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IMO STATE OF NIGERIA

LAW NO. 5 OF 2020

IMO STATE WASTE MANAGEMENT AGENCY LAW, 2020.

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IMO STATE OF NIGERIA

LAW NO. 5 OF 2020

A LAW TO ESTABLISH THE IMO WASTE MANAGEMENT AGENCY AND FOR RELATED MATTERS. *Long Title*

BE IT ENACTED by the Imo State House of Assembly as follows: *Enactment*

1. This Law may be cited as the Imo State Waste Management Agency Law, 2020. *Citation*

2. In this Law, unless the context otherwise requires:- *Interpretation*

“Agency” means the Imo State Waste Management Agency established under section 3 of this Law;

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

“Employees” include officers in the public service of the State or in the service of Local Governments transferred to the Agency and those employed directly by the Agency;

“Facility” means all contiguous land, structure, and other appurtenances which are owned, operated, and licensed as a single entity which may consist of several generating, treatment, or storage units;

“Health Care Provider” means any person who provides medical care or personal services;

“House of Assembly” means Imo State House of Assembly;

“Leak resistant” means anything that prevents liquid from escaping to the environment in the upright position;

“Recyclable materials” mean materials which are capable of being recycled and which may be segregated from other waste material or collection and recycling, rather than collection and disposal;

“Sealed” means to fasten or close securely so as not to allow passage of liquids;

“Sharp” means an object capable of puncturing, lacerating, or otherwise penetrating the skin;

“Sharp container” means a rigid, leak and puncture resistant container, designed primarily for the containment of sharps, clearly labeled with the phrase and international biological hazards symbol;

“State” means Imo State of Nigeria;

“Secretary” means the Legal Adviser of the Agency;

“Treatment” means any process, including steam, chemicals microwaving, shredding, or incineration, hydroclaving which changes the character or composition of biomedical waste to render it non-infectious by disinfection or sterilization;

“Waste” means all solid waste materials, including but not limited to garbage, refuse and other discarded waste materials resulting from industrial, commercial and agricultural operations, including waste from mines and quarries and shall also include –

- (a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process; and
- (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise soiled;
- (c) anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste.

3 .(1) There is established, an Agency to be known as the Imo State Waste Management Agency (referred to in this Law as “the Agency”).

*Establishment
of the Agency*

(2) The Agency shall –

- (a) be a body corporate with perpetual succession and a common seal;

- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of purchasing, acquiring, holding and disposing of moveable and immovable property for the purpose of carrying out its functions under this Law.

4.(1) There is established for the Agency, a Governing Board (referred to in this Law as "the Board").

*Establishment and
composition of the
Governing Board*

(2) The Chairman and members of the Board shall be appointed by the Governor.

(3) The appointment of the members other than the ex-officio members shall be subject to the confirmation of the House of Assembly.

The Members of the Board shall consist of –

- (a) the Chairman of the Board who shall be a person of good standing in the society;
- (b) a representative of the Office of the Governor who shall be an officer not below Grade Level 15 or a political appointee not below the rank of a Special Adviser;
- (c) one (1) Local Government Chairman from each of the three Senatorial Zones in the State to be rotated amongst the Local Governments annually at the pleasure of the Governor;
- (d) three representatives of the private sector;
- (e) the Commissioner in-charge of Environment in the State; or his representative;
- (f) the State Commissioner in-charge of Local Government and Chieftaincy Affairs; or his representative;
- (g) the Managing Director of the Agency;

5.(1) Members of the Board other than the ex-officio members shall hold office for a term of four (4) years and may be re-appointed for one more term of four(4) years and no more.

