



THE UNITED REPUBLIC OF TANZANIA

THE VICE PRESIDENT'S OFFICE

**ENVIRONMENTAL MANAGEMENT ACT
IMPLEMENTATION SUPPORT PROGRAMME**

**THE REVISED DRAFT ENVIRONMENTAL
MANAGEMENT (HAZARDOUS WASTE
CONTROL AND MANAGEMENT)
REGULATIONS, 2008**

**BY
EAST AFRICA RESOURCE GROUP LTD**

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THE ENVIRONMENTAL MANAGEMENT ACT
(CAP. 191)

REGULATIONS

(Made under Sections 110 (4) and (5), 128, 133 (4), 135 and 230(2)(f))

THE ENVIRONMENTAL MANAGEMENT (HAZARDOUS WASTE CONTROL
AND MANAGEMENT) REGULATIONS, 2008

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SCHEDULES
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Republic is a party;

“environment” includes the physical factors of the surroundings of human beings including air, land, water, climate, sound, light, odour, taste, micro-organism, the biological factors of animals and plants, cultural resources and the social economic factor of aesthetics and includes both the natural and the built environment and the way they interact;

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“environmental restoration order” means an order issued under section 151 of the Environmental Management Act, Cap. 191;

“harm” means interference with ecological systems of which living organisms form part and in case of living person includes harm, distress or annoyance to any of his senses and damage to his property;

“hazardous substance” means any gaseous, liquid, solid, chemical, waste, , medicine, drug, plant, animal or micro organism which is likely to be injurious to human health, life or the environment;

“hazardous waste” means any solid, liquid, gaseous or sludge waste which by reason of its chemical reactivity, environmental or human hazardousness, its infectiousness, toxicity, explosiveness and corrosiveness is harmful to human health, life or environment;

“Minister” means the Minister responsible for matters relating to the environment;

“polluter-pays principle” means a mechanism whereby the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected with or incidental to the foregoing, is to be paid or borne by the person convicted of any pollution under this Act or any other applicable law;

“Tribunal” means the Environmental Appeals Tribunal established by section 204 of the Act;

“waste disposal site” means a site, used to disposed of or treated waste and includes a mobile or immobile waste treatment plant, waste storage or transfer facility;

“waste management” means the collection, transport deposit, interim storage,

transport, treatment and final disposal of waste;
“waste management facility” means any site or premises used for the purpose of recovery, treatment or disposal of wastes; and
“waste producer” means a person who creates or produces waste.

PART II GENERAL PRINCIPLES

Principles

4. Any person handling or transporting hazardous waste or any person exercising jurisdiction under this Act shall, in relation to any decision, order, exercise of any power or performance of any function, be guided by the following principles of environment and sustainable development relevant to hazardous waste management -

the precautionary principle;

polluter pays principle; and

the producer extended responsibility.

Cleaner
production
principles

5. Any person who owns or controls a facility or premises which generates waste shall minimize the waste generated by adopting the following cleaner production principles -

(a) improvement of production process through conserving raw materials and energy by -

(i) eliminating the use of toxic raw materials within such times as may be prescribed by the Minister; and

(ii) reducing toxic emissions and wastes to a level prescribed in the applicable national environmental quality standards.

(b) Monitoring the product cycle from beginning to end by-

(i) identifying and eliminating potential negative impacts of the product; and

(ii) enabling the recovery and re-use of the product where possible; and

(iii) reclamation and recycling.

Duty _____ to
safeguard _____ the
environment
from _____ adverse
effects of _____ solid
waste

6.- Every person living in Tanzania shall have a stake and a duty to safeguard the environment from the adverse effects of hazardous wastes and to inform the relevant authority on any activity and phenomenon resulting from hazardous waste that is likely to adversely affect the public health and environment.

PART II

ADMINISTRATION AND INSTITUTIONAL ARRANGEMENT

Functions of the
Minister

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4. – (1) The Minister shall provide policy direction and leadership in all matters pertaining to hazardous waste management under the Environmental Management Act.

(2) The Minister shall be assisted in the discharge of his duties under these Regulations by the Director of Environment.

Functions of the
Director of
Environment

5. The Director of Environment as delegated by the Minister shall,

- (a) develop guidelines for handling of hazardous wastes;
- (b) enhance sectoral co-ordination by developing plans and programmes to guide the different sectors in performance and discharge of their duties and closely monitor the work of the sectors;
- (c) develop effective communication flow lines between the stakeholders in hazardous waste management and the public by instituting and maintaining a pro-active public awareness campaign;
- (d) ensure that hazardous waste management is designed to derive maximum benefit at minimum cost, accompanied by effective cost recovery policies;
- (e) promote and coordinate human resources development and institutional capacity within the Ministries, Government Departments and

public institutions to effectively implement hazardous waste management programmes; and

(f) monitor the transboundary movement of hazardous waste within and through Mainland Tanzania..

Powers of the environmental inspector

6. An environmental inspector may, in addition to the powers contained in section 183 of the Act or any other written law-

(a) stop and inspect any vehicle used for the transportation of hazardous waste; and

(b) enter upon any premises where hazardous waste is stored, processed or disposed of.

Duty of local government authority in relation to hazardous waste

7.-(1) Each local government authority shall, with respect to its area of jurisdiction, ensure that:

(a) standards prescribed for the hazardous waste management are in place and operational at all the time;

(b) premises producing hazardous wastes are adequately ventilated and fitted with air polluting control facilities and are in compliance with prescribed standards;

(c) waste effluents are treated or are so modified as to comply with prescribed standards before final disposal; and

(d) hazardous liquid wastes are treated to conform with prescribed environmental standards at factory or on site before their discharge into public sewers or municipal oxidation ponds or in an open land or into receiving water bodies.

(2) Any standards and guidelines set by the local government for the purposes of these Regulations, shall conform to standards set under these Regulations and the Act.

PART III
HAZARDOUS WASTE MANAGEMENT AND HANDLING

Classification of
hazardous wastes

8. -(1) Hazardous waste shall be classified in accordance with the criteria set out in the ~~Third~~^{First} Schedule on the basis of listed waste streams, constituents and other wastes to be controlled which are hazardous under Part I of the First Schedule, read with or combined with hazardous characteristics listed under Part II of the First Schedule.

