

GOVERNMENT NOTICE No. 190 published on 21/5/2010

THE WATER RESOURCES MANAGEMENT ACT

(CAP. 331)

REGULATIONS

(Made under Sections 11(3), 12(2), 72(3), 75(1), (2) and 111(1))

THE WATER RESOURCES MANAGEMENT (WATER ABSTRACTION, USE AND DISCHARGE) REGULATIONS, 2010

PART I

PRELIMINARY

Citation 1. These Regulations may be cited as the Water Resources Management (Water Abstraction, Use and Discharge) Regulations, 2010 and shall come into operation on the date of publication in the *Gazette*.

Inter-pretation 2. In these Regulations, unless the context otherwise requires:-

Act No. 11 of 2009 "Act" means the Water Resources Management Act;

"Board" includes the Board established under section 20(1), section 22(1) or any board established under 29(2) of the Act;

"Chairman" means the Chairman of the Board and include a person elected to preside at a meeting of the Board;

"hearing" means a sitting of the Board for the purpose of taking evidence or receiving submissions or representations relating to a matter referred to it;

"member" means a member of the Board and includes the Chairman;

"Water Officer" means the person who is appointed in pursuance to section 24(1) and 30 of the Act;

"water source" means a river, tributary, estuary, lake swamp, marsh or other wetland; an aquifer or a spring; sea waters and interface between sea water and fresh water; dam, pond reservoir.

PART II

APPLICATIONS

Notification of Applications for Water use Permits 3.-(1) Where an application is made in accordance with section 75(1) of the Act, the Basin Water Officer shall prepare a notice setting out the particulars of the application and cause it to be:-

(a) published in the *Gazette*;

(b) served upon:—

- (i) all persons named in the application as being liable to be affected by the grant of the Permit for which the application is made;
 - (ii) all holders of any Permit issued under the Act likely to be affected by the application;
 - (iii) such other persons as he thinks fit and keep records of service and provide proof when is he required to do so.
- (c) displayed at the District Commissioner's Office of the district and District Council Office in which the Permit for which the application is made will, if granted, be exercised.

(2) Subject to such-regulation (1) the Basin Water Officer shall seek information concerning the application from—

- (a) District Executive Director of the district from which the application is made;
 - (b) the Sub-catchment or Catchment Committee; and
 - (c) the District Administrative Officer of that district;
- provided that the information shall be received by the Basin Water Officer within forty days from the date of the notice in the *Gazette*.

4.—(1) The provision of Regulation 3(1), (2) shall apply *mutatis mutandis* in relation to Discharge Permit application.

(2) The Basin Water Officer shall seek information concerning the Discharge permit application from—

- (a) the National Environmental Management Council regarding fulfillment of Environmental Impact Assessment of Environmental Auditing requirement;
- (b) a new developer; regarding process specifications, including maximum production capacity as well as information on raw material, process chemicals, products and solid waste generation and disposal mechanism;
- (c) other licenses or permits such as (Water Use Permit, Building License, Industrial License, Business Trade License) which the co-ordination with existing licensing procedures;

Notifica-
tion of
Applica-
tions for
Discharge
Permits

- (d) specification or receiving water body or municipal sewer regarding discharge limits, if necessary intermediate limits and time limits for compliance.

Applica-
tion for
an ease-
ment

5.—(1) Where person who is the holder of a water use permit or discharge permit, or who has applied for a water use permit or discharge permit, is unable to fully enjoy the benefit of such permit without an easement, and has failed to secure an easement by agreement with the owner or occupier of the land over which the easement is required, he may apply to the appropriate Water Officer for the creation for such easement.

Notifica-
tion of
applica-
tion

6. Where in consequence of any transfer, lease or partition of land under section 47(5) of the Act the person who becomes entitled to the possession of part of the land to which a Water Use Permit has been declared appurtenant applies to the Basin Water Officer to determine the proportion of the water which he may abstract and use, the Basin Water Officer shall cause a copy of the application to be served upon every person who is entitled to possession of the remainder of the land to which the Water Use Permit, of which the application seeks an apportioned part, is appurtenant.

