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**REGULATIONS N° 002/EWASTAN/SW/RURA/2015 of
24th/April/2015
GOVERNING SOLID WASTES RECYCLING IN RWANDA**

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REGULATIONS GOVERNING SOLID WASTES RECYCLING IN RWANDA

PREAMBLE

The Regulatory Board of the Rwanda Utilities Regulatory Authority in exercising its powers conferred upon it;

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°07/2009 of 27/04/2009 relating to companies especially in Articles 14,353,355;

Pursuant to Law n° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its Mission, Powers, Organisation and Functioning especially in Articles) especially in Articles 2 and 4;

Based on resolutions of consultative meeting held on 15th October 2014 at Lemigo Hotel with stakeholders;

After consideration and adoption by the Regulatory Board in its session of 24th/April/2015;

HEREBY adopts the following Regulations on solid waste recycling:

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of these Regulations

The purpose of these Regulations is to provide a regulatory framework for the design, installation and operations that recycle, compost or convert solid wastes in Rwanda .

Article 2 : Definitions of terms

In these Regulations, unless the context otherwise requires, the terms used in these regulations shall have the following meaning:

1° Composting : a process of accelerated biodegradation of organic materials using microorganisms under controlled conditions in the presence of oxygen using windrows or piles, including but not limited to covered aerated piles or bays.

2° Conversion : aerobic or anaerobic digestion or enzymatic, thermal or chemical degradation of organic materials but does not include composting

3° Disposal : the final dumping, land filling or placement of solid waste into or on any land or water or the combustion of solid waste.

4° 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;

5° Facility : a site or works, and other appurtenances thereto, which is, has been or will be used for the handling, storage, transfer, processing, treatment or disposal of solid waste including all land, structures and improvements which are directly related to solid waste activities;

6° Licensee : any company, cooperative or person who holds an operating license issued by the Regulatory Authority under these Regulations ;

7° License: a legal document issued by the Regulator granting rights and obligations for operating a solid wastes recycling facility;

8° Operator : any company, cooperative or person who is operating in waste recycling services ;

9° Permit : a legal instrument issued by the Regulator granting rights and obligations for construction of a solid wastes recycling facility;

10° Person: any individual, company or cooperative involved in waste recycling services

11° Solid Wastes: all putrescible and non-putrescible refuse in solid or semi-solid form, including but not limited to: garbage, rubbish ,junk, vehicle, ashes or incinerator residue, street

refuse, dead animals, demolition wastes, construction wastes, solid or semi-solid commercial and industrial wastes.

12° Recycling: is the process whereby discarded products and materials are reclaimed or recovered, then refined or reprocessed, and converted into new or different useful products. This term is often used in a wider sense to describe the complete cycle, from collection to production of new objects, or secondary raw materials, from reclaimed material. The term "recycling process" does not include refurbishment, repair or similar activities;

13° Recyclable Materials: a solid wastes that can be processed and returned to the economic mainstream in the form of raw materials or useful products;

14° Recycling Facility: a centre, unit, plant, factory, or industry designed or installed for the purpose of storing for processing, transformation of reclaimed recyclable solid wastes in an environmental friendly manner, into new or secondary products;

15° Regulator: the Rwanda Utility Regulatory Authority as established by the Law No 9/2031 of 1/03/2013 for the regulation of certain public utilities including sanitation services;

16° RS : the Rwanda Standards which is the specification or code of practice declared by the Rwanda Bureau of Standards;

17° Rwanda Environment Management Authority (REMA): the national statutory Body having in its mandate the coordination and oversight the implementation of national environmental policy and the subsequent legislations ;

18° Waste : is any material that has been discarded and, as such, needs to be disposed of in an environmentally acceptable manner. It can be classified as follow:

- *Biodegradable wastes / Organic wastes:* Food, green waste, paper, animals-*Recyclable materials:* paper, glass, bottles, cans, metals, certain plastics, clothes, batteries,...
- *Inert wastes:* construction and demolition wastes, dirt, rocks, debris.
- *Electrical and electronic wastes:* electrical appliances, TVs, computers, screens, etc.
- *Composite wastes:* waste clothing, Tetra Packs, waste plastics such as toys.
- *Hazardous wastes:* including most paints, chemicals, light bulbs, fluorescent tubes, spray cans, fertilizer.
- *Toxic wastes:* including pesticides, herbicides, fungicides.
- *Prohibited wastes:* means solid wastes that cannot be accepted at a recycling facility. It includes but not limited to: Hazardous wastes, Asbestos, Contaminated soil, medical wastes;

Article 3: Scope

These Regulations shall apply to any person engaged in any type of activities for solid wastes recycling. They shall not apply to hazardous waste, E-waste, wastewater treatment and combustion facilities.

