

GOVERNMENT NOTICE No. 220 published on 26/5/2017

THE PETROLEUM (WASTE OILS RECYCLING OPERATIONS) RULES,
2017

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THE PETROLEUM ACT,
(CAP. 392)

RULES

(Made under section 259(1))

THE PETROLEUM (WASTE OILS RECYCLING OPERATIONS) RULES,
2017

PART I
PRELIMINARY PROVISIONS

- Citation 1. These rules may be cited as the Petroleum (Waste Oils Recycling Operations) Rules, 2017.
- Application 2. These rules shall apply to the regulation of the activities related to petroleum waste oils recycling operations and related matters in Mainland Tanzania.
- Interpretation
Cap. 392 3. In these rules, unless the context otherwise requires:
"Act" means the Petroleum Act;
"annual fee" means the fee payable annually by a licensee as may be prescribed by the Authority from time to time;
"applicable law" means any principal law, treaty, convention, proclamation, regulation, rule, order or by-law that is customarily treated in Tanzania as having legally binding force and which is relevant to matters pertaining to the regulation of petroleum refinery operations;
"approved specification" means any specification or standard in relation to waste oils or a petroleum product that is applied by the Authority and as approved by the Tanzania Bureau of Standards pursuant to the Standards Act, or any other
- Cap. 130

standards that are widely used for good petroleum industry practices;

- Cap. 414 " Authority" means the Energy and Water Utilities Regulatory Authority established under the provisions of the Energy and Water Utilities Regulatory Authority Act, hereinafter the "EWURA Act";
- "bulk quantity" means a single lot of not less than two hundred litres of a petroleum product;
- Cap. 285 "Commission" means the Fair Competition Commission established under the Fair Competition Act;
- Cap. 191 "Council" means the National Environment Management Council established under the Environment Management Act;
- Cap. 414 "Compliance Order" means an order issued by the Authority pursuant to section 39 of the EWURA Act;
- 'dangerous situation' means a situation involving a waste oil or a petroleum product that:
- (a) endangers the safety or health of a person, or the safety of a person's property; or
 - (b) create an immediate risk of significant environmental harm;
- "Decommissioning Fund" means the Fund to be established by the Authority pursuant to section 197 of the Act to which all licensees shall be deposit amounts of the money to be determined by the Authority and be used in meeting the costs of decommissioning their respective facilities;
- "facility" means a waste oils recycling plant, waste oils or petroleum product storage facility, accessories, equipment and buildings used to conduct a licensed activity that meet the internationally accepted standards;
- "feedstock" means waste oils or any other product that can be used as raw material in a waste oils recycling process;
- "incident" means:
- (a) an event that involves a leakage of feedstock or a petroleum product from a storage facility ;
 - (b) a spill of feedstock or a petroleum product as a result of dispensing or offloading activities;

- (c) death or personal injury occurring as a result of an action that is related to a regulated activity;
 - (d) a fire or an event incidental thereto that results from an action that is related to a regulated activity;
 - (e) an event that results in an emergency shutdown of a facility; and
 - (f) any other significant event that may adversely affect the conduct of a regulated activity;
- "inspector" means an officer of the Authority or an agent of the Authority appointed by the Authority to perform inspection as required under the Act and applicable law.
- "licence" means an authorization issued by the Authority to undertake a regulated activity;
- "licensee" means the holder of a licence;
- "licence fee" means the fee payable by a licensee at a rate to be prescribed by the Authority from time to time;
- "notification of offence" means the notification prescribed in the First Schedule to these Rules;
- "NPGIS" means the National Petroleum and Gas Information system established under section 124 of the Act"
- "petroleum product" means an organic compound, pure or blended, which is derived from the refining or processing of petroleum crude oils, bio-fuels, or synthetic fuels and includes:
- (a) asphalts, bitumen petroleum coke and other residual product;
 - (b) bunker or heavy residual fuel oils for combustion engines or industrial heat processes, such as burners for boilers or heating furnaces;
 - (c) gasoil or automotive diesel, biodiesel, industrial marine diesels or synthetic diesel;
 - (d) gasoline, naphtha or a bioethanol product;
 - (e) kerosene or other similar oil for illumination or combustion applications;
 - (f) turbo fuels for jet propulsion engines; and
 - (g) other product or by-products of petroleum crude

- Cap. 285 "Tri bunal" means the Fair Competition Tribunal established under the Fair Competition Act.
- " who lesaler" means any person who engages in the imp ortat ion, taring or selling of a petroleum product in bulk for the purpose of wholesale business ; and
- 'wholes ale bus iness" means the im portation , storing or selling of a petroleum product in bulk and includes transit trade in petroleum products.

PART II
APPLICATIO FOR A CO STRUCTION APPROVAL

Appl ication
for
construction
approval

- 4.-(1) A person shall not construct a facility without the approval of the Authority.
- (2) A person who intends to construct a facility shall lodge an application with the Authority by filling in the application which shall contain the information:
- (a) the applicant's name, busine s address , e-mail address, telephone and fax numb er;
 - (b) the location and full addres of the proposed facility;
 - (c) proof of land ownership and right of use;
 - (d) the project feasibility study report which inclu des , among other thin gs, demonstration of technical and financial capability to imp lement, operate and maintain the project;
 - (e) a certified copy of building permit;
 - (f) a certified copy of a memorandum of understanding or any project implementation agreement between the applicant and the Government or any third part, if any;
 - (g) an environmental impact assessment certificate is s ued by relevant authority;
 - (h) a list of process technologies and relevant li censors;
 - (i) the proposed feedstock supply and product evaluation scheme
 - U) the proposed feedstock supply and product evaluation scheme
 - (k) a list of personnel and proof of training and

- qua li ficat ion;
- (l) detailed engineering drawing duly signed by a registered engineer which shall specify:
 - (i) proces flow diagrams of the proce sing un its;
 - (ii) the number of tank for storing feedstock and petroleum products ;
 - (iii) the location, layout and de ign of the laboratory;
 - (iv) the location and distances between building structures and facilities and equipment;
 - (v) entry and exit; and
 - (vi) the perimeter wall and property boundar ies ;
- (m) the manner and place in which feedstock shall be delivered to the facility;
- (n) report from the Fire and Rescue Department evidencing that the arrangements proposed for the prevention and firefighting coupled with good housekeeping at the site are satis factory;
- (o) environmental protection mea ures to be employed to prevent harmful environmental impacts resulting from a regulated activity; and
- (p) any other information a may be required by the Author ity.

