

Jonathan Sharkah
Member

Bishop T. A. Koroma
Member

K. K. Dabo
Member

EXPLANATORY NOTES

These Notes do not form part of these Regulations but are intended to explain the purport of the Regulations.

Licences are granted by the Environment Protection Agency to enable a person (whether an individual or a company) to undertake the projects set out in the First Schedule to the Environment Protection Agency Act, 2008.

The fees charged for the issuance of a licence depend on the factors set out in the Third Schedule.

STATUTORY INSTRUMENT

Supplement to the Sierra Leone Gazette Vol. CXXI, No. 85
dated 2nd December, 2010

STATUTORY INSTRUMENT No. 14 OF 2010

Published 2nd December, 2010

THE ENVIRONMENTAL PROTECTION AGENCY ACT, 2008
(ACT NO. 8 OF 2008)

THE ENVIRONMENT PROTECTION AGENCY
(ENVIRONMENTAL IMPACT ASSESSMENT LICENCE)
REGULATIONS, 2010

Short title.

In exercise of the powers conferred upon it by section 62 of the Environment Protection Agency Act, 2008 the Board hereby makes the following Regulations:-

1. (1) Any person who wishes to undertake or cause to be undertaken any of the projects set out in the First Schedule to the Act shall apply to the Agency for a licence. Application for licence.

(2) The application shall be in the form set out in the First Schedule.

(3) The application shall be accompanied by a description of the project to be undertaken which shall include-

- (a) the design of the project;
- (b) in the case of construction, the materials to be used in the project;
- (c) the number of people to be employed by the project;
- (d) the projected areas of land, air or water that may be affected by the project;
- (e) the estimated total capital expenditure.

Issuance of licence.

2. On the approval of the environment impact assessment submitted under section 26 of the Act, the Agency shall issue a licence to the applicant in the form set out in the Second Schedule.

Fees for licence.

3. (1) The Agency shall charge the fees set out in the Third Schedule for the issuance of a licence which shall include the cost of monitoring.

(2) The fees charged for the issuance of a licence shall be on a weighted points system taking into account factors such as-

- (a) the project's capital outlay or investment;
- (b) the project's location relative to human settlements;
- (c) the total land area to be covered by the project;
- (d) the nature of project activities;
- (e) the impact of the project's activities on the environment; and
- (f) the level of environmental pollution engendered by the project activities.

Monitoring of activities of licence holders.

4. (1) The Agency shall monitor the activities of a licence holder for the purpose of ensuring that the terms and conditions of the licence and other requirements of the Act are complied with.

(2) The monitoring of the activities of a licence holder shall relate to-

- (a) the area and complexity of the project and the project site;
- (b) the potential area of impact of the project;
- (c) the intensity of the impact;
- (d) whether there is a substantial change or modification in the project or in the manner in which the project is being undertaken;
- (e) whether the project poses a threat to the environment which could not have been reasonably foreseen at the time of the submission of the environmental impact assessment;

- (f) the implementation of mitigation measures provided for in the environmental impact assessment.

FIRST SCHEDULE

Application for licence

1. Name of applicant.
2. Address of applicant.
3. Address of applicant if it is a subsidiary of a company registered outside Sierra Leone.
4. Project for which application is made.
5. Area both in location and in hectares in which project will be undertaken.
6. Period within which project will be undertaken.

SECOND SCHEDULE

SIERRA LEONE ENVIRONMENT PROTECTION AGENCY

LICENCE TO UNDERTAKE PROJECT

This is to certify that

(Name of company) of (address of company) has been authorized to undertake (list project for which licence is to be issued).

The licence shall be subject to the following conditions (state the conditions subject to which the licence is issued)

The licence shall expire on (state the date of expiration of licence)

Issued this day of , 20

Executive Chairman

THIRD SCHEDULE
LICENCE FEES

Point based Criteria for determination of Licences Fees

	Score	Log Scale of Score
1 Project's Capital Outlay/investment (USD)		
1.1 Below 100,000	30	1.48
1.2 Between 100,000 - 500,000	40	1.60
1.3 Between 500,000-1,000,000	50	1.70
1.4 Between 1,000,000 - 5,000,000	60	1.78
1.5 Between 5,000,000 -10,000,000	65	1.81
1.6 Between 10,000,000 -20,000,000	70	1.85
1.7 Between 20,000,000 -30,000,000	75	1.88
1.8 Between 30,000,000 -50,000,000	80	1.90
1.9 Between 50,000,000 -100,000,000	85	1.93
1.10 Between 100,000,000 -150,000,000	90	1.95
1.11 Between 150,000,000 -200,000,000	95	1.98
1.12 Above 200,000,000	100	2.00
2. Project location relative to human settlements		
2.1 In or near ecologically sensitive areas (coastal and marine areas, hill tops etc)	100	2.00
2.2 Distance (Kilometres) from human settlements		
2.2.1 0.5 - 1	100	2.00
2.2.2 1 - 5	80	1.90
2.2.3 5 - 10	40	1.60
2.2.4 10 - 15	20	1.30
2.2.5 15 - 20	10	1.00
3 Concession or total area of project activities		
3.1 Less than 1 hectare	10	1

