

**REPUBLIC OF RWANDA**



**RWANDA UTILITIES REGULATORY AUTHORITY**

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**REGULATIONS N° 005/R/SAN-EWS/RURA/2016 GOVERNING LIQUID WASTE  
COLLECTION AND TRANSPORTATION**

**Table of Contents**

**PREAMBLE..... 4**

**CHAPTER ONE: GENERAL PROVISIONS ..... 5**

Article One: Purpose of these regulations..... 5

Article 2: Definitions of terms ..... 5

Article 3: Scope of application..... 6

**CHAPTER 2: LICENSING REGIME..... 7**

Article 4: License for liquid waste collection and transportation ..... 7

Article 5: Criteria for license issuance ..... 7

Article 6: Administrative documents for license application..... 7

Article 7 : Assessment of license application ..... 8

Article 8: License application procedure ..... 8

Article 9: Final Decision of the Regulatory Authority..... 8

Article 10: Reasons for rejection of license application ..... 8

Article 11: License operation conditions ..... 9

Article 12: Validity of license ..... 9

Article 13: Loss of license ..... 9

Article 14: License renewal ..... 10

Article 15: License transfer..... 10

Article 16: Procedures for license transfer..... 10

Article 17: License Modification ..... 11

Article 18: Suspension and revocation of License ..... 11

Article 19: Appeal on license matters ..... 12

Article 20: Suspension of business activities ..... 12

**Regulations governing liquid waste collection and transportation**

**CHAPTER 3: LIQUID WASTE COLLECTION AND TRANSPORTATION ..... 12**

Article 21: Requirements for liquid waste collection and transportation..... 12

Article 22: Vehicle Designed for liquid waste collection and transportation ..... 12

Article 23: Load securing and Maintenance ..... 13

Article 24: Risk management..... 13

Article 25: Safe working conditions ..... 13

Article 26: Precautions while collecting and transporting liquid waste..... 13

Article 27: Environmental friendly principle..... 14

**CHAPTER 4: REPORTING , MONITORING, COMPLIANCE ..... 14**

Article 28: Reporting ..... 14

Article 29: Monitoring ..... 14

Article 30: Compliance with regulations ..... 14

**CHAPTER 5 : ADMINISTRATIVE SANCTIONS ..... 15**

Article 31: Operating without license ..... 15

Article 32: Failure to renew the license ..... 15

Article 33: Failure to provide information..... 15

Article 34: Resist, hinder or obstruct the Regulatory Authority ..... 15

Article 35: Failure to report ..... 15

Article 36: Repetitive failure to comply with regulations..... 15

**CHAPTER 6: TRANSITIONAL AND FINAL PROVISIONS ..... 16**

Article 37: Transitional period..... 16

Article 38: Repealing provisions..... 16

Article 39: Coming into force ..... 16

**Regulations governing liquid waste collection and transportation**

**PREAMBLE**

**THE REGULATORY BOARD;**

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°62/2008 of 10/09/2008 putting in place the use, conservation, protection and management of water resources;

Pursuant to Law N° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority and determining its mission, powers, organization and functioning;

Having considered the standards set and approved by Rwanda Standards Board with regard to the discharge of liquid waste effluent;

Committed to have a regulatory framework for liquid waste collection and transportation services;

After consideration and adoption in its meeting of 08 November 2016;

**HEREBY ADOPTS:**

**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 liquid waste collection and transportation service in Rwanda.

**Article 2: Definitions of terms**

In these Regulations, the following terms shall be defined as follows:

1. **Combined sewer:** a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
2. **Effluent:** liquid waste sent out from factories, building or places and flowing into water body or onto land;
3. **Environment:** a diversity of things made up of natural and artificial environment. It includes chemical substances, biodiversity as well as socio-economic activities, cultural, aesthetic, and scientific factors likely to have direct or indirect, immediate or long term effects on the development of an area, biodiversity and on human activities;
4. **Hauled sewage:** waste removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or any other sewage system;
5. **Industrial liquid waste:** the used water from manufacturing processes, usually carrying a variety of chemical compounds;
6. **Landfill leachate:** liquid that has percolated through the material buried in a landfill and is collected by an under drain liquid collection system;
7. **Licensee :** a legal document issued by the Regulatory Authority which authorizes the licensee to carry out the activity of liquid waste collection and transportation services;
8. **Municipal Liquid Waste:** Effluent which originates from any source and is discharged into a municipal sewage system ;
9. **Municipality:** A city, town or village incorporated by or under a law, and includes cell, sector, district that has as an object the disposal of sewage or refuse, or the provision of a system for the disposal of sewage or refuse or both;