*Tenure of
Office of
Members*

6. The remuneration of the members of the Board shall be determined by the Governor.

*Remuneration
and
Allowances*

7.(1) Notwithstanding other provisions of this Law, the powers of the Board shall include –

*Powers of the
Board*

- (a) preparation of long term plans for the Agency in consultation with appropriate Government Authorities;

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- (b) the conduct of research relative to waste disposal system and cleaning of streets;
 - (c) establishment of standards relative to waste collection and waste disposal systems; the clearance, maintenance of public drainage facilities and cleaning of streets within the State in collaboration with appropriate Government Authorities; and
 - (d) the conduct of other related or incidental activities that will enhance the performance of the Agency in the discharge of its functions.
- (2) The Board may make Regulations for the general conduct of the business of the Agency and may –
- (a) establish special committees and standing committees of the Board;
 - (b) establish advisory committees consisting of members of the Board and persons other than members;
 - (c) regulate proceedings of such committees; and
 - (d) delegate any of its duties to such committees.
- 8.(1) The Board shall meet at least once every four (4) months at such place and time as the Chairman may determine.
- (2) A special meeting of the Board may be summoned at the request of the chairman.
- (3) All meetings of the Board shall be summoned by the secretary.
- (4) The Chairman shall preside at any meeting of the Board but when absent, the Board will elect one of the Members present to preside.
- (5) Every question for decision by the Board at any meeting, will be decided by a majority of the votes of members present and voting.
- (6) The Chairman or the Member presiding in the Chairman's absence will at any meeting have a vote but in the case of an equality of votes, will have a second or casting vote.

*Meetings of
the Board*

- (7) The Managing Director and Secretary of the Agency shall be in attendance at all meetings of the Board and take part in its proceedings and the Board may also require any of its officers to attend such meeting and take part in the proceedings but neither the Secretary nor any of the officers of the Agency attending its meeting will have a right to vote on any matter unless otherwise invited by the presiding Chairman.
- (8) The validity of any proceedings of the Board will not be affected by any defect in the appointment of a member or by reason that a person who is not entitled to do so took part in the proceedings.
9. The quorum of the Governing Board of the Agency shall be one-third ($\frac{1}{3}$) of its membership. *Quorum*
10. A member of the Board who is directly or indirectly interested in a transaction or project of the Agency shall disclose the nature of the interest at a meeting of the Board, and the disclosure shall be recorded in the minutes book of the Agency and the member must not take part in any deliberation or decision of the Board with respect to that transaction. *Disclosure of interests by the Members of the Board*
11. A member of the Board will cease to hold office if – *Cessation of Office*
- (a) he resigns by notice in writing addressed to the Governor;
 - (b) he is removed by other members on the recommendation of the Board except the Managing Director whose removal by the Board is subject to ratification by the Governor;
 - (c) his term of office expires; or
 - (d) he dies.
12. Where the Board desires to obtain the advice of any person on any matter, the Board may co-opt such person to be a member for such meetings as may be required, and any co-opted person, will have all the rights and privileges of a member of the Board but will not be entitled to vote on any question or count towards a quorum. *Power to co-opt*
- 13 (1) The common seal of the Agency shall be determined by the Board; and affixing of the common seal will be *Common seal*

authenticated by the signature of the Managing Director and the Secretary or some other person(s) authorized by the Board for that purpose.

- (2) A document duly executed under the common seal of the Agency shall be received in any court and unless the contrary is proved, be deemed, to be so executed.

14.(1) The functions of the Agency shall be to –

- (a) clean streets, remove, collect and dispose of domestic, commercial and any other form of solid, including medical, marine waste, garden waste and building waste in accordance with regulations made by the Board for that purpose;
- (b) maintain a clean and healthy environment in the State;
- (c) provide refuse collection points and centers for removal and final disposal of such refuse;
- (d) direct and control the dumping of refuse in the State;
- (e) ensure the clearing of refuse from collection points and centers;
- (f) devise and employ approved methods and measures for improved refuse disposal;
- (g) ensure the opening and clearing of public drains to allow for free flow of waste;
- (h) remove nuisance from the highway, public open spaces and public parks;
- (i) remove and dispose of abandoned and scrapped vehicles;
- (j) remove and dispose of animal carcass from places;
- (k) prepare and update the master plan for waste collection and disposal in the cities, towns, and villages in the State and control resultant waste system within the State;
- (l) approve and monitor all waste disposal systems in the State;
- (m) make provision for waste management services to be rendered to State agencies, Local Governments, industries, business entities and private persons within the State by collecting refuse/waste by the Agency pursuant to relevant agreements between the Agency and such other parties;
- (n) issue, renew and revoke licenses of private waste collectors;
- (o) maintain a central data base information system for collation of data;

