

Tanzania

National Environmental Management Act

Environmental (Solid Waste Management) Regulations, 2009 Government Notice 263 of 2009

Legislation as at 24 July 2009

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Environmental (Solid Waste Management) Regulations, 2009

Government Notice 263 of 2009

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Part I – Preliminary provisions

1. Short title

These Regulations may be cited as the Environmental (Solid Waste Management) Regulations 2009.

2. Application

These Regulations shall apply to all matters pertaining to solid waste management.

3. Interpretation

In these Regulations, unless the context otherwise requires—

"**Act**" means the Environment Management Act, 2004;

"**Approved receptacle**" means;

- (a) Containers or bins, plastic container of a type, size and design approved or provided by the Council or local government authorities with jurisdiction over the area;
- (b) a metal or plastic container or a multi-wall paper or heavy grade plastic bag manufactured for the purpose of holding waste approved or provided by the Council or local government authorities with jurisdiction over the area;

"**Business Waste**" means any scrap or waste material resulting from the carrying on of any business, trade, market, manufacturing, servicing or processing activity, or other related undertaking.

"**commercial waste**" means waste from premises used wholly or mainly for the purpose of a trade or business or for purpose of sport, recreation, education or entertainment but does not include the household, agricultural or industrial waste;

"**Council**" means the National Environmental Management Council (NEMC) established under the Act;

"**household waste**" means waste produced within the curtilage of a building or self-contained part of a building used for the purposes of living accommodations including but not limited to ashes, sweepings, dust, food scraps or waste food, food containers, food wrappers, or any other solid waste arising or resulting from domestic housekeeping operations;

"**licensed waste collector**" means a person or company which has a licence to collect, transport or dispose of waste;

"**recycling**" means the subjection of waste to any process or treatment to make it reusable;

"**solid waste**" shall have the meaning ascribed to it in the Act;

"**transfer stations**" with respect to solid waste management, means areas of land set aside for collecting for solid waste generated from various sources before the final disposal;

"**waste storage receptacles**" means the types of receptacles which the local government authorities may recommend for waste storage.

4. Principles

Manufactures 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 waste disposal and management—

- (a) the precautionary principle;
- (b) polluter pays principle; and
- (c) the producer extended responsibility.

5. Cleaner production principles

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) indentifying 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.

6. Duty to safeguard the environment from adverse effects of sold waste

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

7. Duties of local government authorities in relation to solid waste management

- (1) For the purposes of ensuring minimization of the solid waste their respective areas of jurisdiction, local government authorities shall ensure compliance and enforcement of these regulations in their respective jurisdictions.
- (2) Any person designated or appointed as City Environment Management Officer, or Municipal Environment Management Officer or District Environment Management Officer, Town Environment Management Officer, or Township Environmental Management Officer, or Kitongoji Environment Management Officer, or Ward Environment Management Officer, or Mtaa Environment Management Officer, Village Environment Management Officer shall—
 - (a) ensure the enforcement of these regulations in his respective areas to which he belongs;

- (b) advise the environment management committee to which he belongs on matters pertaining to solid waste management;
 - (c) promote ideal solid waste management in the area to which he belongs;
 - (d) gather from his respective areas any information on solid wastes;
 - (e) prepare periodic reports on the state of solid wastes in their respective area;
 - (f) monitor and report to the Council the preparation, review and approval of Environmental Impact Assessments made under the Act and the Environmental Impact Assessment and Audit Regulations, 2005;
 - (g) report to the Director of Environment and the Director General on the implementation of these Regulations annually.
- (3) Standing Committees established under the local government laws with responsibility over the environment shall in relation to their respective areas—
- (a) be responsible for the proper management of solid wastes;
 - (b) carry out directives on solid wastes given to them by the Minister or Council.

