
 - j) issue an improvement notice requiring the operator of a manufacturing plant, undertaking or establishment to cease activities deleterious to the environment;
 - k) seize any plant, equipment, vessel, vehicle, manufacturing plant, substance or any other thing which he believes has been used in the commission of an offence against this Law or the regulations made under this Law; or
 - l) cause a Police officer to arrest a person whom he reasonably believes has committed an offence under this Law.
- 2) The Agency may, for purposes of enabling environmental inspectors to monitor compliance with the provisions of this Law or the regulations made under this Law, install equipment on any land, premises, manufacturing plant, vehicle or vessel;
 - 3) Any person who tampers with the equipment installed by the environmental inspector, or otherwise interferes with the inspector's duties under this section commits an offence and is liable on conviction of a fine not exceeding 5,000 US DOLLARS or imprisonment for a period not exceeding one year or to both.
 - 4) The environmental inspector shall, in exercising his powers under this Law or the regulations made under this Law, suitably identify himself to a person who owns or operates a manufacturing plant, undertaking or establishment operating contrary to the provisions of this Law.

Section 96

Designation of Analytical Laboratories, Analysts and Reference Analysts

The Agency may by published notice designate:

- a) laboratories as it deems necessary and fit, to be analytical laboratories and reference laboratories for the purposes of this Law and shall specify; and

b) the notice shall specify who shall serve as analyst

- 2) This section applies to any Convention or Treaty whether adopted before or after the coming into force of this Law and Whether Liberia became a Party to it after the coming into force of this Law;
- 3) The Agency, as the national clearinghouse of all environment-related regional and international conventions and agreements, shall coordinate activities related to these instruments in Line Ministries, State agencies and non-governmental organizations, and shall establish procedures for collecting implementation reports from these focal points;
- 4) The Agency shall make recommendations regarding the ratification of regional and international environmental conventions, treatise and protocols, which it deems necessary for the protection of the environment and natural resources of Liberia;
- 5) The Agency shall keep a register of all-international conventions or agreements concerning the management of the environment or natural resources to which Liberia is a party.

PART XI - INFORMATION, ACCESS, EDUCATION AND PUBLIC AWARENESS

Section 100

The Agency to Collect, Analyze and Disseminate Environmental Information

- 1) The Agency shall:
 - a) gather information on the environment and natural resources on the existing data;
 - b) have access to any data on the environment and natural resources;
 - c) analyze information relating to the environment and natural resources;
 - d) disseminate information to public and private users;
 - e) carry out public information and education campaigns in the field of environment;
 - f) exchange information relating to environment with non-state organizations or any other regional and international organizations;
 - g) advise the Council and Line Ministries on existing information gaps and needs; or
 - h) establish in consultation with Line Ministries, guidelines and principle for the gathering, processing and dissemination of environmental information;
 - i) co-ordinate the management of environmental information with the Line Ministry.
- 2) In carrying out its functions under this Section, the Agency shall work with the County Environment Committees with the assistance of the District Environment Committees.

Section 101

Access to Environmental Information

To enable public participation, there shall be freedom of access to environmental information:

1) Any person who desires to obtain information relati

- 1) The Agency shall every 5 years publish the Report on the State of the Environment of Liberia;
- 2) The Report shall in addition to other matters as may be prescribed, specify the main activities of the Agency and Line Ministries regarding the protection of the environment;
- 3) The Report shall take into account the plans and activities of the County and District Committees established under this Law;
- 4) The Agency may, publish any other information it considers necessary for information and public education on the environment.

Section 104
Record Keeping

- 1) The Agency may by published notice prescribe the activities for which records shall be kept by owners of premises and operators for the purposes of this Law, the contents of those records and the manner in which they shall be kept;
- 2) The records kept in accordance with subsection (1) or any other records kept, for purposes of this Law, at the site of an establishment of undertaking shall be made available to the Agency or an environment inspector for the purposes of:
 - a) an environmental audit;
 - b) environmental monitoring;
 - c) pollution control;
 - d) inspection;
 - e) any other purpose that may be prescribed by the Agency.
- 3) The records kept pursuant to this section and any other records kept for purposes of this Act or the regulation made under this Law may be copied and transmitted to the Agency may be determined;
- 4) The Agency shall keep all records transmitted to it as public records and any person may on the application to the Agency, be granted access to the said records on the payment of a minimal fee prescribed by the Agency.

