

GOVERNMENT NOTICE NO. 369 published on 17/5/2024

THE ENVIRONMENTAL MANAGEMENT ACT,
(CAP. 191)

REGULATIONS

(Made under section 227(1))

THE ENVIRONMENTAL MANAGEMENT (ENVIRONMENTAL
PERFORMANCE BOND) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

Regulations Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
OBJECTIVES

4. Objectives.

PART III
ADMINISTRATION AND INSTITUTIONAL FRAMEWORK

5. Powers of Minister.
6. Functions of Director of Environment.
7. Functions of Council.

PART IV
PROCEDURES FOR DETERMINATION OF ENVIRONMENTAL
PERFORMANCE BOND

8. Preparation and submission of detailed decommissioning plan.

9. Approval of detailed decommissioning plan.
10. Submission of approved detailed decommissioning plan.
11. Depositing of bond not a defence.
12. Non-compliance of laws.
13. Reassessment of bond.
14. Procedures for project decommissioning.
15. Condition for discharge of bond.
16. Confiscation and enforcement of deposited bond.
17. False information.

PART V
MANAGEMENT OF CONFISCATED ENVIRONMENTAL
PERFORMANCE BOND

18. Management of confiscated bond.

PART VI
PROJECT DECOMMISSIONING COMMITTEE

19. Project Decommissioning Committee.
20. Functions of Project Decommissioning Committee.
21. Conducting affairs of Project Decommissioning Committee.

PART VII
DUTIES AND RIGHTS OF DEVELOPER

22. Detailed decommissioning plan.
23. Facilitation of review.
24. Updating detailed decommissioning plan.
25. Return of bond.
26. Self-auditing.

PART VIII
GENERAL PROVISIONS

27. Post closure monitoring of project.
28. Liability of developer for post closure environmental impact.

- 29. Transitional period.
- 30. Validity of bond.
- 31. Record keeping.
- 32. Exemption.
- 33. Offences and penalty.
- 34. Appeal.
- 35. Powers to issue policy guidelines or directives.
- 36. Bond governed by sector legislations.

SCHEDULES

THE ENVIRONMENTAL MANAGEMENT ACT,
(CAP. 191)

REGULATIONS

(Made under section 227(1))

THE ENVIRONMENTAL MANAGEMENT (ENVIRONMENTAL
PERFORMANCE BOND) REGULATIONS, 2024

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Environmental Management (Environmental Performance Bond) Regulations, 2024.
- Application 2. These Regulations shall apply to the projects prescribed in the First Schedule.
- Interpretation 3. In these Regulations, unless the context otherwise requires-
- “Council” means the National Environment Management Council established under section 16 of the Act;
- “environmental performance bond” or “bond” means security in form of cash or bank or insurance guarantee deposited by a developer for the purpose of ensuring safe decommissioning of a project, site rehabilitation and ecosystem restoration;
- “abandoned site” means an area which has been left by the developer after implementing a project without returning it to the status similar to its original position or changing it to a friendly environmental usage;
- “Project Decommissioning Committee” means a Committee constituted under regulation 19;
- “Environmental Management Systems” means set of processes and practices that enable a developer undertaking a project to reduce environmental

- impacts and increase operational efficiency;
- “Director of Environment” shall have the meaning ascribed to it under the Act;
- “detailed decommissioning plan” means an updated conceptual decommissioning plan or that developed during project construction, operation and post-operation phases;
- “project” means activities or processes that require posting of an environmental performance bond;
- GN. No. 267 of 2021 “registered environmental expert” means an individual person or firm of consultants duly certified and registered under the Environmental (Registration of Environmental Experts) Regulations, to conduct environmental impact assessment study or environmental audit;
- “developer” means a person who is undertaking a project to which an Environmental Performance Bond is required;
- “Register” means a record system of registered environmental experts, projects and Environmental Performance Bonds deposited and maintained by the Council;
- Cap. 191 “Act” means the Environmental Management Act;
- “good environmental practices” means practice that is in accordance with the provisions of the Act or any other written law;
- “environmental impact assessment” shall have the meaning ascribed to it under the act;
- “environmental performance bond assessment” means a written site-specific decommissioning, rehabilitation, ecosystem restoration and post closure monitoring and maintenance cost estimate;
- “rehabilitation” means improvement of a project site which include remediation, clean-up, ecosystem restoration and post-care maintenance;
- “post closure monitoring” means the continuous or periodic determination of actual and potential effects of the activity, process or phenomenon of the environment whether short term or long term;
- “safe decommission” means closure of a project that meets satisfaction of environmental standards;
- “environmental audit” means the systematic, documented,