Time
within
which to
tender
objection

7.—(1) A Basin Water Officer may refuse to consider any objection to an application for a Water Use Permit, the apportionment of Water Use Permit, or an easement, if the objection reaches him after the relevant date. In this regulation the expression 'relevant date' means—

- (a) in the case of an objector served with a notice under regulation 3 or copy of an application under regulation 4, the date on which such notice or copy was served upon him;
- (b) in the case of an objector who is not entitled under Regulation 3 to have notice of an application served upon him, the date on which particulars of the application were first published in the *Gazette*;
- (c) in the case of an objector to an application for an easement the date upon which notice was served on him under section 75(2) of the Act; and
- (d) in the case of an objector to an application for a Permit to Discharge, the date upon which notice was served on him under section 75(2) of the Act.

Service of
objec-
tions to
appli-
cants

8. The Water Officer shall cause to be served upon every applicant for any Permit under the Act, the apportionment of a Water Use Permit or an easement a copy of every objection received by him within the period specified in regulation 3 together with a copy of any other objection which he proposes to take into consideration.

9.—(1) The Water Officer shall notify the applicant of the decision to grant or refuse a Permit under the Act within four months after the date of receipt of the application.

Decision to grant or refuse

(2) Any refusal to grant a permit under the Act or any grant of a permit under the Act that is subject to specific conditions shall be accompanied by the reasons for such refusal or for such conditions.

Period for construction of well or borehole

10.—(1) The grant of a Permit to construct, sink, enlarge, or deepen a well or borehole shall specify a deadline not exceeding three months from the day of such a grant.

(2) The Basin Water Officer may, from time to time and at any time notwithstanding that the deadline previously allowed may have expired, extend the deadline for the construction or alteration of such well or borehole for a period not exceeding two months.

(3) At the expiry of the deadline provided for in sub-regulation (1), the Water Officer shall inspect such well or borehole, and, if he is satisfied that the well or borehole has been sunk or enlarged in the authorised manner, he may convert the permit to construct, sink, enlarge, or deepen a well or borehole into a Water Use Permit for the use of the water abstracted from such well or borehole.

PART III

REFERENCE TO BOARDS

11. Where a Water Officer refers any application to a Board, he shall send without delay to the Chairman of the Board—

Documents to be sent to the Board in relation to application

- (a) a copy of the application;
- (b) a copy of every objection received within the period specified in regulation 5, and such other objections as he thinks fit; and
- (c) environmental statement on likely environmental impacts and mitigation measures if any;
- (d) such other information relevant to the application as the Water Officer deems necessary for the Board to give full consideration to the application and the objections thereto, and the Chairman shall lay the same before the Board.

12.—(1) Where the Basin Water Officer refers to a Board any matter, other than a matter referred to in sub-regulation (2), concerning—

Documents to be sent to the Board in relation to determination etc

- (a) the determination or any modification of a Permit under the Act;
- (b) the specification of a quantity of water under section 49(1) of the Act; or

9-(1) The Water Officer shall notify the applicant of the decision to grant or refuse a Permit under the Act within four months after the date of receipt of the application. Decision to grant or refuse

(2) Any refusal to grant a permit under the Act or any grant of a permit under the Act that is subject to specific conditions shall be accompanied by the reasons for such refusal or for such conditions. Period for construction of well or borehole

10.—(1) The grant of a Permit to construct, sink, enlarge, or deepen a well or borehole shall specify a deadline not exceeding three months from the day of such a grant.

(2) The Basin Water Officer may, from time to time and at any time notwithstanding that the deadline previously allowed may have expired, extend the deadline for the construction or alteration of such well or borehole for a period not exceeding two months.

(3) At the expiry of the deadline provided for in sub-regulation (1), the Water Officer shall inspect such well or borehole, and, if he is satisfied that the well or borehole has been sunk or enlarged in the authorised manner, he may convert the permit to construct, sink, enlarge, or deepen a well or borehole into a Water Use Permit for the use of the water abstracted from such well or borehole.

PART III

REFERENCE TO BOARDS

11. Where a Water Officer refers any application to a Board, he shall send without delay to the Chairman of the Board— Documents to be sent to the Board in relation to application

- (a) a copy of the application;
- (b) a copy of every objection received within the period specified in regulation 5, and such other objections as he thinks fit; and
- (c) environmental statement on likely environmental impacts and mitigation measures if any;
- (d) such other information relevant to the application as the Water Officer deems necessary for the Board to give full consideration to the application and the objections thereto, and the Chairman shall lay the same before the Board.