(2) The Minister shall classify all waste generated, transported, stored, disposed or exported from the United Republic on the basis of the method used under the Basel Convention and the Bamako Convention.

Packaging of
wastes

9. (1) No person shall pack or store wastes in a container or package, unless the container or package in which that waste is to be contained, packed or stored is UN approved container that is capable of containing or storing the waste in an environmentally sound manner without any risks to human health and the environment.

(2) The container or packaging material provided for under sub-regulation (1) shall be suitable for the storage of wastes for which the application for storage has been made and shall -

- (a) not be reactive with the waste in question;
- (b) be free from the possibility of leakage; and
- (c) be capable of protecting the health of persons involved in handling the wastes, the neighbouring community and the environment in general.

(3) Every container which is used in the storage of hazardous wastes shall be labelled, and after use, be punctured and disposed of in accordance with these Regulations.

(4) A Person who –

- (a) packs or store wastes contrary to these regulations;
- (b) sells or offers for sale a container which has been used for the storage of hazardous wastes to be used for any purpose other than storage of wastes

Commits an offence and is liable on conviction to a fine of not less than five million shillings but not exceeding fifty million or to imprisonment for a term of not less than ten years but not exceeding twenty years or to both.

Labelling of
wastes

10. (1) No person shall sell, offer for sale, use, pack or store wastes in a container or package, unless the container or packaging has label written in English or Swahili affixed onto it specifying the following:

- (a) identity of the waste;
- (b) name and address of the generator of wastes;
- (c) net contents;
- (d) normal storage stability and methods for safe storage;
- (e) name and percentage by weight of other ingredients or half-life of radioactive material;
- (f) warning or caution statements which may include all, some or any of the following as appropriate -
 - (i) the words “WARNING” or “CAUTION”;
 - (ii) the words “DANGER! Keep away from unauthorized persons”;
 - (iii) the words “POISON” (marked indelibly in red or white background);
 - (iv) a pictogram of a skull and crossbones;
- (g) a statement of first aid measures including the antidote when inhaled or ingested and a direction that a physician must be contacted immediately;
- (h) adequate directions for handling should be included in accompanying leaflets including safety precautions in transporting, storage, and disposal of hazardous wastes and measures for cleaning any equipment used; and

(i) directions for the disposal of the container and hazardous wastes in accordance with the Act and these Regulations.

Label to comply with the Globally Harmonised System (GHS)

(2) Without prejudice to the provisions of sub-regulation (1) r, the Minister may in giving effect to this regulation require a person to comply with the Globally Harmonised System of Labelling as updated from time to time.

(3) The label referred to in sub-regulation (1) shall -

- (a) be written in characters that are easily legible;
- (b) contain no warranties, guarantees and liability exclusion clauses inconsistent with the provisions of the Act or these Regulations.

(4) No person shall use a vehicle or other conveyance means for carrying hazardous wastes unless the vehicle or the conveyance is labelled in accordance with sub-regulation (1) (f).

(5) A person who -

- (a) sells, offers for sale, uses, packs, stores wastes in a container or package that is not labelled in accordance with this regulation;
- (b) uses a vehicle or conveyance that is not labelled in accordance with these regulation;

Commits an offence and is liable and is liable on conviction to a fine of not less than shillings five million but not exceeding fifty million or for imprisonment for a term of not less than ten years but not exceeding twenty years or to both.

Handling and storing of hazardous waste

11. The occupier or operator of a hazardous waste management facility shall ensure that the hazardous wastes are handled and stored in a manner suitable that ensures safety to the environment and human health.

Transporting of hazardous waste

12. – (1) Transport of hazardous wastes shall be in accordance with provisions of relevant written laws and these regulations.

(2) A person who transports hazardous waste shall -

- (a) ensure that the hazardous waste is packaged according to recognized and approved national or international standards and the package shall bear a label specified under sub-regulation 1 of Regulation 10
- (b) take such steps and otherwise observe such precautions as are needed to minimize harm to human health or to the environment.

PART IV PERMITS AND LICENCES

Export Permit

13. - (1) No person shall export hazardous wastes without a valid permit issued by the Minister and a valid Prior Informed Consent document issued by the designated authority of the receiving country.

(2) An application for exportation of the toxic or hazardous waste shall be submitted to Minister in Form I set out in the Schedule accompanied by the prescribed fee under the Environmental Management (Fees and Charges) Regulations, 2008 and a copy of the Prior Informed Consent document for the receiving country.

(3) Where the Minister is satisfied that all requirements have been complied with, shall issue an export permit as set out in Form II in the Schedule.

(4) Where a permit is issued under these Regulations, the permit holder shall send a copy of the permit to the Tanzania Revenue Authority for the necessary customs verification and control.

Validity of export permit

14. An export permit issued under these Regulations shall relate to the specific export transaction and shall not be valid for any subsequent export transaction.

Non-transferability of permit

15. A permit for export of toxic or hazardous waste issued under these Regulations shall not be transferable.

Transit of hazardous waste

16. No person shall transit toxic or hazardous waste destined for another country through the territory of Tanzania without a valid Prior Informed Consent for such movement issued by the Director of Environment, the prescribed document for the transboundary movement of waste set out in form II of the Schedule and any other documents prescribed by the competent customs authority.

Application for transportation of or storage of hazardous waste

13. - (1) A person intending to transport hazardous waste shall apply to the Director of Environment in Form set out in Schedule.

(2) A person intending to store hazardous waste on his premises shall apply to the Director of Environment for a licence in the Form Set out in theSchedule.

Licence for transportation or storage of hazardous waste

14. - (1) The Director may issue a licence for transportation of hazardous waste or for storage of hazardous waste where –

- (a) he is satisfied that the applicant has adequate and appropriate facilities and equipment to transport or store hazardous waste on his premises without causing significant damage to public health and the environment;
- (b) he is satisfied with the applicant's collection schedule of hazardous waste and, in the case of storage of hazardous waste, that premises are adequate for storing the category of hazardous waste for which the licence is required; and
- (c) he has published his intention to issue the licence by notice in the Gazette and in one or more local newspapers of daily circulation in the United Republic thirty days before the

issue of licence.

