

GOVERNMENT NOTICE No. 403 published on 5/11/2010

THE MINING (ENVIRONMENTAL PROTECTION FOR
SMALL SCALE MINING) REGULATIONS, 2010

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THE MINING (ENVIRONMENTAL PROTECTION FOR
SMALL SCALE MINING) REGULATIONS, 2010

(No. 14 of 2010)

REGULATIONS

(Made under section 112)

THE MINING (ENVIRONMENTAL PROTECTION FOR SMALL SCALE MINING)
REGULATIONS, 2010

PART I
PRELIMINARY PROVISIONS

1. These Regulations may be cited as the the Mining (Environmental Protection for Small Scale Mining) Regulations, 2010. Citation
2. In these Regulations unless the context otherwise requires: Interpre-
- “act” means the Mining Act; tation
- “environmental Protection plan” means a plan to mitigate the environmental effects to be caused by mining operations under primary mining licence; Act 11 of 2010
- “EPP” means Environmental Protection Plan;
- “land” means the area on which the proposed small scale mining would be carried out;
- “small scale mining” means mining operations conducted under primary mining licence.

Mining (Environmental Protection for Small Scale Mining)

G.N. No. 403 (contd.)

PART II

ENVIRONMENTAL PROTECTION PLAN

Baseline environmental investigation and social study

3. (1) A holder of primary mining licence shall, before commencing mining operations, conduct baseline environmental investigation and social study with regard to human settlement, burial sites, cultural heritage sites, water, vegetation, animals and soil, and submit a report regarding the outcome of the investigation and Environmental Protection Plan to mitigate the environmental effects to be caused by mining operations in the licenced area, as outlined in the Schedule to these Regulations.

(2) The baseline environmental investigation and social study report and EPP shall be submitted to the respective Zonal Mines Officer within four months from the date of the grant of the Primary Mining Licence.

(3) The Zonal Mines Officer shall, within a period of two months, of receipt of application approve the EPP and authorise in writing the holder of primary mining licence to commence mining operations within the mining area.

(4) Where the Zonal Mines Officer is not satisfied with the submitted baseline environmental investigation and social study report or EPP shall issue a notification directing the holder of a primary mining licence to improve the report or EPP within a period specified in the notice.

(5) Failure to submit baseline environmental investigation and social study report or EPP as required under sub-regulation (1) or (4) shall render a holder of licence in default under these Regulations.

Environmental audit of existing workings

4.-(1) Every holder of a primary mining licence whose licence was issued prior to the commencement of these regulation shall be required to conduct an environmental audit and prepare EPP and submit to the Zonal Mines Officer for approval.

(2) The procedure described in sub-regulations (3), (4) and (5) of regulations 3 shall apply for approval made under sub-regulation (1).

Review of EPP

5.-(1) Where it appears that the scale of mining operations has changed significantly, the licensing authority shall require the holder of a licence to review the EPP and submit an updated EPP for approval.

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(2) The procedure described in sub-regulations (3), (4) and (5) of regulations 3 shall apply for approval made under sub-regulation (1).

PART III
ENVIRONMENTAL STANDARDS

6.-(1) A Licensee, or manager or agent of the licensee, shall not knowingly cause or permit any discharge, deposit or emission of liquid, solid, gaseous or particulate material, or noise or vibration, from a mine, as defined in the Act, into the environment which will cause pollution, except:-

Limitation of discharge of pollutants

(a) in the case of a liquid effluent, in accordance with an authorization issued by the Water Officer under the Water Resources Management Act; and

Act Nos. 11 of 2009 and Cap. 130

(b) in accordance with standards published under the Standards Act.

7. In the event of any unauthorised discharge, deposit, or emission, the licensing authority may direct the holder of mining licence to implement a programme of action within a specified period, and to observe certain conditions during such period, in order to prevent any further occurrence of unauthorised pollution.

Action on the unauthorised

8. A holder of a primary mining licence shall not use cyanide for leaching process without the written approval of the Chief Inspector.