The recyclable fraction under these regulations includes plastic, metal, glass, paper, cardboard, organic wastes and others solid wastes.

Activities that intend to recycle, compost or convert materials into other useful products are eligible for license applications if:

- (i) They receive for recycling not less than 150 kg per day of recyclable materials excluding paper;
- (ii) They receive materials for composting operations that are not less than 5 tons per week of organic materials,

Article 4: Objectives

These Regulations shall have the following objectives:

- a) To protect the public health and the environment, and
- b) To encourage the diversion and recovery of recyclable materials.

CHAPTER 2: TECHNICAL REQUIREMENTS FOR INSTALLATION, CONSTRUCTION AND OPERATION OF SOLID WASTES RECYCLING FACILITIES

Article 5: Suitable site for waste recycling

No site shall be determined to be suitable for waste recycling or conversion facility where:

- (a) The land is considered for agriculture, natural resources conservation service except where the facility is an agricultural composting facility;
- (b) where traffic impacts from the facility operations would constitute a danger to the public health, safety or the environment taking into consideration traffic congestion, vehicles emissions, pedestrian and vehicular safety, road configurations, have an adverse impact on wildlife habitat and ecological natural community;
- (c) the waste recycling have an adverse impact on the physical environment, watersheds and wetlands;
- (d) the anticipated emissions from the facility would not meet required air quality standards or would otherwise constitute a danger to the public health, safety or the environment;
- (e) the establishment or operation of the facility would result in nuisance conditions which would constitute a danger to the public health, safety or the environment such as noise, odors, presence of rodents, insects and vectors.

Article 6: Requirements to operate a waste recycling Unit

Any operator licensed to own or operate a waste recycling unit shall ensure that:

- (a) the waste recycling unit and its disposal site are at a radius of at least hundred meters away from a residential or commercial area, airport, principal public road and from water sources;
- (b) the waste recycling unit is enclosed and secure from scavengers;
- (c) the waste recycling unit has hazard and safety signs displayed at appropriate places indicating the treatment plant or disposal site and the nature of operations it carries out in accordance with these regulations;
- (d) the waste recycling unit is operated in a way which:
 - (i) avoids polluting surface, air and underground water;
 - (ii) avoids the emission of noxious smells from the plant or site to levels beyond a standard established under the law or regulations;
 - (iii) prevents the breeding of rats, mosquitoes or other vermin at the site or plant.
- (e) means of ventilation are provided at the disposal site or plant to allow escape bio-gas generated from the site or plant and that any noxious smell from the disposal site or plant is controlled.

Article 7: Location of recycling facility

The location of recycling facility shall conform with the following:

- 1) Any plot planned for the construction of solid wastes recycling facility shall be chosen taking into consideration the Rwanda Building Control Regulations, Environmental Law and other applicable Standards and Regulations;
- 2) The approval of the site for construction shall be subjected to scrutiny regulations to ensure that no health hazards are to affect the surroundings and the following requirements shall be availed to the Regulatory Authority for project analysis:
 - (i) A detailed description of the location of the recycling facility with type of solid wastes to be recycled, diagram indicating the manner in which the recyclable materials are stored and processed (Mechanical, Chemical, Biological, Feedstock recycling, etc..) , its design capacity and environmental controls for the recycling unit;
 - (ii) Engineered plans and specifications for the recycling facility in sufficient details indicating access roads, fencing, areas for storing equipment, facilities for employees, areas for receiving, handling and storing recyclable materials, areas for storing solid waste, maintenance areas and any other appurtenances;
 - (iii) A Copy of the Environmental Impact Assessment certificate issued by competent authorities.

