

REGULATIONS GOVERNING THE PROVISION OF SERVICES FOR
HAZARDOUS WASTE MANAGEMENT



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**REGULATIONS GOVERNING THE PROVISION OF SERVICES
FOR HAZARDOUS WASTE MANAGEMENT**

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PREAMBLE

The Regulatory Board;

Pursuant to the BASEL Convention on the Control of Trans-Boundary Movements of Hazardous wastes and their disposal as adopted at BASEL on 22 March 1989, and approved by Presidential Order n° 29/01 of 24 August 2003 approving the membership of Rwanda;

Pursuant to Organic Law N°04/2005 of 08/04/2005 determining the modalities of protection, conservation and promotion of the environment in Rwanda;

Pursuant to Law N° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its Mission, Powers, Organisation and Functioning;

Based on recommendations made during the consultative meeting held on 30/06/2016 between RURA and different stakeholders in Sanitation sector;

During its meeting of 21/02/2017;

HEREBY ADOPTS:

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CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of these Regulations

The purpose of these regulations is to establish a regulatory framework for effective and efficient collection, transportation and treatment of hazardous waste in order to protect the public health and the environment.

Article 2: Definitions

In these regulations, unless the context stipulates otherwise, the following terms shall have the following meanings:

1. “**hazardous waste**”: any substances whether solid, liquid or gaseous that cause a serious harm to human health, security and other biodiversity together with the quality of the environment;
2. “**Licensee**”: any person who holds one of the licenses issued by the Authority under these regulations
3. “**License**”: refers to any document issued by the Regulatory Authority which authorizes the licensee to carry out the activity of hazardous waste management and handling as specified in that document under the conditions.
4. “**disposal**”: any operation which does not lead to recycling, recovery or reuse and includes physic-chemical, biological treatment, incineration and disposal in secured landfill;
5. “**facility**”: any establishment wherein the processes incidental to the handling, collection, reception, treatment, storage, recycling, recovery, reuse and disposal of hazardous wastes are carried out;
6. “**hazardous waste site**”: a place of collection, reception, treatment, storage of hazardous wastes and its disposal to the environment which is approved by the competent authority;

Article 3: Scope of application

These Regulations shall apply to any company, cooperative or individual engaged in any type of activities that provide or intend to provide services of hazardous waste collection, transportation and treatment.

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CHAPTER 2: TECHNICAL PROVISIONS

Article 4: Identification of hazardous waste

The Presidential Order n° 29/01 of 24 August 2003 approving the membership of the Republic of Rwanda to Basel convention has established a list of waste classified as hazardous waste in Rwanda.

Article 5: characteristics of hazardous wastes

Hazardous wastes are wastes that:

- (a) may cause or significantly contribute to an increase in mortality, serious or incapacitating conditions, illness;
- (b) may pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly stored, treated, transported, used, or disposed or otherwise managed;
- (c) under standard temperature and pressure is capable of causing fire or spontaneous chemical changes and when ignited burns so vigorously and persistently that it creates a hazard;
- (d) exhibits the characteristic of ignitability;
- (e) any material with the ability to cause corrosion to steel;
- (f) exhibit the characteristic of reactivity such as reacting violently with water;
- (g) form potential explosive when mixed with water and present a danger to public health, safety, or welfare, or to the environment;
- (h) Exhibit the characteristics of toxicity.

Article 6: Generation of hazardous waste

The generator of hazardous waste shall ensure that hazardous waste are well segregated from other wastes to avoid any harm to the environment and the community.

Article 7. Segregation of hazardous waste

The segregation of hazardous waste must meet the following requirements:

- (a) All hazardous waste must be segregated according to their nature to prevent incompatible mixtures;
- (b) The segregation can be by hazard class such as Flammable, Oxidizer, Pyrophoric, Reactive, Reducer, Acid, Base, and Toxic.

Article 8: Packing material for hazardous waste

The packing materials of hazardous waste shall be of the following conditions:

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- (a) inert and not react with hazardous waste;
- (b) Able to absorb impact.

The materials which can be used include Steel, Aluminium, Natural Wood, Plywood, Reconstituted wood, plastic materials.