Construction approval application fee

5. An application for construction approval in rule 4(2) shall be accompanied by a non-refundable application fee as may be pre cribed by the Authority from time to time.

Grant of a construction approval

6.-(1) The Authority shall, upon receipt of the application described in sub-rule (2), evaluate the application and decide whether or not to grant approval.

(2) The Authority shall, while making a decision on the application in subrule, consider the following :

- (a) compliance of the application with the requirements of the ational Energy Po lic y, the Act and any other applicable laws.

- (b) compliance with the provision of rule 4 (2);
- (c) compliance with land use laws;
- (d) compliance with health, safety, quality and environmental requirement ;
- (e) whether the technology to be used in the construction of the facility allows for flexibility in upgrading the said facility in order to comply with any future technology; and
- (f) whether the project is necessary for the sustainable development of the energy sector and that the same is going to offer some economic benefits to the applicant and the economy in general.

(3) The Authority shall, before issuing construction approval under this rule, cause it to be published in the *Gazette* as required by the provision of the Act.

(4) The Authority shall, upon granting the application for approval, notify the applicant accordingly.

(5) The Authority shall, in the event that it denies an application for a construction approval, inform the applicant of such decision in writing, including the reason thereof.

Validity and duration of a construction approval

7. The construction approval issued by the Authority shall remain in force for such period as the Authority may allow:

Provided that where the holder of the said approval fails to commence construction within twelve months from the date it was issued, such construction approval shall cease to have effect.

Notice of commencement

8. A person issued with construction approval shall notify the Authority within thirty days prior to the commencement of the construction.

Suspension and revocation of a construction approval

9.-(1) Where any term or condition of a construction approval has not been complied with the Authority may, by Notice in the *Gazette*, withdraw, suspend or revoke a construction approval.

(2) Where the Authority intends to withdraw, suspend, revoke or amend a construction approval it shall, at least twenty-one days before the date of the intended withdrawal, revocation, suspension or amendment notify the holder of its intention, together with reasons thereof.

(3) The Authority may, by notice in the *Gazette*, reinstate a construction approval revoked or suspended under sub-rule (1) where it is satisfied that the reasons for the revocation or suspension no longer exist.

Appeal

Cap. 285

10. A person who is aggrieved by the decision of the Authority under this Part, may appeal to the Tribunal pursuant to the provisions of the Fair Competition Act.

PART III LICENSING PROCEDURES

Obligation to
possess⁸
licence

11.-(1) A person shall not conduct a regulated activity without a licence.

(2) Any existing operator conducting a regulated activity without a licence shall, not later than three months after coming into force of these Rules, apply to the Authority for a licence.

(3) A person who contravenes this rule commits an offence and is liable on conviction:

- (a) to a fine of five million shillings or to imprisonment for a term not exceeding two years or to both; and
- (b) where a person has been served with a compliance order for the contravention, to a closure of his premises or facility.

Licensing
requirements

12.-(1) A person shall not be issued with a licence unless he:-

- (a) possesses a facility;
- (b) possesses adequate skilled personnel; and
- (c) demonstrate of financial capability to operate and maintain the facility.

(2) The Authority may issue a licence with specific conditions to be fulfilled within a prescribed time to an applicant who fails to meet some of the requirements in sub-rule (1).

Licence application

13.-(1) A person who intends to apply for a licence from the Authority shall fill in the appropriate form to be prescribed by the Authority, and lodge the application with the Authority.

(2) The application prescribed under sub rule (1) shall be accompanied with-

- (a) certified copies of its registration documents ;
- (b) a feed stock supply agreement , if any;
- (c) a petroleum products sale agreement, if any;
- (d) a business plan describing the scope of a regulated activity;
- (e) a tax identification number certificate;
- (f) a list of facilities and proof of availability of such facilities to support the proposed business; and
- (g) non-refundable application fee as may be prescribed by the Authority from time to time.

Publication of a licence application

14.-(1) The Authority shall evaluate the application in rule 13 to verify its completeness and the legality of the information contained therein and thereafter issue a public notice in at least two newspapers one in English and one in Kiswahili languages, of wide circulation in Tanzania with a view to soliciting comment and representations on the application.

(2) The costs of publication of the notice in sub-rule (1) shall be borne by the Authority.

(3) Pursuant to sub-rule (1) the public shall be invited to submit comments and representations within twenty one days from the date of publication of the notice and the comments and representations shall be considered by the Authority in arriving at the decision on the application.

Grant of a licence

15.-(1) The Authority may , upon consideration of an application for a licence :-

- (a) deny the application;
- (b) grant the application and issue a licence; or
- (c) refer the application back to the applicant.

