

## Chapter 20:27 Environment Management Act (Effluents and Solid Waste Disposal) Regulations, 2007

1 These regulations may be cited as the Environment Management (Effluents and Solid Waste Disposal) Regulations 2007.

2 In these regulations—

“**agricultural waste**”. means waste whether solid or liquid generated from agricultural activities;

[Definition inserted by SI 4/11 with effect from the 21st January,2011]

“**appropriate fee**” means a fee prescribed in the *First Schedule*;

“**applicant**” means an applicant for the issue, renewal or amendment of a licence;

“**blue licence**”, “**green licence**”, “**yellow licence**” or “**red licence**” means a licence referred to respectively in section *six*(1) (a), (b), (c) or (d);

“**disposal**”, in relation to the disposal of waste or effluent, means to let out waste or effluent to the environment;

“**discharge**” in relation to pollution from waste or effluent or any polluting substances means to let out to the environment;

“**domestic waste**” means household waste;

[Definition inserted by SI 4/11 with effect from the 21st January,2011]

“**form**” means a form prescribed in the *Second Schedule*;

“**general waste**” means waste that is not listed under hazardous waste;

“**industrial waste**” means waste whether solid or liquid generated from any industrial activity;

[Definition inserted by SI 4/11 with effect from the 21st January,2011]

“**licence**” means a licence issued in terms of section *six*;

“**litter**” means any rubbish that is not disposed of in the rubbish bins or areas designated to disposing rubbish;

“**local authority**” means a local authority as defined in the Urban Councils Act [*Chapter 29:15*] and Rural Councils Act [*Chapter 29:13*];

“**mining waste**” means waste whether solid or liquid generated from any mining activity;

[Definition inserted by SI 4/11 with effect from the 21st January,2011]

“**waste or effluent**” means waste or effluent—

- (a) comprising organic or inorganic matter, including water containing such matter;
- (b) consisting of waste water;

“**waste water**” means effluent or water which has been produced by or results from the use of water for any purpose.

3 It shall be the duty of the Agency to consider and investigate applications for the issue of licences in terms of these regulations and generally—

- (a) to control and regulate the disposal of waste or effluent which may affect the quality of environment;
- (b) to maintain records of the extent and nature of environmental pollution in Zimbabwe for use in the planning for and management of the nation’s natural resources; and
- (c) to advise the public and the private sector on control of environmental pollution.

4 (1) An Environmental Quality Standards and Enforcement Committee (“**the Committee**”) shall comprise of members specified in the Fourth Schedule of the Act.

5 (1) Subject to section *eleven*, no person shall dispose of waste or effluent into a public stream or into any other surface water or ground water, whether directly or through drainage or seepage, except under a licence.

(2) A person wishing to dispose of waste or effluent shall submit an application for a blue, green, yellow or red licence in Form **ESWD 1**, together with the appropriate fee to the Agency:

Provided that if the applicant does not know what class of licence to apply for, the appropriate fee for the issue of a yellow licence shall be submitted pending the determination of the application in terms of section *six*.

(3) A separate application in Form **ESWD 1**, together with the appropriate fee, shall be submitted in respect of each disposal point or method used in the disposal sought to be licensed.

(4) The licence holder wishing to renew or amend his or her licence shall submit an application in Form **ESWD 1**, together with the appropriate fee, to the Agency.

(5) Anyone who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level fourteen or two years imprisonment or both such fine and imprisonment.

[Subsection (5) inserted by SI 4/11 with effect from the 21st January,2011]

6 (1) Upon receiving an application in terms of section *five*(2) the Agency may, after such inspection as it deems fit, issue any one of the following licences in Form **ESWD 2** by reference to the licence classification criteria contained in the *Third Schedule* and to the test parameters for the issue of the relevant licence prescribed in *Fourth Schedule*—

- (a) A **blue** licence in respect of a disposal, which is considered to be environmentally safe;
- (b) A **green** licence in respect of a disposal that is considered to present a low environmental hazard;
- (c) A **yellow** licence in respect of a disposal which is considered to present a medium environmental hazard; and
- (d) A **red** licence in respect of a disposal that is considered to present a high environmental hazard.