Article 9: Types of containers for hazardous waste packing

The types of containers applicable for packing hazardous waste include the following types Bags, Boxes, Drums, Jerrycans, Combination packaging, Composite packaging, etc.

Article 10: Packaging of hazardous waste

The containers used for packaging hazardous waste shall be able to withstand normal handling conditions and retain integrity for at least six months must meet the following requirements:

- (a) All packaging material shall be of such strength, construction and type that would not break or become defective during transportation;
- (b) All packaging material shall be packaged and sealed in such a way that those spillages of hazardous wastes/substances are prevented during transportation due to jerks and vibrations caused by uneven road surface;
- (c) Re-packaging materials including that used for fastening must not be affected by the contents or form a dangerous combination with them;

Packaging material shall be such that there will be no significant chemical or galvanic action among any of the material in the package.

Article 11: Labeling of hazardous waste

All hazardous waste containers must be clearly labeled to indicate the presence of hazardous waste. The labels must be waterproof and firmly stuck to the containers so that they cannot be removed.

Containers storing hazardous waste shall be labeled with the words **“HAZARDOUS WASTE, IMYANDA IHUMANYA or DECHETS DANGEREUX”** or Warning or caution statements such as **“WARNING”** or **“CAUTION”**.

The information on the label must include the type of waste, origin (name, address, telephone number of generator), hazardous property (flammable, toxic, etc) and any symbol for the hazardous property.

Article 12: Collection of hazardous waste

Any generator of hazardous waste shall ensure that hazardous wastes generated are collected in appropriate manner and by an authorized person,

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company or cooperative. The personnel collecting hazardous waste must have personal protective equipment to avoid any physical contact with waste.

Article 13: Requirements for hazardous waste collection and transportation

Any company or cooperative intending to collect and transport liquid waste shall fulfill the following requirements:

- (a) Have appropriate vehicles designed to facilitate the collection, transportation and removal of hazardous waste;
- (b) Have a signed contract with the owner of the receiving hazardous waste for treatment.

Article 14: Transportation for hazardous waste

The transportation of hazardous wastes shall conform with the following requirements:

- (a) Hazardous waste shall be collected and transported by duly designed vehicles to transport hazardous waste;
- (b) The transportation vehicles and containers shall be suitably designed to transport hazardous wastes and must be fully closed all times;
- (c) Vehicles shall be painted preferably in a color that is easy to facilitate identification of the transportation of hazardous waste;
- (d) Vehicle should be fitted with mechanical handling equipment for safe handling and transportation of hazardous wastes and structurally sound and leak free to avoid contamination of local environment;
- (e) The words "**HAZARDOUS WASTE, IMYANDA IHUMANYA or DECHETS DANGEREUX**" shall be displayed on all sides of the vehicle to easily identify the vehicle;
- (f) Transporter shall carry documents of manifest for the wastes during transportation;
- (g) The trucks shall be dedicated for transportation of hazardous wastes ONLY and shall not be used for any other purpose;
- (h) Each vehicle shall carry first-aid kit, spill control equipment and fire extinguisher;
- (i) Vehicles transporting hazardous waste shall have a speed governor installation system to avoid any eventuality of over-speeding during the transportation of Hazardous waste;
- (j) Driver(s) shall be properly trained for handling the emergency situations and safety aspects involved in the transportation of hazardous wastes;

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- (k) The design of the trucks shall be such that there is no spillage during transportation and safety devices installed to detect any leaks of liquid waste from the tank.

Article 15: Storage facilities for hazardous waste

The storage of hazardous waste before treatment shall be handled with extreme care to avoid any contamination or hazard and the following are requirements pertaining to the storage of hazardous waste facilities:

- (a) The storage area shall have a proper containment system with a collection area to collect and remove any leak, spill or precipitation;
- (b) The designated hazardous waste storage area shall have proper enclosures, safety and avoid open storage;
- (c) Signboards showing precautionary measures to be taken in case of normal and emergency situations shall be displayed at appropriate locations;
- (d) Manual operations within storage area are to be avoided to the extent possible.
- (e) Proper precautions need to be taken in case of personnel use particularly during loading/unloading of hazardous waste.

