

## STATUTORY INSTRUMENT

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STATUTORY INSTRUMENT NO. 14 OF 2010

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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

|                                                                                          | <b>Score</b> | <b>Log Scale<br/>of Score</b> |
|------------------------------------------------------------------------------------------|--------------|-------------------------------|
| <b>1 Project's Capital Outlay/investment (USD)</b>                                       |              |                               |
| 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                          |
| <b>2. Project location relative to human settlements</b>                                 |              |                               |
| 2.1 In or near ecologically sensitive areas<br>(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                          |
| <b>3 Concession or total area of project activities</b>                                  |              |                               |
| 3.1 Less than 1 hectare                                                                  | 10           | 1                             |

|                                                                                        | Score | Log Scale<br>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                  |
| <b>4 Type of Project activities</b>                                                    |       |                       |
| 4.1 Blasting (use of explosives)                                                       | 100   | 2.00                  |
| 4.2 Excavation (mining, road construction,<br>housing etc)                             | 75    | 1.88                  |
| 4.3 Dredging                                                                           | 50    | 1.70                  |
| 4.4 Land use change (e.g. from forestry to<br>agriculture, mining, roads, housing etc) | 80    | 1.90                  |
| 4.5 Underground activities (such as<br>underground mining)                             | 100   | 2.00                  |
| 4.6 Logging                                                                            | 100   | 2.00                  |
| 4.7 Vegetation clearing ( football fields,<br>factories, drying floors)                | 100   | 2.00                  |
| <b>5 Impact on the natural environment</b>                                             |       |                       |
| 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<br>of fish and crustaceans              | 100   | 2.00                  |
| 5.9 Potential for large scale oil spill                                                | 100   | 2.00                  |
| <b>6 Environmental pollution</b>                                                       |       |                       |
| 6.1 Effects on air quality (Green house<br>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<br>heavy metals, sulphur etc                       | 100   | 2.00                  |
| 6.5 High Noise levels                                                                  | 75    | 1.88                  |
| 6.6 use or production of ozone<br>depleting substances                                 | 100   | 2.00                  |

|                                                                               | Score | Log Scale<br>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                  |
| <b>7 Occupational, Health and Safety risks</b>                                |       |                       |
| 7.1 Noise level - for operators and support<br>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<br>to human health                        | 100   | 2.00                  |
| 7.7 Vibrations of machinery (drills, rock<br>breakers etc)                    | 25    | 1.40                  |
| <b>8 Type of monitoring required</b>                                          |       |                       |
| 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<br>trends from DHMT)                        | 75    | 1.88                  |
| 8.5 Biodiversity Monitoring                                                   | 75    | 1.88                  |
| <b>9 Social Impact</b>                                                        |       |                       |
| 9.1 Resettlement or relocation                                                | 100   | 2.00                  |
| 9.2 Loss of livelihoods from loss of land,<br>forest and non forest resources | 100   | 2.00                  |
| 9.3 Loss of cultural heritage (sacred<br>bushes, graveyards)                  | 50    | 1.70                  |

|                                                                                 | Score              | Log Scale<br>of Score |
|---------------------------------------------------------------------------------|--------------------|-----------------------|
| 9.4 The project is going to obstruct economic activities (fishing, farming etc) | 100                | 2.00                  |
| Total                                                                           |                    |                       |
| <b>10 Impact Scale: cost per point (USD)</b>                                    |                    |                       |
| 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               | 25-44                 |
| 10.5 Minor impact scale projects                                                | 1500               | 15-24                 |
| 10.6 Insignificant impact                                                       | 500                | 5-14                  |
| 11 Monitoring fees                                                              | 20% of licence fee |                       |

MADE this 11th day of November, 2010.

Haddijatou Jallow  
*Executive Chairman*

Dan Mason  
*Member*

John Tommy  
*Member*

Thomas R. A. Winebah  
*Member*

Abu Bangura  
*Member*

Sheku A. Mansaray  
*Member*

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.

For example, if a project has a total log score of 20 (calculated from the third column of the Third Schedule), the licence fee for that project shall be 20 x 1500 (if it is a "minor impact scale project" as in item 10.5 of the second and third columns respectively of the Third Schedule).