(2) Where necessary for the purposes of determining whether to issue a blue, green, yellow or red licence, the Agency shall employ the appropriate standard test of the Standards Association of Zimbabwe (**SAZ**) prescribed opposite the parameter concerned, or other test so prescribed, in the last 3 columns of the table in Part II of the *Fourth Schedule*. For the purpose of these regulations, the analytical results from the Agency supersedes any other result from any other laboratory, whenever there are disagreements of any such results.

(3) Upon receiving an application in terms of section *five*(4) the Agency may, after such inspection as it deems fit, issue a different class of licence to the one sought to be renewed or amended.

(4) The Agency—

- (a) shall reject an application for the issue, renewal or amendment of a licence –
  - (i) relating to the disposal of waste or effluent consisting of waste water which does not conform to the standards of quality prescribed in Part II of the *Fourth Schedule*;
  - (ii) in respect of the disposal of waste or effluent in a sensitive area, unless the disposal qualifies for the issue of a **blue** licence in accordance with the stricter test parameters required for the issue of such a licence in such an area as prescribed in the 2nd column of the table in Part II of the *Fourth Schedule*;
- (b) may reject an application for—
  - (i) the issue, renewal or amendment of a licence if it considers that the disposal presents unacceptable social, environmental or economic risks; or
  - (ii) the renewal or amendment of a licence where it finds that the licence holder has in the past persistently failed to comply with the terms of an existing licence.

7 (1) The river catchments specified in the *Fifth Schedule* shall be sensitive areas for the purposes of these regulations.

(2) In addition to the sensitive areas referred to in subsection (1) the Minister may, by notice in the *Gazette* declare any area comprising or in which is located any of the following to be a sensitive area—

- (a) a freshwater lake, reservoir or other body of water found to be eutrophic or which in the near future may become eutrophic if preventive action is not taken;
- (b) surface freshwater or groundwater intended for abstraction of drinking water which is found to contain more than **10 mg/l nitrate** or which may in the near future contain more than 10 mg/l nitrates if preventive action is not taken;
- (c) any body of water requiring special protection for environmental or fisheries purposes.

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8 The requirements to be complied with in respect of any sample which may be taken or required to be taken of waste or effluent for the purposes of these regulations shall be as prescribed in the *Sixth Schedule*.

9 (1) A licence shall not be transferable to any other person.

(2) A licence shall be valid for a calendar year running from January to December unless specified in the licence.

(3) The Agency may, at any time while a licence is in force, review it and amend or cancel it where there has been any material change in the circumstances in respect of which it was originally issued or any failure on the part of the licence holder to comply with any of its terms or conditions.

(4) A licence shall relate only to the particular facility or method used in discharging or disposing of the waste or effluent in respect of which it was issued and not to any other such facility or method or to any substantial alteration or modification of the facility or method originally licenced.

(5) An inspector or any other authorised person shall monitor compliance with the terms of the licence, for which purpose—

- (a) the licence holder shall allow an inspector or an authorised person access to the disposal site during normal working hours or any other time the Agency sees fit, for the purposes of inspection and the collection of samples;
- (b) the licence holder shall pay the appropriate monitoring fee to the Agency.

(6) There shall be charged to the licence holder and payable to the Agency the appropriate environmental fee—

- (a) **per kilolitre** of the total volume of liquid waste or effluent disposed of by the licence holder;
- (b) in respect of the disposal of solid waste on land by the licence holder;

within **every period of 3 months** ending on the 31st March, 30th June, 30th September and 31st December in each year, for which purpose the licence holder shall render to the Agency a quarterly return of the total volume of liquid waste or effluent and of the quantity and nature of solid waste disposed of by the licence holder **no later than 14 days** after the quarter to which the return relates.

(7) In the case of a holder of a **red** licence, an **additional fee of 50%** of the total appropriate fees payable by the licence holder in terms of subsections (5) and (6) shall be payable to the Agency for every quarter during which the licence is held following the quarter in which it was first issued.

(8) Every licence holder shall maintain records of all relevant information pertaining to management of the licensed waste or effluent, including flow or disposal records, waste analysis, receiving waters analysis, accidental discharges and pertinent correspondence with the Agency, and these records shall be retained and made available for inspection at the request of any officer of the Agency for a period of **3 years**.