(2) A person granted a licence to transport hazardous waste shall ensure that -

(a) the collection and transport of the hazardous waste is conducted in a manner that will not cause scattering of the waste;

(b) the vehicles for transportation and other means of conveyance of hazardous waste follows the approved scheduled routes from the point of collection to the disposal site or plant or facility;

(c) the personnel involved in the collection, transportation or storage of waste are provided with -

(i) adequate protective and safety clothing;

(ii) adequate appropriate equipment or facilities for loading the waste;

(iii) safe and secure sitting facilities in the vehicles used for transporting waste; and

(iv) proper training and information.

(3) A person licenced to transport or store hazardous waste shall ensure that all employees involved in the collection, transportation or storage of hazardous waste undergo such annual medical check-up as may be commensurate to the risks faced by the employees and, on completion of the medical check-up, the licensee shall submit a medical report of fitness in respect of each employee to the Director of Environment.

(4) The Director of Environment may, at any time, subject the person involved in the collection, transportation or storage of waste to a medical check-up and the costs of the examination shall be borne by the licensee.

(5) The vehicles used for transportation, or other means of conveyance, and the premises shall be labelled in such a manner as may be directed by the Director of Environment by Order published in the Gazette.

(6) The Director of Environment may impose any other conditions on a licence under this regulation which he may consider relevant to the transportation and storage of hazardous waste.

Application for a licence to operate a waste treatment plant or disposal site

15. – (1) A person intending to operate a hazardous waste treatment plant or disposal site or facility shall apply to the Director of Environment for a licence set in Form set out in the Schedule.

(2) A person who operates a hazardous waste treatment plant or disposal site or facility without a licence issued under these Regulations commits an offence.

(3) A person licenced to own or operate a hazardous waste disposal site or plant shall ensure that -

(a) the hazardous waste treatment plant or disposal site should be created at least one thousand metres away from a residential or commercial area and from water sources;

(b) the hazardous waste treatment plant or disposal site is enclosed and secure from unauthorised persons;

(c) the hazardous waste treatment plant or disposal site has hazard and safety signs displayed at appropriate places, indicating the treatment plant or disposal site and the nature of operations it carries out; and

(d) hazardous waste is disposed of or treated in accordance with conditions laid down in the licence or in accordance with guidelines issued by the Director of Environment in consultation with other relevant Government departments or public institutions.

Licence for disposal of hazardous wastes shall-

16. – (1) A person who intends to dispose or treat hazardous waste

(a) apply to the Director of Environment for a licence in the form set out in the FifthSchedule to these Regulations;

(b) pay for such application a fee prescribed by the Minister under the Environmental Management (Fees and Charges) Regulations, 2008.

(2) A person who applies for a licence in terms of sub-regulation (1)

shall send a copy of an Environmental Impact Assessment Certificate and an emergency plan with his application.

(3) The Director of Environment shall in granting licence for disposal of hazardous wastes clearly indicate the disposal permitted and identified in accordance with the categories in the Schedule to these Regulations.

(4) A person who disposes of hazardous wastes contrary to this regulation commits an offence and is liable upon conviction to a fine of not less than Five million shillings but not exceeding One hundred million shillings or to imprisonment for a term not less than five years but not exceeding twenty years or to both.

Duration and
form of licence

17.- (1) Subject to these Regulations a licence issued under these Regulations shall be valid for one year and may be renewed by the Director of Environment upon application.

(2) The Director of Environment may, where he deems it necessary, limit the validity of a licence to a specific number of transactions.

(3) A person who applies for renewal of licence for hazardous waste treatment plant or disposal site shall also submit an environmental audit report with his application.

PART IV

TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE

Restricted
Importation of
hazardous waste

18. – (1) No person shall import into the United Republic any hazardous waste.

(2) Without prejudice to the provision of sub-regulation (1) the Minister may after consultation with other relevant Ministries allow the importation of hazardous waste into the United Republic originating and from other African countries.

(3) Subject to sub-regulation (1) the Basel and Bamako Conventions shall be applied in regulating any transboundary movement of hazardous waste.

(4) A person intending to import waste produced or generated from an African country shall apply to the Minister for a permit in Form set out in theSchedule.

Insurance for export or import of hazardous waste

19. No person shall export, transit or import hazardous waste unless he is in possession of an insurance cover or guarantee approved by the Director covering the risks likely to arise from exportation and importation of wastes.

Exporting of hazardous waste

20. (1) A person intending to export wastes from the United Republic shall complete a movement document in Form ~~1~~ set out in the ~~Sixth~~ Schedule and submit it to the Director and a copy of the application to the Commissioner of Customs of the Tanzania Revenue Authority.

(2) The Director shall submit to the competent authority of the country of import movement documents of the ~~applicant~~ applicant 60 days before the date of export;

(3) The fees for a movement document and import licence referred to in sub-regulation ~~(1)~~ shall be prescribed by the Minister under the Environmental Management (Fees and Charges) Regulations, 2007.

(4) The Director shall issue a waste export licence which shall be in the ~~F~~form VII set out in the ~~Fifth~~ Schedule to these Regulations after considering the movement document form submitted under sub-regulation (1).

(5) Where a licence is issued under this regulation, a copy of the licence shall be sent to Tanzania Revenue Authority for the necessary customs verification and control.

Restrictions on exporting waste

21. (1) The Director shall not grant a licence to export waste where -

- (a) the applicant has the technical capacity or suitable disposal sites for disposing the waste in environmentally sound and efficient manner;
- (b) the wastes in question are not required as raw material for recycling

or recovery purposes in the country of import; and
(c) the export is not in accordance with an agreement or arrangement that conforms with the requirement of Article 11 of the Basel Convention.
(2) Any generator of Hazardous waste shall take all practical measures to minimise generation of waste at source.