(2) The Authority shall, in arriving at a decision on for an application for a take into consideration:-

- (a) the requirements prescribed under rule 12;
- (b) compliance with the laws on land ownership and use;
- (c) any objection or representation received from the public pursuant to rule 16;
- (d) the applicant's record of compliance with the Act, these rules and other applicable laws;
- (e) the economic efficiency and benefit of the project to the applicant and the public in general;
- (t) the flexibility of the facility with regard to later additions or modifications of capacity which may be desirable in view of changing requirements;
- (g) compliance of a facility on:-
 - (i) safety requirements;
 - (ii) health requirements;
 - (iii) security requirements;
 - (iv) handling of hazardous substances; and
 - (v) environmental requirements;
- (h) any other matter relevant to the orderly conduct of refinery operations in Tanzania.

(3) The Authority may deny issuing a licence where it determines that:-

- (a) the applicant does not meet the requirements of sub-rule (2);
- (b) the applicant's activities may not be conducted in accordance with safety, health and environment requirements; or
- (c) the application has violated the mandatory requirements provided under the relevant law and the Act.

(4) After issuance of a licence, the licensee shall be notified to come and collect it upon payment of a licence fee and an annual fee.

(5) Where an application for a licence has been denied, the Authority shall inform the applicant, in writing, of its decision and the reason thereof.

Validity and duration of a licence

16.-(1) A licence shall be valid for a period of fifteen years:

Provided that the Authority may, on the written application of a licensee extend the period for such further period as the Authority may determine.

(2) The Authority shall revoke a licence of any licensee who fails to conduct a regulated activity for the period of twelve months during the licence period.

(3) A licensee whose licence has been revoked pursuant to sub-rule (2) shall not be eligible for issuance of a licence for the period of twelve consecutive months from the date of revocation of the licence.

Application for transfer of a licence

17.-(1) A licence shall not be assigned or transferred to another person without a written approval of the Authority.

(2) Any person intending to transfer or assign a licence shall fill in the appropriate form to be prescribed by the Authority, and lodge it with the Authority, together with other documents or records as may be required by the Authority.

(3) Notwithstanding sub-rule (1), an application for a transfer or assignment shall not be considered by the Authority unless :-

- (a) a transferee or assignee possesses the qualifications for issuance of the licence; and
- (b) the said application is endorsed by the transferor or assignor.

(4) The Authority shall:-
evaluate the application received in sub-rule (2) to verify completeness and the legality of the information contained therein ;
and

issue a public notice in at least two newspapers, one in English and one in Kiswahili languages of wide circulation in Tanzania with a view to soliciting comments and representations on the application .

(5) The costs for publication of the notice in sub-rule (4) shall be borne by the Authority.

(6) Pursuant to sub-rule (4), the public shall be invited to submit comments and representations within fourteen days from the date of publication of the notice and the comments and representations shall be considered by the Authority in arriving at the decision on the application.

(7) The Authority shall after the expiration of the notice in sub-rule (4) of this rule, evaluate the application together with comments received, if any, and make a decision whether to approve or disapprove transfer or a signment of the licence as the case may be.

Change of name

18.-(1) A licensee may change its name pursuant to the provisions of these Rules and applicable law .

(2) A licensee who has changed its name shall within thirty days after such change send a written notice to the Authority together with the certificate of change of name issued by the relevant authorities.

Change of shareholding structure

19.-(1) A licensee who intends to change its shareholding structure shall before applying for the change to the Registrar of Companies apply for the approval to the Authority in writing.

(2) A licensee shall, upon obtaining the approval for change of shareholding structure from the Registrar of Companies notify the Authority of the change.

(3) The Authority may, before granting approval for any change in the shareholding structure, consult the Fair Competition Commission and the Tanzania Revenue Authority.

Application for renewal of a licence

20.-(1) A licensee shall apply to the Authority for a renewal of a licence six months before the expiry of the licence.

(2) An application for a renewal of a licence shall be in the form to be prescribed by the Authority.

(3) The Authority shall, while making a decision whether to grant an application for renewal of a licence or not, consider the

applicant's compliance to the conditions of the licence which is due to expire.

(4) Where the Authority denies an application for renewal of a licence, it shall inform the applicant, in writing, of its decision and the reasons thereof.

(5) Notwithstanding the provisions of sub-rule (3) the Authority shall not renew the licence of a licensee who has, ignored, resisted or failed to comply with any Order given by the Authority to the said licensee.

Suspension
or revocation
of a licence

21.-(1) The Authority may:-

- (a) suspend a licence for a period of twelve months in case of a serious violation of the provisions of these rules, licence conditions, the Act or relevant law; or
- (b) revoke a licence if a licensee fails to remedy or desist from committing an act or omission constituting a serious violation within the prescribed time.

(2) Notwithstanding the provisions of rule 16(3) and rule 21(1) the Authority shall not suspend or revoke a licence, unless a twenty-one days notice of its intention to suspend or revoke the said licence is given to the licensee.

Appeal
Cap. 285

22. A person who is aggrieved by the decision of the Authority made under this Part may lodge an appeal to the Tribunal pursuant to the provisions of the Fair Competition Act.

PART IV

GENERAL OBLIGATIONS OF A LICENSEE

General
Obligations
of a licensee

23. A licensee shall at all times:

- (a) comply with:-
 - (i) the applicable law;
 - (ii) these rules;
 - (iii) orders and directions of the Authority;
 - (iv) applicable codes and standards on safety, hazardous substances, security, health and environment; and