10 (1) The Agency shall keep a register of licences in which the following information shall be recorded in respect of every licence holder **within 10 days** of the issue of the licence or the occurrence of the matter required to be recorded—

11 (1) A licence shall not be required in respect of the following—

(a) the on-site disposal of household domestic waste by means of pit latrines, septic tanks and associated soakways, refuse pits and other on-site household domestic sanitation systems (the limit for household domestic usage of septic tanks and associated soakways is **10 people per facility**);

(b) the application of inorganic fertilisers, chemicals and animal manure used for the purposes of agricultural production, if the application is on-site and its effects are restricted to the location where such production takes place.

(2) Notwithstanding paragraphs (a) and (b), the Agency may require the person or local authority responsible for the disposal concerned to apply for a licence where it finds that the site in question disposes of or receives waste or effluent that contains material that may cause environmental pollution.

## PART IV

### WASTE MANAGEMENT PLANS AND TARGETS

12 (1) For the purposes of these regulations every generator of wastes (**except at household level**) shall, **not later than the 31<sup>st</sup> December**, of each year prepare, implement and adhere to a waste management plan which will consist of—

(a) an inventory of the waste-management situation specifying the—

(i) quantity of waste product; and

(ii) the components of such waste; and

b) specific goals for—

(i) the adoption of cleaner production methods;

(ii) the reduction of the quantities and pollutant discharges of wastes;

(iii) the recycling and sorting, wherever practicable, of wastes in an environmentally safe form and manner;

(iv) the safe transportation and disposal of the wastes than can be neither prevented nor recycled;

(v) generally, the adoption of environmentally sound management of wastes.

(2) Every local authority shall, **not later than 31st December** of each year, prepare a waste management plan which shall consist of the matters specified in subsection (1) in relation to waste generated by or in the possession of the local authority, and in preparing its plan the local authority may request in writing that generators of waste within its jurisdiction shall submit to it their own waste management plans.

(3) The Agency, may require any particular generator of wastes, in writing, to prepare a waste management plan at shorter intervals than that specified in subsection (1).

(4) The Agency may prepare a national waste management plan providing for the strategic location of the facilities required for the treatment of wastes and the distribution of those waste among such facilities, and in preparing the national waste management plan the Agency may request in writing that local authorities and other generators to submit to it, or prepare and submit to it their own waste management plans, **within 30 days** of receiving the request.

13 (1) The Agency shall from time to time set waste prevention targets with regard to the emission and disposal of waste by any generator of waste.

(2) Waste prevention targets may relate to—

(a) the acceptable levels of the emission and disposal of waste by generators of waste;

- (b) the design of products form containing few pollutants when put to their intended use;
  - (c) the development, manufacture, processing, treatment and design of products in such a form that the residual substances can be recycled;
  - (d) the incorporation or use of a certain proportion of recycled materials in the manufacture of specified products;
  - (e) the creation of modes of distribution, such as 2-way and return systems, that reduce residual waste to a minimum;
  - (f) the consumption of products in such form that little waste is generated;
  - (g) the giving of preference in the procurement of goods by the Government and Government agencies to products that cause little pollution after consumption or upon becoming waste.
  - (h) the setting of minimum trade effluent targets for local authorities to impose in feeder effluent streams;
- (3) Notice of a waste prevention target shall—
- (a) specify the target in writing with sufficient particularity;
  - (b) be served on every generator of waste;
  - (c) specify a reasonable period or timetable for reaching the target;
  - (d) may specify the procedure for establishing whether the set target has been reached;
  - (e) may impose an obligation on the generator of waste to inform the Agency at regular intervals on the extent or the estimated extent to which the target set for it has been reached.
- (4) Every generator of waste notified of a waste prevention target in terms of subsection (3) shall incorporate such target in its waste management plan.
- (5) The local authority shall, in setting aside the suitable area referred to in subsection (1), follow the measures required in subsection (3).