Article 8: Installation of solid waste recycling facilities

The installation of a waste recycling facility shall conform with the following:

- 1) Machinery of the solid wastes recycling facility shall be installed according to the manufacturer' instructions only by a competent contractor or individuals with enough skills and experience in industrial installation field;
- 2) The installation works shall be performed according to national or international building codes, and shall not contribute to polluting the environment such as air, water, public nuisance ;
- 3) The recycling facility shall be installed along with other utilities such as water supply and Power;
- 4) No person shall install, modify, operate or maintain facility machinery except in compliance with a site assignment, license obligations and all conditions as well as the plan approved by the Regulator.

CHAPTER 3: WASTE RECYCLING UNIT OPERATION

Section One: Operation in general

Article 9: Operation of recycling facility

The operation of waste recycling facilities shall operate according to the following:

- 1) Processing or treatment methods shall achieve one or both of the results below:
 - (a) Reduce, eliminate or change an undesirable characteristic of a waste and thereby render the waste more suitable for final disposal or further management at permitted facilities; or produce a certified waste-derived product.
 - (b) Processing and treatment practices, by-products and end-products shall not pose a greater adverse impact to the environment, public health or safety than the impact posed by not changing the characteristics of the wastes.
- 2) Wastes shall not be stored at a facility without processing or treatment for a period of time which:
 - (a) Results in conditions adversely affecting the environment, public health or safety, including conditions that attract insects and vectors, generate odors or leachate, or have the potential to cause fire or explosion; or
 - (b) Exceeds the storage life of a waste destined for reuse such that a characteristic of the waste changes in a manner or to a degree that renders the waste non-reusable by the facility;
- 3) Incoming wastes shall be well managed and well stored;

- 4) Maintenance of machinery shall be done as suggested by the manufacturer and the operation and maintenance manual shall be in place.

Article 10: Responsibilities of recycling facility operator

The owner and operator of an operation that handles recyclable materials shall:

- (a) ensure the operation and its products do not result in an unpermitted discharge of pollutants to air, water, land or other natural resources, create a public nuisance, or present a significant threat to public health, safety or the environment;
- (b) ensure that the recyclable materials and products are not contaminated by toxic substances at levels which may pose a significant threat to public health, safety or the environment;
- (c) ensure that the type and quality of recyclable materials is sufficient for the operation and that the quality of the operation's products is sufficient for the products to be marketable;
- (d) ensure that the operation handles recyclable materials and residuals only within a handling area, containers or trucks that are sufficiently enclosed and covered to prevent a public nuisance;
- (e) ensure that the amount of residuals generated at a single-stream recycling operation does not average more than 15%, or at any other type of recycling operation 10%, by weight of the materials received during any quarter;
- (f) ensure that all solid and liquid materials produced as a result of the operation are managed in accordance with all other applicable regulations and laws;
- (g) producing stabilized organic materials and maintaining proper thermal to prevent spontaneous combustion and destroy pathogens;
- (h) managing storm water and leachate to prevent ponding and water pollution;
- (i) implementing an odor and vector control plans that are appropriate for the size and type of operation that will minimize the production and migration of odorous compounds and the presence of vectors. The plan shall identify specific actions that will be taken to address complaints if unacceptable odors and vectors occur beyond the property line of the operation;
- (j) maintaining access to an adequate water supply with adequate pressure for firefighting;
- (k) employ an appropriate number of properly trained personnel for the size and type of the operation;
- (l) Ensure that equipment used is appropriate for the size and type of the operation;
- (m) maintain accurate records for at least three years to demonstrate compliance with regulations and submit an annual operational report to the Regulator by March 30th as determined by the appropriate format. The report shall include, but not be limited to, the amounts and types of recyclable materials received, transferred and recycled and the amount of residuals managed during the previous calendar year; and
- (n) submit a compliance report in accordance with these regulations

Section 2: Recycling of Plastic

Article 11: Required technologies for plastic recycling

Acceptable recycling technologies under these regulations include:

- (1) Primary recycling involving processing waste into a product with characteristics similar to those of the original product. The recycling of relatively uncontaminated waste plastics, that has historically taken place in the manufacturing sector, is an example of primary recycling;
- (2) Secondary recycling involving processing of waste plastics into materials that have characteristics different from those of the original plastics products. In this type, manufacturing and postconsumer wastes enter secondary recycling streams that allow higher contamination levels than primary recycling;
- (3) Tertiary recycling involving the production of basic chemicals and fuels from plastics waste as part of the municipal waste stream or as a segregated waste. Pyrolysis and hydrolysis are examples of these processes;
- (4) Quaternary recycling retrieving the energy content of waste plastics by burning or incineration.