PART XII - OFFENCES

Section 105
Offences Relating to Environmental Impact Assessment

- d) fails to prepare an environmental impact statement contrary to section (13) and/or section (14);
- e) fails to prepare an environmental mitigation and implementation strategy in accordance with section (15);
- f)

4) it shall be a defense for the person deemed liable

- e) Prescribe anything required or permitted to be prescribed under this Law;
- f) Provide for the protection of any particular species of fauna and flora; and
- g) Provide for any regulations may be made under this Law.

Section 111

Rules of Construction

- 1) The provisions of this Law shall be liberally construed to promote the sustainable protection and management of the environment and natural resources of Liberia;
- 2) References to sections in this Law or to other laws of Liberia shall mean those sections or other laws as they shall be amended from time to time;
- 3) Unless the context otherwise requires, words importing the singular include plural and vice versa, and words importing gender or neuter include both genders and the neuter; and
- 4) The word "including" means including but not limited to the items listed as included.

Section 112

2)

ANNEX I (SECTION 6)

PROJECTS/ACTIVITIES REQUIRING AN ENVIRONMENTAL IMPACT

5) **Wildlife**

- Creation of national parks and game reserves
- Introduction of new species
- Wildlife catching and trading
- Hunting
- Wildlife ranching and farming
- Zoo and sanctuaries

6) **Tourism and Recreational Development**

- Construction of resort facilities or hotels along the shorelines of lakes, river, islands and oceans
- Hill top resort or hotel development
- Development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc.) on islands and in surrounding waters
- Hunting and capturing
- Camping activities, walk ways and trails etc
- Sporting and race tracts/sites
- Tour operations

7) **Energy Industry**

- Production and distribution of electricity, gas, steam and hot water
 - ◆ Storage of natural gas
 - ◆ Thermal power development (i.e. coal, nuclear)
 - ◆ Hydro-electric power - electric power
 - ◆ Bio-mass power development
 - ◆ Wind-mills power development
- Solar (i.e. impact due to pollution during manufacture of solar devices, acid battery spillage and improper disposal of batteries).
- Nuclear energy

8) **Petroleum Industry**

- Oil and gas exploration and development, including seismic survey
- Construction of offshore and onshore pipelines
- Construction of oil and gas separation, processing, handling and storage facilities
- Construction of oil refineries
- Construction of product depots for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas
- Transportation of petroleum products

9) Food and Beverage Industries

- Manufacture of vegetable and animal oils and fats
- Oil refinery and ginneries
- Processing and conserving of meat
- Manufacture of dairy products
- Brewing distilling and malting
- Fish meal factories
- Slaughter-houses
- Soft drinks
- Tobacco processing
- Canned fruits and sources
- Sugar factories
- Other agro-processing industries

10) Textile Industry

- Cotton and synthetic fibers
- Dye for cloth
- Ginneries

11) Leather Industry

- Tanning
- Tanneries
- Dressing factories
- Other cloth factories

12) Wood, pulp and paper industries

- Manufacture veneer and plywood
- Manufacture of fibre board and of particle - board
- Manufacture of pulp, paper, sand-board, cellulose-mills

13) Building and Civil Engineering Industries

- Industrial and housing estate
- Major urban projects (multi-storage building, motor terminals, markets etc)
- Tourist installation
- Construction and expansion/upgrading of roads, harbours, ship yards, fishing harbours, air fields and ports, railways and pipelines
- River drainage and flood control works
- Hydro-electric and irrigation dams
- Reservoir

- Storage of scrap metal
- Military installations
- Construction and expansion of fishing harbours
- Developments on beach fronts

14) Chemical Industries

- Manufacture, transportation, use and storage of pesticide or other hazardous and or toxic chemicals
- Production of pharmaceutical products
- Storage facilities for petroleum, petrochemical and other chemical products (i.e. filling stations)
- Production of paints, vanishes, etc.