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- 14 (1) Every local authority shall designate suitable sites as waste collection sites within its area of jurisdiction for the management of wastes and ensure a waste collection frequency that minimizes accumulation and avoids decomposition of waste on collection sites.
- (2) In determining what sites to designate for the purposes of subsection (1), the local authority shall commission a report by any person qualified to make such reports assessing the anticipated impact on the environment of any facilities referred to in subsection (1).
- (3) The report shall include—
- (a) an evaluation of the suitability of any such site for the purposes of subsection (1) and also taking into consideration of the following peculiarities of the site—
    - (i) its geology;
    - (ii) its hydrograph;
    - (iii) its climatic conditions;
    - (iv) its topography;
    - (v) its physical infrastructure;
    - (vi) other features that may impact on the welfare of any animal, plant or human life in the vicinity of the site.
  - (b) an evaluation of the suitability of any site in relation to the purpose and scope of any facility proposed to be located there;

(c) a description of the measures necessary to prevent, limit or otherwise compensate any major negative effects on the environment arising from the location of specified facilities in specified sites.

(4) The local authority shall give any water management planning authority an opportunity to comment on the report submitted to it in terms of subsection (2).

15 (1) Subject to subsection (2), every person, other than a local authority or agent of a local authority, operating or proposing to operate a waste collection enterprise, shall, **no later than 30 days** from the \*date of publication of these regulations,

[\* 5th January, 2007 -Editor]

16 (1) For the purposes of this section, every local authority shall appoint in writing a waste management enterprise licensing agent, whose name shall be communicated to the Agency and liaise with the Agency in all waste management enterprises licensing.

(2) Subject to subsection (3) every person, other than a local authority or agent of a local authority, who operates or proposes to construct, operate, relocate or alter any premises for the purposes of a waste management enterprise shall, **no later than 30 days** from the \*date of publication of these regulations,

[\* 5th January, 2007 -Editor]

or before the commencement of the undertaking, as the case may be, apply for a waste management enterprise licence.

(3) Subsection (2) shall not apply to the management by a generator of wastes of its own wastes and waste oils, unless it is notified in writing by the Agency where the Agency is of the opinion that the scale of the hazardous nature of the wastes produced, possessed, controlled or managed by a generator of wastes requires that it should apply for a waste management enterprise licence in terms of this section.

(4) Every person requiring a waste management enterprise licence shall—

(a) make application in the form prescribed in the *Second Schedule* for the relevant premises to be licensed as a waste management enterprise;

(b) submit the application in duplicate to the licensing agent within whose area of jurisdiction the waste management enterprise is or is proposed to be located and get the consent of the local authority;

(c) pay to the licensing authority the appropriate fee as the local authority may require for the consideration of the application;

(d) where the applicant operates or proposes to construct, operate or relocate any premises for the purposes of a waste management enterprise at a site other than one designated in terms of section *five*, submit with the application a report by any person qualified to make such reports assessing the anticipated impact on the environment of its operations at the site in question;

(e) submit with or in connection with the application such additional information as the licensing agent or the Agency may require, including—

(i) information on the type, purpose, scope and duration of the waste management enterprise;

(ii) information concerning the ownership or condition of occupancy of the land on which the waste management enterprise is or is to be located;

(iii) a description of the operation, including a list of the machinery and other operating equipment;

(iv) a description of the premises of the waste management enterprise accompanied by the relevant drawings or plans;

(v) a description of the wastes to be used for the purposes of the waste management enterprise and the manner of their storage, treatment, recycling or processing;

- (vi) a description of the measures intended for the prevention or mitigation of pollution including measures for the prevention of water pollution;
- (vii) a description of the emissions expected from the treatment plant;
- (viii) a description of the measures to be taken in the event of accidents.

(5) Immediately after receiving an application in terms of subsection (4), the licensing agent shall, at the expense of the applicant, publish, in **not less than 3 consecutive issues** of a newspaper circulating within jurisdiction of the local authority concerned, a notice giving adequate particulars of the application and inviting any persons having any objections to the waste management enterprise licence being granted to lodge them in writing to the local authority **within 21 days** from the date of the first publication of the notice.