12.—(1) Where the Basin Water Officer refers to a Board any matter, other than a matter referred to in sub-regulation (2), concerning— Documents to be sent to the Board in relation to determination etc

- (a) the determination or any modification of a Permit under the Act;
- (b) the specification of a quantity of water under section 49(1) of the Act; or

- (c) the specification of the duration of a Water Use Permit under section 50 (1) of the Act, he shall inform the Chairman of the Board whether or not the holder of any permit under the Act liable to be affected by such determination, modification or specification has been notified that the Permit is being referred to the Board, and, if such holder has been notified, inform the Chairman of any representations the holder has made.

(2) Where a Basin Water Officer refers to a Board any matter concerning the determination, specification or modification of a Permit under section 49 of the Act, he shall send to the Chairman of the Board a copy of the notice served by him and a copy of any statement made by the holder of such Permit.

(3) In addition to the information and documents specified in sub-regulations (1) and (2), the Basin Water Officer may send to the Chairman of the Board such information relevant to the matter as he deems necessary for the Board to give full consideration to the matter referred to it.

(4) The Chairman shall lay before the Board all documents and information received by him under this regulation.

Notifica-
tion of
meetings
of Board

13. Where the Board proposes to meet to consider any application for a Permit or other matter referred to it, the Basin Water Officer shall give reasonable notice of the time and place at which the Board is to meet to:—

- (a) the applicant of the Permit;
- (b) every person who has made an objection to the application within the prescribed time and has given notice that he wishes to be heard;
- (c) any other person whom the Board considers fit to be given an opportunity of appearing.

Persons
to be
entitled
to appear
and be
heard

14.—(1) Whenever the Board meets to consider any application for a Permit other matter referred to it—

- (a) every person who has made an objection to the application;
- (b) every person to whom the Board has given notice in accordance with Regulation 11;
- (c) the applicant for the Permit or the objector to whose application is given notice, shall be entitled to appear at the meeting and be heard, as the case may be, in support of his objection, or on the application or other matter to which the notice relates, or in support of his application.

(2) Any person who is entitled before the Board may appear in person or by advocate and be heard and shall have the Permit to give evidence, or call witness to give evidence, cross-examine witnesses, and to make submissions to the Board.

15.—(1) The Board shall have, as regards the attendance, swearing and examination of witnesses, the production and inspection of documents, and such other matters as may be necessary or proper for the due performance of its functions, all such powers, Permits and privileges as are vested in a superior court of record and, within limiting the generality of the foregoing, may—

Summoning of witnesses, administration of oaths

- (a) on its own motion or on the application of a person entitled to be heard, by notice signed by the Chairman, require any person to appear at the time and place mentioned therein to testify to all matters within his knowledge relative to a subject matter before the Board, and to bring with him and produce any document, book or paper that he has in his possession or under his control relative to the subject matter of the hearing;
- (b) administer oaths and examine any person upon oaths, affirmation or otherwise; and
- (c) during the hearing, receive such additional information as it may consider credible or trustworthy and necessary for dealing with the subject-matter before it.

(2) A person required by the Board to appear and give evidence before the Board shall be paid by the Basin Water Officer such subsistence allowances and travelling expenses as the Board may determine.

16. The Board may, on its own motion or on application by a person entitled to be heard, permit any person appearing or required to appear as a witness before the Board to give evidence by tendering and verifying by oath, a written statement.

17. The Board may receive in evidence any statement, document, information, or matter than may, in its opinion, assist it to deal effectively with the subject matter before it, whether or not the same would be admissible in court of law.

Admissibility of evidence

18. Subject to sub-regulation (2), the Board shall regulate its own proceedings.

Procedures on hearings

(2) At any proceedings, the Board shall observe the rules of natural justice, and shall hear all evidence tendered and representations made by or on behalf of the persons entitled to appear and be heard which it considers relevant to the subject matter or the hearing, save that, at any time during the hearing, it may, if it has sufficient evidence to arrive at a decision on the subject matter, decide not to receive further evidence or representations.

Record of minutes of meetings and evidence at hearings

19.—(1) The Board shall cause to be kept and maintained a book in which are recorded minutes of each meeting and proceedings at each hearing showing adequate details of:—

- (a) the business conducted or transacted;
- (b) all evidence received;
- (c) all arguments heard; and
- (d) all findings made by the Board concerning any action, matter or thing authorized or required to be done or decided by the Board.

(2) The minutes of each meeting shall be presented to the next ensuing meeting and, if passed as correct, shall be confirmed by the signature of the Chairman.