Restrictions on importation of waste

22 The Director shall not grant a licence for importation of Hazardous Waste where
(a) the applicant does not have a technical capacity, and suitable facility for disposing the hazardous waste in an environmentally sound manner.
(b) the HW is not generated from the African country of origin.

Restriction for on transit hazardous waste cargo

23 (1). Any transit cargo of hazardous waste passing through the United Republic of Tanzania for purpose of export or import shall not be unloaded for repackaging.
(
(2) Any transit cargo of hazardous waste passing through the United Republic of Tanzania shall be escorted by officers under the Director of Environment, custom officers and any other officers that the Director of Environment may decide at the cost of the importer or exporter of the waste.
(3) A person who infinges the provision of sub regulation (1) commits an offence.

Focal point and competent authority

24. - (1) The Department of Environment shall be the Focal Point and Competent Authority for the operation of the prior informed consent procedure for the export, transit or other transboundary movement of hazardous waste in accordance with the provisions of the Basel Convention.
(2) The Department shall closely liase with the designated national authorities of other states under any international convention or arrangement to which the United Republic of Tanzania is a party and international organizations

(3) The Department shall disseminate information on hazardous and other wastes management to the public.

Port of entry and routes for wastes

25. (1) A licence issued under these regulations shall only entitle the licensee to transport wastes through the customs points of entry designated in such a licence.

(2) No hazardous waste shall be transported by water in inland waters, except hazardous waste generated from islands within the territorial jurisdiction of the United Republic of Tanzania.

Notification procedures and prior informed consent

26. (1) The Director shall not issue a licence for export of wastes unless -

(a) the Director has notified the competent authority of the country of import and transit country by sending a copy of movement document and the notification document for transboundary movement set out in Form II set out in the Sixth Schedule together with the comments that the Director made on the documents and the necessary consents have been received from such authorities;

(b) the Director has sent the documents provided for in paragraph (a) to the Secretariat of the Convention.

(c) the applicant has paid the appropriate fee prescribed by the Minister in the Environmental Management (Fees and Charges) Regulations, 2007.

(2) The Director shall not grant licence to a person to import hazardous waste generated and from an African country into the United Republic unless -

(a) The Minister has granted a written approval for such importation;

(b) The Director has received from the designated national authority of the African state in which the waste is generated, a movement document conforming with Form II set out in the Sixth Schedule and a notification document conforming with Form set out in Sixth Schedule.

(c) The applicant has submitted a valid licence or letter of authority from

the designated authority of the African state where the waste is generated, permitting the export of the waste; and

- (d) The Director has received comments from the international body designated under Basel Convention or the Bamako Convention or any agreement or arrangement to which the United Republic is a party or participant.

PART V BIOMEDICAL WASTES

Requirement for Environmental Impact Assessment for bio-medical waste generator **27.** No person shall own or operate any institution that generates bio-medical waste without a valid Environmental Impact Assessment Certificate issued by the Minister under the provisions of the Act.

Approval of biomedical waste generating facility **28.** Any person who generates biomedical waste shall ensure that the generating facility has been approved by the appropriate officers of the Ministry responsible for health and local authority.

Segregation of biomedical waste **29.** Any person who generates biomedical waste shall at the point of generation and at all stages thereafter segregate the waste in accordance with the categories provided under theSchedule to these Regulations.

Securing and packaging of bio-medical waste **30.** All biomedical waste shall be securely packaged in biohazard containers which shall be labelled with symbols set out inSchedule to these Regulations.

Treatment of biomedical waste **31.** Any person who generates waste shall treat or cause to be treated all biomedical waste in the manner set out in theSchedule to these Regulations, before such biomedical waste is stored or disposed of.

- Monitoring by the Ministry responsible for health **32.** The responsible department or unit in the Ministry responsible for health shall monitor the treatment of all biomedical waste to ensure such waste is treated in a manner that will not adversely affect public health and the environment.
- Storage of biomedical waste **33.** No person shall store biomedical waste above 0 degrees Celsius for more than seven days without the written approval of the relevant department or unit in the Ministry responsible for health, provided that untreated pathological waste shall be disposed of within 48 hours.
- Transportation of biomedical waste **34.** No person shall transport biomedical waste without a valid permit issued by the relevant department or unit in the Ministry responsible for health in consultation with the Director of Environment.
- Transfer stations **35.** The provisions of these regulations relating to storage and transportation of bio-medical waste shall apply to owners or operators of transfer stations.
- Requirement of Environmental Impact Assessment for biomedical waste disposal sites or plant and licence to operate **36.** No person shall own or operate a biomedical waste disposal site or plant without an Environmental Impact Assessment Certificate issued by the Minister under the provisions of the Act and an operating licence issued by the Director of Environment.
- Requirement of environmental audit **37.** Within six months of the commencement of these Regulations, operators of bio-medical waste disposal sites or plants shall submit an Environmental Audit report and thereafter submit annual audit reports to the Council.
- Standards for Biomedical Waste disposal sites or plants **38.** No person shall be issued with licence to operate a biomedical waste disposal site or plant unless such site or plant complies with the requirements set out in theSchedule to these Regulations.

PART VI
PESTICIDES AND TOXIC SUBSTANCES

Classification, registration, labelling, packaging, advertising, import, export, distribution, storage, transportation, handling and disposal of pesticides
Cap. 133 and Cap 161

39. The Regulations made under the Plant Protection Act and the Tanzania Pesticides Research Institute relating to the classification, registration, labelling, packaging, advertising, import, export, distribution, storage, transportation, handling and disposal of pesticides shall apply to this part.

Disposal of pesticides

40. No person shall dispose any pesticide or toxic substance other than at designated site or plant approved the Director of Environment.

Application of existing Regulations

41. The provisions of this Act on the requirement of labelling, packaging, environmental impact assessment, monitoring and audit and preparation of an emergency plan shall apply *mutatis mutandis* to disposal of pesticide wastes.

PART VII
RADIOACTIVE SUBSTANCES

Application of Atomic Energy Act, Cap. 188

42. The Provisions of the Regulations made under the Atomic Energy Act in relation to the classification, registrations, labelling, packaging, transportation, importation, exportations, waste disposal and health and safety requirements with regard to radioactive substances shall apply to this part.

