

NATIONAL ENVIRONMENTAL AIR QUALITY CONTROL REGULATIONS (2014)

National Environmental Standards and Regulations Enforcement Agency (NESREA)

Simplified Summary

Curated by Clean Technology Hub



Clean Tech Incubation &
Acceleration Foundation
Energy Innovation Center



EXECUTIVE SUMMARY

These regulations cover different types of air pollutants and the limit to which industries, private bodies and also individuals to what can be discharged into the environment. The body incharge of these regulations enforces on the emission level of air pollutants allowed to the environment and their sources associated. The provisions and offenses are included in the regulation. The regulation's schedules show the air standards and their composition.

CONTEXT

These Regulations provide for improved control of the nation's air quality to enhance the protection of human health, flora and fauna, and other resources affected by air quality.

LEGAL FOUNDATION

The legal foundation of these regulations is based on the power conferred on the Minister of Environment by Section 34 of the National Environmental Standards and Regulations Enforcement Agency (NESREA Establishment) Act 2007 to make regulations to protect the environment of the country.

GENERAL PROVISIONS

1. The purpose of these Regulations is to provide for;
 - a. for improved control of the nation's air quality to such an extent that would enhance the protection of flora and fauna, human health, and other resources affected by air quality deteriorations.
 - b. all users, the right to
 - i. clean air;
 - ii. utilize and benefit from all natural resources managed according to the principles of sustainable development;
 - iii. be informed of the nature and extent of the potential hazard of any activity, undertaking or project and to be served timely notice of any significant rise in the level of pollution and the accidental or deliberate release into the atmosphere of harmful or hazardous substances, and
 - c. the clean-up and rehabilitation of the affected area.
2. The Scope of these Regulations includes provision for Scope.
 - a. maximum permissible limit values for certain pollutants in the air, avoid, prevent or reduce harmful effects on the environment and human health;
 - b. the assessment and minimization of emissions from point, area and line sources;



- c. adequate information on emissions, ambient air concentrations of pollutants in the air, as well as air quality trends spatially and temporary; and
 - d. measures to enhance improvements in emissions and ambient air quality.
3. These Regulations shall apply to Point, Mobile and Area sources of Application. air pollution, as well as Indoor and Ambient air quality control.

EMISSIONS FROM STATIONARY SOURCES

Prohibition of Installation	Accidental Discharge of Pollutants.	Maximum Air: Contaminants Concentration.
<p>a. Except with the written approval of the Agency, a person shall not install a new equipment as described in Schedule 1 to these Regulations, within the premises or facilities situate within an area designated as a residential zone having demarcated boundaries which appear in the gazetted local plan prepared by the appropriate local planning authorities;</p> <p>b. In the absence of a gazetted local plan described in sub-regulation (1) of this regulation, the premises .</p>	<p>Where any accidental, emergency or unauthorized release or discharge of a contaminant into the air occurs, the person responsible for the release or discharge shall within 24 hours inform the Agency in writing as prescribed in Schedule II to these Regulations</p>	<p>A person shall not discharge contaminants into the air from an industrial source, fuel-burning equipment and others higher than the concentrations prescribed in Schedules V and VI to these Regulations.</p>



<p>shall mean such facilities situate at least 100 meters to the nearest dwelling house within the housing estate.</p>		
<p>EMISSIONS FROM MOBILE SOURCES</p>		
<ol style="list-style-type: none"> 1. Mobile sources shall be categorized in accordance with the provisions Categories of - of Schedule VIII to these Regulations. 2. Emissions from road vehicles shall be in accordance with the Emission provisions of the National Environmental (Control of Vehicular Emissions from Petrol and Diesel Engines) Regulations, 2011, other extant Regulations and as Vehicles. provided in Schedules X to these Regulations. 3. The Agency shall have the sole responsibility to resolve conflicts arising from multiple provisions in standards stipulated under extant Regulations. 4. As from the commencement of these Regulations, a person shall not manufacture, assemble or import Two Stroke Engines of any kind for use in Nigeria. 		
<p>CONTROL OF INDOOR AIR POLLUTION IN OFFICES, PUBLIC PLACES AND HOMES</p>		
<p>Building Requirement</p>	<p>Banned Pesticides</p>	<p>Power generating Sets</p>
<p>A person shall ensure that the ventilation system in a building facilitates improved air quality and is designed in accordance with the extant building. code of the relevant national regulating authority.</p>	<p>Banned pesticides under the provisions of the National Environmental (Control of Hazardous Chemicals and Pesticides) Regulations, 2014 and other extant Regulations shall not be used indoors</p>	<ol style="list-style-type: none"> 1. A power generating set shall not be positioned within the building where it can cause health hazards to the occupants. 2. A power generating set shall be positioned in such a way that the flue gases. <ol style="list-style-type: none"> a. are discharged or drawn back into the building or the building ventilation system, and b. do not become a nuisance to the