periodic and objective evaluation of adherence to good environmental practices by a project developer;
“self-auditing” shall have the meaning ascribed to it under the Act;
“standard” shall have the meaning ascribed to it under the Act; and
“Minister” shall have the meaning ascribed to it under the Act.

PART II OBJECTIVES OF REGULATIONS

Objectives of
these Regulations

4. The objectives of these Regulations are to provide for and promote environmental sustainability by ensuring-

- (a) security of good environmental practices; and
- (b) compliance with safe decommissioning of a project, site rehabilitation and ecosystem restoration during and after the closure of a project.

PART III ADMINISTRATION AND INSTITUTIONAL FRAMEWORK

Powers of
Minister

5. For the purpose of these Regulations, the Minister shall have the powers to-

- (a) determine a form of environmental performance bond to be deposited in either-
 - (i) escrow account;
 - (ii) bank guarantee;
 - (iii) capital bond; or
 - (iv) any other applicable guarantee or bond; and
- (b) issue an environmental performance bond certificate.

Function of
Director of
Environment

6. The Director of Environment shall have the following functions:

- (a) to coordinate and promote issues on matters relating to environmental performance bond;
- (b) to recommend appropriate fiscal incentives

- which may encourage business community to create insurance and banking products that may help developers to manage environmental risks which may arise on project life cycle;
- (c) to receive from the Council the approved detailed decommission plan which shall include the package of environmental performance bond to be deposited;
 - (d) to advice the Minister to determine a form of environmental performance bond to be deposited;
 - (e) upon receipt of the intended environmental performance bond to be deposited, to advice the Minister to issue environmental performance bond certificate;
 - (f) to notify the Council on receipt or non-receipt of environmental performance bond;
 - (g) to keep evidence of depository of environmental performance bonds deposited; and
 - (h) to receive recommendations from the Council on discharge or confiscation of the environmental performance bond deposited.

Functions of
Council

7. The Council shall be responsible for the management of an environmental performance bond by performing the following functions:

- (a) maintain a register of projects which environmental performance bond is deposited;
- (b) review and approve a detailed decommissioning plan to determine the adequacy and reliability of its contents including cost estimates of environmental performance bond to be deposited;
- (c) submit to the Director of Environment approved detailed decommissioning plan;
- (d) invoke appropriate actions for compliance and enforcement in case of non-submission of detailed decommissioning plan;
- (e) submit to the Director of Environment recommendations on discharge or confiscation of the environmental performance bond

- deposited;
- (f) receive notification from the Director of Environment on the compliance on depositing or non-compliance on depositing of determined environmental performance bond;
 - (g) invoke appropriate actions for compliance and enforcement of non-depositing of determined environmental performance bond;
 - (h) undertake inspection and monitoring to regulate compliance to good environmental practices in line with the conditions for approval;
 - (i) recommend to the Director of Environment on discharge or confiscation in whole or part of an environmental performance bond deposited.
 - (j) review an updated decommissioning plan submitted by a developer;
 - (k) issue terms of reference to the Project Decommissioning Committee in accordance with regulation 21;
 - (l) approve a detailed decommission plan;
 - (m) submit an approved detailed decommissioning plan to the Director of Environment for determination and approval of a form of environmental performance bond to be deposited; and
 - (n) undertake any other function conferred to it under the Act or any other written law.

PART IV

PROCEDURES FOR DETERMINATION AND DEPOSITING OF ENVIRONMENTAL PERFORMANCE BOND

Preparation and submission of detailed decommissioning plan

8.-(1) A developer undertaking activity or process of the projects stipulated in the First Schedule shall be required within the prescribed time to prepare a detailed decommissioning plan which shall include cost estimates of environmental performance bond to be deposited.