Part III – Licences and permit

9. Permits to operate solid waste disposal sites

- (1) Any person wishes to deal in solid waste as collector, to operate transporter, depositor or manager of transfer station shall apply to local government authority for permit.
- (2) Local government authorities may in their relation to their areas of jurisdiction and on application, issue permits for—
 - (a) solid waste collection;
 - (b) solid waste transportation,
 - (c) solid waste disposal;
 - (d) solid waste transfer station.
- (3) An individual or company may apply for permits referred to in sub regulation (1) as a single permit or collective permits;
- (4) An applications for a permit pursuant to sub regulation (1) shall accompanied by—
 - (a) payment of application fee;
 - (b) proof of the means and facilities available to the applicant to undertake the tasks; and
 - (c) description of the activities to be undertaken.
- (5) Local government authorities shall in addition to any thing provided for under this Regulation, require applicants to keep records of waste types collected and weighbridge receipts including tonnage of solid wastes.

10. Vehicles for transport of solid waste

Vehicles for purposes of transportation of solid waste shall—

- (a) have a prescribed cover to prevent exposure of the contents except during loading and unloading;
- (b) be watertight in construction and preferably metal to prevent leakage and facilitate thorough cleaning;

- (c) be self-tipping mechanism to ensure fast tipping;
- (d) have a loading height of the range from 1.4m to 1.6m in the ease of manual loading vehicles.

11. Licence to own or operate solid waste disposal site

- (1) Local government authorities shall with respect to their areas of jurisdiction issue licence to individuals or companies qualified to operate solid waste disposal sites.
- (2) A licence for operating a solid waste disposal site shall be valid for two years and may be renewed.
- (3) Local government authorities may attach any further terms and conditions on licence granted under sub regulation (1).
- (4) Solid waste shall be finally disposed of at areas designed for that purpose by the local government authority.

Part IV – Solid waste management

12. Duty of local government to minimise solid waste at source

Local government authorities shall ensure that every occupier of premises, business, industry or any activity generating solid waste minimizes the waste at its source by ensuring that:

- (a) different types or kinds of solid waste are separated at the source; and
- (b) different types or kinds of solid waste are collected into waste storage receptacles of specified standards, types sizes, shapes, colours, easy to carry or move of waste containers comply with and other specifications as the case may be.

13. Duty to segregate waste

Each local government authority shall with respect to solid wastes generated in its own area of jurisdiction —

- (a) designate specific areas where segregated solid wastes is removed from point of generation of waste to areas designated by the local government authority as solid waste transfer stations; and
- (b) prescribe measures to prevent the mixing up of solid wastes emanating from point of generation with wastes for the time being placed at solid waste transfer stations.

14. Use of approved receptacle

- (1) The occupier of any premises shall be obliged to use approved receptacles by Council or local government authority.
- (2) without prejudice to sub-regulation (1), approved receptacles shall include standard dustbin, plastic bags, papers bags, standard litter bins, standard containers or skips and other recommended receptacles ideal for the locality.
- (3) The occupier who fails to—
 - keep and use approved receptacles for holding waste prior to disposal; ensure that reusable receptacle is kept clean and maintained in good repair; or
 - ensure that each waste receptacle is used in a way which protects the contents from spillage, rain, storm water, birds, flies or other pests and vermin,commits an offence.

15. Duty to respect waste collection times

- (1) An occupier of premises shall—
 - (a) comply with the days and approximate times for collection of waste specified by the local government authority having jurisdiction over the premises;
 - (b) ensure that waste not collected as prescribed under paragraph (a) does not remain in the public place;
 - (c) ensure that an approved receptacle complies with the maximum weight limitations prescribed by the local government authority;
 - (d) ensure sufficient approved receptacles are provided to serve all of the occupants of that premises;
 - (e) ensure that no undue accumulation of waste is permitted to remain in or about that premises; and
 - (f) not permit any accumulation of waste to be unsightly, offensive, a nuisance or injurious to health.
- (2) Every occupier who contravenes the provisions of sub regulation (1) commits an offence.