## **Regulations governing liquid waste collection and transportation**

10. **Pollutant:** any waste disposal whether solid, liquid or gaseous, all wastes, smell, heat, excessive automobile noise, unbearable music noise, echo, radiation or combination of all that are likely to be destructive;
11. **Pollution:** The presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment;
12. **Regulatory Authority:** Rwanda Utilities Regulatory Authority (RURA);
13. **Sanitary sewer:** a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage or any combination thereof;
14. **Sewage:** any liquid waste containing human, animal, vegetable or mineral waste in solution or in suspension, except uncontaminated water;
15. **Sludge:** a thick, soft and wet mud or a viscous mixture of liquid and solid waste;
16. **Sewer:** an artificial, usually underground conduit used to carry off sewage or surface water;
17. **Storm sewer:** a sewer for the collection and conveyance of storm water to a designated receiving body or facility;
18. **Storm water:** water from rainfall or other natural precipitation or from the melting of snow or ice;
19. **Sustainable development:** An effective method of using the environment with an aim of exploiting it to support the present and plan for future generations in consideration of conserving biodiversity.

### **Article 3: Scope of application**

The scope of these Regulations shall apply to any company, cooperative or individual providing or wishing to provide services of liquid waste collection and transportation.

These services include but not limited to the collection and transportation of:

- i. Municipal liquid waste;
- ii. Septic waste and
- iii. Any other effluent specified by the Regulatory Authority.

**CHAPTER 2: LICENSING REGIME**

**Article 4: License for liquid waste collection and transportation**

Any person providing or intending to provide services of liquid waste collection and transportation must acquire the license from the Regulatory Authority.

**Article 5: Criteria for license issuance**

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

1. has fulfilled all technical, operational and safety requirements in accordance with these regulations and other relevant standards and laws;
2. 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 other applicable standards and laws;
3. has sufficient employees with appropriate qualifications to perform their duties;
4. key members of management have not been found liable for any significant violation of economic or environmental law or any other law related to fraud in Rwanda;
5. was not found liable for significant license violations or a license revoked in Rwanda;
6. has complied with any other substantive criteria that the Regulatory Authority finds needful to fully protect the public health, safety and welfare.

**Article 6: Administrative documents for license application**

The application for the license for liquid waste collection and transportation shall be composed of the following documents:

1. An application letter addressed to the Director General;
2. A dully filled application form;
3. Domestic company registration certificate for a company and legal personality for cooperative (RCA certificate);
4. Health and safety policy of the applicant ;
5. Copy of vehicle registration for vehicle used for liquid waste collection and transportation;
6. Copy of contract with the owner of disposal site for liquid waste disposal;
7. Five (5) years business plan ;
8. Copies of medical insurances for employees ;
9. Motor vehicle inspection certificate and
10. Bank slip of license application fee of twenty five thousand Rwandan francs (25.000 FRw);

Applicants for the liquid waste collection and transportation license must present a proof of ownership of at least one (1) owned appropriate vehicle for liquid waste collection and transportation.

## **Regulations governing liquid waste collection and transportation**

### **Article 7 : Assessment of license application**

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

Any license application determined by the Regulatory Authority to be incomplete shall be considered a defective filing;

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

### **Article 8: License application assessment procedure**

Upon receipt of a license application, the Regulatory Authority shall proceed with the examination of the submitted documents.

The Regulatory Authority may upon scrutiny of the application, within ten working (10) days after the receipt of the application, notify and require the applicant to furnish such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.

If the Regulatory Authority determines that the license application is complete, it shall grant a license within a period not exceeding ten (10) working days. The ten (10) days period does not include time for applicant to respond on the request for additional information. This time limit is an internal administrative time and not an enforceable deadline.

### **Article 9: Final decision of the Regulatory Authority**

The Regulatory Authority shall make a final decision on the license application relying upon applicable rules and regulations.

The Regulatory Authority shall decide to either issue the license, with or without conditions, or to deny the license application.