15) Extractive Industries

- Extraction of petroleum
- Extraction and purification of natural gas
- Other deep drilling - bore-holes and wells
- Mining
- Quarrying
- Coal mining
- Sand dredging

16) Non-metallic Industries (products)

- Manufacture of cement, asbestos, glass,-fibre, glass-wood
- Processing of rubber
- Plastic industry
- Lime manufacturing, tiles, ceramics

17) Metal and Engineering Industries

- Manufacture and assembly of motor-vehicles
- Manufacture of other means of transport (trailers, motor-cycles, motor-vehicle, bicycles-cycles)
- Body-building
- Boiler-making and manufacture of reservoirs, tanks and other sheet containers
- Foundry and forging
- Manufacture of non-ferrous products
- Iron and steel
- Electroplating

18) Waste Treatment and Disposal

a) Toxic and Hazardous Waste

- Construction of Incineration plants
- Construction of recovery plant (off-site)
- Construction of waste water treatment plant (off-site)
- Construction of secure land fills facility
- Construction of storage facility (off-site)
- Collection of transportation of waste

b) Municipal Solid Waste

- Construction of incineration of plant
- Construction of composting plant
- Construction of recovery/re-cycling plant
- Construction of municipal solid waste landfill facility
- Construction of waste depots
- Collection of transportation

c) Municipal Sewage

- Construction of waste water treatment plant
- Construction of marine out fall
- Nigh soil collection transport and treatment
- Construction of sewage system

19) Water Supply

- Canalization of water courses
- Diversion of normal flow of water
- Water transfer scheme and reservoirs
- Abstraction or utilization of ground and surface water for bulk supply
- Water treatment plants

20) Health Projects

- Vector control projects (malaria, bilharzias, trypanosomes etc)

21) Land Reclamation and Land Development

- Rehabilitation of degraded lands
- Coastal and land reclamation
- Dredging of bars, greyones, dykes, estuaries etc.
- Spoil disposal

22) Multi-sectoral Projects

- Agro-forestry
 - Dispersed field-tree inter-cropping
 - Alley cropping
 - Living fences and other linear planting
 - Windbreak/shelter belts
- Integrated conservation and development programmes e.g. protected areas
- Integrated Pest Management (e.g. IPM)
- Diverse construction-public health facilities schools, storage building, tree nurseries, facilities for ecotourism and field research in protected areas, enclosed latrines, small enterprise, logging mills, manufacturing furniture carpentry shop, access road, well digging, camps, dams, reservoirs
- River basin development and watershed management projects
- Food aid, humanitarian relief

23) Trade: Importation and Exportation of the following

- Hazardous chemicals/waste
- Plastics
- Petroleum products
- Vehicles
- Used materials
- Wildlife and wildlife products
- Food
- Beverages

24) Urban and Rural Development including

- a) designation of new urban areas;
- b) establishment of industrial estates;
- c) establishment or expansion of recreational areas;
- d) establishment or expansion of recreational areas in mountain areas, national parks and game reserves;
- e) rezoning;
- f) shopping centers and complexes;
- g) hotels and other tourist facilities;
- h) buildings with a total floor space of 500m or more;
- i) declaration of development areas; and
- j) other infrastructure (both urban and rural).

25) Policies and Programmes

- Decisions of policies and programmes and legislative acts on environment and development;
- Decisions to change designated status;
- Family planning;
- Technical assistance
- Urban assistance;
- Urban and rural land use development plans (e.g. master plans, etc.)

26) General

- a) any activity out of character with its surroundings;
- b) any structure of a scale not in keeping with its surroundings;
- c) major changes in land use

Amendment of ANNEX I

The Legislature may, on the recommendation of the Agency and by notice published, amend ANNEX V to this Law.