16. prohibitions of certain solid waste into receptacles

No person shall deposit—

- (a) hazardous substance including asbestos or asbestos-containing material, explosives, fireworks, firearms, batteries, hot ashes, flammable liquid, highly flammable materials, infectious material, pressurised containers (other than a pressurised container commonly used for containing domestic products such as fly spray, hair spray and similar materials), or radio-active material;
- (b) corrosive, carcinogenic; flammable; persistent; toxic; explosive, radioactive materials;
- (c) liquid, acid, paint, printers ink, oil oil sludge, asphalt emulsion, viscous fluid or similar product which if spilt in public place may cause damage or injury or result in pollution of the environment;
- (d) medical needles, syringes or other skin piercing devices;
- (e) broken glass, fluorescent light tubes, broken crockery, or other sharp articles unless they are wrapped to prevent injury to any member of the public or any persons engaged in collection or disposal work; and
- (f) electrical and electronic waste, unless the receptacle has been approved in accordance with the Environmental Management (Hazardous Waste Control) Regulations, 2009.

17. Solid waste from institutions

Every school, office, hospital, police barracks, army barracks, prisons, religious buildings, camps and other institutions that may be designated by local government authorities shall—

- (a) strategically place waste storage receptacles at all points where people working or living in the institutions congregate;
- (b) set aside for storage and collection solid wastes sorted according to categories prescribed by local government authority;
- (c) at the beginning of each year before 31st day of January send to their respective local government authorities information and data on the rate, types, composition of solid waste generated, collection methods, treatment or disposal method employed.

18. Contract of segregation of solid waste

The local government authorities may with respect to their areas of jurisdiction contract out to licenced and qualified solid waste collection contractors such as Community Based Organizations, private companies, and Non Governmental Organisations to assist in separation of solid waste at source and operation of solid waste transfer stations.

19. Designation areas as waste transfer station

Each local government authority shall designate solid waste transfer stations which is capable to—

- (a) prevent release of waste to waste to the environment until facilities are provided; and
- (b) guarantee adequate storage space and appropriate solid waste receptacles or containers.

20. Conditions for solid waste transfer stations

- (1) Where appropriate, each local government authority shall designate adequate areas to be used as a solid waste transfer station, away from residential areas taking into account social and environmental impact assessment.
- (2) Where solid waste transfer station is designated, waste shall be removed regularly to avoid any nuisance which may result into public and environmental objections or affect health.
- (3) Every solid waste transfer station shall be an elevated platform five metres high, with apertures through which waste is indirectly discharged in bulk transporters beneath, and in addition—
 - (a) the elevated platform shall be large enough to store waste discharged from collection vehicle before being pushed through the apertures by bulldozer or mechanical shovel; and
 - (b) be fenced to prevent entrance of unauthorized persons, animals and also prevent scattering of waste by wind.

21. Undertaking periodic study of generation of solid waste

- (1) Each local government authority shall in every year send to the Council information and data on the rate, types, composition of solid waste generated, collection methods, treatment or disposal method employed within its area of jurisdiction.
- (2) The Council may upon perusal of any information and data on the rate, types composition of solid waste generated, collection methods, treatment or disposal method employed offers any advice to the local government authority concerned.

22. Designation of solid waste routes, collection points waste disposal areas

- (1) Each local government authority shall designate routes, collection points and may set aside areas or premises for storage, reuse, recycling, recovery or disposal of waste.
- (2) Where the routes, collection points and areas or premises have been designated as such, it shall be an offence by any person who, collection without permission of the relevant local government authority—
 - (a) loiters or tampers with waste deposited therein;
 - (b) disturbs or removes any article, material or waste therein;
 - (c) transports wastes other than designate routes; or
 - (d) deposits wastes in places other than wastes collection points.