Article 17: Treatment of Hazardous Waste

Any person that provide or intend to provide the services of hazardous waste treatment shall treat or cause to be treated such hazardous waste and shall operate under a license to provide such services.

Any products treated shall be disposed or treated in accordance with the conditions set by the competent Authority in consultation with the concerned stakeholders.

Article 18: Safe working conditions

To provider of services for treating hazardous waste shall ensure the safety of employees, visitors and other users within safe working conditions and shall confirm to the following:

- (a) Possess hazard warning signs including multilingual signs together with appropriate information regarding remedial action;
- (b) Provide adequate safety and protective equipment (masks, safety shoes, eye protection gadgets, gumboots, and other safety equipment) to employees involved in waste collection, transportation and handling;
- (c) Provide instructions and appropriate trainings to employees to minimize the risks;

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- (d) Provide social and medical insurance to employees to ensure treatment during, accident, illness or injury;
- (e) Provide risk prevention and management facilities

Article 19: Risk management

To minimize risks that may arise from daily operations, the Licensee shall take appropriate measure by putting in place a structured program of risk management as well as a health and safety policy.

CHAPTER 3: LICENSING REGIME

Section one: License application procedures

Article 20: License application for handling hazardous wastes

Any person, Company or Cooperative providing or intending to provide the services of hazardous waste collection, transportation or treatment shall acquire a license to provide such services from the Regulatory Authority.

Article 21: Criteria for License issuance

The Regulatory Authority shall issue a license for hazardous waste collection, transportation and treatment if the applicant:

- (a) has fulfilled all technical, operational and safety requirements in accordance with these regulations and relevant Laws;
- (b) has the financial capacity and readiness to perform all related activities applied for and to provide safe and reliable services in accordance with these regulations and applicable laws;
- (c) has sufficient employees with appropriate qualifications to perform their duties;
- (d) key members of the management have not been found liable for any significant violation of economic or environmental law or any actions related to fraud;
- (e) Was not found liable for significant license violations or license revoked in Rwanda,
- (f) Has complied with any other substantive criteria that the Regulatory Authority finds needful to fully protect the public health, safety and welfare.

Article 22: Administrative requirements for license application

Any person providing or intending to provide services related to hazardous wastes shall apply for a license to the Regulatory Authority.

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(i) The applicant for license of collection and transportation of hazardous waste shall provide the following documents:

- a. Application letter addressed to the Director General;
- b. Duly filled application form;
- c. Certificate of domestic Company or Cooperative registration (where applicable);
- d. Bank slip for the payment of license application fees;
- e. Health and safety policy;
- f. Motor vehicle inspection certificate;
- g. Copies of medical Insurance for employees;
- h. Five (5) year business plan ;
- i. Present a proof of ownership of at least one (1) owned appropriate vehicle for the collection and transportation of hazardous waste

(ii) The applicant for license of treatment of hazardous waste shall provide the following documents:

- a. Application letter addressed to the Director General;
- b. Duly filled application form;
- c. Certificate of domestic Company or Cooperative registration (where applicable);
- d. Bank slip for the payment of license application fees;
- e. Health and safety policy;
- f. Copy of environment impact assessment;
- g. Copies of medical Insurance for employees;
- h. Five (5) year business plan ;
- i. Specification of equipment to be used for the treatment of hazardous waste;

Article 23: License Application Submission and Review

Following the submission of license application, the Regulatory Authority shall process the license application in accordance with licensing process and procedures prescribed herein.

1. Any license application determined by the Regulatory Authority to be incomplete shall be considered a defective filing;
2. Any license application that has not made full payment of all regulatory fees due to the Regulatory Authority under a prior license shall be considered to be a defective filing until full payment of the outstanding balance is made;

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3. The Regulatory Authority may require the applicant to cure defective filing before any further proceedings take place.

Article 24: License application Proceedings

The Regulatory Authority may upon scrutiny of the application, within fourteen (14) working days after the receipt of the application, notify and require the applicant to provide such additional information or particulars or documents as considered necessary for the purpose of dealing with the application analysis.