- (v) good petroleum industry practices;
- (b) save for export trade, sell a petroleum product only to a trader, a wholesaler, a consumer installation licensee or a Government institution;
- (c) ensure that it inspects and cleans its storage facilities at least once after every three years in accordance with good petroleum industry practice;
- (d) establish and maintain records pursuant to the applicable law, orders and directions of the Authority;
- (e) as soon as practicable, but not later than twenty-four hours after the fact, notify the Authority of the occurrence of a dangerous situation or incident within the facility and the notification shall comprise of the steps taken or proposed to be taken by a licensee to remedy such dangerous situation or incident or to eliminate or minimize any danger arising therefrom;
- (f) provide the Authority with full access to its records, documents sites and assets;
- (g) ensure the safe disposal of any feedstock or petroleum product;
- (h) not keep fireworks or any other instruments or products in or near a facility that might pose a risk of fire or otherwise;
- (i) ensure that its feedstock or petroleum products comply with the approved specifications;
- U) decommission a facility in accordance with these rules;
- (k) ensure that a supervisor is present at a facility at all times, and in his absence any person employed or acting as an agent of an operator to perform the duties of a supervisor;
- (l) notify the Authority not less than sixty days prior to commencing major replacement of a facility or a part thereof;
- (m) ensure that a facility and related equipment are calibrated for correct measurements and are in good

- working condition in accordance with approved specifications and good petroleum industry practices;
- (n) pursuant to the written directions of the Authority, monitor, record and reconcile all feedstock, in and petroleum products dispensed from a facility and retain such records for not less than twelve months;
 - (o) promptly notify the Authority of any apparent loss or gain of feedstock or a petroleum product that is outside the normal operating patterns;
 - (p) maintain and make available to the Authority, on demand, documentary evidence demonstrating that all electrical equipment and installations in a licensed facility relevant to the receipt, handling, storage and dispensing of a petroleum product and to areas where inflammable gases or vapours capable of producing explosive or ignitable mixtures may occur, comply with approved specification and installation procedures in accordance with existing codes or applicable law;
 - (q) not abandon a facility other than in accordance with the licence conditions, these rules, the Act, relevant laws or directions of the Authority;
 - (r) display in a conspicuous place at a facility the licence or a certified copy thereof;
 - (s) print the licence number on all accounting documents employed in its regulated activity, including invoices, delivery notes and receipts;
 - (t) not engage in any activities that may disrupt or interfere with competition; and
 - (u) as soon as practicable, but not later than ninety days after it becomes aware of the fact, notify the Authority if it is unable to conduct the regulated activity or if the conduct of the regulated activity may lead to a breach of any of these rules or materially affect its operations.

Protection of
lives and
property

24.-(1) A licensee shall, while transporting, storing, keeping, handling, conveying, using or disposing of any feedstock or petroleum product, take such precautions and exercise such care as may be reasonable under the circumstances in order to:-

- (a) not a danger to the safety or health of any person, or the person's property; and
- (b) prevent risk of significant environmental harm.

(2) A licensee shall dispose of a feedstock or petroleum product in the manner and at a place intended for the safekeeping and dumping of such products pursuant to applicable law and good petroleum industry practices.

(3) A licensee shall establish a unit to address and be responsible for all health, safety and environmental matters and obligations related to a regulated activity.

Compensation for loss
suffered

25.-(1) A licensee shall compensate any person for any loss suffered to life or property as a result of a regulated activity.

(2) A person who has suffered loss to life or property in sub-rule (1) shall first lodge a complaint with a licensee whose regulated activity has caused the loss with a view to reaching an amicable settlement.

(3) Where no settlement is reached under sub-rule (2), the person who has suffered loss may refer the matter to the Authority for determination.

(4) For the purpose of this rule, a person includes an administrator, executor or executrix of the estate of a deceased person.

Insurance

26. A licensee shall procure and maintain adequate insurance cover in respect of all liabilities that may arise from the conduct of its regulated activity, for the environment, personnel, customers and visitors of a facility.

Maintenance
of records
and
disclosure of
information

27.-(1) A licensee shall:-

- (a) at all times keep complete and accurate records and data related to its regulated activity;

- (b) in accordance with the Authority' requirements and pursuant to its directions, promptly provide to the Authority documents, records or information related to its regulated activity; and
- (c) provide to the Authority, an annual report, a report on compliance to the risks management plan as required under rule 34.

(2) Any person who refuses to furnish information or statement as required under sub-rule (I) (b) of this rule or furnishes false information or statement to the Authority shall be liable on conviction:-

- (a) to a fine of five million shillings; and
- (b) to a fine of ten million shillings and a suspension of his licence where he commits the offence for the second time.

Information to NPGIS

28.- (I) A licensee shall lodge to the NPGI the following information:-

- (a) feedstock importation by type, quality, quantity and source for every shipment;
- (b) feedstock and petroleum product stock levels on weekly basis; and
- (c) feedstock and petroleum products exportation by type, quality, quantity and destination, on monthly basis.

(2) A licensee shall submit, the information referred to under sub-rule (I) online.

(3) A licensee who fails or refuses to provide information to the NPGIS in terms of sub-rule (2) commits an offence and shall, on conviction, be liable:

- (a) to a fine of five million shillings or imprisonment for a term not exceeding three year or to both;
- (b) to have its licence suspended for a period of six months where it commits the offence for the second time; and
- (c) to have its licence revoked where it repeats the offence for the third time.

Confidential information

29.-(1) Any information received from a licensee pursuant to these Rules shall be presumed not to be confidential information unless the Authority determines otherwise.

(2) A licensee shall not withhold information from the Authority on the ground that it is confidential.

(3) A licensee may request the Authority not to circulate specific data or information in the Authority's possession,

Provided that only the Authority shall determine whether or not such information is confidential.

(4) The Authority shall, where it makes a determination that certain information is confidential limit or prohibit the publication of the same.

Customer service standards

30. Subject to approval by the Authority and as specified in the guidelines issued by the Authority a licensee shall :-

- (a) establish:
 - (i) a customer service charter;
 - (ii) service quality standards ;
 - (iii) performance standards;
 - (iv) procedures for handling customers complaints;
 - (v) an office to receive and respond to questions, concerns and complaints related to its waste oil recycling business; and
- (b) maintain trained staff to address customer issues in a timely and transparent manner.