(3) The Chairman shall cause a copy of the minutes, after confirmation to be dispatched to the Water Officer and every other member of the Board.

Use water for domestic purposes without permit

20.—(1) Any person having lawful access to any watercourse may abstract and use the same for domestic purposes without a Water Use Permit issued under this Act, provided that no construction of any works shall be undertaken.

(2) Any person being a legal occupier of land may construct a shallow hand dug well and use the water for domestic purposes without a Permit issued under the Act provided that the well does not exceed a depth of fifteen metres.

(3) The owner or occupier of any land may construct any works for rainwater harvesting or for recycling of used water other than in a river or stream and abstract and use the water so conserved or recycled for domestic purposes provided that no works for purpose of rainwater harvesting shall exceed 20,000 litres capacity of water.

(4) Where any person exceeds the limits provided in this regulation shall notify the Board and apply for a water use permit in accordance with these regulations.

PART IV

WATER BOARDS

- 21.—(1) The quorum at any meeting of the Water Board shall be half of the members in office. Convening and quorum at meetings of the Board
- (2) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board and in the absence of both Chairman and the Vice-Chairman, the members present shall appoint one of among them to preside over the meeting.
- 22.—(1) Subject to paragraphs (2) and (3), the Board may conduct its business either at meetings or by circulation of papers. Conduct of business by and decisions of the Board
- (2) A decision of the Board at a meeting shall be by a majority of votes of the members present and voting and a decision of the Board on a circulation of papers shall be by the concurrence of the majority of the members.
- (3) When any business is conducted by circulation of papers, any member may require such business to be referred to a meeting of the Board.
- (4) In the event of an equality of votes at a meeting of the Board, the person presiding at the meeting shall have, in addition to his deliberative vote, a casting vote.
- 23.—(1) Any person wishing to appeal under section 106 of the Act shall give to the Basin Water Board and to the appellate authority a notice of his intention to appeal within thirty days of the notification to him of the decision of the Basin Water Board or the service upon him of the certificate or the grant in respect of which the appeal is to be made or, if he is not a person upon whom the Basin Water Board is required by the Act or by these Regulations to serve notice of such decision, within thirty days of the decision. Notice of intention to appeal
- good cause, extend the period within which notice of appeal may be given.
24. The Ministry shall established the Appeals Committee to be known as Appellate Authority. The Appellate Authority shall consist of:— Establishment of Appellate Authority
- (a) Director or Director from other departments or Assistant Director who shall be a Chairman;
- (b) representative from Legal Unit who shall be the Secretary;
- (c) two other members from the Private Sector.
25. The decision by Appellate Authority shall be subject to approval by the Minister. Approval of the Minister

G.N. No. 190 (contd.)

Prepara-
tion of
case

26.—(1) Within twenty-one days of the receipt of the notice, the Basin Water Officer shall cause to be prepared and transmitted to the appropriate appellate authority.

(2) In the case of an appeal against a decision given in respect of any application, three copies of—

- (a) a written statement showing the name and address of the applicant and every objector to the application, and the decision appealed against;
- (b) the application in respect of which the decision appealed against was given;
- (c) the relevant portion of the minutes showing the advice of the Board, if any, was given;
- (d) any objection which was referred to the Board,
- (e) all other documents which were considered by the Basin Water Board in arriving at the decision appealed against; and
- (f) a written statement signed by the Basin Water Officer indicating concisely the grounds of the decision appealed against and any conclusion of fact arrived at by him.

(3) In every other case three copies of the documents specified in items (c), (e) and (f) of sub-regulation (1), together with any notice relevant to the matter served by the Basin Water Officer on the appellant and the applicant, and of any representation or statement made by him to the Basin Water Officer.

Memora-
ndum of
Appeal

27. The appellant shall, within twenty-one days after giving notice of appeal, transmit to the appellate authority and the Basin Water Board three copies of his memorandum of appeal setting out concisely and under distinct and consecutively numbered heads the grounds of his objection to the decision of the Basin Water Board.

Deciding
on the
Appeal

28.—(1) Subject to sub-regulation (2), upon receipt of the memorandum of appeal, the appellate authority shall proceed to consider and determine the appeal.

(2) The appellate authority may, if it thinks it desirable, give an opportunity to the appellant to be heard in support of his memorandum of appeal.