Where the application is rejected the Regulatory Authority shall:

- (a) Inform the applicant in writing its reasons for rejection within five (5) working days;
- (b) If necessary, ask for required amendments to the application or provision of additional information within fourteen (14) working days for the application to be reconsidered.

Article 25: Decision on license Application

After the assessment process, the Regulatory Authority shall either grant the license or reject the applicant and such decision shall be communicated to the applicants.

In case the license is granted, the license shall be issued to the applicant upon the payment of license fee specified in annex 1 of these regulations;
In case the application is rejected, the Regulatory Authority shall notify the applicant in writing the reason of such refusal.

Article 26: Reasons for rejection of License Application

The Regulatory Authority shall reject a license application when it is found that:

- (a) The application was incomplete and the requested information was not submitted within the deadline set by the Regulatory Authority;
- (b) The applicant failed to demonstrate that he/she could meet the criteria for license issuance;
- (c) The applicant failed to demonstrate the technical or financial capacity to carry out the licensed services;

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- (d) The applicant has a history of significant criminal, civil, or license violations for economic, environmental, or fraudulent acts within Rwanda;
- (e) The applicant failed to comply with the Regulatory Authority orders, information requests, or other decisions during a prior license term;
- (f) The applicant failed to pay an application fee or regulatory fee due the Regulatory Authority under the previous license;
- (g) The applicant is in, or about to enter into insolvency, bankruptcy or liquidation; or
- (h) The applicant failed to provide any other information the Regulatory Authority determines necessary to protect the public health, safety and welfare.

Article 27: Validity of license

A license for the collection, transportation and treatment of hazardous wastes shall be granted for a period of five (5) years provided that the licensee complies with applicable Laws, rules and regulations.

Article 28: License renewal

An application for renewal of license shall be made at least sixty (60) days before the date of expiry of the current license.

The license renewal proceeding shall be subjected to the same procedures as new license application. The licensee shall provide a financial report and the proof of payment of the Regulatory fees for the previous years.

The Regulatory Authority shall attempt to make its decision not later than twenty (20) days prior to the expiration of the valid license.

The license renewal application shall not be considered if the applicant is not complying with these regulations.

Article 29: License Transfer

The transfer of licenses, including direct or indirect sale, assignment, conveyance, lease or other transfer of assets or activities subject to a license to a different individual or institution shall be subject to a prior written approval of the Regulatory Authority.

Such approval shall be granted after consideration of the matter and if the proposed transferee meets all the conditions for granting the relevant license.

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Article 30: License Modification

A license modification may be initiated by the Regulatory Authority or by the request of the licensee.

The Regulatory Authority may modify a license before the expiration of the license term when it determines that a modification of the license is needed in order to respond to:

- The inability of the licensee to comply with existing laws and regulations;
- To overcome events beyond licensee's control;
- Changes in the ownership or organizational status of the licensee or shareholding.

Article 32: Revocation or suspension of License

The Regulatory Authority, may, if the licensee has failed to comply with any laws, Regulations or the conditions of the license and after giving him a reasonable opportunity of being heard and after recording reasons thereof in writing suspend or cancel the license issued under these regulations for such period as it considers necessary in the public interest.

Upon suspension or cancellation of the license, the Regulatory Authority may give directions to the person whose license has been suspended or cancelled for the safe storage of hazardous wastes, and such person shall comply with such directives.

Article 33: License fees

The licensee shall pay license fees as well as the regulatory fees specified in the annex one (1) of these regulations.

Section 2: Licensee obligation and enforcement

Article 34: Reporting requirements

The licensee shall be required to maintain records that accurately track the daily operations regarding management and handling of hazardous wastes.

Annual operational and financial reports shall be submitted to the Regulatory Authority by the end of March of each year. All records and copies of all reports and other documents required shall be kept by the licensee for at least three years.

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The licensee shall also provide, within specified time, any information which the Regulator may request and which is deemed by the Regulator to be relevant in compliance with license terms and conditions.

