

OGUN STATE GOVERNMENT

**OGUN STATE EMISSION CONTROL AND
MONITORING REGULATION, 2022**

THE OGUN STATE ENVIRONMENTAL PROTECTION AGENCY

OGUN STATE ENVIRONMENTAL PROTECTION AGENCY LAW, NO 2 OF 2003

CONTROL AND MONITORING OF EMISSION FROM PETROL, DIESEL AND GAS ENGINE REGULATIONS, 2021.

In the exercise of the powers conferred by Section 23 of the Ogun State Environmental Protection Agency Law, 2003 and all other powers enabling it in that behalf, the following Regulations are hereby made by the Ogun State Environmental Protection Agency

Short title: Ogun State Emission Control and Monitoring Regulations, 2022

PART A: ESTABLISHMENT

1. There is hereby established an Emission Control and Monitoring Unit
2. The Emission Control and Monitoring Regulations shall apply to –
 - i. all private and commercial motor vehicles in Ogun State
 - ii. all private and commercial motor vehicles passing through Ogun State
 - iii. all power generating sets either for private or commercial use;
 - iv. all small equipment-lawn mowers, diesel generators and
 - v. all other machines or emission generating plants in use in the State.
3. Ogun State Environmental Protection Agency shall control, regulate and supervise the enforcement of this regulation and shall develop an action plan for the control and management of air pollution from motor vehicles, motorcycles, power generating sets, earth moving equipment, all industrial equipment, petrol and diesel generators.

PART B: FUNCTIONS OF THE EMISSION CONTROL AND MONITORING UNIT

4. The Emission Control and Monitoring Unit shall implement the emission standards within Ogun State and pursuant to this, the Unit shall -
 - a. review, revise and publish periodically, the emission standard as the need arises;
 - b. consider the maximum emission limits for all major pollutants to ensure substantial improvement in the air quality for the health, safety and welfare of the general public;
 - c. create and operate Test Centres in designated localities within the State;

- d. develop inspection strategies to determine the status of the machines before registration with licensing authorities and before transfer of ownership;
- e. create Emission Inspection Stations or Centres and evolve periodic inspection model for scheduled inspection to maintain standards;
- f. maintain a Test Control and Monitoring Log-Book for distribution to every test center and for the inspection of the Unit Officials. The Log-book shall contain the following information –
 - i. identification details – engine type – petrol or diesel, serial numbers;
 - ii. type, state and percentage of emission;
 - iii. time, date, penalty (if any) and amount paid for the tests;
 - iv. the number of machines released and those detained for non-compliance;
 - v. the name(s) and rank(s) of the Test Officer(s) and their office;
- g. conduct roadside or random inspection and re-inspection on failed or unsuccessful motor vehicles or generators;
- h. issue prohibition orders on all machines which fail the emission control and monitoring tests;
- i. lifting or causing to be lifted the prohibition order after verification re-test following set Standards and procedures for the certification of training institutions, instructors and facilities and the licensing of qualified service centres and their technicians as pre-requisite for performing the servicing, repairs and adjustments to the emission system;
- j. Issue certificates of fitness and compliance on the recommendation of a test centre;
- k. with the approval of the Agency, seek the cooperation and collaboration of other Agencies of Government such as the National Environmental Standards and Regulations Enforcement Agency (NESREA), The Federal Road Safety Corps (FRSC), The Nigerian Police (NP), The National Security and Civil Defence Corps (NSCDC), The Vehicle Inspection Office (VIO) and Traffic Regulation Compliance and Enforcement (TRACE);
- l. with the approval of the Agency, engage Consultants, who shall, subject to a memorandum of understanding, manage the emission control scheme and fees as prescribed in Table C,D and F of the schedule to the Regulations:

- m. subject all engaged Consultants to a performance evaluation exercise six (6) months after their engagement;
- n. with a minimum of thirty (30) days' notice, withdraw or revoke the contract engagement of any consultant who is under-performing or not performing at all, and shall also reserve the right to change and /or alternate Consultants from one area of operation to another and
- o. officer(s) of the Agency who is designated shall act as supervisor(s) to the scheme

PART C: EMISSION CONTROL AND MONITORING STANDARDS

- 5. As from the commencement of these regulations, no machine shall be registered, sold or used in Ogun State without first having undergone initial inspection, duly certified by a licensed test centre and issued an Emission Compliance Certificate
- 6. Every machine operating or in use in Ogun State shall undergo periodic inspection at a designated inspection or test centre at least twice a year and be issued at each inspection, a certificate of compliance duly signed and stamped by designated Officer of the Agency
- 7. All such inspection or tests shall be conducted in the case of
 - a. new vehicles – once annually for the first three years and thereafter once every six months;
 - b. existing (older) vehicles – once every six month
 - c. 2 and 3 wheel vehicles- once every six months
 - d. power generating sets and small equipment – once every six months.
 - e. other industrial emission generating equipment-once every six months.
- 8. Every newly imported or locally assembled or manufactured vehicles, engines, used or rebuilt motor vehicle, major parts or components shall not be registered or introduced into commerce, sold or used in Ogun State unless it complies with the emission standards and the prescribed frequency of inspection model as stipulated in Tables 'A' and 'B' respectively of the schedule to this Regulation, and evidenced by the production of Emission Compliance Certificate
- 9. The Emission Compliance Certificate shall:
 - a. be compulsory for all vehicles plying the State
 - b. be issued to vehicles and generators which pass the test
 - c. be issued to all other industrial emission generating equipments that pass the test