(3) When the appellate authority decides to hear the appellant in support of his memorandum of appeal, it shall give an opportunity to be heard to:

- (a) the Water Officer; and

(b) if the appeal is against the decision of the Basin Water Board on an application:—

- (i) all objectors to the application if the appellant was the original applicant; or
- (ii) the original applicant if the appellant was an objector to the application.

(4) In deciding on the appeal the appellant authority is not necessarily obliged to confine its considerations to the grounds of appeal set out in the memorandum of appeal.

—————
FIRST SCHEDULE
—————

Form A

APPLICATION FOR WATER USE PERMIT

The Water Resources Management Act, 2009

(Section 43)

(To be completed in quintuplicate)

To: The Water Officer.

Basin/Catchment/Sub-catchment:

Postal Address:

E-mail: Telephone No.:

1. Name of applicant:

2. Postal Address:

3. E-mail: Telephone:

4. Particulars of land in respect of which application is made—

(a) District: Region:

(b) Location or Village Name:

(c) Land Offer No.:

(d) Hectarage

(e) Freehold, leasehold, Right of Occupancy for years (other interest):

(f) Title of applicant:

Water Resources Management (Water Abstraction, Use and Discharge)

G.N. No. 190 (contd.)

(g) Name and address of owner of reversion, if any, other than the President (if none, state none):

(h) Details of other sources of water used on the land:

5. Particulars of Water Use Permit for which application is made:—

(i) Body of Water

(ii) Whether application made to divert/dam/store/abstract

(iii) Purpose of which water is required

<i>Type of Use Details</i>	<i>Amount of Water to be abstracted/returned</i>
(a) Irrigation:	No. of hectares and crops:
(b) Fish Farming:	Hectarage of ponds: Storage size: m ³
(c) Industrial:	Processing/Product/Cleaning/Cooling Tower/Boiler
(d) Mechanical:	Long transport
	Fall available: Head Metres
	Height water to be lifted: Metres
(e) Power:	Fall available: Metres
	Horsepower to be developed
	Type of power plant proposed
(f) Mining:	Description of plant in use
	Type of water uses: Extraction/Sedimentation
	Type of ore to be crushed or treated: NAF/PAF
(g) Public Supply:	Total quantities of water: m ³ /d
	Number of people growth rate %
(h) Hotels:	Number of rooms and beds:

(vi) Amount of water to be abstracted m³/d returned m³/d

6. Point of Intake: GPS code location names

7. Point of Return: GPS code location names

(a) Particulars of possible pollution.

(b) measures to be taken to avoid pollution: treatment installed/recycling/zero

8. Particulars of water works required for management of water and wastewater
- (a) constructed
 - (b) to be constructed
9. (a) Is application made for the grant to be made appurtenant to the land specified in paragraph 4(c)? Yes/No
- (b) If the applicant is not the owner of the land, has the owner been informed that application is made for such declaration? Yes/No
10. The name and address of other users who may be affected by the grant of the Water Use Permit for which application is made (mainly are downstream riparian users)
-
-

Date: Signature of Applicant:

Strike out whichever does not apply.

A separate application must be made in respect of each body of water

If the applicant does not own the whole interest in the land, attach to this application the consent of the owner to the application that the grant can be made appurtenant to the land.

Use space below or separate sheet for a SKETCH MAP which must contain the following particulars:-

- (a) the plan of the property and the adjoining properties;
- (b) the body of water referred to;
- (c) the point on the body of water where it is desired to abstract water or construct works and the line of furrow/pipe; and
- (d) the true North.

(If possible use a tracing from the plan attached to your title deeds).

NOTE:-

The applicant is requested to give the Kilometres and simple description of the road to the property from the turn-off on a main road, or any well-known landmark, to facilitate inspection.

Form B

APPLICATION FOR PERMIT TO DISCHARGE

The Water Resources Management Act, 2009

(Section 75)

(To be completed in quintuplicate)

A separate application must be made in respect of each body of water

To: The Water Officer,

Basin/Catchment/Sub-catchment:

Postal Address:

E-mail: Telephone No.:

1. Name of Applicant: (Personal/Company/Trustee/Corporate Body of Trustee)
.....

2. Postal Address:

3. E-mail: Telephone No.:

4. Particulars of land in respect of which application is made--

(a) Village/Ward District: Region:

(b) Location Code N/E or Village/Street Name:

(c) Land Offer No. (Plot /Lease No.)