*Functions of the
Agency and Powers
to delegate*

- (p) set guidelines and targets for waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery and green charcoal processes;
 - (q) encourage proper segregation and containerization of waste through policy formulation and public awareness;
 - (r) ensure proper collection, transportation, treatment and disposal of waste by adopting best environmental practices;
 - (s) promote research and development programs for improved waste management and resource conservation techniques, effective institutional arrangement for waste reduction, reuse, collection treatment, separation and recovery; and
 - (t) do all such acts as are necessary or incidental to the proper discharge of its duties under this Law.
- (2) For ease of operation, each Local Government in the State may cede its rights to the State as it relates to refuse disposal by way of a written Agreement between the parties wherein the terms of the agreement shall be expressly provided.
- (3) For the purpose of carrying out its functions under this Law, the Agency may –
- (a) delegate any of its functions to such consultants, technical partners or contractors as may be approved by the State Executive Council; and
 - (b) enter into arrangements such as Public Private Partnership Agreements, Franchise or Concession Agreements with persons, firms or Agencies for the supply of services or facilities for the performance of its functions under this Law.
15. (1) The Agency shall have power to –
- (a) employ such staff subject to the approval of the Governor, as it may consider necessary for the purpose of carrying out its functions under this Law and may in accordance with the procedure applicable in respect of transfer of officers in the Public Service, accept officers on secondment to the Agency as soon as possible after the commencement of this Law;
 - (b) determine the remuneration of its staff as well as establish, maintain and manage a pension scheme for the benefit of its officers or employees in accordance with the Pension Reform Law or any other applicable Pension Law in the State;

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- (c) promote and exercise disciplinary control over such staff in accordance with the Civil Service Rules;
 - (d) determine the fees payable for issuance and renewal of license to private waste collectors;
 - (e) seal off any premises that fails to conform with the provisions of this Law;
 - (f) authorize any officer or employee of the Agency to act as its agent in respect of any function, service, or facility which may be exercised, performed or produce by the Agency under this Law;
 - (g) set and revise rates, rentals and charges for the use of facilities or services provided by the Agency subject to the approval of the Board and confirmation of the House of Assembly;
 - (h) establish and manage an organizational structure for promoting recycling activities in the State;
 - (i) purchase, acquire, lease, hold, construct, manufacture or maintain any property whatsoever whether movable or immovable for the purpose of carrying out its functions in accordance with existing legislations in the State and subject to the approval of the Governor;
 - (j) acquire any land for the purpose of planning, designing, transferring, managing, constructing, operating, maintaining waste disposal and processing facilities in accordance with existing legislations in the State and subject to the approval of the Governor;
enter into contractual agreement with any Agency, body, or organization, including Local or State Government Agency or Regional Agency as may be necessary for the discharge of its functions under this Law subject to the approval of the Governor;
 - (k) subject to the provisions of this Law, provide consulting services to Local, State and Regional Agencies, private and corporate individuals regarding waste management services and may plan, design, construct, manage operate and maintain any waste management facility on their behalf as may be permitted by Law;
 - (l) subject to the approval of the Governor, invest money standing to its credit not for the time being required for its purpose under this Law in stocks, shares, debentures, or other securities and subject to the sell of such stocks, share and debentures or other securities;
 - (m) subject to the approval of the Governor, accept or acquire and hold any security of any kind in any form