Requirement for Environmental Impact Assessment

43. No person shall dispose of any radioactive substance or waste other than at a designated site or plant approved by the Tanzania Atomic Energy Agency in accordance with an Environmental Impact Assessment conducted under the

Act.

PART VIII

INDUSTRIAL AND CONSUMER CHEMICALS WASTE

Application of
Industrial and
Consumer
Chemicals
(Management
and Control) Act
Cap. 182

44. The Provisions of the Regulations made under the Industrial and Consumer Chemicals (Management and Control) Act in relation to the classification, registrations, labelling, packaging, transportation, importation, exportations, storage, decommissioning of plants, waste disposal and health and safety requirements with regard to industrial and consumer chemicals shall apply to this part.

Requirement for
Environmental
Impact
Assessment

45. No person shall dispose of any radioactive substance or waste other than at a designated site or plant approved by the Chief Government Chemist in accordance with an Environmental Impact Assessment conducted under the Act.

PART ELECTRICAL AND ELECTRONIC WASTE

PART IX GENERAL PROVISIONS

Liability

46. Where any damage is caused by hazardous waste which has been deposited into the environment, a person who deposited, caused or permitted a waste to be deposited, is liable for the damage to the environment.

Insurance

47. – (1) An applicant for a licence under regulations ;;;; and ;;;; shall satisfy the Director of Environment that he has subscribed to an insurance policy covering the risks likely to arise out of the activity for which the licence is required.

(2) A generator of waste which has been characterised as hazardous under the ;;;; Schedule shall, upon written instructions by the Director of Environment, subscribe to an insurance policy to cover risks caused by that waste.

Environmental
Impact
Assessment

48. – (1) A hazardous waste treatment plant or disposal site shall not be licenced under these Regulations unless an environmental impact assessment under these Regulations has been carried out in accordance with the Act and the Environmental Impact Assessment and Audit Regulations, 2005.

(2) An operator of a hazardous waste treatment plant or disposal site shall carry out an annual audit of the environmental performance of the site or plant and shall submit a report to the National Environment Management Council.

Reporting
procedures

49. – (1) A person licensed to carry out any activity under these regulations shall submit bi-annual reports on the conduct of the licenced activity to the Director of Environment.

(2) Where special reporting procedures are made the condition of a licence granted under these Regulations, those procedures shall take precedence over the submission of bi-annual reports under sub-regulation (1).

Duty to keep
records

50. The holder of a licence under these Regulations shall-
(a) keep a record of the licensed activity and all transactions related to it;

and

- (b) submit the record referred to in paragraph (a) to the Director of Environment every six months from the commencement of the licenced activity

Register of licences

51. The Director of Environment shall maintain a register of all licences issued under these Regulations.

Cancellation of licence

52. The Director may suspend or revoke a licence issued under these Regulations where he is satisfied that –

- (a) the conditions of the grant of the licence have not been complied with;
- or
- (b) the continued operation of the activity is or is likely to be injurious to the health of the neighbouring community or to the environment in general.

Fees

53. The fees prescribed by the Minister in the Environmental Management (Fees and Charges) Regulations, 2008 shall be paid for the various applications and licences under these Regulations.

Appeals to the Minister.

54. A person aggrieved by any decision of the Director of Environment made under these Regulations may, within thirty days of the decision, appeal to the Minister.

Appeal to the Tribunal.

55. A person who is aggrieved by the decision of the Minister may within thirty days following that decision appeal to the Environmental Appeals Tribunal in such manner as may be prescribed by the Tribunal.

Operation of Regulations

56. These Regulations shall, without prejudice, operate in addition to any other Regulations or standards made under any law.

Offences and penalties **57.** A person who commits an offence under these Regulations is liable, on conviction to an imprisonment for a term of not less than three years or to a fine of not less than Five million shillings and not more than One Hundred Million shillings or both.

Guidelines **58.** The Minister may from time to time issue guidelines or orders to facilitate effective implementation of these Regulations.

Amendment of Schedules **59.** The Minister may amend Schedules to these Regulations.

FIRST SCHEDULE

(Made under Regulation 8 (1))

THE CATEGORIES OF WASTES CONTROLLED UNDER THESE REGULATIONS (ADAPTED FROM THE BASEL AND BAMAKO CONVENTIONS)

WASTES STREAMS

- Y1 Clinical wastes from medical care in hospitals, medical centers and clinics
- Y2 Wastes from the production and preparation of pharmaceutical products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Waste from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride

- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form
- Y36 Asbestos (dust and fibres)
- Y37 Organic phosphorus compounds
- Y38 Organic cyanides
- Y39 Phenols; phenol compounds including chlorophenols
- Y40 Ethers
- Y41 Halogenated organic solvents
- Y42 Organic solvents excluding halogenated solvents
- Y43 Any congener of polychlorinated dibenzo-furan
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

- Y46 Wastes collected from households
- Y47 Residues arising from the incineration of household wastes

SECOND SCHEDULE

(Made under Regulation ...)

LIST A: LIST OF HAZARDOUS WASTE

Wastes contained in this schedule are characterized as hazardous under Article 1, paragraph 1 (a), of Basel Convention, and their designation on this schedule does not preclude the use of schedule 2 to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

- A1010 Metal wastes and waste consisting of alloys of any of the following:
 - Antimony
 - Arsenic
 - Beryllium
 - Cadmium
 - Lead
 - Mercury
 - Selenium
 - Tellurium
 - Thallium
 but excluding such wastes specifically listed on list B.