PARTY

ENVIRONMENTAL PROTECTION

Compliance with environmental laws and standards

31 .-(1) A licensee shall comply with the requirements of all applicable environmental laws and standards related to a facility.

(2) Subject to applicable law a licensee shall:-

- (a) carry out an environmental impact assessment before making any major improvement to an existing facility;

- (b) take all necessary preventive measures to avoid pollution resulting from operating its facility;
- (c) observe strict environmental, health, and industrial safety standards as required by applicable law; and
- (d) perform environmental audits related to regulated activity.

(3) For the purpose of sub-rule (2) (a) the term "major improvement" means an improvement that aims at expanding the size of a facility.

Sanctions for violation of environmental laws

Cap. 191

32. Where the Authority determines that a licensee has violated these rules or any applicable law on matters related to protection of the environment it shall take appropriate actions pursuant to provisions of the Environment Management Act and other applicable laws.

PART VI TECHNICAL PROVISIONS

Compliance with specifications and standards

33.-(1) A licensee shall comply with the approved specification pertaining to the facility, transportation, handling, storage and composition of feedstock or a petroleum product which is consistent with these rules and applicable law.

(2) A licensee shall not deviate from any approved specification without prior approval of the Authority.

(3) The Authority shall not grant such the approval in sub-rule (2) unless it is satisfied that such deviation is for public interest and does not negatively affect public safety and the environment.

(4) A licensee shall not use any container:-

- (a) to store or convey feedstock or a petroleum product unless such container is leak and pill proof and otherwise suitable and safe for storage and conveyance of the feedstock or the petroleum product.
- (b) for storing a feed stock or a petroleum product, which poses or is likely to pose a risk of significant-
 - (i) environmental harm; or

- (ii) harm with regard to the safety or health of any person or flora and fauna.

Risks
Management
Plan

34.-(1) A licensee shall, at all times, prepare, maintain and implement a risk management plan.

(2) Any licensee who contravenes the provisions of sub-rule (1) commits an offence and shall, on conviction, be liable to a fine of twenty million shillings or imprisonment for a term not exceeding three years or both.

Fire
precaution

35.-(1) A licensee shall:-

- (a) ensure that all buildings, roads, structures and plants used in connection with a facility are designed, constructed, equipped and maintained:
 - (i) in such a way as to prevent fire and explosions;
 - (ii) so as to minimize the harmful effects of fires or explosions if they occur;
- (b) ensure that personnel involved in the handling and dispensing of a petroleum product exercise caution in respect of anything that may cause fire or an explosion and that such personnel follow applicable law on matters related to fire and explosions; and
- (c) clearly indicate by a sign the place of the facility where feedstock or a petroleum product is handled or stored.
- (d) make reasonable efforts to ensure that no person throws, leaves or creates any open or naked light, spark or flame or any burning or smouldering material on a facility;
- (e) ensure that no person receives or makes calls from a cellular telephone or uses any other electronic communication apparatus within a facility except in places specifically designated for such activity;

- (f) take adequate precaution to prevent the outbreak of fire when storing, keeping, handling, conveying, using or disposing of a petroleum product or a feedstock as appropriate;
- (g) provide adequate fire extinguishing equipment and maintain such equipment in good working condition in accordance with these Rules, the relevant laws and standards and pursuant to directions issued by the Authority;
- (h) position the equipment described in sub-rule (5) in accessible places at a facility; and
- (i) not less than once a year, test the equipment described in sub-rule (5);
- U) establish a fire emergency plan to be employed in the event of a fire at a facility which shall:
 - (i) include a suitable and adequate fire-fighting plan that comprises:
 - (aa) the locations and types of all fire-fighting equipment; and
 - (ab) an action plan that identifies, *inter alia*, assembly points and the tasks of all employees;
 - (ii) include provisions for the training of employees to deal with a fire emergency situation, the records of which shall be preserved;
 - (iii) be provided to employees employed in or on the relevant premises; and
 - (iv) be made available to the Authority on request.

Control of feedstock or petroleum product spill

36.-(I) A licensee shall, where there is a spill of feedstock or a petroleum product or any other waste product:-

- (a) as soon as practicable and in where not more than twenty four hours after the occurrence of the spill, inform the Authority about such spill; and
- (b) take all necessary steps pursuant to good petroleum industry practices or otherwise as may be necessary to clean up such spill.

(2) Where a licensee fails to comply with sub-rule (1) (b) within the period prescribed by the Authority, the Authority may, by written notice, order the licensee to take appropriate steps as the Authority may require in order to clean up the spill at its own costs.

(3) A licensee who fails to comply with an order of the Authority issued pursuant to sub-rule (2) commits an offence and shall, on conviction, be liable to a fine of five million shillings or to imprisonment for a term not exceeding two years or to both.

(4) Without prejudice to the provisions of sub-rules (1), (2) and (3) a person who is affected by any spill of feedstock or a petroleum product and seeks redress, shall first lodge a complaint with a licensee caused such spill with a view to reaching an amicable settlement.

(5) Where no settlement is reached under sub-rule (4), the person who is affected by the spill may lodge a complaint to the Authority for determination of the matter accordingly.

Decommissioning Plan

37.-(1) A licensee shall submit a decommissioning plan to the Authority:

- (a) before a regulated activity ceases to continue;
- (b) a licence to operate a facility expires or is surrendered; or
- (c) before the use of a facility is permanently terminated.

(2) The decommissioning plan referred to under sub-rule (1) shall contain proposals for continued production or shut down of production, decommissioning of a facility and any other relevant information.

(3) The decommissioning of a facility may constitute further use of the facility, other uses, complete or part removal and disposal or abandonment of the facility.