- whatsoever, excluding security in any company that has an interest in waste management or related activities such as operations, manufacture and sale of equipment and services including consultancy services;
- (n) surrender, transfer or re-convey any security held by the Agency whether in exchange for other security or upon discharge subject to the approval of the Governor; and
 - (o) adopt an official seal.
- (2) The Agency shall also have the power to –
- (a) charge commercial tariffs, which may vary from area to area and make direct charges on users for services rendered where such circumstances may arise;
 - (b) provide other related services not mentioned in this Law for a fee;
 - (c) issue demand notices in relation to the provisions of subsection (1) of this section.
- (3) The Agency may require a waste generator, licensee, service provider or person involved in or associated with the provision of domestic and or commercial waste collection service within a specific area to furnish information to the Agency which may be reasonably required for the information system and this may include –
- (a) significant sources of waste generation and the identification of the generators of waste;
 - (b) quantities and classes of waste generated;
 - (c) management of waste by waste generators;
 - (d) waste handling, waste treatment and waste disposal facilities;
 - (e) population and development profiles;
 - (f) reports on progress in achieving, waste management targets;
 - (g) management of radioactive waste; and
 - (h) any other information required by the legislation, regulations or guidelines.
- (4) All fees, tariffs and rates charged by the Agency shall be paid into the Treasury Single Account of the State Government as determined by the State Internal Revenue Service
16. The Agency may subject to the confirmation of the House of Assembly, make Regulations for the effective implementation of the provisions of this Law and in particular for –

*Power to
make Regulations*

- (a) service charge for removal and collection of waste;
- (b) condition and fees payable for the issuance and renewal of licenses;
- (c) charge payable for other incidental services rendered by the Agency;
- (d) all forms of notices required to be given or issued under this Law and Services of same;
- (e) penalties for offences in respect of any regulation made;
- (f) in accordance with the provisions of this Law; and
- (g) any other matter incidental to the performance of its functions under this Law.

17.(1) There shall be a Managing Director for the Agency to be appointed by the Governor subject to the confirmation of the House of Assembly

*Managing
Director of the
Agency*

(2) The Managing Director shall be a person who holds a professional qualification in Sanitation or Public Health or a person who possesses sterling administrative and managerial experience.

(3) The Managing Director shall –

- (a) be the Chief Executive Officer of the Agency and will be responsible for the execution of the policies of the Agency and for the day to day administration of its affairs in accordance with the provisions of this Law;
- (b) subject to the overall control and direction of the Board, exercise general disciplinary control over the Staff of the Agency;
- (c) hold office for a term of four (4) years, and may be re-appointed by the Governor on the recommendation of the Board for one more term only.

18.(1) There shall be appointed by the Board, on the recommendation of the Attorney-General, a Secretary from the Public Service of the State who shall be a Legal Practitioner not below Salary Grade Level 13.

*Secretary of the
Agency*

(2) The Secretary shall –

- (a) keep the records and conduct the correspondence of the Board;
- (b) make arrangements for meetings of the Board;
- (c) prepare the agenda minutes of such meetings; and
- (d) perform such other duties as the Managing Director may assign.

19. The Agency shall –

Pensions

- (a) maintain a sustainable staff pension scheme in accordance with the State Pension Scheme; and
- (b) grant pensions or retirement benefits to employees;

20. (1) No person shall operate any waste collection service in the State without a license issued by the Agency

*Waste Collection
License*

(2) On an application by any person or body corporate, the Agency may, subject to the payment of prescribed fees, issue a license as set out in the Law.

(3) No person or operator may collect or transport any form of waste other than that specified in its license or authorized by the Agency and for the purpose of this section, the category of waste shall include but not be limited to –

- (a) domestic waste;
- (b) commercial (bulk containerized) waste;
- (c) industrial waste;
- (d) special industrial waste;
- (e) hazardous waste;
- (f) recyclable waste;
- (g) healthcare waste; and
- (h) building waste.

(4) The Agency may come up with other categories of waste not specifically mentioned in sub-section (3) of this Section whenever the need arises.

(5) Any license issued in accordance with the provisions of this section shall –

- (a) not be assigned without the prior written consent of the Agency;
- (b) subject to the provisions of this Law or any valid Agreement made in accordance with the provisions of the Law, remain valid for one (1) year and shall be renewable thereafter a fee to be prescribed by the Agency.