(d) Hectarage

(e) Freehold, leasehold right of Occupancy for years (other interest):

(f) Title of applicant: (example) Farmer/Chairman/Manager/CEO

(g) Name and address of owner of reversion, if any, other than the President of the United Republic of Tanzania (if none, state none):

5. Particulars of Permit to Discharge Effluent for which application is made:--

A. Specify for any type of discharge:

(i) Volume of discharge in dry weather (m³/d)

(ii) Maximum rate of discharge (m³/d)

(iii) Average daily volume of trade effluent, if any, received at the works (m³/d)

(iv) Method of measurement of flows from the works V-notch/weir/current meter

(v) Maximum temperature of effluent discharge °C

Water Resources Management (Water Abstraction, Use and Discharge)

G.N. No. 190 (contd.)

(vi) Maximum concentration of any contaminants known to be present in the discharge:

- i ii iii
- iv v vi

In addition, for applications for any sewage works:

- (vii) No. of residents connected
- (viii) Expected increase in connections (growth rate/year).

B. Specify particulars of any works:

- (a) constructed:
- (b) to be constructed:

6. The name and address of other users downstream of the receiving body of water, who may be affected by the grant of the Permit to discharge for which application is made:

.....
.....

7. Methods of controlling pollution in details:.....

.....

Date Signature of Applicant

Use space below for a SKETCH MAP which must contain the following particulars:-

- (a) The plan of the discharging facility and the adjoining properties;
- (b) The body of water referred to;
- (c) The point on the body of water where it is desired to discharge effluent or construct treatment works; and
- (d) the true North.

(If possible use a tracing from the plan attached to your title deeds).

NOTE:-

The applicant is requested to give the distance in kilometers and simple description of the road to the property from the turn-off on a main road, or any well-known landmark, to facilitate inspection.

(3) Particulars of the drilling company:

Name of the Company:
Postal Address:
.....
Telephone No.: E-mail:
Registration No.:

(4) Description of pumps to be used, if any

- (i) horsepower;
- (ii) number of pumping hours per day;
- (iii) pump type: Electric/windmill/solar/diesel/hand pump.

(5) Purpose for which water is required

<i>Type of Use Details</i>	<i>Amount of Water to be abstracted/returned</i>
(a) Irrigation:	No. of hectares: Crop type:
(b) Fish Farming:	Hectarage of ponds: Storage size: m ³
(c) Industrial:	Processing/Product/Cleaning/Cooling tower/Boiler
(d) Mining:	Description of plant in use: Type of water uses: Type of ore to be crushed or treated: NAF/PAF
(e) Public Supply:	Total quantities of water: m ³ /d Number of people supplied growth rate %
(f) Hotels:	Number of rooms and beds
(g) Waste Disposal:

(6) Expected yield of the well m³/d

(7) Particulars of boreholes and well within one kilometre area of the proposed drill site:

(8) Point of Return

- (a) Particulars of possible pollution:
- (b) Measures to be taken to avoid pollution:

A separate application must be made in respect of each well or borehole

Date: Signature of Applicant:

Use space below for a SKETCH MAP which must contain the following particulars:-

- (a) The plan of the property and the adjoining properties;
- (b) The point on the body of water where it is desired to abstract water or construct works and the line of furrow; and
- (c) The true North.

(If possible use a tracing from the plan attached to your title deeds).

NOTE:-

The application is requested to give the distance in kilometers and simple description of the road to the property from the turn-off on a main road, or any well-known landmark, to facilitate inspection.

Form D

APPLICATION FOR AN EASEMENT

The Water Resources Management Act, 2009

(Section 78)

(To be completed in quintuplicate)

To: The Water Officer,

Basin/Catchment/Sub-catchment:

Postal Address:

E-mail: Telephone No.:

1. Name of Applicant:

2. Postal Address:

3. E-mail: Telephone No.:

4. Particulars of Water Use Permit:

5. Particulars of land in respect of which Water Use Permit was granted:

6. Is the Water Use Permit appurtenant to the land? Yes/No

7. Particulars of land over which easement is sought, and of all person having an interest therein:

8. Particulars of easement sought

9. Particulars of existing and proposed works

10. Particulars of compensation proposed

11. Particulars of attempts to obtain an easement by agreement

Date: Signature of Applicant:

(This form must be accompanied by a plan showing full details of the easement sought)