Article 12: Identification of recycled plastic materials

The manufacturers of plastic products from either virgin or recycled plastics shall clearly indicate the content of products by using the following recognized symbols during the processing:

- (a) PET : Polyethylene terephthalate ;
- (b) , HDPE : High density polyethylene;
- (c) LDPE : Low density polyethylene;
- (d) PP,; Polypropylene; and
- (e) V:Vinyl ,

Without prejudice to the above paragraph one oh this provision , the end product made of recycled or reprocessed plastics shall be marked with the mark “Recycled” and indicate the percentage of use of recycled material or Alternatively, the manufacturer may use codification such as R1 for less than 10%, R2 for between 11 and 20%..

Article 13: Providing Information

- (1) The information shall be printed at least in two (2) official languages wherever possible on the end-product for the benefit of users or reprocessors.

The information that shall be provided is as follows:

- i. **This product** : like carry *bags/shopping bags, bottles, blow-moulded containers*,...
- ii. **is made of** : *indicate materials* and
- iii. **is reusable or recyclable**.

(2) The carry bags containers made out of recycled plastics shall be labeled as “**Not suitable for packing, storing or carrying food products**”.

Article 14: Steps involved in plastics recycling process

(1) The recyclers and reprocessors have the obligation to select waste which are suitable for recycling or reprocessing purpose. The end product made out shall be marked with “Recycled” indicating percentage of use of recycled material.

(2) All medical plastic wastes and containers used for packaging of toxic contents such as pesticides, insecticides shall be segregated separately and put to appropriate incineration to recover energy.

Article 15: Segregation

The segregation shall be done in accordance with the symbol marked on the product which is taken up for recycling.

This marking shall not only facilitate segregation but shall also guide customer on correct buying and usage of the end-product.

The segregated plastics waste irrespective of the source of origin and type and form shall be subjected to size reduction, cleaning from dust and dirt and washing wherever applicable with water or detergent.

Article 16: Preventing pollution

To prevent pollution, appropriate measures shall be taken to dispose of the effluent generated as a result of washing or cleaning of waste and only thereafter be put to recycling or reprocessing.

Article 17: Processing

- (1) The cleaned and washed material may be blended with additives, processing aids, pigments as the case may be, and finally granulated using appropriate screen mesh for filtration of contaminants and impurities.
- (2) During processing of recycled materials, efforts shall be made to avoid downgrading the quality and performance of end-products.
- (3) Reprocessing of dirty colored plastics post-consumer including recycled earlier waste and the use of recycle so generated for the manufacture of critical consumer items like carry bags,

blow-molded containers, water bottles, toys, is prohibited and must be avoided as it is environmentally unsound practice.

Article 18: Precautions for recycling plastics

The environment for plastic recycling shall provide conducive working conditions and the following shall be observed:

- (1) A regular check on the working, performance and maintenance particularly on temperature controls of the processing machinery shall be done;
- (2) Indoor air quality and adequate lighting in the reprocessing unit shall be maintained for healthy working environment with the provisions of suitable exhausts, vents or scrubbers ;
- (3) Adequate fire protection measures shall be provided;
- (4) Burning of plastic waste in garbage dumps or otherwise shall not be permitted;
- (5) The recycled or reprocessed plastics material shall not be used in the manufacture of end products which come in contact with foodstuffs, pharmaceutical and drinking water.