In the event the license is granted, the applicant shall pay the license fee of two hundred thousand Rwandan francs (200,000 FRw).

The applicant shall collect his/her license within a period not more than thirty (30) days following the notification of issuance of license. Any license not collected within this period shall be automatically canceled.

### **Article 10: Reasons for rejection of license application**

Where the application is rejected the Regulatory Authority shall:

(a) Inform the applicant in writing its reasons for rejection within five (5) working days;



## **Regulations governing liquid waste collection and transportation**

(b) If necessary, ask for amendments to the application or provision of additional information within ten (10) working days for the application to be reconsidered.

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;
- d. The applicant has a history of significant criminal or license violations for economic, environmental, or fraudulent acts within Rwanda or other countries;
- e. Members of the applicant's management have a history of significant criminal, civil, or license violations for economic, environmental, or fraudulent acts within Rwanda;
- f. The applicant does not have sufficient right, title and interest to conduct applied services;
- g. The applicant failed to comply with the Regulatory Authority orders, information requests or other decisions during a prior license term;
- h. The applicant failed to pay an application fee or regulatory fee ;
- i. The applicant is in, or about to enter into insolvency, bankruptcy or liquidation; or
- j. The applicant failed to provide any other information the Regulatory Authority determines necessary to protect the public health, safety and welfare.

### **Article 11: License operation conditions**

All licensees for liquid waste collection and transportation shall fulfill the following conditions:

- a. Operate in accordance with these Regulations and all applicable standards, laws and regulations;
- b. Provide necessary staff, material and equipment for effective service delivery;
- c. Comply with board decisions issued by the Regulatory Authority in the exercise of its functions;
- d. Keep record of its services in a form specified by the Regulatory Authority and submit the report to the Regulatory Authority every year from the commencement of the year in which the license has been issued;
- e. Pay the regulatory fees as approved by the Regulatory Board;
- f. Comply with any other condition that the Regulatory Authority shall consider relevant for proper service delivery.

### **Article 12: Validity of license**

A license for the provision of liquid waste collection and transportation services shall be granted for a period of five (5) years renewable.

### **Article 13: Loss of license**

The licensee must notify the Regulatory Authority about the loss of license and request for the duplicate within fifteen (15) days following the day the license has been lost.

## **Regulations governing liquid waste collection and transportation**

The application for duplicate which include the application letter addressed to the Director General of the Regulatory Authority must be accompanied by certificate of loss provided by a competent authority;

The request for license duplicate shall be subject to the payment of the entire license application fee of twenty five thousand Rwandan francs (25,000 FRw).

### **Article 14: License renewal**

The Licensee must apply for a License renewal within two (2) months before the expiration of the valid license.

The application for license renewal shall be composed of:

- Application letter addressed to the Director General of the Regulatory Authority ;
- Copy of the current license;
- Copies of vehicles registration, insurance and motor vehicle inspection certificates;
- Copy of contract or agreement with the owner of disposal site for liquid waste disposal;
- Proof of payment of regulatory fees for previous years.

The license shall not be renewed if the applicant has not complied with these regulations.

### **Article 15: License transfer**

The transfers 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.

Failure to comply with such requirements shall lead to license sanctions provided for in these regulations.

### **Article 16: Procedures for license transfer**

A license transfer proceeding is initiated by the licensee. Until the Regulatory Authority has issued an approval of the transfer, no licensee may attempt to transfer its license to another person.

A license transfer proceeding shall be conducted in the same manner as review of a license application. The transferee shall be considered as the licensee.

The duration of the license and the license terms and conditions shall remain the same, unless the license transferee requests a license modification as part of the transfer proceedings.

## **Regulations governing liquid waste collection and transportation**

### **Article 17: License Modification**

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

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

- (a) Significant changes in the controlling laws or regulations, or significant court decisions that directly affect the license provisions;
- (b) The inability of the license holder to comply with controlling license provisions due to events beyond licensee's control;
- (c) Changes in the ownership or organizational status, shareholding structure of the licensee;
- (d) Significant non-compliance by the licensee with current license provisions or other Regulatory Authority rules, decisions or orders.