21. The Agency may by notice in writing addressed to a private waste collector require the production of the original license for inspection, and any officer of the Agency may be

*Production of
License for
Inspection*

authorized to enter the premises of a private waste collector between the hours of 9am and 5pm on any day except Saturdays, Sundays and Public Holidays for the purpose of inspecting the license.

22. Every owner or occupier of a tenement shall provide an approved receptacle as may be specified by the Agency outside the tenement for the storage of waste provided that the placement of such storage bins will not contravene the provisions of any physical planning or building regulations in the State. *Owner, Occupier to Provide Waste Storage Bin*
23. The owner or occupier of premises shall pay the Agency or licensed private operator or franchise owner the prescribed charge for the provision of waste service as and when due in accordance with the Agreement entered into with the Agency. *Payment for Waste Charge*
- 24.(1) The occupier of the premises on which garden or bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time. *Garden and Bulky Waste, etc*
- (2) A licensed operator may collect garden and or bulky waste, and deposit same at designated recycling facility authorized by the Agency.
- (3) Notwithstanding the provisions of this section, the owner or occupier of any premises on which garden waste is generated may, with the written approval of the Agency, compost the waste on such property.
- (4) The owner or occupier of the premises on which construction waste is generated, shall ensure that –
- all construction waste, together with any container used for the storage, collection or its disposal, is kept on such premises;
 - the premises on which the construction waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - any construction waste which is blown off the premises, is promptly retrieved; and
 - in accordance with the directives from relevant government agencies any structure necessary to contain the construction waste is provided.

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- (5) Notwithstanding the provisions of subsection (4) of this section, the Agency may specify conditions for the storage and removal of building waste on a verge.
- (6) Every receptacle used for the storage and removal of construction waste may be placed on a verge if –
- (a) the name, address and telephone number of the person in control of that receptacle is clearly marked on it;
 - (b) it is fitted with reflective materials which must completely outline the front and the back of it; and
 - (c) it is covered all the times other than when actually receiving, waste or being emptied of, waste so that no displacement of its contents can occur.
- (7) The owner or occupier of premises on which garden, bulky or construction waste is generated shall ensure that same is collected by a licensed operator or any other person so authorized by the Agency.
- (8) A licensed operator may collect garden, bulky or building waste and deposit same as a designated recycling facility or any other facility as may be designated for same.
25. An obnoxious, toxic or poisonous waste shall not be deposited in the storage waste bin referred to in section 22 of this Law. *Obnoxious or poisonous waste*
26. No person shall – *Prohibition of unauthorized waste disposal*
- (a) dispose of waste through any person or operator not licensed by the Authority;
 - (b) burn or cause to be burnt, waste of any description on a tenement; or
 - (c) dump waste at any place other than a waste disposal site designed by the Agency.
27. Every licensed operator must ensure the usage of such appropriate vehicle as may be approved by the Agency for waste collection and transportation and such vehicle shall be covered in such a way that the content therein do not litter the streets. *Vehicle transporting waste to be covered, etc.*
- (1) Where a vehicle or container does not comply with subsection (1) of this section, the driver of the vehicle or owner of the vehicle or container as the case may be commits an offence and is liable on conviction to a fine of thirty thousand naira (₦30,000) or to two months imprisonment or both.