(4) The Authority may, upon receipt of a decommissioning plan, require further information and evaluations, or a new or amended decommissioning plan.

(5) The licensee shall update the decommissioning plan where:

- (a) in conjunction with any subsequent application for a permit, make additions or substantial changes to a facility;
- (a) the expected method or costs of carrying out the re-commissioning work have changed significantly as a result of new techniques for the work becoming available;
- (b) the previously assumed techniques are no longer permissible or considered adequate; or
- (c) the Authority so requests .

(6) Unless otherwise directed by the Authority, the decommissioning plan shall be submitted within the first four years, or at least two years before the permanent termination of the facility.

(7) Notwithstanding the foregoing, the Authority may issue an order for decommissioning of a facility where it is satisfied that:

- (a) the facility has been abandoned by a licensee for a period of not less than twelve months; or
- (b) the continued operation of such facility poses or is likely to pose a danger to lives and property.

(8) The costs of decommissioning and any other associated costs shall be borne by the Decommissioning Fund,

Provided that, where the said costs are above the amount of money in the fund , the costs shall be met by a licensee to such amount as the Authority may determine.

Site
restoration

38.-(1) The Authority shall, after confirming that the area where a facility has been constructed has been restored to its original state by a licensee, issue a certificate of compliance.

(2) For the purpose of sub-rule (1) "restore" means to-

- (a) return the area in which a facility is located to its original and natural state as it was prior to the installation of such facility; or
- (b) render the area in which a facility is located, or part thereof , compatible with its intended after-use, including:

- (i) removing buildings, structures, plant and debris ;
- (ii) establishing compatible contours and drainage;
- (iii) replacing top soil, re-vegetation slope stabilization; and
- (iv) infilling excavations.

(3) The Authority shall, before issuing a certificate of compliance under sub-rule (I), consult the Council.

PART VII COMPLIANCE AND ENFORCEMENT

Inspection of
a facility

Cap. 414

39.- (1) The Authority shall have the right to inspect any facility premises, vehicle, equipment, document or vessel with a view to checking on its compliance with the provisions of the Act, the EWURA Act and these Rules .

(2) A licensee or any other person operating in that behalf shall render necessary assistance to an inspector as may be required in the course of such inspection.

(3) During inspection an inspector may :

- (a) take samples of any feedstock or petroleum product stored in any facility, premises vessel or vehicle;
- (b) make copies or take extracts from any book, accounts or records kept on a facility, premises, vessel or vehicle;
- (c) inspect machinery, equipment, appliances, meters, fittings and apparatus and
- (d) inspect any vehicle or vessel that is found at a facility or any premise .

Notification
of offences
Cap. 414

40.- (1) At the conclusion of an inspection and where it is found that there was a violation of the provision of the Act, EWURA Act and these Rules, the licensee or any such person responsible for such violation, shall:-

- (a) where he disputes the offence, fill in Part A of the notification of the offence as set out in the First Schedule to these Rules ; or

(b) where he admits the offence, fill in Part B of the notification of the offence as set out in the First Schedule to these Rules;

(2) Where a person:-

(a) admitted to commit an offence under sub-rule (1)(a), he shall, within fourteen days from the date of such admission, be required to pay the fine prescribed in the Second Schedule to these Rules; and

(b) disputes committing the offence under sub-rule (1)(b), he shall, within seven days from the date of such denial, be required to answer charges in writing as specified in Part A in the notification of the Second Schedule to these Rules.

(3) Upon the conclusion of an inspection and where the inspector is satisfied that:

(a) the continued operation of a facility poses an imminent danger to life;

(b) is likely to cause destruction of property,

he may order the closure of the said facility regardless of whether the such operator has admitted to the offence or not.

(4) Notwithstanding the provisions of sub-rule (3), an inspector who has decided to close the facility shall note down the reasons for the closure and list down all relevant evidence.

Offence

41. A person who refuses to sign the notification of offence in rule 39 commits an offence and shall, on conviction be liable to a fine not less than three million shillings or imprisonment for a term not less than two years or to both.

Issuance of
Compliance
Orders
Cap. 414

42. The Authority shall, while discharging its regulatory functions and where it is satisfied that there is a continued violation of the provisions of the Act, the EWURA Act and the provisions of these Rules, issue a Compliance Order to the person responsible for such violation.

Power to
enter and

43.-(1) Notwithstanding any provision in these rules, an inspector with a compliance order shall have the right and

closure
facility,
building or
premises

obligation to enter upon any facility, building or premises and close it down where he determines that a regulated activity conducted therein contravenes of these Rules .

(2) While discharging his obligation under sub-rule (1) of this rule, an inspector may seek the assistance of applicable law enforcement institutions including the police , shall provide the requested assistance to the inspector.

Prohibited
acts against
inspectors

44.-(1) A licensee shall not:-

- (a) hinder or obstruct the Authority in the exercise of any of the powers conferred upon it under these Rules·
- (b) use abusive , threatening or insulting language to an employee of the Authority;
- (c) refuse to comply with a requirement, direction or notice of the Authority; and
- (d) refuse to give any information or answer any question to the best of his knowledge and belief , when required to do so by the Authority.

(2) A person who contravenes sub-rule (1) commits an offence and shall be liable , on conviction, to a fine of five million shillings or to imprisonment for a term not exceeding two year or both.

PART VIII

PENALTES AND REMEDIAL MEASURES

Penalties and
remedial
measures

45.-(1) Without prejudice to the penalties prescribed in these Rule and any other relevant law, where the Authority determines that a licensee is in violation of these rules or applicable law , it shall:-

- (a) issue a warning;
- (b) issue a compliance order;
- (c) restrict the conduct of a regulated activity;
- (d) order a licensee to remedy any situation as a result of such violation;
- (e) suspend a licence for such period the Authority may determine ; or

(t) revoke a licence.