(2) Subject to subregulation (1), the developed detailed decommissioning plan shall contain the content of evaluation of site-specific basis, site-specific data and impact analysis, parameters used to assess potential

environmental impacts of a hypothetical release to surface water or groundwater, evaluation against criteria for odors, the potential for subsurface migration, greenhouse gas and ozone precursor emissions to provide an effective strategy to manage closed site and be in manner prescribed in a layout prescribed in the Second Schedule.

(3) A detailed decommissioning plan shall be prepared by a registered environmental expert.

(4) A developer shall be required to sign declaration in a detailed decommissioning plan confirming the veracity of information provided in it.

Approval of
detailed
decommissioning
plan

9.-(1) The Council shall, through the Project Decommissioning Committee, within ninety days from date of receipt of the detailed decommissioning plan, review it and upon satisfaction of the content, approve or disapprove it.

(2) Where the Council disapproves the detailed decommissioning plan, the reasons for disapproval shall be communicated in writing to the developer.

(3) The developer shall be required to resubmit a revised detailed decommissioning plan within the time prescribed in the disapproval decision.

Submission of
approved detailed
decommissioning
plan

10.-(1) The Council shall, where it approves the detailed decommissioning plan, submit the plan to the Director of Environment for determination of a form of environmental performance bond to be deposited.

(2) Upon determination of the form of bond to be deposited, the Director of Environment shall notify the Council to inform the developer through a notice to deposit the environmental performance bond in a form determined.

Deposit of bond

11.-(1) A developer shall deposit an environmental performance bond to the Director of Environment in accordance with the notice issued under regulation 10(2) within thirty days from the date of receipt of the said notice.

(2) Upon deposit of an environmental performance bond, the Minister shall issue to the developer an environmental performance bond certificate in the form prescribed in the Third Schedule.

(3) Where a developer fails to comply with subregulation (1) within thirty working days after the lapse of the prescribed period, the developer shall be liable to a fine of not less than five million shillings but not exceeding one billion shillings.

Deposit of bond
not a defence

12. The environmental performance bond deposited to the Director of Environment by a developer shall not be-

- (a) an exemption for non-compliance to applicable provisions of the Act, these Regulations, any regulations made under the Act, any other written law or applicable standards; and
- (b) a defense to any civil action or to prosecution that may be brought or preferred against a developer in respect of the manner in which the project is executed, managed or operated.

Reassessment of
Bond

13. The Council may at any time, through the Project Decommissioning Committee, reassess an environmental performance bond amount where-

- (a) there has been an error in the assessment of an environmental performance bond;
- (b) there is substantial change or modification in a project or in a manner in which a project is being operated;
- (c) a project poses environmental threats which were not reasonably foreseen at the time of the original assessment and are likely to affect the ecosystem; and
- (d) it is established that the information or data given by a developer was false, inaccurate or intended to mislead.

Procedures for
project
decommissioning

14.-(1) A developer shall notify the Council on the intention to cease operation of a project by submitting a compliance report on a detailed decommissioning plan.

(2) A developer shall, through the Council, notify

GN. No.
267 of 2021

the Minister of the intention to surrender an environmental impact assessment certificate issued under the Environmental Management (Environmental Impact Assessment and Audit) Regulations.

(3) Within ninety days from the date of receipt of a compliance report on a detailed decommissioning plan, the Council shall, through the Project Decommissioning Committee inspect a project to confirm compliance with the conditions, specifications and standards set out in that plan.

(4) Subject to subregulation (3), during inspection of the project site, the Project Decommissioning Committee shall take into account the following:

- (a) public safety;
- (b) stability of the site under a range of seasonal conditions representative of that climate;
- (c) ecological system recovery;
- (d) sampling and analysis of applicable parameters;
- (e) time scales to meet the required safe decommissioning of a project, site rehabilitation and ecosystem restorations;
- (f) compliance history of a developer;
- (g) stakeholders' involvement, surrounding community and affected populations;
- (h) conditions, specifications and standards specified in the environmental performance bond certificate; and
- (i) any other factor as may be determined by the Council.