23. Land set aside for waste disposal

- (1) Each local government authority shall set aside adequate land for waste disposal and determine disposal methods suitable for their respective areas of jurisdiction:
- (2) Selection of land and methods suitable for disposal of solid waste shall comply with an Environmental Impact Assessment and other environmental health requirements.

24. Intergrated solid waste management

- (1) The local government authorities shall commission studies and prescribe best way us of recovery and recycling of wastes as part of integrated solid waste management.
- (2) In order to enhance integrated solid waste management, local government authorities shall—
 - (a) ensure that generators and collectors sort out at their source of generation paper and paper box, various categories of plastics, aluminium, metal scrap, glass waste, pure organic waste, battery materials, and any other materials that may be from time to time be designated by the local governments;
 - (b) ensure that generators and collectors recover heavy' metals from waste electrical and electronic equipment, such as computers, phones in order to reduce contamination of the environment with toxic substances;
 - (c) require local generators and collectors of any specified recyclable waste to be liable for recycling or taking back their waste materials to the manufacturers; and
 - (d) register collectors and issue permits to persons and companies who are allowed to recover, recycle waste.

25. Designaation and management of waste composition sites

- (1) The local government authorities shall ensure that:
 - (a) solid waste composting sites are designated in areas and carried out in a manner that does not cause nuisance to the communities and surrounding environment;
 - (b) organic solid waste from markets shall not be mixed with inorganic waste;
 - (c) A person who sells products at the market and every supplier of vegetable and food products, establish or use composing facilities approved by local government authority; and
- (2) An owner or operator of a composing facility shall manage the facility in accordance with the guidelines or directives issued by the local government authority or the Council.
- (3) “composing” for the purposes of these regulations shall mean a form of recycling where organic waste is trasformed into useful products, and includes controlled biological decomposition of organic solid waste under aerobic conditions.

26. Management of solid waste in market places

Local government authorities shall with respect to each market:—

- (a) designate places where organic waste, plastics, glass metals and other the type of solid waste are to be separately stored to await collection;
- (b) prescribe appropriate packaging materials for transporting raw foods in bulk and to reduce refuse to the minimum;
- (c) require each market stall keeper to keep and maintain a recommended storage receptacle for refuse;
- (d) require each market stall keeper to empty at fee into a designated solid waste bay or container; and

- (e) promote awareness on the use of stalls, solid bays and packaging materials.

27. Solid waste in market areas

The local government authorities may prescribe appropriate processes and treatment methods to reduce or minimize adverse effects of solid waste to human health and the environment.

Part V – Landfill sites

28. Sanitary landfill as waste disposal method

The local government authorities shall—

- (a) select or approved designs of sanitary landfill sites based on the information from local geological, hydro-geological and social economic investigations;
- (b) develop respective waste disposal plans and final restoration in a way that adhere to prevent occurrence of environmental and health hazards;
- (c) design site and land filling operations in a way that minimizes surface water runoff and rainwater percolation into the waste;
- (d) ensure that for each cell and the topsoil cover is compacted to reduce infiltration of water and harbouring of vermin or insects.

29. Management of sanitary landfill

- (a) involve interested stakeholders when selecting appropriate sites which meet the prescribed minimum environmental quality standards, technical and public health requirements;
- (b) designate and provide for appropriate methods of disposing of solid wastes on land without creating nuisances or hazards to public health or safety and environment;
- (c) ensure that all landfills are well designed, operated, and maintained to minimize infiltration, groudwater and air pollution, or any other hazard; and
- (d) ensure landfills have a double liner at the bottom using materials that will be prescribed by Order issued by the Minister.

30. Prohibilation of burning at landfill

A person shall not bum or cause to be burnt any solid waste at landfill or any other disposal site.

31. Staff and facilities at sanitary landfill disposal sites

- (1) Staff at a sanitary landfill shall include:—
 - (a) landfill manager based at the site;
 - (b) Environmental Health Officer
 - (c) manual labourers, security guards, operators for equipment and supervisors;
- (2) The Council or local government may prescribe facilities that are required for the proper operations of a sanitary landfill disiposal site.