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- (5) Notwithstanding the provisions of subsection (4) of this section, the Agency may specify conditions for the storage and removal of building waste on a verge.
- (6) Every receptacle used for the storage and removal of construction waste may be placed on a verge if –
- (a) the name, address and telephone number of the person in control of that receptacle is clearly marked on it;
 - (b) it is fitted with reflective materials which must completely outline the front and the back of it; and
 - (c) it is covered all the times other than when actually receiving, waste or being emptied of, waste so that no displacement of its contents can occur.
- (7) The owner or occupier of premises on which garden, bulky or construction waste is generated shall ensure that same is collected by a licensed operator or any other person so authorized by the Agency.
- (8) A licensed operator may collect garden, bulky or building waste and deposit same as a designated recycling facility or any other facility as may be designated for same.
25. An obnoxious, toxic or poisonous waste shall not be deposited in the storage waste bin referred to in section 22 of this Law. *Obnoxious or poisonous waste*
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 - (b) burn or cause to be burnt, waste of any description on a tenement; or
 - (c) dump waste at any place other than a waste disposal site designed by the Agency.
27. Every licensed operator must ensure the usage of such appropriate vehicle as may be approved by the Agency for waste collection and transportation and such vehicle shall be covered in such a way that the content therein do not litter the streets. *Vehicle transporting waste to be covered, etc.*
- (1) Where a vehicle or container does not comply with subsection (1) of this section, the driver of the vehicle or owner of the vehicle or container as the case may be commits an offence and is liable on conviction to a fine of thirty thousand naira (₦30,000) or to two months imprisonment or both.

- (2) All commercial vehicles operating in Imo State shall carry water proof bags for waste disposal and no person shall throw refuse or waste materials out of a moving vehicle onto any public highway, roads, lanes or public places.
- (3) Any person who fails to comply with the provisions of sub-section (2) of this section, commits an offence and is liable on conviction to a fine of twenty thousand naira (₦20,000) or to one month imprisonment or both.
- 28.(1) The State Government shall have the power to designate a place as sanitary land fill area where the waste collected from the users shall be dumped. *Designation of Sanitary Land-Fill Area*
- (2) The Agency has the sole right to design, plan, operate, manage, construct and maintain such places designated as a sanitary land fill sites.
- (3) Factors to be considered in designating an area as a sanitary landfill include but are not limited to –
- (a) area capacity and availability;
 - (b) haul distance and time;
 - (c) proximity to sensitivity groundwater resources;
 - (d) proximity to perennial surface water;
 - (e) occurrences of flooding;
 - (f) proximity to sensitive land users;
 - (g) local ecological conditions;
 - (h) current and future land use;
 - (i) seismic condition;
 - (j) geological condition;
 - (k) soil/land condition;
 - (l) topography;
 - (m) proximity to airports.
- 29.(1) the Agency Shall – *Monitoring and Enforcement*
- (a) have the responsibility of monitoring the enforcement, activities and operations of private sector participants;
 - (b) ensure compliance with waste management activities; and
 - (c) be charged with the responsibility of enforcing the provisions of this Law.

- (2) In accordance with subsection (1) of this section, the Agency shall set standard enforcement rules as may be required for the performance of its functions under this Law.
- 30.(1) The Agency may, with the approval of the Board, establish and maintain such departments and make such other administrative arrangements as in the opinion of the Board that are necessary for the performance of the Agency's functions. *Power to Establish Departments*
- (2) Without prejudice to the generality of subsection (1) of this section, there shall be the following departments of the Agency –
- (a) Administration and Personnel Department;
 - (b) Accounts department;
 - (c) Audit department; and
 - (d) Engineering, Maintenance and Field Operations Department.
- (3) Appointments of persons –
- (a) as heads of departments; and
 - (b) to positions or offices relating to which remunerations are equivalent to salary grade levels 10 and above within the Agency's salary structure, shall be made by the Board.
- (4) The Board shall, with the approval of the State Executive Council, prescribe the conditions of service of the employees of the Agency including qualifications, salary structure, discipline and duties of the state of the Agency; but the conditions of service shall be no less favourable than those obtainable in the State Civil Service.
- 31.(1) A person who contravenes any of the provisions of this Law, for which penalty is not provided shall be guilty of an offence and is liable on conviction to a fine of Fifty Thousand Naira (₦50,000.00) or to three (3) months imprisonment. *Offences and penalties*
- (2) Where an offence is committed by a body corporate or firm other than a waste collector or operator, the body corporate or firm will be liable on conviction to a fine of one Hundred Thousand Naira (₦ 100,000.00) and in addition, the Secretary, Director or whoever is in charge of the company will be liable to a fine of Fifty Thousand Naira (₦50,000.00) or to three (3) months imprisonment.