Form E

CERTIFICATE OF THE CREATION OF AN EASEMENT

The Water Resources Management Act, 2009

(Section 111)

No.:

I hereby certify that in exercise of the powers vested in me by section 61 of the Water Resources Act, No. 11 of 2009, I have this day created the following easement:—

Particulars of easement:

Particulars of dominant tenement and owner:

Particulars of Water Use Permit:

Particulars of Servient tenement:

On the following terms and conditions:

This easement is appurtenant to the said dominant tenement:

Date: Water Officer

Signed and delivered by the said:

(Water Officer) who is known to me personally, in my presence this day
..... (month) (year)

(Signature)

(Postal Address)

(Qualification)

(To be completed by an authorized witness under Part II of the Land Registration Rules)

Form F

GRANT OF TEMPORARY/FINAL WATER USE PERMIT¹

The Water Resources Management Act, 2009

(Section 43)

No.: Basin: Region:

1. Name of holder:

2. Address:

3. E-mail: Telephone No.:

4. Particulars of Water Use Permit:

5. This Water Use Permit is/is not appurtenant to:

6. Works:

7. Whether grant subject to construction of works specified in paragraph 6 and due by
which works to be completed:

8. This Water Use Permit is granted subject to the provisions of the Water Resources Act,
2009 and the special terms and conditions specified overleaf.

Date:

Basin Water Officer

¹To be completed in quintuplicate in the case of objections and applications.

Form G

GRANT OF A DISCHARGE PERMIT

The Water Resources Management Act, 2009

PART VI

No.: Basin: Region:

DISCHARGE PERMIT FOR (Name of Holder)

Issued pertaining to Water Resources Management Act, of 2009, section 66, the permit is given on the basis of the Information given in the application, dated.

(Date)

The conditions are given Overleaf. The permit applies from this date and replace earlier issued discharge permits, dated

A copy of the discharge permit has been sent to District/ Municipality and Regional Authorities and other relevant parties.

The discharge permit may be appealed to the Ministry responsible for Water within weeks after reception of this letter. The appeal shall state the reasons for appeal and which conditions that should be altered.

The Basin Water Board should be informed and have given their consent prior to any changes in relation to the information given in the application documents, concerning raw materials, products, production or mitigating technology.

Water Resources Management (Water Abstraction, Use and Discharge)

G.N. No. 190 (contd.)

Holder data

Name of Holder:	Sector of Industry:
Address:	District: Region:

References to other permits:

Water Use Permit No. of year
Building permit No. of year
Production permit No. of year
Environmental Clearance Certificate No. of year
Environmental Audit Certificate No. of year
Other:

Water Officer References:

Date:	Number of revision:	Date of revision:
..... <i>Board Chairman</i> <i>Board Secretary Signature's</i>	

CONDITIONS

1. Production

1.1 Process specification

The permit covers discharges from the following processes and the corresponding waste water treatment connected to the production of textile, based on cotton and/or mixtures of cotton and polyester:

- washing
- dyeing
- finishing

The permit applies for a year production capacity of tonnes textiles.

1.2 Raw materials, process chemicals, products and waste
(Specification based on the information given in the application)

2. Discharges to water

2.1 Discharge limits

The wastewater should meet the following discharge limits:

Parameter <i>Relevant to a respective product. eg pH</i>	Discharge limits, mg/l*	
	Maximum	Quarterly average (when relevant)
	6.5-8.5	

* Measured according to national standards

Water Resources Management (Water Abstraction, Use and Discharge)
G.N. No. 190 (contd.)

The company shall as far as possible prevent operational conditions leading to elevated discharges, and should reduce and stop production when necessary to comply with the discharge limits.

Any event that may imply irregularities or may lead to significant water pollution should be notified to Basin Water Officer.

2.2 Best Available Technology/Best Environmental Practice:

The activities connected to the production should as far as practical possible be according with the Principle of Best Available Technology, both production technology and technology for water pollution control, and in line with Best Environmental Practice for the (type/permit) industry.

2.3 Substitution of input materials:

The company shall regularly and systematically evaluate the impacts on health and environment of the chemicals and raw materials used.

Chemicals and raw materials that may have negative impact on health and environment, shall as far as possible be replaced by less detrimental chemicals and materials.

2.4 Discharge to receiving water/municipal sewerage system:

The wastewater should be discharged to River/Water body/The wastewater should by agreement with the urban water and sewerage authority be discharged to the municipal sewerage system.