### **Article 18: Suspension and revocation of License**

Depending on the seriousness of the offense committed by the Licensee, the Regulatory Authority may suspend or revoke a license before the expiration of the license term due to:

- (a) Licensee failure to comply with license terms and conditions;
- (b) Licensee abandonment of license activities;
- (c) Failure of the licensee to provide the Regulatory Authority with monitoring and reporting data required by the license or failure to cooperate with the Regulatory Authority inspections and audits;
- (d) Licensee submittal of false or deliberately misleading data or information to the Regulatory Authority in response to the Regulatory Authority request or in response to the Regulatory Authority monitoring reporting inspections or audits requirements;
- (e) Licensee failure to provide timely access to the Regulatory Authority or inspections or audits of licensee facilities and corporate records;
- (f) Bankruptcy, financial insolvency or liquidation of licensee;
- (g) Licensee failure to pay the regulatory fees.

A license suspension proceeding shall be conducted in the following manner:

- (a) The Regulatory Authority shall commence a license suspension by sending written notice to the licensee informing the licensee of the commencement of a suspension proceeding, and requiring licensee to file a response within five (5) working days ;
- (b) If the licensee contests the suspension or fails to convince to the Regulatory Authority notice, the latter shall notify the licensee the final decision as soon as practicable;

## **Regulations governing liquid waste collection and transportation**

(c) In case the Regulatory Authority confirms the license suspension, such decision shall be notified to the licensee and be published at the Regulatory Authority web site and any other media outlet determined by Regulatory Authority.

If the licensee does not correct such faults within fourteen (14) days during the period of suspension, the license shall automatically be revoked.

A licensee whose license has been suspended shall not, during the period of suspension, operate or provide the liquid waste collection and transportation services under the terms and conditions of such operator's license.

If the license has been revoked, it shall have an immediate effect from the date of revocation and the licensee shall within fourteen (14) days from the date of revocation of the license return the license to the Regulatory Authority.

### **Article 19: Appeal on license matters**

Where the applicant is not satisfied with the decision taken by the Regulatory Authority refusing to grant the license and after failure of an out of court settlement, he/she may appeal before the competent Court.

The Regulatory Authority decisions shall remain effective pending a final judicial decision on the appeal.

### **Article 20: Suspension of business activities**

The licensee who wishes to suspend or stop the business of liquid waste collection and transportation service provision shall notify the Regulatory Authority and return the license and shall ensure that he or she has fully paid the regulatory fees for the period he or she possessed the license.

## **CHAPTER 3: LIQUID WASTE COLLECTION AND TRANSPORTATION**

### **Article 21: Requirements for liquid waste collection and transportation**

Any person 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 liquid waste ;
- b. Have a signed contract with the owner of the disposal site or receiving wastewater treatment system.

### **Article 22: Vehicle Designed for liquid waste collection and transportation**

A liquid waste collection and transportation vehicle that has been designed to accommodate a particular type of liquid waste shall have a liquid containment tank that:

## **Regulations governing liquid waste collection and transportation**

- a. is structurally sound and leak free to avoid contamination of local environment;
- b. has sufficient volume to contain all the collected liquid waste;
- c. has an appropriate outlet and pipe for proper discharge of liquid waste.
- d. has a receptacle or container to effectively remove all solids and scum;
- e. has safety devices including devices to detect leaks of liquid waste from the tank;

The containment tank shall not release contained liquid during collection or transportation to avoid any threat to health or safety or get discharged to water bodies, channels or storm drains.

### **Article 23: Load securing and Maintenance**

The Licensee shall not overload the vehicle and ensure that the liquid waste is loaded to an acceptable height.

The maintenance manuals of all vehicle equipment and devices shall always be observed at all times in a manner to prevent unnecessary noise, oil and waste leakages, during its operation.

### **Article 24: Risk management**

To minimize risks that may arise from the 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.

### **Article 25: Safe working conditions**

To ensure the safe working conditions of employees, visitors and other users, the licensee is required to fulfill the following:

- (a) Possess hazard warning signs including multilingual signs together with appropriate information regarding remedial action;
- (b) Possess adequate safety equipment to workers involved in liquid waste collection and transportation;
- (c) Provide instructions and appropriate trainings to employees to minimize the risks;
- (d) Provide insurance of employees against illness or injury;
- (e) Avail protective clothing masks, safety shoes, eye protection gadgets, gumboots, and other safety equipment for risk prevention and management

### **Article 26: Precautions while collecting and transporting liquid waste**

While collecting and transporting liquid waste, the licensee shall:

- (a) Prevent the harbouring of flies, rodents, and other vectors;
- (b) Prevent situations arising for the transmission of diseases to man or animals;
- (c) Prevent windblown litter so as not to be injurious to human health and the environment;
- (d) Prevent the accumulation of materials in an untidy and unsafe manner so as to become a fire, health and safety hazards;

## **Regulations governing liquid waste collection and transportation**

- (e) Minimise offensive odours, dust, unsightliness, and aesthetically unsightly conditions; and
- (f) Prevent water pollution by limiting the escape of liquid waste or leachate, which could impact storm water management systems.