- (3) Where the offence is committed by a waste collector or operator, the Agency may in addition to the penalty prescribed in subsection (2) of this section suspend or cancel any license issued under section 20 of this Law.

But where the contravention relates to the provisions of section 25 of this law, the person shall be liable to a fine of One Hundred Thousand Naira (₦100,000.00) or six (6) months imprisonment or both, and in the case of a body corporate or firm, to a fine of not less than Two Hundred and Fifty Thousand Naira (₦250,000.00) and in addition, the Secretary, Director or whoever is in charge of the company shall be liable to a fine of Fifty Thousand Naira (₦50,000.00) or to Three (3) Months imprisonment.

- (4) Notwithstanding the provisions, of any law, a person who –
- (a) fails or neglects to pay the tariffs, fees or charges prescribed under this Law shall be deemed to be a debtor and such debt shall be recovered by civil action in the appropriate court; or
 - (b) fails or neglects to pay the tariffs, fees or charges as at when due will be liable to penalty on such fee, tariffs, or charges as may be prescribed by any regulation made under this Law.

- 32.(1) A suit against the Agency, a member of the Agency or any employee of the Agency for any act done in pursuance or execution of any law, or of any public duty or agency shall not lie or be instituted in any court unless it is commenced within twelve (12) months after the act, neglect or default complained of or in case of continuance of damage or injury within twelve (12) months after.

*Procedure in
respect of
Suits against
the Agency*

- (2) A suit may not commence against the Agency or any member of the Agency or any person acting under the direction of the Agency in respect of any act purported to be done or any neglect of duty under this law, before the expiration of a period of one (1) month during which written notice of intention to commence the suit must be served on Agency by the intending claimant or the agent name and place of abode of the intending claimant and the relief claimed.
- (3) In any action or suit against the property of the Agency, no execution or attachment or process of that nature will be

issued against the Agency, but any sum of money which may be the judgment of the court awarded against the Agency will subject to any direction given by the court where notice of appeal has been given by the Agency in respect of that judgment, be paid from the general funds of the Agency.

- 33.(1) The funds of the Agency shall consist of – *Financial Provisions*
- (a) take-off grant from the State Government;
 - (b) monthly subventions from the State Government;
 - (c) sums received as donations, grants, subscriptions, or amounts received as damages, etc
 - (d) all moneys raised for the general purposes of the Agency;
 - (e) interest or moneys invested by the Agency;
 - (f) such other moneys or property which in any manner may become payable to or vested in the Agency in respect of its functions.
- (2) The funds of the Agency will be administered by the Agency for the purposes of this Law, in such manner as the Board prescribes.
34. The Agency shall cause to be prepared, not later than the end of each financial year an account of the expenditure and income of the Agency for the next succeeding financial year. *Annual Account*
- 35.(1) The Agency shall keep proper accounts in respect of its revenue and expenditure and within three (3) months after the end of each financial year, it must prepare an annual statement of account showing the financial position of the Agency in an accurate manner. *Accounts and Audit*
- (2) The annual statement of account shall be audited by a reputable external audit firm selected from a list of auditors approved by the State Auditor-General in accordance with the Audit Law of the State.
- (3) As soon as the annual statement of account has been audited, the Agency shall forward copies of same together with copies of the audit report for confirmation to the State Auditor-General of the Local Government and to the Governor.