32. General guidance on sound management of solid wastes

For the purpose of ensuring environmentally sound management of solid wastes, local government authorities shall be guided by solid waste treatment and final disposal methods prescribed under the First Schedule.

Part VI – Plastic waste management

33. Duty to segregate plastic waste

- (1) A person shall, ensure that plastic materials are separated from non-plastic materials and deposited separately into receptacles as prescribed by local government.
- (2) Duty to segregate plastic waste provided for under these regulations shall apply to collection, transportation and final disposal.

34. Contacting out handling of plastic waste

- (1) Local government authorities may commission plastic waste contractors with the responsibility to handle plastic waste over areas specified by the local government.
- (2) Local government authorities shall ensure that contractors—
 - (a) have adequate and appropriate working equipment and tools, training and adequate provision of personal protective gears to waste handlers;
 - (b) have the capacity to carry out segregation of plastic waste and other recyclable wastes.

35. Duty to handle plastic wastes safely

Local government authorities shall ensure that—

- (a) plastic waste materials are handled safely so as to minimize risks to human health and the environment;
- (b) a person who handles plastic waste shall be supplied with appropriate protective gears, trained in safe handling, and equipped with waste handling equipment.

36. Indoor storage of plastic waste

- (1) Plastic wastes destined for recycling where stored indoors shall:
 - (a) be stored in shredded or in baled form;
 - (b) be stored on clean concrete floors;
- (2) Sprinkler fire prevention system shall be provided in such facilities to prevent large-fires and ease fire fighting.
- (3) Inform fire fighting department in advance of any storage of plastic wastes in a recycling facility.
- (4) Plastic waste storage facilities shall be situated in areas easily accessed by fire fighting vehicles.

37. Outdoor storage of plastic waste

- (1) Every occupier of a building or any premise shall with respect of recyclable plastic wastes that are stored outdoor ensure that they:
 - (a) are protected from contamination by any dirt materials or chemicals;

- (b) are secured against and fire fighting equipment shall be readily available
- (2) Inform fire fighting department in advance of any storage of plastic wastes in a recycling facility.
- (3) plastic waste storage facilities shall be situated in areas easily accessed by fire fighting vehicles.

38. Study on treatment and disposal of plastic wastes

- (1) The Council may from time to time carry out studies and recommended to local government authorities on possible ways for treatment and disposal of plastic wastes to make it less of an environmental threat.
- (2) The Council may, give any directive to local government authorities with respect to treatment and disposal of plastic wastes.

39. Combustion or incineration of plastic wastes

Where combustion or incineration of plastic wastes is used to destroy hazardous organic constituents and reduce the volume of waste, the residues from incineration operations which contain toxic or hazardous materials shall be considered hazardous and shall be disposed of in appropriate landfill or disposal sites.

40. Duty of importers and manufacture of plastic

- (1) All importers and manufacturers shall ensure that—
 - (a) their products are designed to be environmentally, friendly, recyclable, reusable and biodegradable; and
 - (b) what is imported or manufactured, sold bought or used does not include of plastic bags of 30 microns (or 0.03 mm) thickness; and all plastic sachets used for water, juice or milk packaging regardless of their thickness.

[GN. 137 of 2006]

41. Infrastructure for classification of plastic wastes

Local government authorities shall put in place necessary plastic waste management infrastructure for segregation of various Classifications of plastics at transfer stations, collection centers and final disposal of plastic wastes.

Part VII – Management of litter

42. Prohibition of litter

It shall be an offence for any person to litter in contraventions of the Act and these regulations.