No Cyanide leaching

9. Any person who contravenes Regulations 7 or 8 commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.

Breach of regulations and penalties

PART IV
RECLAMATION AND OTHER REQUIREMENTS

10.-(1) The holder of a primary mining licence shall ensure washing or settling ponds are constructed mining area to provide for washing and sluicing, at a distance of fifty metres (50m) from rivers, streams or any other water sources.

Settling ponds

(2) Where a settling pond is used as part of the mine drainage system, all channels discharging into the river system must be through a culvert the slopes of which are protected from erosion.

Mining (Environmental Protection for Small Scale Mining)

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| No
vegeta-
tion
clearing | 11. Clearance of vegetation shall not be undertaken within twenty metres (20m) from any stream or river bank. |
| Use of a
retort | 12. The holder of a primary mining licence shall not heat a mixture of gold and mercury (amalgam) to recover the gold without using a retort. |
| Aban-
doned
workings
to be
backfilled
or fenced | 13. A holder of a primary mining licence shall not commence development of new workings in a mining area without backfilling and re-vegetating or fencing the abandoned previous workings developed by himself or his agent to the satisfaction of the inspector. |
| Tailings
disposal | 14. The holder of a primary mining licence shall ensure that tailings are disposed of at a proper place in a manner approved by the inspector. |
| Children
not to be
employed | 15. A holder of a primary mining licence shall not cause children under the age of eighteen (18) to be employed or be engaged in any mining or processing operations mining area. |
| Pit
latrines to
be con-
structed | 16. A holder of primary mining licence shall ensure that pit latrines are constructed and maintained at a distance of not less than one hundred metres inland from any water source other than washing or settling ponds. |
| Protec-
tive gears
to be
used | 17. A holder of primary mining licence shall ensure that each employee is provided with protective gears and no person shall handle any toxic substance without using appropriate protective gears. |
| Monitor-
ing
compli-
ance with
Environ-
mental
Require-
ments | 18. An authorised officer may, at any time, enter upon any area over which a primary mining licence has been granted for the purpose of monitoring the effects upon the environment of any activities carried out on that area. |

PART V
MONITORING

Mining (Environmental Protection for Small Scale Mining)

G.N. No. 403 (contd.)

19.-(1) Where, the results of monitoring indicate non-compliance with the EPP or any condition of these regulations, the holder of a primary mining licence may be required:—

- (a) to take all reasonable measures to mitigate the impact of such non compliance and report such measures to the Zonal Mines Officer; or
- (b) to pay a fine not exceeding one hundred thousand shillings for every breach imposed by way of administrative measure by the authorised officer for such non compliance.

20. The Mining (Environmental Management and Protection) Regulations, 1999 are hereby revoked.

Revoca-
tion of
G.N. No.
218 of
1999

SCHEDULES

Made under regulation 3

CONTENT OF ENVIRONMENTAL PROTECTION PLAN

The following describes the information that is required to be included in an environmental protection plan for small scale mining operations under these Regulations:—

1.-(1) A description of —

- (a) mineral deposit;
- (b) mining and processing methods;
- (c) infrastructure;
- (d) emissions and discharges to air, land and water;
- (e) management of wastes and spoils produced and disposal methods; and
- (f) use and storage of chemicals.

(2) Information given pursuant to sub-paragraph (1) shall cover all stages of the development of the mine, including construction and operation.

Mining (Environmental Protection for Small Scale Mining)
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2. The data or information necessary to evaluate the existing environment and surrounding the land on:—

- (a) land use, tenure and ownership;
- (b) settlements and local communities;
- (c) infrastructure and industry;
- (d) soils, flora and fauna;
- (e) surface water and groundwater;
- (f) culture heritage; and
- (g) landscape and visual character.

3. An assessment of the likely significant effects of the mine on the environment, by reference to the data or information referred to in paragraph 2.

1. Where Significant adverse effects are identified with regard to any of the categories referred to in paragraph 2 and 3, a description of the measures incorporated into the design of the proposed mine to avoid, minimize or mitigate those effects.

Dar es Salaam,
13th October, 2010

HON. WILLIAM M. NGELUJA (MP.),
Minister for Energy and Minerals

GOVERNMENT OF TANZANIA
REGULATIONS
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