(5) The Council shall, after establishing that a developer has observed safe decommissioning to the satisfactory environmental standards, recommend to the Director of Environment to discharge an environmental performance bond.

(6) An environmental performance bond deposited shall be discharged within the post closure monitoring time prescribed in the First schedule.

(7) The Director of Environment, upon satisfaction with the recommendation under sub regulation (5), shall discharge an environmental performance bond.

Condition for discharge of environmental performance bond
GN. No. 349 of 2005

15. The Director of Environment shall not discharge an environmental performance bond or any interest accrued, if any, unless the environmental impact assessment certificate has been surrendered and the certificate of surrender has been issued to the developer in accordance with the Environmental Impact Assessment Regulations.

Confiscation and enforcement of deposited bond

16.-(1) The Council may, after giving a developer an opportunity to be heard for non-compliance of the provisions these Regulations, advise the Director of Environment to confiscate an environmental performance bond deposited by developer.

(2) The Council shall issue a written notice of intention to confiscate an environmental performance bond to a developer.

(3) A developer shall, within twenty-one days from the date of receipt of the notice issued under subregulation (2), be required to respond to it.

(4) Upon receipt of the response to the notice, the Council shall grant a developer an opportunity to be heard.

(5) Subject to subregulation (4), the Council shall, within fourteen days communicate its decision to a developer.

(6) Where the decision of the Council under subregulation (5) is about an improvement, the notice to restore the affected environment shall specify the time for improvement.

(7) Where a developer fails to comply with the decision stipulated under subregulation (6), the Council shall advise the Director of Environment to confiscate an environmental performance bond deposited and the bond shall be used to restore the affected environment.

(8) Where a developer fails to comply with the requirements of the provision of subregulation (3), the Council may advise the Director of Environment confiscate an environmental performance bond deposited without any further notice.

(9) Without prejudice to the provisions of subregulations (7) and (8), the Council may through the Director of Environment, advise the Minister to cancel any

other license, permit or certificate issued to a developer under the Act in respect of a specific project of concern, where a developer is a habitual offender.

(10) Where a developer is dissatisfied with the decision made under subregulation (9), he may appeal to the Environmental Appeals Tribunal established under the Act.

False information 17. A developer who has fraudulently provided false information or data with intent to mislead commits an offence and shall on conviction be liable to the general penalty prescribed under the Act.

PART V MANAGEMENT OF CONFISCATED ENVIRONMENTAL PERFORMANCE BOND

Management of
confiscated bond 18.-(1) Where a developer fails to meet conditions set for safe decommissioning and rehabilitation obligations, the confiscated environmental performance bond shall be used to rehabilitate the affected environment.

(2) The Council shall notify the Director of Environment on its intention to use the confiscated environmental performance bond to undertake rehabilitation at a respective ceased or abandoned project site.

(3) The Council shall, upon completion of the rehabilitation of the ceased or abandoned project site, through the Director of Environment, submit to the Minister a report indicating the status of rehabilitation including the amount of environmental performance bond spent for rehabilitation activities.

PART VI PROJECT DECOMMISSIONING COMMITTEE

Project
Decommissioning
Committee 19.-(1) The Council shall constitute a multi-disciplinary Project Decommissioning Committee to review and scrutinize a project detailed decommissioning plan.

(2) The Project Decommissioning Committee shall

be composed of members from ministries, Government institutions and research and higher learning institutions with experience in the area of the project to be decommissioned.

Functions of
Project
Decommissioning
Committee

20. The functions of the Project Decommissioning Committee shall include-

- (a) site verification, inspection, monitoring and assessment of compliance to environmental standards;
- (b) review of a detailed decommissioning plan;
- (c) reassessment of an environmental performance bond deposited;
- (d) advising the Council on matters related to the decommissioning of a project;
- (e) advising the Council on administration and management of an environmental performance bond; and
- (f) undertaking any other function in relation to a project decommissioning as may be referred to it by the Council.