43. Control of litter in public places

- (1) Every owner of a premises fronting or adjoining any street, side street or any public place shall with respect to the land or premises under that person's control or management—
 - (a) at all times provide and maintain in place where litter is likely to be deposited, such number of litter receptacles of suitable construction and design for the temporary deposit of litter as may reasonably be necessary to keep that place free from litter;
 - (b) take all reasonable steps to prevent such litter being carried to or escaping into the public place where litter is generated on or attributable to any particular premises is likely to be earned from those premises onto a public place;

- (c) maintain such number of litter receptacles of suitable construction or design where it is shown that excessive litter is attributable to or emanated from his premises; and
 - (d) Every person to whom this regulation applies shall also make appropriate provision for emptying the contents of litter receptacles provided within the public places under that person's control or management, and for the removal and disposal of those contents promptly, efficiently and at regular intervals.
- (2) "Public place" for purposes of prohibition of litter includes—
- (i) any road, street, private street, footpath, access way, storm water drain, service lane, court mall, thoroughfare, wharf, pier or jetty and airport to which the public generally has access, whether with or without payment of any fee, and park of reserve;
 - (ii) any park, garden or other place of public recreation to which the public has access, whether with or without payment of any fee;
 - (iii) any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of fee;
 - (iv) any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes;
 - (v) any airport, bus station, city, municipal or town bus stops;
 - (vi) any general land vested in or controlled by the President being land that is not occupied pursuant to any lease, licence, or other authority by any private person;
 - (vii) any other place whether public or private in the open air to which the public has access, whether with or without payment of any fee; and
 - (viii) any other place designated by the Council or local government authority.

44. Domestic waste prohibited in public litter bins

- (a) deposits commercial waste, garden or business waste in a litter bin provided in a public place for the use of the public frequenting that area;
- (b) throws any litter in storm-water drains; or
- (c) fails to collect litter found between his premises and the middle of any street facing his premises
Commits an offence.

45. Penalty

- (1) A person convicted of an offence under this Part shall on conviction be liable, in case of an individual, to fine not less than two hundred thousand shillings and in the case of a body corporate to a fine not less than five million shillings.
- (2) Without prejudice to sub-regulations (1), the court may in addition to impose a penalty;
 - (a) order the offender under the supervision of the local government authority or the Council, to clear up and remove the deposited litter at such place and period as may be specified in the order;
 - (b) order the offender to pay compensation to the public authority having control over management of the public place or as the case may be, the occupier of the private land where the offence was committed, such sum as it considers reasonable to cover the cost of the removal of the litter, and the amount so awarded shall be deemed to be a judgment debt due to the authority or occupier from the offender, and may be enforced in any manner in which a judgment or order of the court for the payment of a civil debt may be enforced.

Part VIII – Compliance and enforcement

46. Powers of the council in respect of local government authorities

- (1) Subject to sub regulation (2), the Council may, after giving reasonable notice of its intention so to do, direct any local government authority to perform, within such time and in such manner as it shall specify, any of the duties imposed upon the local government by these regulations in relation to enforcement and compliance and if such local government authority fails to comply with the direction, the Council may itself perform or cause to be performed the duties in question, and the expense incurred by it in so doing shall be a civil debt recoverable by the Council from that local government authority.
- (2) The Council shall seek and obtain written authorization of the Minister before exercising power under this regulation.

47. Penalty on litter

- (1) Environmental Inspectors may, with or without a warrant, at any reasonable time and with any necessary assistance—
 - (a) enter into or upon any facility, building, vehicle, aircraft, vessel, land, waters or other place;
 - (b) stop any vehicle or vessel that he reasonably believe as being operated in contravention of these regulations;
 - (c) take samples;
 - (d) take photographs and videos for purposes of prosecutions or exacting and penalty;
 - (e) require the production of any document, record relevant for enforcement of these regulations; and
 - (f) exercise the powers conferred on them by the Act to enforce these regulations.