		inhabitants of any building or the neighbourhood
EMISSIONS FROM OTHER SOURCES, FUEL ADDITIVES, ETC.		
<ol style="list-style-type: none"> 1. A person; <ol style="list-style-type: none"> a. shall use fuel additives as may be provided by the appropriate regulatory authority; b. granted a licence to manufacture, process or trade in any fuel additive shall not import, sell, offer for sale or introduce into commerce such fuel additive unless the same has been registered with the appropriate authority; and c. shall not introduce any proposed fuel additive that would in any way increase emissions of any of the regulated gases prescribed in Schedule IX to these Regulations. 2. The importation, handling, storage, transportation and use of chemicals and agrochemicals shall be in accordance with the extant laws and Regulations 3. A person operating a renewable energy generating plant shall ensure that the plant does not exceed the permissible limits as contained in extant: laws and Regulations. 4. A person engaged in quarrying operations shall carry out such in accordance with the National Environmental (Quarrying and Blasting Operations) Regulations, 2013 and other extant Regulations. 5. A person engaged in mining operations shall carry out such operations in accordance with the National Environmental (Mining and Processing of. Coal Ores and Industrial Minerals) Regulations, 2009 and other extant Regulations. 		
AMBIENT AIR QUALITY STANDARDS		
<ol style="list-style-type: none"> 1. A person undertaking a business or activity releasing emissions into ambient air shall ensure that the ambient air quality within its premises or operational areas associated with emissions from own facilities do not exceed 60% of the ambient air quality standard prescribed in Schedule XIII to these Regulations, without prejudice to the contributions emanating from other facilities to its premises. 2. A person operating an industrial plant or facility shall forward to the Agency any information which the Agency deems appropriate regarding its operations. 		



CONTROL OF ODOUR

1. A person shall not emit or allow the emission of noxious and foul odourous substances to reach nuisance threshold levels within its neighbourhood odour such that not more than 5% of the population will experience annoyance greater than 5% of the time per month up to three continuous months.
2. A person shall not release or cause the emission of malodorous odour substances beyond the detection thresholds as shown in these Regulations

ENFORCEMENT

1. An enforcement notice shall be served where the Agency is of the opinion that an operator has contravened, is contravening or is likely to contravene any condition of a permit.
2. An enforcement notice shall specify the:
 - a. activities or matters constituting the contravention or making it likely that the contravention will arise, as the case may be;
 - b. steps that must be taken to remedy the contravention or to remedy the activities or matters making it likely that the contravention will arise; and
 - c. period within which those steps must be taken.
3. The provisions of sub-regulation (2) (a) of this regulation shall apply whether or not the particular manner of operating the facility in question, is regulated by or contravenes a condition of the permit.
4. An officer of the Agency may, in the course of his duty under these Regulations, at any reasonable time
 - a. enter and search any premises or facility to carry out air emission testing, take samples or specimen for analysis, and measurements in length and of level of standards to which these Regulations relate; and
 - b. seize and detain for such time as may be necessary for the purpose of these Regulations any article by means of or in relation to which he believes any provision of these Regulations has been contravened.



PERMIT

The Agency shall issue permits for air quality control in accordance with the provisions of the National Environmental (Permitting and Licensing System) Regulations, 2009.

OFFENCES AND PENALTIES

A person who violates any of the provisions of these Regulations commits an offence and shall on conviction;

- a. be liable to a fine of not less than one hundred thousand Naira or to imprisonment for a term not less than 6 months or to both, such fine and imprisonment and an additional fine of not less than N10,000.00 for every day the offence subsists for individual offenders; and
- b. where the offence is committed by a body corporate, be liable to a fine not less than N1,000,000.00 and additional fine of N50,000.00 for every day the offence subsists.