Conducting
affairs of Project
Decommissioning
Committee

21. The Project Decommissioning Committee shall, in performing its functions under these Regulations, comply with the terms of reference as provided by the Council.

PART VII DUTIES AND RIGHTS OF DEVELOPER

Detailed
decommissioning
plan

22. (1) A developer shall prepare a detailed decommissioning plan which include-

- (a) name and location of a project;
- (b) clear description of a project;
- (c) evidence of environmental impact assessment or environmental audit certificates where applicable;
- (d) the environmental management systems in place;
- (e) a site rehabilitation, ecosystem restoration and maintenance plan including the required

- standards of rehabilitation works and time frame;
- (f) post closure monitoring mechanisms;
 - (g) safe decommissioning in case of emergency where applicable;
 - (h) analysis of various closure options and procedures for safe decommissioning;
 - (i) relevant scientific studies that may be incorporated in a detailed decommissioning plan where necessary;
 - (j) community engagement;
 - (k) progressive and post closure monitoring plan;
 - (l) cost analysis of the amount of an environmental performance bond to be deposited; and
 - (m) any other information that may be required.

(2) A developer shall, within the time prescribed in the First Schedule, submit to the Council a detailed decommissioning plan referred to in subregulation (1).

(3) A developer who fails to comply with the provision of sub-regulation (3), within sixty days after the lapse of the prescribed period, shall be liable to a fine of not less than five million shillings but not exceeding one billion shillings.

Facilitation of review

23. A developer shall be required to provide monetary facilitation in a review and approval process of a detailed decommissioning plan.

Updating detailed decommissioning plan

24. A developer shall, within the time prescribed in the First Schedule, review, update and submit a detailed decommissioning plan to the Council.

Return of bond

25. A developer shall be entitled to a return of whole or part of an environmental performance bond deposited upon satisfaction of the Council in compliance with these Regulations.

Self-audit

26. A developer shall take all practical measures to ensure the implementation of a detailed decommissioning plan by-

- (a) carrying out self-auditing annually;

- (b) preparing environmental audit report after each audit and submitting the report to the Council annually or as may be prescribed by the Council; and
- (c) ensuring that, the audit is based on compliance with the criteria and condition provided in the approved detailed decommissioning plan and is aimed at contributing to the safe decommissioning of the project.

PART VIII GENERAL PROVISIONS

Post closure
monitoring of
project

27. A developer shall, within the time prescribed in the First Schedule, conduct post closure monitoring and management of residual environmental impact of a project to assess compliance with the provisions of these Regulations.

Liability of
developer for post
closure
environmental
impact

28. A developer shall, unless such site is safe decommissioned, be liable to any environmental risk or misconduct of a site during project operation and post closure monitoring phases.

Transitional
period

29.-(1) A developer who is, prior to the coming into force of these Regulations, executing a project prescribed in the First Schedule shall be required to comply with provisions of these Regulations with twelve months from the date of commencement of these Regulations.

(2) Without prejudice to subregulation (1), compliance with these Regulations shall not affect compliance with the Act.

Validity of
environmental
performance bond

30.-(1) The environmental performance bond deposited, shall be valid until it is discharged or confiscated.

(2) Without prejudice to sub-regulation (1), the environmental performance bond deposited, shall not be discharged or confiscated until the Council is satisfied that the developer has complied with the detailed decommissioning plan.