48. Powers of environmental inspectors to serve emergency protection order

- (1) Where an Environmental Inspector or a local government authority or an officer of the Council has reasonable grounds to believe that, a person is or will be conducting an activity, or is or will be in possession or control of substances or anything that may result in violation of the provisions of these regulations, he may serve a prevention order on that person.
- (2) Any person on whom a preventing order is served shall comply with the requirements of the order by the date or dates specified in the order and if no date is specified, that person shall comply with the order immediately.
- (3) Any person who contravenes a prevention order commits an offence and shall on conviction, be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term not exceeding one year and where that person fails to comply with a requirement specified in the prevention order within the time specified, that person shall be liable to a further fine not exceeding one hundred thousand shillings for every day or part of a day after the date specified in the order during which the offence is continued.

49. Solid waste compliance orders

- (1) Where an Environmental Inspector or relevant local government authority has reasonable grounds to believe that any condition of a licence or permit issued under these regulations has been breached, he may serve a compliance order requiring that person to remedy the breach within a reasonable period stipulated in the order, failure of which the local government authority may cancel or revoke the licence or permit.

- (2) Permits or Licences issued under these regulations to a person served with a compliance order stands cancelled or revoked seven days after the deadline set for compliance.
- (3) In addition to revocation or cancellation of Licence or Permit under sub regulation (2), local government authority may take any further action it deems appropriate.

50. Environmental Impact Assessments for Certain Activities

- (1) Environmental Impact Assessments shall be conducted before establishment of—
 - (a) solid waste disposal sites, land fill sites for solid wastes of various categories;
 - (b) areas to be used as a solid waste transfer stations;
 - (c) indoor storage for plastic wastes before recycling or disposal;
 - (d) outdoor storage for plastic wastes before recycling or disposal; and
 - (e) any other activity which the Council or local government may prescribe.
- (2) Environmental Impact Assessment for purposes of these Regulations shall be carried out prior to the commencement or financing of any such undertaking.
- (3) Environmental Impact Assessment under this regulation shall be carried out in accordance with the Act and the Environmental Impact Assessment and Audit Regulations.

[GN No. 349 of 2005]

51. Permit to not do away with need for environmental impact assessment certificate

A permit or licence for the carrying out of any project or undertaking in accordance with these regulations shall not entitle the proponent or developer to undertake or to cause to be undertaken projects subject to Environmental Impact Assessment without environmental impact assessment certificate issued under the Act or any regulations made there under.

52. Environmental Audit for existing undertakings

- (1) All existing—
 - (a) solid waste disposal sites, land fill sites for solid wastes of various categories, solid waste recovery and recycling facilities;
 - (b) areas to be used as a solid waste transfer stations;
 - (c) indoor storage areas set aside for plastic wastes before recycling or disposal;
 - (d) outdoor storage for plastic wastes collected before recycling or disposal;
 - (e) activity which the Council or local government with jurisdiction over an area prescribe from time to time, shall within six months of coming into operation of these regulations, carry out environmental audit in accordance with the Environmental Impact Assessment and Audit Regulations, 2005.

[GN No. 349 of 2005]

53. Annual report on environmental management of sites

- (1) Local government authorities shall keep records and submit annual reports to the Director of Environment and Director General of the Council regarding—
 - (a) solid waste disposal sites, land fill sites for solid wastes of various categories, solid waste transfer stations;

- (b) areas to be used as a solid waste transfer stations;
- (c) indoor storage areas set aside for plastic wastes before recycling or disposal;
- (d) outdoor storage for plastic wastes collected before recycling or disposal;
- (e) copies of all permits and licences issued under these regulations; and
- (f) activity which the Council or local government prescribe.

54. Strategic Environmental Assessment

- (1) The Minister may where need arises, prescribe the size of disposal sites and landfill sites for solid wastes of various categories whose designation shall be subjected to Strategic Environmental Assessment.
- (2) Strategic environmental assessment under this regulation shall be carried out in accordance with the Act and the Strategic Environmental Assessment Regulations, 2008.