(6) After the local authority concerned has considered any objections received in terms of subsection (5), the licensing agent through whom the application is made shall transmit a copy of the application, together with recommendations of the local authority thereon, to the Agency, and the application shall, unless the Agency earlier approves, with or without conditions, or refuses, the application, be deemed to have been approved, with or without conditions, or refused, in accordance with the recommendations of the local authority, **1 calendar month** from the date when the licensing agent received the application:

Provided that the Agency may, within that period, notify the licensing agent in writing that the Agency requires further time to consider the application, and thereafter such applications shall not be determined until the Agency approves, with or without conditions, or refuses, the application.

(7) Upon approval, with or without conditions, of an application for a waste management enterprise licence, the licensing agent shall issue to the applicant, on behalf of the Agency, a waste management enterprise licence in the form prescribed in the *Second Schedule*, which shall be valid for a **period of 1 year** from the date of issue, unless specified in the licence:

Provided that if the occupancy of the premises licensed as a waste management enterprise changes during the validity period of the licence, the licence shall be deemed to have expired from the date of change of occupancy.

(8) The Agency shall not licence a waste management enterprise to import any waste or waste oils unless it is satisfied that the waste management enterprise has the capacity to manage the wastes adequately and safely.

17 (1) Every local authority operating or proposing to operate a waste collection enterprises, whether on its own account or through an agent, shall **no later than 30 days** from the \*date of publication of these regulations,

[\* 5th January, 2007 -Editor]

18 (1) The operator of every waste management enterprise shall appoint a waste manager whose duties shall include the monitoring of compliance of the waste management enterprise with these regulations.

(2) The waste manager shall be engaged on a full-time basis at the enterprise and be present on the premises of the enterprise during normal business hours, and shall be on call after hours in case of emergency. The operator of the enterprise may appoint or authorise the waste manager to appoint a deputy to stand in for the waste manager during any period that the waste manager is unable to perform his or her functions in terms of this section.

(3) The appointment of a waste manager shall not affect the responsibility of the holder of the waste management enterprise licence to comply with these regulations.

(4) Anyone who fails to comply with this section shall be liable to a fine not exceeding level fourteen or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

19 (1) Where any person wishes to apply for an amendment to a waste management enterprise licence in respect of—

- (a) the name of any importer or supplier of wastes recorded on the licence; or
- (b) the name of the waste management enterprise; or

(c) any change in the volume or substances comprising the waste treated or recycled at the enterprise that materially increases the hazard posed to employees and the environment in the vicinity of the enterprise;

the person shall submit the relevant particulars of the proposed amendment, together with the licence, to the licensing agent or, in the case where the holder of the licence is a local authority, the Agency, and sections *seven*(4), (6) and (7) and sections *eight*(4), (5) and (6), as the case may be, shall apply.

(2) Where an application in respect of any amendment referred to in subsection (1) has been approved by or on behalf of the Agency, the necessary amendment shall be made to the licence, or a new licence may be issued at the discretion of the licensing agent or Agency, as the case may be.

(3) An application for the renewal of a waste management enterprise licence shall be made in the form prescribed in the *Second Schedule* and shall be accompanied by the prescribed application fee and the licence required to be renewed.

(4) When a waste management enterprise licence is renewed, the original licence shall be endorsed to the appropriate effect, or a new licence may be issued at the discretion of the licensing agent or the Agency, as the case may be.

(5) Where a person to whom a waste management enterprise licence has been issued notifies the Agency, that such licence has been lost, stolen, destroyed or defaced, or is for some other reason no longer in his or her possession, the Agency may, on payment of a fee, issue a duplicate licence.

20 (1) In the case of a waste management enterprise licence issued by the Agency in terms of section *seventeen*, the licensing agent may, at the initiative of the local authority concerned, give notice of the cancellation or variation of the licence to the holder concerned, and inform the Agency accordingly forthwith for endorsement of the initiated cancellation or amendment.

(2) Where the local authority intends to cancel or vary the licence in terms of subsection (1), the licensing agent shall transmit a copy of the notice to vary or cancel waste management enterprise licence, together with any comments of the holder of the licence and recommendations of the local authority, to the Agency, and the licence shall, unless the Agency earlier directs otherwise, be deemed to have been cancelled or varied in accordance with the recommendations of the local authority, **2 calendar months** from the date when the holder of the licence received notice thereof:

Provided that the Agency may, within that period, notify the licensing agent in writing that the Agency requires further time to consider the proposal to cancel or vary the licence, and thereafter the matter shall not be determined until the Agency gives its own direction in the matter.