(2) Notwithstanding sub-rule (1) a licensee shall be liable to pay the fine for specific violations of licence conditions as prescribed under the Second Schedule of these Rules.

Appeal

46. A person who is aggrieved by the decision of the Authority under rule 44, may lodge an appeal to the Tribunal within 21 days from the date of receipt of the decision.

PART IX
GENERAL PROVISIONS

General penalty

47. A person who commits an offence for which no specific penalty is prescribed in these Rules, shall be liable, on conviction, to a fine of five million shillings or to imprisonment for a term not exceeding two years or to both.

Penalty for a second or subsequent conviction

48. A person who is convicted of a second or subsequent conviction of any offence under these Rules shall without prejudice to the penalties prescribed in rule 21, be liable to a fine of not less than seven million shillings or to imprisonment for a term of not less than three years or to both.

Authority to supplement procedures as needed

49. The Authority may, where these Rules do not provide for certain procedures, do anything which is necessary and permitted by law as to enable it effectively adjudicate any matter before it.

—————
SCHEDULES
—————

THE UNITED REPUBLIC OF TANZANIA

THE PETROLEUM ACT,
(CAP. 392)

NOTIFICATION OF OFFENCE

PETROLEUM (WASTE OILS RECYCLING OPERATIONS) RULES, 2016

(issued under Rule 42 of G.O. No. 220/2016)

To.....
Address.....

- I. You are charged with the following offence (s):
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
2. If you ADMIT commission of the offence (s) you should complete "PART B" below and send this notification, together with the statutory penalty for each offence to which you admit, to the Authority within fourteen days from the date of service of this notification.
3. If you ADMIT to have committed the offence (s) you are required to complete "PART A" below and send this notification to the Director General of the Authority together with answers, in writing, to the charges mentioned above within seven days from the date of service of this notification.
4. Penalty for each offence mentioned above shall be as provided for under the Petroleum Act, Cap. 392, the WU RA Act, Cap. 414 or any other relevant laws on the conduct of the Petroleum Refinery Operations.

PART "A"- NOTIFICATION OF INTENTION TO ANSWER CHARGE

Petroleum (Waste Oils Recycling Operations)

GN. No. 220 (contd...)

I of residential or business address) being the (owner/director /manager/ representative) of intend to respond to the Authority on the charge (s) Nosset out in Paragraph I of this notification .

Signature:

Date:

PART " B"- ADMISION OF OFFENCE

I of residential or business address) being the (owner/director /manager/ representative) of..... plead guilty to the charge () Nos.....set out in Paragraph I of this Notification and I undertake to pay the requisite fine of TZSwithin a period of fourteen days from the date hereof.

Signature:

Date:

FACILITY DETAILS

Name of the Facility.....
PREL o.

Location of the Facility.

Signature of the person issued with the notification

IS U D BY

Name:
Designation:

Date:

Signature of the Inspector

SECOND SCHEDULE

FINES FOR VIOLATIONS OF LICENCE CONDITIONS

(Issued under Rule 47 (2) of GN No.....o/2016)

SIN	Particular of Offence	Amount		
		1 st Offence	2 nd Offence	3 rd Offence
1.	<p>Failure to establish and implement Health Safety and Environment (HSE) policy which includes but not limited to:</p> <ul style="list-style-type: none"> (i) Availability and use of proper Personal Protective Equipment (PPE) (ii) Employment of competent HSE personnel (iii) Develop, implement and document Health, Safety and Environment (HSE) staff training programs (iv) Develop elaborate procedure for incidents investigation, reporting and recording. 	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000
2.	<p>Failure to establish and implement Standard Operating Procedures (SOPs) which include but not limited to:</p> <ul style="list-style-type: none"> (i) Documentation, display and implementation of procedures and processes for all routine and non routine operations, in both Kiswahili and English languages; (ii) Display of all relevant information in both Kiswahili and English languages; and (iii) a comprehensive equipment maintenance schedule. 	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000

Petroleum (Waste Oils Recycling Operations)

ON. No. 220 (contd.,)

SIN	Particular of Offence	Amount		
		1 st Offence	2 nd Offence	3 rd Offence
3.	<p>Failure to establish and implement an Emergency Response Plan (ERP) which include but not limited to;</p> <ul style="list-style-type: none"> (a) emergency response procedures; (b) routine (at least monthly) emergency preparedness drills; (c) Communication with Fire and Rescue Providers (Fire Department, Ambulance, Police, Manager/Owner; etc). (d) Procedures of shutting down or isolating equipment to reduce the release of products, including assigning personnel responsible for maintaining critical plant functions or shut down of plant processes; (e) Alternative measure for the safety of occupants while any fire protection equipment is shut down; (t) Plan showing evacuation route and emergency assembly area; and (g) A list a qualified first aider and sufficiently equipped first aid kit. <p>Note: The above requirements are to be documented, communicated and displayed in a conspicuous location.</p>	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000
4.	<p>Failure to ensure that all operational personnel undergo training on all relevant areas such as facility operations, equipment maintenance, safety procedures, fire fighting, first aid etc. Proof of</p>	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000

Petroleum (Waste Oils Recycling Operations)

GN. No. 220 (contd...)