- Duty to keep record 31. The Council and a developer shall keep record of the relevant information and data related to a project to facilitate smooth operations of the provisions of these Regulations.
- Exemption 32. The provision of these Regulations shall not apply to projects undertaken by the Government for service purposes.
- Offences and penalty 33. A developer who contravenes any provision of these Regulations for which no specific punishment is provided, commits an offence and on conviction shall be liable to fine of not less than fifty thousand shillings but not exceeding one billion shillings or to imprisonment of a term of not less than three months but not exceeding seven years or to both.
- Appeals 34.-(1) A person aggrieved by the decision made under these Regulations, may appeal in accordance with the provisions of the Act.
(2) Where an appeal under subregulation (1) lies to the Minister, it shall be made, within thirty days from the date of decision and shall be by way of a letter stating the grounds of appeal attached with the decision and any necessary documents as the Minister may require.
(3) The Minister shall make decision on the appeal within fourteen days from the date the appeal was received.
(4) The Minister shall, within seven days, communicate his decision and the reasons for the decision to the appellant
- Powers to issue policy guidelines or directives. 35. The Minister, after consultation with relevant sector ministries, may issue policy guidelines or directives to facilitate effective implementation of these Regulations.
- Bond governed by sector legislations 36.-(1) Sector ministries or institution legislations governing the depositing of any bond related to environment shall be required to comply with the provisions of the Act and these Regulations.
(2) Without prejudice to subregulation (1), any

sector or institutions which has received any bond for the purpose of undertaking safe decommissioning, site rehabilitation and ecosystem restoration, shall be required to notify the Minister on the form, amount and management of that bond or any portion of it allocated for implementation of environmental activities.

FIRST SCHEDULE

(Made under regulations 2, 8(1), 14(6), 22(3), 24,27 and 29)

LIST OF PROJECTS REQUIRING DEPOSIT OF ENVIRONMENTAL PERFORMANCE BOND

No.	PROJECT	ACTIVITY	PERIOD FOR SUBMISSION OF DETAILED DECOMMISSIONING PLAN (after commencement of the project)	DECOMMISSION PLAN UPDATE	POST CLOSURE MONITORING PERIOD
1.	AGRICULTURE	(a) large scale cultivation (≥ 100 Ha)	5 years	5 years	1 -3 years
		(b) irrigation, drainage; command area (≥ 500 Ha)	4 years	5 years	1-5 years
		(c) large scale mono-culture (cash and food crops) ≥ 100 Ha;	3 years	5 years	3 -10 years
		(d) Floriculture; ≥ 5 Ha; and	2 years	5 years	5 - 10 years
		(e) Sugar factories.	2 years	5 years	1 – 3 years
2.	FORESTRY	(a) timber logging; ≥ 5 Ha;	1 years	3 years	1-5 years
		(b) processing/ treatment of timber with chemicals;	1 years	5 years	5 - 10 years
3.	FISHERIES	(a) large scale fish farming	2 years	5 years	3 - 5 years

Environmental Management (Environmental Performance Bond) Regulations
GN. No. 369 (Contd)

No.	PROJECT	ACTIVITY	PERIOD FOR SUBMISSION OF DETAILED DECOMMISSIONING PLAN (after commencement of the project)	DECOMMISSION PLAN UPDATE	POST CLOSURE MONITORING PERIOD
		including prawn farming;			
		(b) Large scale artificial farming (aquaculture)	2 years	5 years	2-3 years
		(c) industrial fish processing and storage ≥ 50 tonnes per day; and	3 years	5 years	2 years
		(d) Introduction of Genetically Modified fish species and other aquatic species	3 years	5 years	3-5 years
4.	ENERGY	(a) thermal Power development; capacity ≥ 50 MW	1 years	5 years	1-3 years
		(b) nuclear power plant	1 year	3 years	5-15 years
		(c) Coal fired power plant	1 year	3 years	5-10 years
5.	INDUSTRIAL PROCESSING (Textiles, leather, wood, pulp and paper etc)	(a) Synthetic fibers	1 year	3 years	1 – 3 years
		(b) Tanneries; All integrated plants.	1 year	3 years	1 – 3 years
		(c) tobacco processing; and	1 year	3 years	1 – 3 years
		(d) Pulp and paper manufacturing.	1 year	3 years	1 – 3 years
6.	CHEMICAL	(a) Manufacture	1 year	2 years	1 – 5

Environmental Management (Environmental Performance Bond) Regulations
GN. No. 369 (Contd)