Section3: Recycling of iron and steels

Article 19: General requirements for iron and steels recycling

The recycling of iron and steel shall conform with the following:

- (1) Iron and steel scrap recycling shall involve collection, sorting, baling, packetting, cutting, shearing, shredding , sizing, possibly also cryogenic processes, and final melting;
- (2) Iron or steel scrap shall be segregated at source or while collecting and shall be kept separate;
- (3) The input wastes shall be treated to separate iron and steel scraps from the non-metal and non-ferrous components;
- (4) All mechanical treatment such as cutting, shearing, shredding or granulating; sorting, separation, cleaning, de-polluting, emptying needed to prepare the material for direct input into final use shall be completed.

Article 20: Specific Requirements for iron and steels recycling

The following specific requirements shall be observed for iron and steel recycling:

- (i) Input materials that originate from vehicles or electric equipment shall complete all treatments as required;
- (ii) Discarded equipment containing chlorofluorocarbons (CFCs) must be captured in an approved process;
- (iii) Filings and turnings that contain cutting fluids such as oils shall be treated to remove these fluids by processes like centrifugation or pressing;

- (iv) Cables must be stripped or granulated. If a cable contains organic coatings plastics, the organic coatings shall be removed according to the best available techniques.
- (v) Barrels and containers including inter alia oil and paint drums shall be emptied and cleaned.
- (vi) Hazardous substances be efficiently removed.

Article 21 : Information with regard to recycled iron and steel

Information required for recycled iron and steel products are as follows:

- (1) The owner of the iron and steel recycling facility must provide technical information about the recycled product, produce a radioactivity test certificate and certify that all end-of-waste criteria have been met and accepted by competent authorities.
- (2) Each consignment of the iron and steel scrap or multiple loads shall either be accompanied by the following information or be available in electronic form to the customer and upon the request of any competent authority:
 - (i) the name or code of the scrap category according to a specific product standard or specification and a declaration of compliance with the standard or specification;
 - (ii) a radioactivity test certificate;
 - (iii) identification of the external verifier or the certification of the quality assurance system;
 - (iv) Statement of conformity to the end-of-waste criteria.

Section 4. Biodegradable wastes recycling/organic fraction

Article 22: Steps in recycling of biodegradable wastes

The operations needed to process the organic fraction to become compost must required sequences as follows:

- (i) Organic;
- (ii) manual sorting;
- (iii) Composting;
- (iv) size reduction and packaging.

Article 23: Design of composting facilities

The following shall be observed during the design of composting facilities:

- (1) The receipt, storage and processing of incoming feed stocks shall be undertaken on a low permeability material such as compacted clay, asphalt or concrete over a sub-grade which is able to support, without sustained damage, the load of material on it and the load of any machinery used in the composting facility.
- (2) A suitable protective layer should be maintained over the constructed liner so as to protect the constructed liner from damage as a result of day-to-day activities.

- (3) The design and maintenance of a minimum 2% drainage gradient for all areas that receive, store and process feedstocks to ensure the free drainage of leachate to a designated wastewater collection system.
- (4) Finished compost product shall be stored on a designated hardstand area that has a minimum 2% drainage gradient to direct the potentially nutrient rich runoff into a storm water management system capable of removing sediments and nutrients.

Section 5: Recycling of paper and board

Article 24: Requirements with respect to paper and board recycling

The following requirements shall be observed during the paper and board recycling process :

- (i) Bins and containers shall be suitable for retaining paper and board for recycling in order to maintain quality requirements;
- (ii) Separate collection of paper should be strongly encouraged to maintain the quality of recovered paper. It is strictly prohibited to mix unmarked collections with other recovered paper and board;
- (iii) The following paper streams are prohibited as raw materials for the production of paper and board intended to come into contact with foodstuffs:
 - 1. Contaminated waste paper and board from hospitals;
 - 2. Recovered paper and board which has been mixed with garbage and subsequently sorted out;
 - 3. Used stained sacks which have contained for example chemicals and foodstuffs;
 - 4. Covering materials, such as paper used for covering furniture during repair and painting works;
 - 5. Batches mainly consisting of carbonless copy paper;
 - 6. Waste paper from households containing used hygienic paper, such as used kitchen towels, handkerchiefs and facial tissue;
 - 7. Old archives from libraries, offices etc., if they contain PCBs.
- (iv) Transport condition of waste paper should be suitable to maintain quality requirements. Recovered paper for a mill producing paper and board, which comes into contact with foodstuffs, is to be clearly identified on the transport documents.
- (v) Appropriate cleanliness and hygiene are to be maintained in raw material storage areas.