21 (1) Every local authority shall keep records and register of every waste collection and management enterprise operating within its area of jurisdiction.

(2) Every operator of a waste collection or waste management enterprise shall keep and maintain up to date records on the type, quantity, origin and whereabouts of wastes or, waste oils collected or managed by it.

(3) Every record and register kept in terms of this section shall be kept for a **minimum of 7 years** and shall be produced for inspection at the request of the authority.

(4) Any person who fails to keep any records or register shall be guilty of an offence and liable to a fine not exceeding level fourteen or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

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22 (1) No person shall dispose general waste or hazardous waste at any other place except in a licensed general landfill or a hazardous waste landfill.

(2) With effect from the \*date of publication of these regulations,

[\* 5th January, 2007 -Editor]

all new solid waste sites shall be lined with the appropriate (as approved by the Agency) lining specific to the nature of the environmental risk, whether it is an industrial, domestic, mining or any type of solid waste.

(3) No person shall continue to use an old unlined solid waste site for **more than 5 years** from the \*date of publication of these regulations.

(4) Any person who violates subsections (1) and (2) shall be guilty of an offence and liable to a fine not exceeding level fourteen or imprisonment for a period not exceeding one year or to both such fine and such imprisonment. In addition to the fine or imprisonment the site shall be closed until it is lined.

(5) Classification of general waste disposal through a landfill shall be as prescribed in Table 4 of the *Third Schedule* and the fees shall be as prescribed in the *First Schedule*.

23 (1) Any person found throwing litter on any land or water surface, street, road or site in or any place except in a container provided for that purpose or at a place specifically designed for that purpose shall be guilty of an offence and liable to a fine not exceeding level three or imprisonment for a period not exceeding six months or to such fine and such imprisonment unless any bye-laws within the area of jurisdiction of the local authority concerned provides for the offence in question.

(2) Any **operator of a public passenger conveyance** shall put in place sufficient **bins** within the vehicle for use by the passengers.

(3) Any operator of a public passenger conveyance who fails to provide sufficient bins within the vehicle for use by the passengers shall be guilty of an offence and liable to pay a fine not exceeding level fourteen or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

24 (1) Any person, authorised to carry out any type of mining activity in accordance with the Mines and Minerals Act [*Chapter 21:05*] shall—

(a) do so in a manner that does not adversely affect the environment;

(b) on cessation of operations, rehabilitate the environment to the satisfaction of the Agency **with 12 months** of cessation of operations;

(c) keep an environment logbook detailing all breaches and particulars of offenders;

(d) pay fees as prescribed in the *First Schedule* as financial guarantees for security for complying with environmental conditions predicted or actual environmental impacts during and after mining and other post-closure management of reclaimed mine sites.

(2) Fees payable in terms of subsection (1)(d) shall be paid to the Agency at the point of sale of any mineral obtained as a result of any mining activity which shall be at the Minerals Marketing Corporation of Zimbabwe established in terms of section 3 of the Minerals Marketing Corporation of Zimbabwe Act [*Chapter 21:04*].

(3) No person shall store, recycle or dispose of mining waste except under a waste management licence issued by the Agency.

(4) Any person who violates subsection (3) shall be guilty of an offence liable to a fine not exceeding level fourteen or imprisonment not exceeding one year or to both such fine and imprisonment. In addition to the fine or imprisonment, the Agency may order the **closure of such mining operation** until all operations comply with these regulations.