No.	PROJECT	ACTIVITY	PERIOD FOR SUBMISSION OF DETAILED DECOMMISSIONING PLAN (after commencement of the project)	DECOMMISSION PLAN UPDATE	POST CLOSURE MONITORING PERIOD
	INDUSTRIES AND FACILITIES	of pesticides or other hazardous or toxic chemical			years
		(b) Large storage of facilities for industrial, consumer or agro-chemicals;	1 year	2 years	1-5 years
		(c) Large storage facilities for petroleum or petrochemicals			
		(d) manufacture of pharmaceutical products;	2 years	5 years	1 – 3 years
		(e) production of paints vanishes;	1 year	2 years	1 – 5 years
		(f) soap and detergent plants; and	3 years	6 years	1 – 3 years
		(g) production of agrochemicals			
		(h) Manufacture of fertilizers.	3 years	6 years	1 – 3 years
7.	EXTRACTIVE INDUSTRY	(a) Mining and processing (Large and medium scale mines).	1 year	3 years	5 – 30 years
		(b) Quarring (Stones, Sand, Soil etc)	1 year	2 years	1 – 5 years
		(c) Non-hydrocarbon processing plant (Oxygen, Helium, and Carbondioxide	1 year	2 years	1 – 5 years
		(d) Biodiesel	1 year	2 years	1 – 5 years

No.	PROJECT	ACTIVITY	PERIOD FOR SUBMISSION OF DETAILED DECOMMISSIONING PLAN (after commencement of the project)	DECOMMISSION PLAN UPDATE	POST CLOSURE MONITORING PERIOD
		production plant			
		(e) Hydrocarbon (production, transportation pipeline, processing, refining and handling and storage)	1 year	3 years	5-30 years.
8.	NON-METALLIC INDUSTRY (PRODUCTS)	Cement Manufacturing	2 years	5 years	1 – 5 years
9.	ELECTRICAL AND ELECTRONICS INDUSTRIES	Battery manufacturing and recycling	1 year	3 years	1 – 5 years

SECOND SCHEDULE

(Made under regulation 8 (2))

OUTLINE OF THE DETAILED ENVIRONMENTAL DECOMMISSIONING PLAN

CHAPTER	CONTENT
Cover page	Should include title of the project, name and address of the developer/registered environmental expert, date of submission
Table of contents	Include list of figures and tables
Introduction	Including background information, Scope and objective of the Decommissioning Plan.
Project description	Include among others, location of project, site characteristics, nature of activity or processes, baseline information and data, analysis of environmental management systems in place;

Environmental Management (Environmental Performance Bond) Regulations
GN. No. 369 (Contd)

Risk assessment and Management Plan	Include risk identification, assessment and management,
Stakeholder's engagement	Decommissioning should be a consultative process, key stakeholders should be identified and consulted
Decommissioning methodology and Approach	Analysis of various closure options, development of closure completion criteria, collection and analysis of closure data supported by specific studies, where necessary,
Closure implementation and Monitoring Plan	Include measure applicable in case of emergency closure, emergency plan during post closure period
Financial provision	Include cost analysis of the amount of an Environmental Performance Bond to be deposited
Reference and appendices	

THIRD SCHEDULE

(Made under regulation 11(2))

ENVIRONMENTAL PERFORMANCE BOND CERTIFICATE

Acknowledgement of surety received

THE UNITED REPUBLIC OF TANZANIA
THE ENVIRONMENTAL MANAGEMENT (ENVIRONMENTAL PERFORMANCE BOND)
REGULATIONS, 2024



ENVIRONMENTAL PERFORMANCE BOND CERTIFICATE

(Issued under regulation 12 (2))

Certificate No.....

This is to certify that

.....of P. O. Box..... has deposited an environmental performance bond in a form of.....(type of bond deposited) to.....(name of grantor of the bond)

This certificate is to acknowledge that the above-mentioned developer, has deposited an environmental performance bond to secure the approved project (project name and area of implementation)

This certificate is to certify that, the company shall not terminate its surety unless the depository satisfied with its good environmental practices in the project area.

This certificate shall not be valid for any subsequent project.

Terms and conditions for this certificate are set out overleaf.

Name.....

Signature

Date.....

Minister responsible for Environment

Dodoma,
....., 2024

SELEMAN SAID JAFO
Minister of State-Vice President's Office
Union and Environment