- A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:
- Antimony; antimony compounds
 - Beryllium; beryllium compounds
 - Cadmium; cadmium compounds
 - Lead; lead compounds
 - Selenium; selenium compounds
 - Tellurium; tellurium compounds
- A1030 Wastes having as constituents or contaminants any of the following:
- Arsenic; arsenic compounds
 - Mercury; mercury compounds
 - Thallium; thallium compounds
- A1040 Wastes having as constituents any of the following:
- Metal carbonyls
 - Hexavalent chromium compounds
- A1050 Galvanic sludges
- A1060 Waste liquors from the pickling of metals
- A1070 Leaching residues from zinc processing, dust and sludge such as jarosite, hematite, etc.
- A1080 Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics
- A1090 Ashes from the incineration of insulated copper wire
- A1100 Dusts and residues from gas cleaning systems of copper smelters
- A1110 Spent electrolytic solutions from copper electro refining and electro winning operations
- A1120 Waste sludge, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
- A1130 Spent etching solutions containing dissolved copper
- A1140 Waste cupric chloride and copper cyanide catalysts
- A1150 Precious metal ash from incineration of printed circuit boards not included on list B
- A1160 Waste lead-acid batteries, whole or crushed
- A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous
- A1180 Waste electrical and electronic assemblies or scrap¹ containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110)²
- A1190 Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB³, lead, cadmium, other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics.

A2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

A2010	Glass waste from cathode-ray tubes and other activated glasses
A2020	Waste inorganic fluorine compounds in the form of liquids or sludge but excluding such wastes specified on list B
A2030	Waste catalysts but excluding such wastes specified on list B
A2040	Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B B2080)
A2050	Waste asbestos (dusts and fibres)
A2060	Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)

A3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

A3010	Waste from the production or processing of petroleum coke and bitumen
A3020	Waste mineral oils unfit for their originally intended use
A3030	Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludge
A3040	Waste thermal (heat transfer) fluids
A3050	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B B4020)
A3060	Waste nitrocellulose
A3070	Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludge
A3080	Waste ethers not including those specified on list B
A3090	Waste leather dust, ash, sludge and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B B3100)
A3100	Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B B3090)
A3110	Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)
A3120	Fluff - light fraction from shredding
A3130	Waste organic phosphorous compounds
A3140	Waste non-halogenated organic solvents but excluding such wastes specified on list B
A3150	Waste halogenated organic solvents
A3160	Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170	Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180	Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a

- concentration level of 50 mg/kg or more⁴
- A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
- A3200 Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry on list B, B2130)

A4 Wastes which may contain either inorganic or organic constituents

- A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
- A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
- A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated,⁵ or unfit for their originally intended use
- A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals⁶
- A4050 Wastes that contain, consist of or are contaminated with any of the following:
 - Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
 - Organic cyanides
- A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions
- A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B B4010)
- A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)
- A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)
- A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
- A4110 Wastes that contain, consist of or are contaminated with any of the following:
 - Any congener of polychlorinated dibenzo-furan
 - Any congener of polychlorinated dibenzo-dioxin
- A4120 Wastes that contain, consist of or are contaminated with peroxides
- A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
- A4140 Waste consisting of or containing off specification or outdated⁷ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
- A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known

⁵ “Outdated” means unused within the period recommended by the manufacturer.

⁶ This entry does not include wood treated with wood preserving chemicals.

A4160 Spent activated carbon not included on list B (note the related entry on list B B2060)

LIST B: NON HAZARDOUS WASTES

Wastes contained in this schedule will not be wastes covered by Article 1, paragraph 1 (a), of Basel Convention unless they contain schedule 1 material to an extent causing them to exhibit an Schedule 2 characteristics.

B1 Metal and metal-bearing wastes

- B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:
- Precious metals (gold, silver, the platinum group, but not mercury)
 - Iron and steel scrap
 - Copper scrap
 - Nickel scrap
 - Aluminium scrap
 - Zinc scrap
 - Tin scrap
 - Tungsten scrap
 - Molybdenum scrap
 - Tantalum scrap
 - Magnesium scrap
 - Cobalt scrap
 - Bismuth scrap
 - Titanium scrap
 - Zirconium scrap
 - Manganese scrap
 - Germanium scrap
 - Vanadium scrap
 - Scrap of hafnium, indium, niobium, rhenium and gallium
 - Thorium scrap
 - Rare earths scrap
 - Chromium scrap
- B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:
- Antimony scrap
 - Beryllium scrap
 - Cadmium scrap
 - Lead scrap (but excluding lead-acid batteries)
 - Selenium scrap
 - Tellurium scrap
- B1030 Refractory metals containing residues
- B1031 Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding such wastes as specified in list A under entry A1050, Galvanic sludge
- B1040 Scrap assemblies from electrical power generation not contaminated with lubricating

	oil, PCB or PCT to an extent to render them hazardous
B1050	Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics ⁸
B1060	Waste selenium and tellurium in metallic elemental form including powder
B1070	Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics
B1080	Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3 ⁹
B1090	Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury
B1100	Metal-bearing wastes arising from melting, smelting and refining of metals: <ul style="list-style-type: none"> • Hard zinc spelter • Zinc-containing drosses: <ul style="list-style-type: none"> - Galvanizing slab zinc top dross (>90% Zn) - Galvanizing slab zinc bottom dross (>92% Zn) - Zinc die casting dross (>85% Zn) - Hot dip galvanizers slab zinc dross (batch)(>92% Zn) - Zinc skimmings • Aluminium skimmings (or skims) excluding salt slag • Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics • Wastes of refractory linings, including crucibles, originating from copper smelting • Slags from precious metals processing for further refining • Tantalum-bearing tin slags with less than 0.5% tin
B1110	Electrical and electronic assemblies: <ul style="list-style-type: none"> • Electronic assemblies consisting only of metals or alloys • Waste electrical and electronic assemblies or scrap¹⁰ (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180) • Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse,¹¹ and not for recycling or final disposal¹²
B1115	Waste metal cables coated or insulated with plastics, not included in list A1190, excluding those destined for Annex IVA operations or any other disposal operations involving, at any

stage, uncontrolled thermal processes, such as open-burning.