10. No motor vehicle registration shall be issued except such motor vehicle passes the emission test conducted within 60 days prior to the date of registration, and frequently afterwards as prescribed in Table 'B' of the scheduled to this Regulation
11. All Owners/Drivers of motor vehicles and users of power generators within the State shall regularly take for testing and certification, their various machines to designated test centres nearest to them.
12. The Unit shall conduct random inspection of machines and every Owner, Driver or User of any machine within the State shall as such random inspection, produce upon demand by the designated officer, a copy of the latest Certificate issued in respect of the machine.
13. Any machine which fails the emission control test shall be prohibited from operating within the State.
14. A prohibition order shall be issued on any machine which exceeds the exhaust emission limit set for it by this regulation.
15. The Prohibition order shall be lifted only after a verification re-inspection show that remedial measures have been undertaken and appropriate fees and charge paid.
16. All machines which pass the emission control and monitoring test shall be issued an Emission Compliance Certificate and allowed to ply the roads and be operated or used in the State.
17. All machines that fail the emission control and monitoring test shall be detained by authorized officers of the Agency and shall be released only upon the production of an Emission Compliance Certificate.
18. All inspection and certification shall attract a fee/charge as prescribed in Table 'C' of the schedule to this regulation.

PART E: EMISSION LIMITS

19. The Permissible Emission Limit (PEL) for motor vehicles and motorcycles shall be as prescribed in Table 'A' of the schedule to this Regulation.
20. The Permissible Emission Limit for the specified generating sets/industrial boilers shall be as prescribed in Table 'A' of the schedule to this Regulation.
21. The fees and charges payable are as prescribed in Table 'C' 'D' and 'E' of the scheduled to these Regulations.

PART G: PENALTIES

22. Any person who neglects, refuses or fails to comply with the provisions of this Regulation commits an offence and shall on conviction be liable to the fines prescribed in Table 'D' of the schedule to this Regulation or to six months imprisonment or to both fine and imprisonment in

addition to the payment of any amount which has become due and payable under this Regulation.

PART H: INTERPRETATION

23. In these Regulations:

“Agency” means the Ogun State Environmental Protection Agency:

“ Licensing Authority” refers specifically to the Vehicle Inspection Office (V.I.O), and any other Agency of Government responsible for the issue of permits relating to the subject matter of these regulations

Machines includes

- i. All motor vehicles- cars, buses, vans, pick-up, lorries/trucks, tankers/trailers etc. private and commercial;
- ii. all tricycles and/or three wheel vehicles – private and commercial;
- iii. all motorcycles and/or two wheel vehicles-private and commercial;
- iv. all power generators – private and commercial;
- v. all small equipment – lawn mowers, diesel generators etc. – private and commercial;
- vi. all petrol, diesel and gas engines of any type etc. – private and commercial;
- vii. all earth moving equipment, all industrial/commercial equipment using fossil fuel (solid, liquid or gases)

“Unit” means the Emission Control and Monitoring Unit, established under Regulation.

Citation and Commencement

These Regulations may be cited as the Ogun State Emission Control and Monitoring Regulations, 2022 and shall come into force on the Day of, 2022.

Made at Abeokuta this Day of, 2022.

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The General Manager, Ogun State Environmental Protection Agency

SCHEDULE

TABLE A

EMISSION STANDARDS

CATEGORY OF VEHICLE	CO%	HC (PPM)	SMOKE (OPACITY)
Petrol Engine Vehicles/Motorcycles/Tricycles	3.0	600	
Diesel Engine Vehicles	2.0	90	60%
2 & 3 Wheel Vehicles	4.0	5,500	

GENERATORS/INDUSTRIAL BOILERS	CO%	HC(PPM)	SMOKE (OPACITY)
Petrol Engine	4.0	5,500	
Diesel Engine	0.2		60%
Gas Engine	1.0	5,500	

TABLE B**FREQUENCY OF EMISSION INSPECTION**

VEHICLE TYPE	PERIOD EMISSION INSPECTION (MONTHS)
Private Cars (less than 3 years old)	Once Annually
Private cars (more than 3 years old)	6 months
Taxis and Buses	6 months
Commercial Buses	6 months
Heavy Goods Vehicles	6 months
2 & 3 Wheel Vehicles	6 months
Other Vehicles	6 months

TABLE C

VEHICLE EMISSION TEST FEES

Testing Fees	Motorcycles	Cars/Taxis	Commercial Buses	Lorries/Trucks	Trailer Tanks/Earth Moving/Industrial Equipment
1 st Test	N500:00	N500:00	N750:00	N1,000:00	N1,500:00
2 nd Test	N500:00	N500:00	N750:00	N1,000:00	N1,500:00
Certificate	N500:00	N1000:00	N1,000:00	N1,500:00	N2,000:00

TABLE D

EMISSION FIXED PENALTIES

Type of Machine	Fixed Penalty N
Motorcycles	10,000.00
Motor Cars and Taxis	15,000.00
Commercial Buses	20,000.00
Lorries/Trucks	25,000.00
Tankers/Trailers	30,000.00
Earth Moving/Industrial Equipment	30,000.00
Generator 0 – 20 (KVA)	5,000.00
Generator 21 – 100 (KVA)	20,000.00
Generator > 101 (KVA)	30,000.00
Industrial Boilers	100, 000.00

TABLE E

EMISSION TEST FEES FOR GENERATORS/INDUSTRIAL BOILERS

Test Fee (KVA)	0 -5 N	6 – 20 N	21 – 50 N	51 – 100 N	101 – 200 N	201 – 500 N	>501 N	INDUSTRIAL BOILERS
1 st Test	250	500	750	1,000	2,000	2,500	5,000	20, 000
2 nd Test	250	500	750	1,000	2,000	2,500	5,000	20, 000
Certificate	250	500	1,000	1,500	2,500	3,000	5,000	20, 000

Dated thisof, 2022

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The General Manager, Ogun State Environmental Protection Agency