SCHEDULE I [*Regulation 4*]

New INSTALLATIONS WITHIN RESIDENTIAL AREAS NOT PERMITTED WITHOUT PRIOR APPROVAL

- a. Any equipment, plant or facility used for the purpose of heating or generating power that is rated to consume
 - i. pulverised fuel;
 - ii. any solid fuel at 20 kg or more per hour, or
 - iii. any liquid or gaseous matter at 10 kg or Litre or more per hour.
- b. Any equipment, plant or facility that emits any solid particle exceeding 0.5kg per hour;
- c. Any equipment, plant used for grain milling or polishing and consumes 1.5kw and above;
- d. Any wood working machinery that consumes 0.75 kw and above;
- e. Any equipment or facility used in the manufacture, packing or repacking of paints, varnishes, lacquers and all pesticides;
- f. Any equipment, plant or facility used in the manufacture, packing or repacking of fish manure or animal feed or fertilizer;
- g. Any equipment, plant or facility used in the manufacture, packing or repacking of industrial chemicals, in the process of which mercury, antimony, arsenic, cadmium, zinc, lead, copper, etc or any compound thereof is emitted;



h. Any equipment or plant used in the manufacture of asbestos containing products.

SCHEDULE II [Regulation 5]

PROCEDURE FOR REPORTING ACCIDENTAL DISCHARGE OF POLLUTANTS

The information required includes the:

- a. date and time of the release or discharge;
- b. duration of the release or discharge;
- c. composition of the release or discharge showing
 - i. the concentration of air contaminants,
 - ii. the emission rate, and
 - iii. the total amount.
- d. description of the circumstances leading to the release or discharge;
- e. steps and procedures taken to control the release or discharge, as well as those taken to prevent similar releases or discharges in the future; and
- f. steps and procedures taken to clean up the release or discharge.

SCHEDULE V [Regulations 6 and 8]

EMISSION STANDARDS FOR AIR POLLUTANTS FROM INDUSTRIAL SOURCES/OPERATIONS

Pollutants	ppm	Average time (min)
Ammonia	0.28	30
Carbon Disulfide	0.01	50
Chlorine and Chlorine Compounds expressed as Cl ₂	0.03	5
Formaldehyde	0.04	30
Hydrogen Chloride	0.13	30



Hydrogen Sulfide	0.07	30
Nitrogen dioxide	0.20,0.14	30,60
Phenol	0.03	30
Sulfur dioxide	0.18,0.13	30,60
SCHEDULE VI [Regulations 6 and 8]		
EMISSION LIMITS FOR SPECIFIC METALS POLLUTANT FROM STATIONARY SOURCES		
Substance	Limit (mg/m ³)	
Antimony	20-100	
Arsenic	20-100	
Cadmium	1.0-40	
Copper	20	
Lead	10-100	
Mercury	1.0-230	
Zinc	11.72	
SCHEDULE XIII [Regulations 29, 30 and 33]		
AMBIENT AIR QUALITY STANDARDS		
Pollutant	Time Weighted Average	Concentration in Ambient Air
Sulphur dioxide (SO ₂)	Annual/24 hours/1 hour	80Mg/m ³ / 120Mg/m ³ / 350Mg/m ³
Nitrogen dioxide (NO ₂)	Annual/24 hours/1 hour	80Mg/m ³ / 120Mg/m ³ / 200Mg/m ³
Carbon monoxide (CO)	8 hours/1 hour	5.0mg/m ³ / 10mg/m ³
Particulate Matter (PM ₁₀)	Annual/24 hours	60Mg/m ³ / 150Mg/m ³
Ozone (O ₃)	8 hour/1 hour	100Mg/m ³ / 180Mg/m ³
Lead (Pb)	Annual/24 hours	1.0Mg/m ³ / 1.4Mg/m ³
Arsenic (As)	Annual	6,000Mg/m ³
Nickel (Ni)	Annual	20,000Mg/m ³
Cadmium (Cd)	Annual	5,000Mg/m ³
Ammonia (NH ₃)	Annual/24 hour	0.2mg/m ³
		0.6mg/m ³