	Score	Log Scale of Score
3.2 1-2.4 Hectares	25	1.40
3.3 2.4 - 47 hectares	75	1.88
3.4 Above 47 hectares	100	2.00
4 Type of Project activities		
4.1 Blasting (use of explosives)	100	2.00
4.2 Excavation (mining, road construction, housing etc)	75	1.88
4.3 Dredging	50	1.70
4.4 Land use change (e.g. from forestry to agriculture, mining, roads, housing etc)	80	1.90
4.5 Underground activities (such as underground mining)	100	2.00
4.6 Logging	100	2.00
4.7 Vegetation clearing (football fields, factories, drying floors)	100	2.00
5 Impact on the natural environment		
5.1 Biodiversity loss	75	1.88
5.2 Deforestation	75	1.88
5.3 Diversion of waterways	100	2.00
5.4 Bush fires	100	2.00
5.5 Erosion of top soil	75	1.88
5.6 The project impact on beaches	100	2.00
5.7 The project impact on mangroves	100	2.00
5.8 The project impact on estuaries and refuge of fish and crustaceans	100	2.00
5.9 Potential for large scale oil spill	100	2.00
6 Environmental pollution		
6.1 Effects on air quality (Green house gases, CFCs, etc)	100	2.00
6.2 Effects on water quality	100	2.00
6.3 Land contamination (soil quality)	100	2.00
6.4 Exposure of naturally occurring heavy metals, sulphur etc	100	2.00
6.5 High Noise levels	75	1.88
6.6 use or production of ozone depleting substances	100	2.00

	Score	Log Scale of Score
6.7 Solid Waste generation	25	1.40
6.8 Chemical and Hazardous wastes	75	1.88
6.9 Process produces forbidden chemicals	75	1.88
6.9.1 Use of inorganic fertilizers	45	1.65
6.9.2 Use of insecticides/pesticides	50	1.70
6.9.3 Use herbicides	30	1.48
6.9.4 Potential pollution of sporadic nature	75	1.88
7 Occupational, Health and Safety risks		
7.1 Noise level - for operators and support staff of machinery	25	1.40
7.2 Fire and electrical hazards	25	1.40
7.3 Dust, fumes, smoke and fuel fumes	75	1.88
7.4 Potential for explosions	75	1.88
7.5 Accidents (machinery operation)	100	2.00
7.6 Exposure to chemicals hazardous to human health	100	2.00
7.7 Vibrations of machinery (drills, rock breakers etc)	25	1.40
8 Type of monitoring required		
8.1 Air quality monitoring	75	1.88
8.2 Water quality monitoring	75	1.88
8.3 Soil quality monitoring	75	1.88
8.4 Human health (epidemiological trends from DHMT)	75	1.88
8.5 Biodiversity Monitoring	75	1.88
9 Social Impact		
9.1 Resettlement or relocation	100	2.00
9.2 Loss of livelihoods from loss of land, forest and non forest resources	100	2.00
9.3 Loss of cultural heritage (sacred bushes, graveyards)	50	1.70

	Score	Log Scale of Score
9.4 The project is going to obstruct economic activities (fishing, farming etc)	100	2.00
Total		
10 Impact Scale: cost per point (USD)		
10.1 Huge Scale	4000	above 89
10.2 Large impact Scale projects	3000	60-89
10.3 Medium impact scale projects	2500	45-59
10.4 Small impact scale projects	2000	34-44
10.5 Minor impact scale projects	1500	24-33
10.6 Minute impact scale projects	1000	14-23
10.7 Insignificant impact	5000	4-13
11 Monitoring fees	20% of licence fee	
MADE this <i>11th</i> day of <i>November</i> , 2010.		
Haddijatou Jallow <i>Executive Chairman</i>	Dan Mason <i>Member</i>	
John Tommy <i>Member</i>	Thomas R. A. Winebah <i>Member</i>	
Abu Bangura <i>Member</i>	Sheku A. Mansaray <i>Member</i>	