2.5 Oil containing wastewater:

Any oil-containing wastewater shall be treated in oil separator(s), dimensioned for sufficient retention time, and operated according to the instructions given.

3. Solid waste:

The generation of waste should be reduced to a minimum. Emphasis should be put on reducing the content of hazardous substances in the waste. As much as possible of the waste should be recycled, either in-house or as raw material in other production, or used for energy production, when environmentally feasible. Incineration of waste for energy production or destruction of waste may need authorisation from other authorities.

Solid waste shall be delivered to the municipal system for waste disposal. Any hazardous waste shall be sorted out and delivered separately, when a system for hazardous waste is established.

Any waste from oil separators and wastewater treatment systems shall be handled as hazardous waste.

4. Preparedness for accidental discharges:

The company shall carry out measures to avoid accidental discharges and limit the risk for discharges. This should be based on a systematic evaluation of the risks connected to the activities, including any underground tanks.

The company shall have at hand an emergency preparedness system, in line with the risks it represents for accidental discharges. The system should be dimensioned according to the probability for accidents and impacts caused.

Any accidents representing a discharge to water shall be notified to the relevant authorities (respective Basin Water Officer, National Environmental Management Council, Chief Government Chemist and Disaster Management Unit (PMO)).

5. Improvement programme:

A programme for monitoring the wastewater shall be established. The programme shall give a qualified control and assessment of the discharges to water. The company shall present a monitoring programme for Water Quality and Pollution Control to the Basin Water Board within 3 months.

The company shall present an annual report to the Basin Water Office/Water Board. This report shall in addition to the production data, data on handling of solid waste and results from the monitoring of the wastewater, include a summary of the evaluation on substitution of chemicals and other mitigating measures (e.g. Cleaner production) that have taken place to reduce the environmental impact.

The annual report shall be presented on the 1st of March of each subsequent year.

7. Inspections:

The company shall at any time allow inspectors from the Basin Water Office or any one authorised by Basin Water Office/Water Board access to the production site.

Form H

GRANT OF PERMIT TO SINK OR ENLARGE WELL OR BOREHOLE

The Water Resources Management Act, 2009

PART VIII

No.: Basin: Region:

1. Name of holder:

2. Address:

3. E-mail: Telephone No.:

4. Particulars of Permit to Sink or enlarge a well or borehole:

5. Works:

6. Works:

7. Whether grant subject to construction of works specified in paragraph 5 and due by
which works to be completed:

8. This Permit to Sink or Enlarge a Well or Borehole is granted subject to the provisions
of the Water Resources Act, 2009 and the special terms and conditions specified
hereunder.

Date:

Basin Water Officer

CONDITIONS:

1.

2.

3.

Form I

For Official Use Only

Reference No.:

NOTICE REQUIRING ATTENDANCE/PRODUCTION OF DOCUMENTS

The Water Resources Management Act, 2009

(Section 111)

In the matter of:

Amount of Water to be Abstracted/returned

Notice is hereby given by the Basin Water Officer/Water Board of are required to produce to the Water Officer Water Board at power to the day of 20 the following:--
to attend before the Basin Water Officer/Basin Water Board at on the day of 20 at the hour of and to bring with you:

You are further requested to sign on the reverse of the copy hereof an acknowledgment of service of this notice and to return the copy to me on or before the day of (day) (month) (year).

Dated this day of 20

Basin Water Officer/Chairman, Basin Water Board

*Delete as appropriate

(Back of Form I)

To: The Basin Water Officer/Chairman Water Board.
I, hereby acknowledge service of notice to attend before the Basin Water Officer/Basin Water Board/to produce to the Basin Water Officer/..... Basin Water Board, the documents specified in

Dated this day of 20

Signature:

Form J

NOTICE OF INTENTION TO APPEAL

The Water Resources Management Act, 2009

(Regulation 21)

For Official Use Only

Reference:

To: The Water Officer:

I/We of wish to appeal
against the decision of the Basin Water Officer (state decision appealed against) which
was notified to by notice No.
dated the

Signed

Date

NOTE:

(1) A copy of this notice must be sent to the Minister responsible for water or
to the Regional Commissioner of the region in which the relevant regional
water supply is situated.

(2) The fee of Shs. must accompany this notice.

Dar es Salaam,
29th April, 2010

HON. MARK J. MWANDOSYA, (MP.),
Minister for Water and Irrigation