S	Particular of Offence	Amount		
		1 st Offence	2 nd Offence	3 rd Offence
	such trainings must be at all times available for inspection .			
5.	Failure to ensure that Material Safety Data sheet (MSDS) for all products handled at the facility are available at all time .	TZS 3,500,000	TZS 7,000,000	TZS 10,500,000
6.	Failure to ensure that HSE audits are performed annually, properly documented and available for inspection . These include but not limited to: (i) Electrical installations audits; (ii) Performance of relief valves ; (iii) Pressure tests for delivery hoses ; (iv) Performance of oil water separator; (v) Medical check-up for facility staff; and (vi) Audit of firefighting equipment	TZS 5 000 000	TZS 10,000,000	TZS 15,000 000
7.	Failure to ensure that at all times emergency contact numbers of Fire and Rescue Service Provider , ambulance, Police or Manager /Owner are recorded and clearly displayed near every telephone control centers and by the gate.	TZS 3,500,000.00	TZS 7,000,000	TZ 10,500,000
8.	Failure to display adequate safety warning signs (written and symbolic) throughout the facility which include but not limited to; (i) Smoking; (ii) Mobile phones; (iii) No lifters;	TZS 3,500.000	TZS 7,000,000	TZS 10,500,000

Petroleum (Waste Oils Recycling Operations)

GN. No. 220 {cmd...}

SIN	Particular of Offence	Amount		
		1 st Offence	2 nd Offence	3 rd Offence
	(iv) No fire arms; (v) No knives/sharp objects; (vi) Speed limit; and (vii) High risk zones.			
9.	Failure to conduct safety induction and registration of visitors details.	TZS 3,500,000.00	TZ 7,000,000	TZS 10,500,000
10.	Failure to construct and maintain adequate concrete bund walls around the tank farms.	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000
11.	Failure to pave and maintain the tank farm floor with concrete and provide adequate drainage system connected to an Oil/Water Separator that is located outside the bund wall.	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000
12.	Failure to conduct regular maintenance and checks of tanks earth resistance (single = max 7 ohms, combined = max 1 ohms)	TZS 3,500,000.00	TZ 7,000,000	TZS 10,500,000
13.	Failure to ensure that tanks are, at all times, properly labeled with necessary information/data including earth resistance, dates of installation maintenance and performed checks.	TZS 3,500,000.00	TZS 7,000,000	TZS 10,500,000
14.	Failure to construct an oil water separator which properly designed and appropriately located outside the bund wall.	TZ 5,000,000	TZS 10,000,000	TZS 15,000,000
15.	Failure to ensure that an oil water separator outlet valve is kept closed all times and should only to be operated by a designated person.	TZS 5,000,000	TZS 10,000,000	TZ 15,000,000
16.	Failure to display, conspicuously, an oil water separator operating instructions near the interceptor.	TZ 3,500,000.00	TZS 7,000,000	TZS 10,500,000
17.	Failure to monitor and maintain oil	TZS	TZS 10,000,000	TZS

Pelroleum (Waste Oils Recycling Operations)

GN. No. 220 (contd...)

SIN	Particular of Offence	Amount		
		1 st Offence	2 nd Offence	3 rd Offence
	water separator integrity to ensure that there are no oil traces in the final outlet chamber.	5,000,000		15,000,000
18.	Failure to maintain a properly designed pump house in such a manner that it includes adequate spill containment and drainage system connected to an oil water separator.	TZS 5,000,000	TZS 10000 000	TZS 15,000,000
19.	Failure to ensure the availability of bonding points where required.	TZS 3,500,000.00	TZ 7,000,000	TZ 10 500,000
20.	Failure to ensure that adequate bonding clips are available at the relevant points.	TZS 3,500,000.00	TZS 7,000,000	TZS 10,500,000
21.	Failure to install accessible emergency shut-off (stop) valve and switch at the relevant points.	TZ 5,000,000	TZS 10,000,000	TZ 15,000,000
22.	Failure to pave the area around the plant and storage facilities with concrete and construct well an appropriate drainage system connected to an oil/water separator.	TZS 5,000,000	TZS 10,000 000	TZS 15,000,000
23.	Failure to ensure that pipelines and valves are properly color coded for identification of product type.	TZ 5,000,000	TZS 10,000,000	TZS 15,000,000
24.	Failure to provide adequate and operational fire fighting system that includes but not limited to; (i) Fire water supply ; (ii) Mechanical fire pump; (iii) Manual fire alarm; (iv) Jokey pump; (v) Foam system; (vi) Adequate sand bins and fire extinguishers of appropriate types and sizes ; (vii) Adequate stand pipes with fire hoses and	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000

Petroleum (Waste Oils Recycling Operations)

GN. No. 220 (contd..)

SIN	Particular of Offence	Amount		
		1 st Offence	2 nd Offence	3 rd Offence
	nozzles: and (viii) Water showering rings at storage tanks and filling gantry.			
25.	Failures to maintain paved driveways without any pot holes.	TZS 3,500,000.00	TZS 7,000,000	TZS 10,500,000
26.	Failure to ensure that the driveway allows ease of maneuverability of trucks as well as quick and safe exit in case of an emergency.	TZS 3,500,000.00	TZS 7,000,000	TZS
27.	Failure to install flame proof electrical fittings and appliances at zones classified with high hydrocarbon vapours.	TZS 3,500,000.00	TZS 7,000,000	TZS 10,500,000
28.	Failure to conduct Environmental Audit where applicable and obtain an Environmental Audit certificate.	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000
29.	Failure to maintain color coding of the product's pipelines as approved by the Authority and properly labelled. The colour codes are: (a) Petrol - Red Strips (b) Diesel - Yellow (c) Kerosene - Blue (d) Industrial Diesel Oil (100) - Black (e) Heavy Furnace Oil - Black (f) Fire Hydrant - Red (g) Foam - Yellow (h) Feedstock- Black (i) Base oil - Black Strips	TZS 5,000,000	TZS 10,000,000	TZS 15,000,000
30.	Failure to ensure that the facility is in a good state of repair and housekeeping.	TZS 3,500,000.00	TZS 7,000,000	TZS 10,500,000

Dar es Salaam,
15th May, 2017

FELIX NGAMLAGOSI,
Director General