### **Article 27: Environmental friendly principle**

The License must make the environment friendly during the performance of his license obligations. To ensure that the environment is friendly the Licensee is prohibited to:

- a. Dumping or disposing of any liquid waste substances in a stream, river, lake and in their surroundings;
- b. Damaging the quality of the underground water;
- c. Discharging wastewater in wetlands, except after treatment in accordance with standards and regulations that govern effluent discharge; and
- d. Disposing of liquid waste in an unapproved place,
- e. the collected liquid waste is disposed off in an approved sewage treatment system subject to conditions required by the owner of the system, including written permission to do so;
- f. Ensuring that vehicles, tanks or tankers employed for liquid waste are not used to transport hazardous waste or potable water

## **CHAPTER 4: REPORTING , MONITORING, COMPLIANCE**

### **Article 28: Reporting**

The licensee shall submit to the Regulatory Authority an annual report highlighting technical aspects as well as the financial statements. The service provider shall follow the reporting format provided by the Regulatory Authority and the annual report must be submitted not later than 31 March of each year.

The licensee shall keep financial and accounting records that shall be available for any inspections and whenever required by the Regulatory Authority.

### **Article 29: Monitoring**

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

### **Article 30: Compliance with regulations**

The licensee shall operate in compliance with these regulations and any other laws in relation with liquid waste management.

## **Regulations governing liquid waste collection and transportation**

The non compliance with provisions set out in these Regulations as well as license terms and conditions shall lead to regulatory measures to remedy the failure within a specified period of time and/or administrative sanctions.

### **CHAPTER 5 : ADMINISTRATIVE SANCTIONS**

#### **Article 31: Operating without license**

Any licensee operating without a license issued by the Regulatory Authority shall be liable to an administrative fine of five hundred Rwandan francs (500,000 FRw) with a suspension of the business until a valid license is issued.

#### **Article 32: Failure to renew the license**

Any licensee who fails to renew the license within the specified period of time and continues to provide such services shall be liable to an administrative fine of five hundred Rwandan francs (500,000 FRw) with a suspension of the business until the license is renewed.

#### **Article 33: Failure to provide information**

Any licensee who fails to provide information or provides misleading information as requested by the Regulatory Authority shall be subject to a daily administrative fine of two hundred thousand (200,000 FRw) to two million (2,000,000 FRw) Rwandan francs.

#### **Article 34: Resist, hinder or obstruct the Regulatory Authority**

Any licensee who resists, hinders or obstructs the Regulator or any person acting on its behalf in the course of his duty under the provisions of these regulations shall be liable to administrative fine of five hundred thousand Rwandan francs (500,000FRw).

#### **Article 35: Failure to report**

Any licensee who fails to submit the report within the specified time period shall be liable to a fine of two hundred thousand Rwandan francs per day (200,000 FRW /day) applicable up to 30 days from the deadline given, after which further proceedings for license suspension may start.

#### **Article 36: Repetitive failure to comply with regulations**

Repetitive failure to comply with these regulations or license obligations shall lead to suspension or revocation of the license as may be decided by the Regulatory Authority.

**CHAPTER 6: TRANSITIONAL AND FINAL PROVISIONS**

**Article 37: Transitional period**

All existing operators providing services in liquid waste collection and transportation shall fully comply with the provisions of these regulations within a period not exceeding three (3) months from the date of publication of these regulations.

**Article 38: Repealing provisions**

All previous provisions contrary to these Regulations are hereby repealed.

**Article 39: Coming into force**

These Regulations shall come into force on the date of its signature by the chairperson of the Regulatory Board.

**Kigali, on 10/11/2016**

(Sé)

**Eng. Collette U. RUHAMYA**

**Chairperson of the Regulatory Board**