Article 35. Liability of the licensee

The operator shall be liable for all damages caused to the environment or third party due to improper handling of hazardous wastes.

The licensee shall be liable to pay administrative fines as levied for any violation of the provisions under these regulations.

Article 36: Inspection

The Regulatory Authority pays planned and ad hoc inspections to the licensee facility as may be needed.

The Regulatory Authority or any person acting on its behalf has the right to inspect the hazardous wastes facility at any time during working hours and the licensee must cooperate with inspectors and provide all relevant documents as requested.

Article 37: Health and safety

The licensee shall ensure that employees are aware and understand all the Health and Safety practices / advices given in the operation and Maintenance Manuals.

Considerations shall be given to the safety of hazardous wastes facility workers and visitors by considering various applicable laws and regulations.

The personnel managing and handling hazardous waste must be provided with the following:

- (a) adequate protective and safety clothing;
- (b) adequate water and appropriate equipment or facilities for the management and handling the hazardous wastes;
- (c) first aid facilities and training;
- (d) Social and medical insurances;

Medical check-ups of all workmen of the facility shall be conducted on annual basis by registered medical practitioners;

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Article 38: Monitoring

The Regulatory Authority has the right to inspect the licensee at any time during working hours and he/she shall cooperate with inspectors and provide all relevant documents as requested.

Article 39: Staff Training

Staff intended to handle hazardous wastes shall receive adequate training to ensure that they fully understand the overall procedures, hazardous wastes characteristics, operational and emergency procedures. Also, staff should be able to carry out authorized activity in a manner that is not hazardous to public health, safety, or the environment.

Article 40: Accident reporting and follow-up

The licensee shall immediately report to the Regulatory Authority any situation or accident that occurs and any measures taken to manage the situation.

Article 41: Enforcement

The licensee shall ensure proper operation including equipment, control systems, and vehicles and shall comply all the times with the provisions of these regulations and all applicable laws.

The non-compliance with the provisions of these Regulations shall lead to sanctions.

Article 41: Administrative Sanctions

Any licensee who contravenes with the provisions of these regulations shall be subjected to administrative fines.

Faults and related administrative sanctions are determined in annex 2 of these Regulations.

CHAPTER 4: TRANSITIONAL AND FINAL PROVISIONS

Article 41: Transitional period

All persons operating without a license are given a period of not exceeding three (3) months to comply with the provision of these Regulations.

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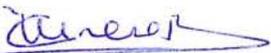
Article 42: Repealing provisions

All previous provisions contrary to these regulations are hereby repealed.

Article 43: Commencement

These regulations shall come into force on the date of signature by the Chairperson of the Regulatory Board.

Done at Kigali, 01 / 03 / 2017


Eng. Coletha U. RUHAMYA
Chairperson of the Regulatory Board



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Annex 1: Fees

Fees to be levied by the Regulatory Authority for the license of hazardous wastes collection, transportation and treatment are as follows:

A. Application Fees:

License Application fees: RWF 10,000;

B. License Fees

The license fee when the application is successful: RWF 200,000;

C. Regulatory Fees

The licensee shall pay annual regulatory fees as determined by the Regulatory Board from time to time as a contribution for the functioning of the Regulatory Authority

Annex 2: Administrative fines

Faults	Sanctions
Operating without license	200,000
Operating with expired license	200,000
Failure to provide information	500,000 – 1,000,000
Provide any false, inaccurate, incomplete or misleading information to RURA	1,000,000 and or revocation of the license
Discharge or dispose untreated or poorly treated waste to environment	Sanctions provided in organic law n° 04/2005 of 08/04/2005
Fail to submit a report	Sanctions provided in Board Decision N° 003/BD/ICA-CLIA/ RURA/2015 determining the contribution levied on annual turnover of the regulated services
Any repetitive failure to comply with the provisions of these regulations	Revocation of license
Cause any serious damage to the environment and the public health	Sanctions provided in organic law n° 04/2005 of 08/04/2005

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Done at Kigali, 01 / 03 / 2017


Eng. Coletha U. RUHAMYA
Chairperson of the Regulatory Board