Article 25: The contact of recycling paper with foodstuffs

Any operator recycling paper which comes into contact with food shall notify it to the users by indicating that it is not suitable for packing, storing or carrying food products .

Article 26: Prohibitions in relation to dump and dumping sites

- (1) No person, company or cooperative shall establish, construct, operate or maintain a dumping ground or operate or maintain a dumping site in such manner as to constitute a site to store, process, transfer, treat or dispose of solid waste except in the approval of a competent authority.
- (2) An industry shall not discharge or dispose waste into the environment, unless the waste has been treated in a treatment facility and in a manner approved by the competent Authority

Article 27: Cleaner treatment methods

Any operator that owns or operates a facility or premises that recycles waste shall minimize the waste generated by adopting the following cleaner treatment methods:

- (a) improvement of treatment processes through conserving raw materials and energy
by eliminating the use of toxic raw materials and reducing toxic emissions and wastes;
- (b) monitoring the product cycle from beginning to end by identifying and eliminating potential negative impacts of the product; enabling the recovery and reuse of the product where possible and reclamation and recycling;
- (c) incorporating environmental concerns in the design and disposal of a product.

CHAPTER 4: LICENSING REGIME AND LICENSE REQUIREMENTS

Article 28: License Condition

Any activity relating to operation of solid wastes recycling facility shall be subject to a license issued by the Regulator under these regulations.

Article 29: Requirements to operate a solid wastes recycling facility

- (1) An entity wishing to operate a solid wastes recycling facility under these regulations, shall make an application for an operation license to do so to the Regulatory Authority.
- (2) The operation license application shall be accompanied by:
 - i. Filled application form
 - ii. A copy of a management contract or an agreement with the owner of the recycling facility if not the owner;
 - iii. A business registration certificate ;
 - iv. Business Plan of five (5) years;
 - v. Application fees bank slip;
 - vi. Health and safety policy;
 - vii. Insurance for workers;
 - viii. Rwanda Social Security Board and Rwanda Revenue Authority's certificate.

Article 30: Requirements for Construction or Installation Permit

Any activity relating to construction or installation of solid wastes recycling facility shall be subject to a permit issued by the Regulator.

- (1) Application for construction or installation permit shall be addressed to the Director General of RURA.
- (2) The application shall be accompanied by the following:
 - (i) Filled application form;
 - (ii) Company registration Certificate from RDB;
 - (iii) An Environmental Impact Assessment (EIA) certificate if applicable;
 - (iv) Land ownership permit if he is the owner;
 - (v) A description of the technology to be used or used for existing facilities including a process flow chart, the size and type of all equipment used, the type, quantity and quality of materials to be recycled and products or residuals to be produced;
 - (vi) Proof of application fees bank slip.

Article 31: Application assessment of both License and Permit

- (1) Following submission of the license or permit application, the Regulator shall process the license or permit application to determine if the applicant fulfill all the license or permit requirements which he/she is applying for;
- (2) Any license or permit application determined by the Regulator to be incomplete shall be considered as defective filing. The Authority may require the applicant to cure the defective filing before any further Authority proceedings take place;
- (3) The Regulatory Authority reserves the right to request additional information from an applicant that may be necessary to enable the Regulatory Authority to make a decision regarding the issuing of the construction permit or operation license.

Article 32: Hearings on License or Permit Application

The Regulator may conduct a public hearing process and consult parties that may be involved or affected by the project to discuss on the suitability of the proposed site. All parties shall have the right to present evidence, cross-examine, make objections and make arguments on the site that shall be subjected to further Regulatory examinations or cross-examination.

The applicant shall bear any costs incurred for the facility design review by an external person when necessary.

Article 33 : Decision of the Regulator on license or Permit Application

After the assessment process, the Regulator shall either grant or refuse the license or permit to the applicant. Such decision shall be communicated to the applicant.

- (1) In case the license or permit is granted, the license or permit shall be issued to the applicant upon the payment of initial license or permit fee prescribed in these regulations ;
- (2) In case the license is refused, the Regulator shall notify the applicant in writing the reason of such refusal.