Prohibitions		
<p>No person shall; (a) act in a way that directly or indirectly causes, or is likely to cause immediate or subsequent air pollution; or (b) emit any liquid, solid or gaseous substance or deposit any such substance in levels exceeding those set out in the First Schedule.</p>	<p>No person shall cause or allow emission of the priority air pollutants prescribed in the Second Schedule to cause the ambient air quality limits prescribed in the First Schedule to be exceeded.</p> <p>No person shall cause the ambient air quality levels specified in the First Schedule of these Regulations to be exceeded.</p>	<p>No person shall cause or allow particulate emissions into the atmosphere from any facility listed under the Fourth Schedule in excess of those limits stipulated under the Third Schedule. Where “suspended Particulate matter” means all Particulate material which persists in the atmosphere or in flue gas stream for lengthy periods because the Particles are too small in size to have appreciable falling velocity; Odour guidelines.</p> <p>A person, being an owner of premises, who causes or allows the generation, from any source, of any odour which unreasonably interferes, or is likely to unreasonably interfere, with any other person’s lawful use or enjoyment of his property shall ensure that the odour emission limits comply with the ambient quality limits set out under the First Schedule of these regulations</p>
OCCUPATIONAL AIR QUALITY LIMITS		
<p>The occupier or operator of premises shall ensure that exposure of indoor air pollutants does not exceed the exposure limits stipulated under the factories and other places of work (Hazardous Substances) Rules or under any other relevant law.</p>	<p>Where the hazardous substances are not covered under the legislation, the occupier or operator shall apply the guidelines provided by the manufacturer or supplier of the substances.</p>	<p>The Authority, in consultation with the relevant lead agencies may:</p> <ol style="list-style-type: none"> a. Prescribe exposure limits of air pollutants and emission levels of hazardous substances; b. Prohibit the use of substances which pollute the working environment; or c. Specify particular measures of prevention of pollution or protection of workers.



		<p>An owner or occupier of a controlled facility shall;</p> <ul style="list-style-type: none"> a. inform the workers of the hazards in specific work environments; b. train the workers on the potential hazards of any hazardous substance to which they are exposed and the safety precautions to be taken to prevent any harm to their health; c. ensure that measurements of pollutants are carried out by a laboratory designated by the Authority in order to determine compliance with the prevailing allowed levels of exposure.
--	--	---

PERMISSIBLE LEVELS

The Authority will evaluate the list of priority pollutants in ambient air quality levels in the allowed levels from time to time in cooperation with relevant lead authorities.

The Authority shall in setting limits for ambient air quality levels as stipulated in the First Schedule take into account the limit determining factors set.

LICENCES

The owner or operator of any controlled facility shall apply to the Authority for an emission licence within twelve months from the date these Regulations come into force.

An owner or operator of a controlled facility shall apply for a provisional emission licence by submitting to the Authority, an application as set out in Form I, of the Ninth Schedule.

An application shall be considered complete following requirements are satisfied:

- a. the application form is complete in respect of all the information required of the applicant, including any necessary supporting data and calculations;
- b. the licence application is accompanied by a compliance plan that indicates the proposed activities and the schedule for bringing the facility into compliance where;



		<p>(i) the expected emissions from any source or activity in the application are likely to exceed any applicable emission standard or target;</p> <p>(ii) any expected emissions from the facility are based on dispersion modelling, and are found to be likely to exceed any ambient air quality standard.</p>
Powers of NESREA		
<ul style="list-style-type: none"> ● The Agency shall exercise the powers under its enabling Act to enforce compliance with the provisions of these regulations ● The Agency or its authorized agents, shall exercise such power over any premises used by Reservation Against Cancellation (RAC) and other industries or enterprises using ozone depleting substances and who shall require a permit for its activities ● Agency shall prescribe appropriate fee for the various permits ● The Agency may waive the application fee for a controlled substance ● The Agency may update the conditions on a permit from time to time. 		
KEY STAKEHOLDERS		
<ul style="list-style-type: none"> ● NESREA ● Federal Ministry of Environment ● Federal Ministry of Health ● Federal Ministry of Transport ● Department of Petroleum Resources (DPR) ● Federal Road Safety Corps (FRSC) ● Federal Capital Territory Administration (FCTA) ● Federal Capital Development Authority (FCDA) ● Abuja Environmental Protection Board (AEPB) ● Department of Urban and Regional Planning FCT ● Transport Secretariat F.C.T, National Automotive Design and Development Council (NADDC) ● Nigerian National Petroleum Corporation (NNPC), Directorate of Road Traffic Service (DRTS) ● National Air Space Research and Development Agency (NASRDA) 		



- Temple Resources Limited, Standard Organisation of Nigeria (SON)
- Nigeria Society of Engineers
- NGOs and CBOs such as National Youth Assembly and the media

IMPLEMENTATION STATUS

Some of the preventive implementation planned to keep pollution level down is to gradually move away from relying on fossil fuels such as diesel in cars, and whilst this may be a long way off, even a slight reduction in its use could see substantial changes. Others would be to place emission caps on factories or businesses that produce pollution, holding such places accountable if they exceed the limit for pollutive output and imposing fines, charges or threats of closure. These are some incentives that could be utilized in the future as Nigeria makes its way into being a larger entity on the world circuit.