- 36.(1) The Agency may with the approval of the State Executive Council, borrow such sums of money as it deems necessary, whether by way of mortgage or otherwise, for and in connection with the exercise of its functions under this law. *Power to Borrow Money*
- (2) An approval given for the purpose of this section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.
- (3) Any approval given by State Executive Council for the purpose specified in sub-section (1) of this section shall be confirmed by a Resolution of the House of Assembly.
37. The Agency shall submit quarterly reports of its activities to the office of the Governor, and these reports will be made available to the public. *Quarterly Report*
38. The Agency shall as soon as possible after the end of each financial year and in any case not later than the end of March of each year submit the annual reports of its activities to the State Government. *Annual Report*
39. There will be transferred to and vested in the Agency as soon as possible after the commencement of this Law – *Vesting of Assets*
- (a) all properties whether real or personal, all trenching and waste grounds, water depots and vehicles or other equipment used for collection of waste held by the Imo State Environmental Transformation Commission on such terms as may be agreed upon by the Agency and ENTRACO;
- (b) all assets and liabilities of ENTRACO in connection with its functions relating to removal and disposal of waste on such terms as may be determined and approved by the parties.
- 40.(1) The following sections of the Environmental Transformation Commission Law No. 3 of 2008 are repealed – *Repeal and Savings, etc*
- (a) section 5 (iv), (v), (vi), (viii), (x);
- (b) sections 6(a);
- (c) 16(1), (2), (3), (9), (10) and (11);
- (d) sections 17, 18, 19, 20 and 21;
- (e) schedule II.
- (2) Nothing in this Law shall affect any –
- (a) Order, Rule, Regulation, Appointment; or
- (b) Conveyance, Mortgage, Deed or Agreement made; or
- (c) Resolution passed, direction given, proceedings taken, instrument issued or thing done under the repealed enactment.

SCHEDULE 1 (Section 20(2))

FORM A

FORM FEE N.....

IMO STATE GOVERNMENT

Application for the Issue/Renewal of

Private Collector's License

I/We.....of.....

.....

...

hereby apply for

.....

.....

Signature of the Applicant

FORM B (Section 20(1))

PRIVATE COLLECTOR'S LICENCE

No:.....

Name.....

Of.....
.....
.....

Category of Waste:.....

Issuance date:

Expiry date:

Area Allocated/Ward/Local Government

Imo State Waste Management Agency Law

SCHEDULE 2

**GENERAL PROVISIONS WITH REGARDS TO DISPOSAL OF ALL
TYPES OF WASTE INCLUDING HAZARDOUS WASTE**


- (1) It is the duty of the Agency to prescribe minimum standard practices relating to the management of all types of waste including segregation, handling, labeling, storages transport, treatment and disposal.
- (2) All generators of hazardous waste including health care institutions shall inform their staff of the recommended method of handling storage and disposal of such waste
- (3) Any other Solid Waste or liquid which is neither hazardous nor radio active in character, combined with untreated biomedical waste will be managed as untreated hazardous waste.

DUTY TO PROVIDE ACCESS TO DOMESTIC WASTE SERVICES

- (4) The Agency has a duty to all local community/government area to ensure efficient, affordable, economical and sustainable access to the domestic waste service.
- (5) The duty referred to in subsection (1) is subject to –
 - (a) the obligation of the members of the local community area to pay the prescribed fee, for the provision of the domestic waste service, which must be in accordance with prescribed standards for rates and tariffs; and
 - (b) the right of the Agency to differentiate between categories of users and geographical areas when setting levels of service for the provision of the domestic waste management
- (6) the Agency will take the following factors into account in ensuring access to the domestic waste service:
 - (a) the waste management hierarchy set out in subsection (3) of section 20;
 - (b) the need to use resources efficiently;


- (c) equity and affordability;
 - (d) operational efficiency; and
 - (e) the need to protect human health and the environment
- (7) In providing the waste collection services, the Agency may determine or designate –
- (a) collection schedules;
 - (b) locations for placing approved receptacles for collection;
 - (c) which types of waste generated by the occupier of any premises are separable for the purposes of recycling and the conditions for their separation, storage or collection.

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


BARR. CHINELO ADAORA EMEGHARA
Clerk of the House of Assembly
Imo State of Nigeria

Assented to by me this 8th day of May, 2020




SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Assent withheld by me thisday of, 2020

SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this
Day of, 2020.



RT. HON DR. CHIJI CHIMEZIE COLLINS
Speaker
Imo State House of Assembly