



NATIONAL ENVIRONMENTAL (PERMITTING AND LICENSING SYSTEM) REGULATIONS, 2009

National Environmental Standard and Regulations Enforcement Agency (NESREA)

Simplified Summary

Curated by Clean Technology Hub



Clean Tech Incubation &
Acceleration Foundation
Energy Innovation Center



EXECUTIVE SUMMARY

The purpose of these regulations is to enable consistent application of Environmental Laws, Regulations and Standards related to the acquisition of environmental permits and licences. This guide provides a simplified summary of the regulations. It provides some context for the regulation - including objectives, application procedures, terms and conditions for amendment of permits, procedures for suspension, procedures for cancelling a permit and current implementation status.

CONTEXT

These regulations empowered NESREA to fix various permit fees, grant or refuse consent on the issuance of authorization, and the power to suspend or cancel any authorization.

LEGAL FOUNDATION

The legal foundation of this regulation is pursuant to the National Environmental Standards and Regulations Enforcement Agency (NESREA Establishment) Act 2007 to make regulations to protect the environment of the country.

OBJECTIVES

The overarching aim of the National Environmental (Permitting and Licensing System) Regulations is to enable consistent application of Environmental Laws, Regulations and Standards in all sectors of the economy and geographical regions.

KEY PROVISIONS

Application Procedure

Permit Application Requirements	Application Fees	Issuance of Permit
Two paper copies of the application along with an electronic version in a format prescribed by the Agency delivered by hand, sent by registered mail courier to the Agency	The Agency has the power to fix various fees which include: application fees, processing fees, permit fees, amendment fees, renewable fees, re-hearing fees; and appeal fees.	<ul style="list-style-type: none"> All applications shall be acknowledged by NESREA within seven working days of receipt NESREA shall not exceed thirty working days to notify the applicant of its decision



		<ul style="list-style-type: none"> • If the application is rejected, NESREA shall notify the applicant in writing stating the reasons for the decision • The applicant has a window of 21 working days from the date of receipt of the rejection notice to appeal the agency decision • The decision on such an appeal should be communicated to the applicants within fourteen working days.
Amendment/Renewal of Permits		
Terms and Conditions for Amendment of Permit		
Application by the holder stating reasons for the amendment of the permit	NESREA receives a complaint about the permit holder	NESREA decides the amendment or otherwise
Application Process for Amendment/Renewal of Permit		
Each amendment application should be accompanied with a receipt of payment of an amendment fee	Payments should be made for: application for amendment of a permit, processing fee, and payment for amendment of permit	An application for renewal of a permit should be done at least ninety days before the expiration of the permit in a form as specified by NESREA and be accompanied with a receipt of payment of a renewal fee



Suspension/Cancellation of Permit					
Procedures for Suspension of Permit					
Where the Agency decides to suspend a permit, it shall notify the permit holder in writing stating reasons for the decision	The permit holder can chose to make representation or rectification of the grounds that resulted in the suspension within twenty one working days from the date of its receipt of the Agency	The Agency shall notify the permit holder of the date on which the suspension shall take effect and may take orders regarding the suspension of such permit	The Agency may, within twenty one working days after the imposition of the suspension order, review such order and either cancel the permit or lift the suspension of the permit		
Procedures for Cancelling a Permit					
The Agency shall notify the permit holder in writing of its intention to cancel the permit and the reasons for the decision	The permit holder shall be given the opportunity to demonstrate within twenty one working days of the delivery of the notification why the cancellation may no longer be necessary	The Agency may instead of cancelling he permit, make an order imposing further terms and conditions subject to which the permit holder is allowed to operate	Where the Agency decides to cancel the permit, the permit holder shall be notified of the effective date of the cancellation	The Agency may upon the cancellation of a permit, make an order in this regards in the interest of public health and safety, as well as ecosystem integrity	
Grounds for Cancellation of Permit					
The permit was issued through fraud or the misrepresentation or non-disclosure of material fact	The permit holder has willfully or unreasonably contravened any provision of the Act	The permit holder has failed to comply with any term or condition of the permit	The permit holder has become insolvent or adjudged bankrupt	The permit holder is unable to fully and efficiently discharge the duties and obligations imposed by the permit	The permit holder has altered or transferred the permit



Re-Hearing and Appeal Procedures

Any persons who is dissatisfied by any decision of the Agency may apply to the Director-General for a review, rehearing or appeal on such decision	The Agency may re-affirm, reconsider, vary or rescind its decisions before issuing a final order	Such review or reconsideration shall be completed within thirty working days from the date of application for such request	An applicant can by writing withdraw any application for re-hearing or appeal at any stage	A withdrawn application cannot be reactivated, however such an application could be submitted as a new application with all the necessary fees paid
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Relevant Re-Hearing and Appeal Fees

Application fees for re-hearing regarding the suspension or cancellation of a permit	Processing fees for application for re-hearing regarding the suspension or cancellation of a permit	Re-hearing fees regarding the suspension or cancellation of a permit	Application fees for appeal regarding the suspension or cancellation of a permit	Processing fees for the application for appeal regarding the suspension or cancellation of a permit	Appeal fees regarding the suspension or cancellation of a permit
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KEY STAKEHOLDERS

- Federal Ministry of Environment
- National Environmental Standards Regulations Enforcement Agency (NESREA)
- Private Sector Companies

RELATED REGULATORY AND POLICY DOCUMENTS

- NESREA Desertification and Drought Mitigation Regulations
- NESREA Ozone Layer Protection Regulations
- NESREA Environmental Air Control Regulations
- NESREA National Environmental Electronic Sector Regulations
- NESREA National Environmental Sanitation and Waste Control Regulations



IMPLEMENTATION STATUS

- Permits granted by NESREA include:
 - Air Quality Permit - atmospheric emissions, vehicular emissions, open burning, refrigeration and air conditioning equipment (RAC), and noise.
 - Waste and Toxic Substances - waste generation, restricted chemicals, sludge disposal, and effluent discharge
 - Used Electrical and Electronic Equipment (UEEE) Permit - handling, import and export of UEEE.
 - Biodiversity Conservation Permit - access to genetic resources
 - Eco-Guard Certification - issued to facilities that are in the pre-construction and construction stages of their projects.
- In 2018, NESREA introduced the Environmental Import Clearance Permit to regulate imported items and to ensure that banned chemicals and hazardous substances are not imported into the country, and ensure that the end of life of the items is considered under the Extended Producers Responsibility (EPR) programme.