Article 34: Regulatory fees

Fees to be levied by the Regulator for construction, installation permit or operation license of a solid wastes recycling facility are as follows:

- (i) The application fees for license or permit applications is fifty thousand (RWF 50,000) whether the application is or not successful:
- (ii) Construction or Installation permit fees upon the grant of permit is twenty thousand (Frw 200,000)
- (iii) Operation License Fee payable upon the grant of license is fifty thousand (Rwf 500,000)
- (iv) Annual regulatory fees payable by Public utilities of 1% of annual turnover for the contribution to the functioning of the Regulatory Authority as fixed by the Regulatory Board

Article 35: Validity of both permit and license

- (1) A permit for construction or installation of a solid wastes recycling facility shall be granted for a period of two (2) years provided that the permit holder complies with applicable rules and regulations and permit conditions.
- (2) An operation license for a solid wastes recycling facility shall be granted for a period of five (5) years provided that the licensee complies with applicable rules and regulations.

Article 36: Permit of License renewal

An application for renewal of construction , installation Permit or operation license shall be made at least 2 months before the date of expiry of the current permit or license;

When determining either to grant or deny an application for renewal of both documents , the regulator shall take into consideration the licensee’s compliance with terms and conditions and license performance during the previous permit or license term.

All requirements considered during permit or license application shall be considered.

Article 37: Operation with regard to Permit or License Transfer

1. A Permit or license transfer proceeding is initiated at least thirty (30) days before by an application from the licensee. Until the Regulator has issued an approval of the transfer, no licensee may attempt to transfer its permit or license to another person.

2. A Permit or license transfer proceeding shall be conducted in the same manner as review of a Permit or license application. The transferee shall be considered as the applicant to assume the operational license or permit. The duration of the permit or license and the permit or license terms and conditions shall remain the same, unless the license transferee requests a Permit or license modification as part of the transfer proceedings.

In the unusual circumstances where a licensee’s technical or financial status raises questions about security of supply for citizens of the Republic, the Regulator may, on its own initiative, commence a permit or license transfer proceeding in order to ensure that a permit or a license is transferred to a third person, in order to provide secure supply for customers

Article 38: Revocation or suspension of permit or License

1. The Regulator may revoke a permit or a license before the expiration of the license term when it determines that revocation is needed in order to respond to:
 - a. Licensee failure to comply with permit or license terms and conditions;

 - b. Licensee abandonment of permit or license activities;

 - c. Bankruptcy, financial insolvency or liquidation of the holder of the Permit or licensee; and

 - d. Licensee or the holder of the Permit failure to pay the Regulatory Authority regulatory fees.

2. A license revocation proceeding shall be conducted in the following manner:
 - a. The Regulator shall commence a license revocation proceeding by sending written notice to the permit holder or licensee advising him or her of the

commencement of a revocation proceeding, and requiring the permit holder or the license to file a response.

- b. If the Permit holder or the licensee contest the revocation or fails to respond to the Regulator notice, the Regulatory Authority shall hold a hearing on the license revocation.
- c. If during the course of the revocation proceedings, the permit holder or the licensee cures the violation that gave rise to the revocation proceeding, the Regulator may, but shall not be required to, terminate the license revocation proceeding. The Regulator may convert a proceeding, in its sole discretion, to license enforcement, modification or transfer proceeding.

CHAPTER 6: MONITORING, REPORTING AND ENFORCEMENT

Article 39: Reporting

The solid wastes recycling facility operator will be required to maintain records that accurately track the daily operations regarding recyclable materials entering the facility, processed materials shipped from the facility, financial status, maintenance works, operation costs and the records must be submitted upon request to the Regulatory Authority or made available for inspection by during the regular business hours of the facility;

Annual operational and financial reports shall be submitted to the Regulatory Authority by the end of March of each year.