[GN 153 of 2008]

55. General offences and penalties

Any person who contravenes the provisions of these Regulations General for which no other specific penalty is provided, commits an offence and is liable on conviction to a fine of not less than five hundred thousand penalties shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than two years but not exceeding seven years or to both.

56. Power to forfeit

The Court convicting any person under these regulations may also issue orders for forfeiture, cancellations or impose community service orders in accordance with the Act.

57. Civil liability

A conviction for an offence committed under these regulations shall not exonerate any person or body corporate from any civil proceedings which may be instituted under these regulations.

58. Additional penalties

In addition to any punishment which may be imposed, courts may in addition order the person convicted to pay full cost of collection, transportation, disposal or clean up of the environment.

Part IX – General provisions

59. General provisions

- (1) A holder of a permit or a person licenced to carry out any Reporting activity under these regulations shall submit annual reports on the procedure conduct of the licenced or permitted activity to the local government authorities.
- (2) Subject to the provisions of sub regulation (1), the local government authorities shall upon receiving the reports submit the same to the Council.

60. Duty to keep records

- (1) The holder of a licence or permit issued under these Regulations shall—
 - (a) keep records of the licensed activity and all transactions related to it; and

- (b) submit the record referred to in paragraph (a) to the local government authorities every six months from the commencement of the licenced activity.
- (2) Subject to the provision of sub regulation (1), the local government authorities shall; upon receiving the report submit the same to the Council.

61. **GN 154 of 2008**

Fees for applications for licences and permits under these Regulations shall be as prescribed in the Environmental Management (Fees and Charges) Regulations, 2008 shall be paid for the various.

62. **Appeals to the Minister**

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

63. **Appeal to the Tribunal**

A person who is aggrieved by the decision of the Minister may within thirty days following that decision appeal to the Environmental Appeals Tribunal.

64. **Operations of Regulations**

The Regulations shall, operate in addition to any other Regulations or standards made under any law.

65. **Guidelines**

The Minister may issue guidelines or orders to facilitate effective implementation of these Regulations.

66. **Amendment of Schedules**

The Minister may amend Schedules to these Regulations.

First Schedule

Type of Waste	Treatment/Recycling method	Final Disposal Method
Domestic or Institutional waste (Organic)		Sanitary landfill or landfill
Institution Waste (paper)	Recycling	
Market Waste (Vegetable)	Composing	
Clinical waste (Mercury containing waste)	High temperature incineration Collection for recover overseas	Ash special landfill
All sources of plastic waste	Recycling	

Type of Waste	Treatment/Recycling method	Final Disposal Method
Pesticides waste and used containers	High Temperature incineration	Ash sanitary landfill
	Decontamination waste water industrial waste water treatment	Sludge-sanitary landfill
Pharmaceutical waste	High Temperature incineration	Ash-landfill/sanitary landfill
Industrial waste (chemical)	High Temperature incineration	Ash-landfill/sanitary landfill
Industrial waste (plastic)	Recycling	
Industrial waste (Organic) fishing brewerry molt	Recycling to produce animal feed	
Industrial waste (heavy metals) such as waste battery	Recovery of heavy metals neutralization of acids, recycling of plastics	
Waste oil fossil fuel	Produce lube oil, use as source of energy in boilers or kilns	Incineration
Waste oil (transformer oil)	Decontamination	Incineration
Waste EEE	<ul style="list-style-type: none"> • Recovery of metal parts • Crushing of thermostat material for use as filler material in construction activities such as road construction 	
Agricultural waste oil cake	Recycling-animal feed production	
Agricultural waste husks	Reuse as energy source in boilers	
Ship waste	Recovery of useful parts	Ship waste in hazardous waste. Any recovery/ recycling should follow acceptable procedures which ensure environmentally sound management of waste.

Second Schedule

Forms

[Please note: Forms have not been reproduced. Please refer to the publication document.]