(5) Solid waste classification shall be considered as follows:—

(a) a single lined solid waste dump with an associated storage pond which discharges to the environment shall be regarded as 1 treatment facility and the Agency shall take following steps in classifying the waste: —

(i) examine dump and classify it according to Table 4 of the *Third Schedule*;

(ii) collect a sample of the discharge and classify it according to Table 1 in the *Third Schedule*;

(iii) collect a sample of the dumped material to determine potential environmental risk from leaching;

(iv) the worst characteristic according to Table 4 and or the worst parameter according to Table 1 is then used to classify the waste, whichever is worst;

(b) a single lined solid waste dump with a number of associated storage ponds, which discharge to the environment shall be regarded as 1 treatment facility and the steps given in paragraph (a) shall be taken in classifying the waste;

(c) a single solid waste dump with **no** associated storage pond and with no detectable discharge to the environment shall be examined according to the requirements of Table 4 in the *Third Schedule*;

(d) a solid waste dump that is being reworked shall be considered as in paragraph (c);

(e) on large premises dumps that are separated by distance of up to 1km and under 1 confinement (fence, durawall) shall be considered as 1 system and dumps that are separated by larger distances (under different confinements) shall be treated individually;

(f) any unlined solid waste dump with an associated storage or discharge shall be treated as separate discharge points.

25 (1) No person shall discharge sludge directly into any water body and any discharge to any part of the environment is prohibited except under a sludge disposal license.

(2) Domestic sludge disposed of onto land shall be classified in terms of Table 5 of the *Third Schedule*.

(3) Any other sludge besides purely domestic (Organic) sludge and purely agricultural (Organic) sludge will be treated as hazardous waste disposal.

26 (1) No person shall dispose of agricultural waste classified in Table 4 of the *Third Schedule* directly into water, and disposal of such waste to any part of the environment is prohibited except under a waste disposal licence.

(2) Any agricultural waste which is not purely organic, but has added chemicals, will be classified as hazardous substances.

(3) Any person who contravenes subsection (1) shall be guilty of offence and liable to a fine not exceeding level fourteen or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

27 (1) In the event of an accidental spillage the operator shall—

(a) inform the nearest police station and the Agency **within 48 hours**;

(b) provide the Agency with **Safety Data Sheets** and **Emergency Procedure cards** for the spilt consignment;

(c) be required to clean up the spillage using the best available clean-up methods (as approved by the Agency);

(d) pay the monitoring and environmental costs of the spillage;

(e) reimburse the Agency, for any costs incurred by the Agency on behalf of the operator;

(f) compensate anyone who would have lost anything of any value as a result of the spillage;

(g) pay a penalty equivalent to the environmental clean-up cost.

(2) Any operator who fails to comply with the requirements of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level fourteen or to imprisonment not exceeding one year or to both such fine and imprisonment.

28 (1) Any person who provides any false information or statement to the Agency in terms of these regulations knowing that that information or statement is false or not having reasonable grounds for believing it to be true shall be guilty of an offence and liable to a fine not exceeding level nine or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) Where the false statement led to the issue of a licence, the Agency shall cancel the licence issued as a result of false statement immediately.

29 (1) Subject to subsection (2), every officer of the Agency shall, in the discharge of his functions in terms of these regulations, be an authorised person for the purposes of section 37 of the Act (which provides for the offence of hindering or obstructing any authorised person in the exercise of any power conferred on that person by or under the Act).

(2) The Agency shall ensure that every officer is duly authorised in writing, to carry out his or her functions and is able to produce such authority upon demand.

(3) On completion of any inspection required by these regulations, the officer of the Agency shall complete a compliance inspection report.

(4) Any person who obstructs an authorised person in carrying out his or her duties shall be guilty of an offence and liable, to a fine not exceeding level fourteen or imprisonment for a period not exceeding, one year or to both such fine and such imprisonment.

30 (1) An officer of the Agency may issue a spot fine ticket to any person who contravenes any provisions of these regulations:

Provided that the spot fine shall not exceed level fourteen.

(2) In the event that the offender fails to pay the spot fine as prescribed on the spot fine ticket, the default penalty shall be **zwS65,000.00 xi**. After the lapse of the deadline for the payment of the default, the Agency will not accept payment; the offender will be taken to Court.

[From this penalty 25 zeros shall be deducted -Editor]

31 (1) Any person who is aggrieved by any decision of the Officer or an authorized person shall appeal to the Director General in terms of section 129 of the Act;

(2) Any person who is aggrieved by any decision of any authority shall appeal to the Minister in terms of section 130 of the Act, submitting with his or her appeal the fee prescribed in the *First Schedule*.

(3) Any person who is aggrieved by any order of the Minister shall appeal to the Administrative Court in terms of section 130 of the Act.