Article 40: Health and safety of workers

- (1) The operator shall ensure that technicians are aware and understand all the Health and Safety practices and advices given in the Operation and Maintenance Manuals. Considerations shall be given to the safety of wastes solid recycling facility workers and visitors by considering various applicable laws and regulations such as Labor code, ;
- (2) Protective clothing or equipments including gas masks, safety shoes, eye washes, ladders, gumboots smoke detectors, toxic gas detectors, fire alarms & Hydrants, extinguishers, etc.. shall be in place for the risk management;
- (3) A contingency plan that describes the procedures for responding to emergencies shall also be availed;
- (4) The personnel working at the waste recycling unit site are provided with :

- i. adequate protective and safety clothing;
- ii. adequate water and appropriate equipment or facilities for the operation of the waste recycling unit;
- iii first aid facilities and training; Social and medical insurances and undergo an annual medical check-up

The Licensee shall annually report to the Regulator the status of their workers with respect to their health and safety.

Article 41 : Staff Training

Staff intended to operate solid wastes recycling facility shall receive adequate theoretical training and practical instructions to ensure that they fully understand the overall facility procedures, hazardous characteristics of the wastes management, the operational and emergency procedures at the waste recycling facility;

The owner or operator of the waste recycling facility shall keep all staff files and shall be make it available for inspection by the Regulator.

Article 42: Monitoring

The Regulatory Authority plans and monitors the waste recycling facility when deemed necessary.

The Regulatory Authority has the right to inspect the recycling facility at any time during working hours and the operator of the facility must cooperate with inspectors and provide all relevant documents as requested.

Article 43: Compliance and Enforcement

The operator or owner of the solid wastes recycling facility shall comply with the provisions of these regulations and all applicable laws and regulations. Any other person who commences solid wastes recycling facility operations after the effective date of these regulations shall submit an application for a license in due form as provided for under these regulations prior to commencing operations.

CHAPTER 7 : REGULATORY SANCTIONS

Article 44: To work without a license or permit

Any person who shall install or operate a waste recycling facility without a permit or License issued by the Regulator shall be liable to an administrative fine of five hundred thousand

Rwandan francs (500,000 Rwf) and suspension of his/her activities until he/she gets the authorization.

Article 45: Hinder the implementation of the regulator's powers

A person who resists, hinders or obstructs the Regulatory Authority or any person acting on its behalf in the course of his duty under the provisions of these regulations commits an offence and shall be liable to an administrative fine not exceeding 1,000,000 Rwanda Francs.

Article 46: Fail to submit reports

Any operator that shall fail to submit a report, plan or any other document within the time period specified, shall be liable to an administrative fine of two hundred thousand Rwandan francs per day 200,000 Rwf per day applicable up to thirty (30) days from the deadline given after which further proceedings may start.

Article 47: Provide false information

Providing any false, inaccurate, incomplete or misleading information to an inspector or influence a third-party to provide any false, inaccurate, incomplete or misleading information will lead to an administrative fine of two hundred thousand Rwandan Francs (200,000 Rwf),

Where applying for a license a person has intentionally provided false information, inaccurate or misleading information, shall lead to license revocation;

Article 48: Failure to comply with an enforcement notice or a regulator's directive

Any licensee that contravenes an enforcement notice of the regulator issued under the provisions of these regulations shall be liable to one or more of the following sanctions:

- a) pay an administrative fine of between five hundred thousand (500,000) and one million (1,000,000) Rwanda francs for each day of its non-compliance to the requirements, as of the day of confirmed notification;
- b) suffer the suspension of its license for a specified period which may be determined in a notice of suspension to be issued by the regulator;

- c) Any repetitive failure to comply with the provisions of these regulations shall, on top of administrative fines provided, lead to license revocation;

CHAPTER 8: FINAL PROVISIONS

All the licenses of exploitation granted by the former postal operator shall remain in force for a period not exceeding six (6) months as of the date of publication of this Law in the Official Gazette of the Republic of Rwanda.

Article 50: Transitional period

All existing solid waste recycling facilities shall fully comply with the provisions of these regulations within a period not exceeding six (6) months from the effective date of approval and signature of these regulations by the chairperson of the regulatory board.

Article 51: Repealing provisions

All previous provisions contrary to these regulations are hereby repealed.

Article 52: Commencement

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

Done at Kigali, 01/06/ 2015

Eng. Colette RUHAMYA
Chairperson