B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:	Scandium Vanadium Manganese Cobalt Copper Yttrium Niobium Hafnium Tungsten	Titanium Chromium Iron Nickel Zinc Zirconium Molybdenum Tantalum Rhenium
Lanthanides (rare earth metals):	Lanthanum Praseodymium Samarium Gadolinium Dysprosium Erbium Ytterbium	Cerium Neodymium Europium Terbium Holmium Thulium Lutetium

- B1130 Cleaned spent precious-metal-bearing catalysts
- B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides
- B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling
- B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry on list A A1150)
- B1170 Precious-metal ash from the incineration of photographic film
- B1180 Waste photographic film containing silver halides and metallic silver
- B1190 Waste photographic paper containing silver halides and metallic silver
- B1200 Granulated slag arising from the manufacture of iron and steel
- B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and vanadium
- B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301) mainly for construction
- B1230 Mill scaling arising from the manufacture of iron and steel
- B1240 Copper oxide mill-scale
- B1250 Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components

B2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

- B2010 Wastes from mining operations in non-dispersible form:
- Natural graphite waste
 - Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
 - Mica waste
 - Leucite, nepheline and nepheline syenite waste
 - Feldspar waste
 - Fluorspar waste
 - Silica wastes in solid form excluding those used in foundry operations
- B2020 Glass waste in non-dispersible form:

- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
- B2030 Ceramic wastes in non-dispersible form:
- Cermet wastes and scrap (metal ceramic composites)
 - Ceramic based fibres not elsewhere specified or included
- B2040 Other wastes containing principally inorganic constituents:
- Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
 - Waste gypsum wallboard or plasterboard arising from the demolition of buildings
 - Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301 and DIN 8201) mainly for construction and abrasive applications
 - Sulphur in solid form
 - Limestone from the production of calcium cyanamide (having a pH less than 9)
 - Sodium, potassium, calcium chlorides
 - Carborundum (silicon carbide)
 - Broken concrete
 - Lithium-tantalum and lithium-niobium containing glass scraps
- B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A A2060)
- B2060 Spent activated carbon not containing any Annex I constituents to an extent they exhibit Annex III characteristics, for example, carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A, A4160)
- B2070 Calcium fluoride sludge
- B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A A2040)
- B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
- B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
- B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)
- B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A A4090)
- B2130 Bituminous material (asphalt waste) from road construction and maintenance, not containing tar¹³ (note the related entry on list A, A3200)

B3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

- B3010 Solid plastic waste:
The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:
- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following¹⁴
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile

¹³ The concentration level of Benzol (a) pyrene should not be 50mg/kg or more.

¹⁴ It is understood that such scraps are completely polymerized.

- butadiene
- polyacetals
- polyamides
- polybutylene terephthalate
- polycarbonates
- polyethers
- polyphenylene sulphides
- acrylic polymers
- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate
- Cured waste resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides
 - The following fluorinated polymer wastes¹⁵
 - perfluoroethylene/propylene (FEP)
 - perfluoro alkoxy alkane
 - tetrafluoroethylene/per fluoro vinyl ether (PFA)
 - tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
 - polyvinylfluoride (PVF)
 - polyvinylidene fluoride (PVDF)

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B3020

Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- other, including but not limited to 1) laminated paperboard 2) unsorted scrap

B3030

Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock

¹⁵ Post-consumer wastes are excluded from this entry:

- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

- noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
 - Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
 - Flax tow and waste
 - Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
 - Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
 - Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
 - Tow, noils and waste (including yarn waste and garnetted stock) of coconut
 - Tow, noils and waste (including yarn waste and garnetted stock) of abaca (*Manila hemp* or *Musa textilis* Nee)
 - Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
 - Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres
 - Worn clothing and other worn textile articles
 - Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
 - sorted
 - other
- B3035 Waste textile floor coverings, carpets
- B3040 Rubber wastes
- The following materials, provided they are not mixed with other wastes:
- Waste and scrap of hard rubber (e.g., ebonite)
 - Other rubber wastes (excluding such wastes specified elsewhere)
- B3050 Untreated cork and wood waste:
- Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
 - Cork waste: crushed, granulated or ground cork
- B3060 Wastes arising from agro-food industries provided it is not infectious:
- Wine lees
 - Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
 - Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
 - Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
 - Fish waste
 - Cocoa shells, husks, skins and other cocoa waste
 - Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
- B3065 Waste edible fats and oils of animal or vegetable origin (e.g. frying oils), provided they do not exhibit an Annex III characteristic
- B3070 The following wastes:

- Waste of human hair
 - Waste straw
 - Deactivated fungus mycelium from penicillin production to be used as animal feed
- B3080 Waste parings and scrap of rubber
- B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A A3100)
- B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A A3090)
- B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A A3110)
- B3120 Wastes consisting of food dyes
- B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
- B3140 Waste pneumatic tyres, excluding those destined for Annex IVA operations

B4 Wastes which may contain either inorganic or organic constituents

- B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A A4070)
- B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A A3050)
- B4030 Used single-use cameras, with batteries not included on list A

THIRD SCHEDULE

Made under Regulation

LIST OF HAZARDOUS CHARACTERISTICS

UN Class	Code	Characteristics
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word “flammable” has the same meaning as “inflammable”. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
5.2	H5.2	Organic Peroxides Organic substances or wastes which contain the bivalent-o-o-

		structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1	H6.1	Poisonous (Acute) Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
6.2	H6.2	Infectious substances Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.
8	H8	Corrosives Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9	H10	Liberation of toxic gases in contact with air or water Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	Toxic (Delayed or chronic) Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9	H12	Ecotoxic Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9	H13	Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

FOURTH SCHEDULE

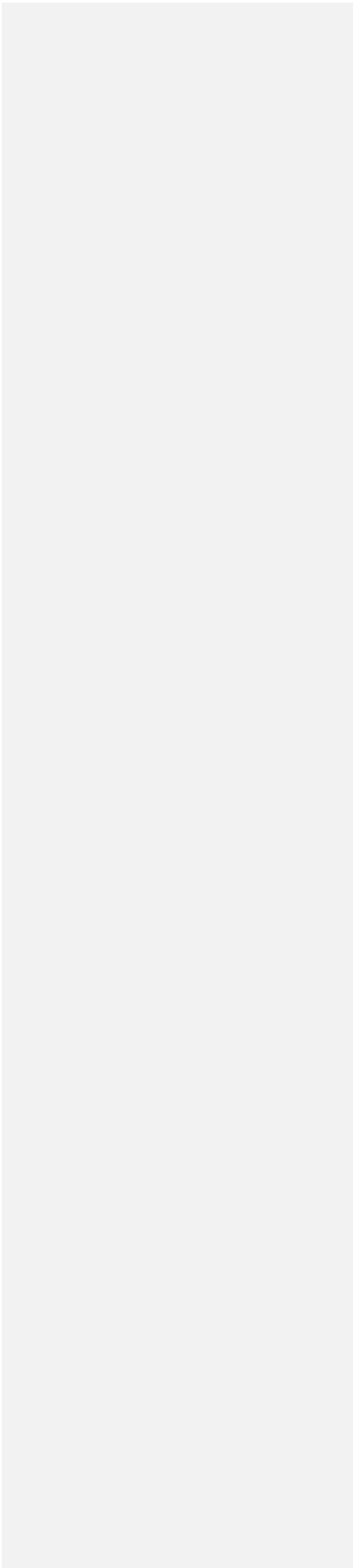
(Made under Regulation ...)

CATEGORIES OF BIOMEDICAL WASTE

FOR OFFICIAL USE ONLY

Application received byon20.....
Fee paid Tshs.....(in words).....

Director of Environment



FORM II
SW/WM/2
LICENCE TO TRANSPORT WASTE
(Regulation 7)

Licence No. TR/HW.....

Name.....

Address:

.....
.....

You are hereby licenced to transport waste to:

.....

(location/district)

From

(location/district)

Type and registration number of vehicles licensed

.....

This licence is valid from 20.....

To.....20.....

This licence is granted subject to the following conditions:

.....

Date: Signature:.....

.....

The Director of Environment

FORM SW/WM/3

FORM III

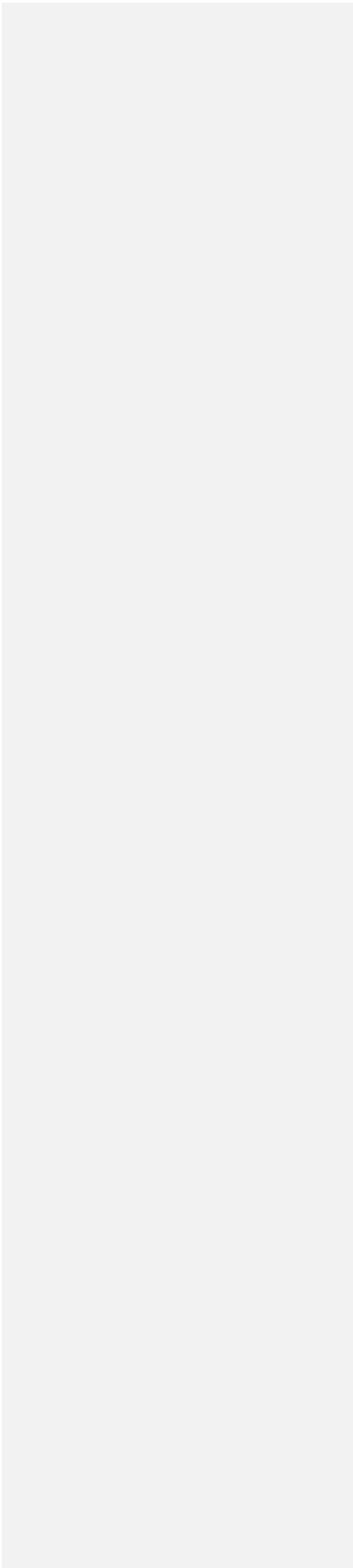
(To be completed in Five Copies)

TRACKING DOCUMENT

(Regulation 8)

<p>A Transporter</p>	<p>Serial No. Registered Name of Transporter..... Usual Municipality/District of operation..... License number Issuing Authority</p>
<p align="center">CONSIGNMENT NOTE FOR THE CARRIAGE AND DISPOSAL OF TOXIC OR HAZARDOUS WASTE</p>	
<p>B Description of the waste</p>	<p>Area collected Type of Waste Description and physical nature of waste Quantity/Size of waste..... Number of Containers</p>
<p>C Disposer's Certificate</p>	<p>I certify that I have received the waste as described in A and B above. The waste was delivered in vehicle _____ (Registration No.) at _____ (time) on _____ (date and the carrier gave his/her name as _____ on behalf of _____ The waste shall be disposed off as per disposal</p>

	<p>licence issued by the Authority.</p> <p>Signed: _____</p> <p>Name: _____</p> <p>Position: _____</p> <p>Date: _____</p> <p>On behalf of:</p> <p>_____</p>
--	---



FORM /WM/4

FORM IV

(To be completed in Triplicate)

**APPLICATION/RENEWAL FOR A LICENCE TO OWN/OPERATE A WASTE
TREATMENT OF DISPOSAL SITE**

(Regulation)

I hereby apply for a licence to own/operate a waste treatment plant/disposal site, of which particulars are given below:-

Name and address of applicant

TIN Number

Location and district of plant/site

Approval of Town/Country Planning Authority

Types of waste to be disposed of at plant/site

Quantity being disposed of/per annum (tones/kg).....

Type of facilities/treatment to be carried on at plant/site:

- (a) Land fill
- (b) Compost
- (c) Incinerator

Other (specify)

Estimated life span of plant/site (include plan or designs).....

.....

Executive summary of environmental impact statement (please attach)

Is Application for: Initial license Renewal

PreviousLicenceNumber

E.I.A.CertificateNumber.....

Any other information

.....

.....

.....

Date: Signature:.....

Designation/Title:.....

FOR OFFICIAL USE ONLY

Application received byon.....20.....

Fee paid TShs.....(in words)

.....

.....

Director of Environment

FORM NEMA/WM/5

FORM V

LICENCE TO OWN/OPERATE WASTE TREATMENT
PLANT/DISPOSAL SITE
(Regulation)

Licence No. WD/HW.....

Name

Address

You are hereby licensed to own/operate a treatment plant/waste disposal site:

.....

(Plot No., town, ward, district, region)

This licence is valid from 20.....to.....20.....

This licence is subject to the following conditions:

.....

.....

Date:

Signature:

.....

Director of Environment

Dar es Salaam,
....., 2008

BATILDA S. BURIAN
Minister of State, Vice-President's Office
Environment