

Road Sector (Environmental Protection)

GOVERNMENT NOTICE No. 337 published on 2/10/2009

THE ROADS ACT

(No. 13 OF 2007)

REGULATIONS

(Made under section 61(2))

THE ROAD SECTOR (ENVIRONMENTAL PROTECTION)
REGULATIONS, 2009

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THE ROAD SECTOR (ENVIRONMENTAL PROTECTION)
REGULATIONS, 2009

PART I
PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Road Sector (Environmental Protection) Regulations, 2009 and shall come into operation on the date of publication. Citation

2. These Regulations shall apply to any road development project or road maintenance. Application

3. In these Regulations unless the context otherwise requires— Interpretation Act No.13 of 2009

“Act” means the Roads Act;

“Council” means The National Environment Management Council (NEMC); “Environmental Code of Practice for Road Works” means the document prepared and updated by the Ministry containing directions and technical descriptions on how to carry out road works in an environmentally friendly way;

“environmental emergency plan” refers to a plan which defines the emergency actions required in case of spills, accidents or other similar unforeseen events, including assignment of responsibilities;

“environmental expert” means an individual person or a firm of experts which has requisite qualifications prescribed by the regulations on registration of environmental experts made under the Environmental Management Act duly certified and registered in the Register of Environmental Experts kept and maintained by the Council; Cap. 191

“environmental impact assessment” (EIA) means a systematic examination conducted to determine whether or not an activity or project will have any impacts on the environment, and propose measures to minimise adverse environmental impacts or enhance positive environmental impacts;

“environmental impact statement” (EIS) means the statement produced at the end of the environmental impact assessment study, in accordance with the requirements of section 86 of the Environmental Management Act, and part IV of the Environmental Impact Assessment and Audit Regulations issued under the Environmental Management Act; Cap.191

“environmental and social management plan” (EMP) means all details of project activities, impacts, mitigation measures, time schedule,

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cost estimates, responsibilities and commitments proposed to minimise adverse environmental impacts or enhance positive environmental impacts of activities, including monitoring and environmental audits during implementation, demobilisation and operation phases of the project;

“environmental and social monitoring plan” means the continuous or periodic determination of actual and potential effects of any activity or phenomenon of the environment whether short or long-term;

“guidelines” means guidelines issued under these regulations by the Ministry;

Cap.287
and 288

“local government authority” has the same meaning as ascribed to it under the Local Government (District Authorities) Act, and the Local Government (Urban Authorities) Act;

Cap.191

“mandatory list” means the list of projects for which environmental impact assessment is always required, listed in the Environmental Impact Assessment and Audit Regulations made under the Environmental Management Act;

“Minister” means the Minister responsible for roads;

“Ministry” means the Ministry responsible for roads; “new road construction” means development of new roads or by passes or realignment of existing roads;

“periodic maintenance” means major maintenance or repairs carried out periodically, such as re-gravelling, re-surfacing or bridge maintenance;

“project brief” means a statement describing nature, location, activities, design and the likely environmental and socio-cultural impacts of a project in accordance with regulation 6 of the Environmental Impact Assessment and Audit Regulations of 2005 made under the Environmental Management Act;

“project proponent” means any company, person, organisation or institution concerned with any road development or maintenance activities pursuant to these Regulations;

“project registration” means filling and submission of the Environmental Application Form to the Council; ,

“rehabilitation of a road” means reinstatement or restoring the road to its envisaged condition, which may include activities such as improving drainage, slopes, embankments and other failed structures, strengthening of pavements or recuperating civil works.

“relevant environmental monitoring organisation” means the environmental management organisation responsible for the type of road in concern—

(a) trunk roads and regional roads;

PART II

GENERAL ENVIRONMENTAL PROTECTION AND MANAGEMENT
PROVISIONS

(a) Roles and responsibilities

Sector
Environ-
ment
Section
for the
road
sector,

4.—(1) The Ministry shall establish a Sector Environment Section for the road sector to comply with the Environmental Management Act.

(2) The general functions of the Road Sector Environment Section shall be those appearing in section 31 of the Environmental Management Act.

(3) The specific functions of the Road Sector Environment Section shall be to:

(a) provide inputs to the Ministry to develop sustainable development strategy for the road sector, including policies and plans to implement the strategy;

(b) develop and regularly update the Environmental Codes of Practice for Road Works;

(c) develop environmental regulations and guidelines under the Roads Act;

(d) disseminate information regarding environmental protection and management within the road sector;

(e) liaise with environmental entities, including participating in the Technical Advisory Committee on environmental assessment established by the Council; and

(f) supervise and coordinate the implementation of environmental regulations made under the Roads Act and relevant parts of the Environmental Management Act.

Cap.191

Local
govern-
ment
environ-
mental
administra-
tion

5. The supervision and coordination of the environmental management of road projects under the jurisdiction of local government will be organised as follows:

(a) the district council shall be responsible for district roads, which are collector, feeder and community roads;

(b) the city council shall be responsible for city roads;

(c) the municipal council shall be responsible for municipal roads;

(d) the town council shall be responsible for town roads;

(e) the township authority shall be responsible for township roads;

(f) the village authority shall be responsible for village roads; and

(g) the relevant authority shall be responsible for private roads.

(b) district, feeder and private roads in rural areas: The concerned standing committee on economic affairs works and environment established under sub-section (1) of section 74 of the Local Government (District Authorities) Act, 1982; and

(c) urban roads and private urban roads: The concerned standing committee on urban planning and environment established under sub-section (1) of section 42 of the Local Government (Urban Authorities) Act, 1982;

“resettlement action plan” (RAP) means a plan to resettle project-affected people made in accordance with the provisions under the relevant Land Act;

“road authority” means any local government authority as well as any institution, agency or other body entrusted by the Minister with the duties to develop, manage and maintain roads; Cap.113

“road contractor” means any person, organisation or body assigned by the road authority to execute the road project;

“Road Sector Environment Section” means the sector environment section for the road sector established in the Ministry in accordance with section 30 of the Environmental Management Act;

“routine maintenance” means maintenance required continually on a road whatever its engineering characteristics or traffic volume, and includes grass cutting, drain clearing, re-cutting ditches, culvert maintenance, road sign maintenance, etc.; Cap.191

“strategic environmental assessment” (SEA) means a systematic process for evaluating the environmental consequences of proposed legislation, policies, plans, strategies or programmes in accordance with any regulations which might be issued under the Environmental Management Act;

“supervising engineer” means the firm or person designated by the concerned road authority to supervise the road contractor;

“technical advisory committee” (TAC) means a cross-sectoral committee set up by the Council to advise it on reviews of environmental impact assessment related reports in accordance with the Environmental Impact Assessment and Audit Regulations made under the Environmental Management Act;

“upgrading of a road” means adding new lane (s) or changing of the road surface, widening of lane (s) or shoulders, adding extra lanes in steep slopes or inclines, improving curves, or strengthening of bridges.

6. Any person who fails to comply with any of the requirements under these Regulations commits an offence, and upon conviction shall be liable to the general penalties prescribed under the Roads Act.

Penalties
for non-
com-
pliance

(b) General environmental codes and standards

7. The Minister shall cause to be published in the Gazette notification of any codes of practice, standards, and guidelines in connection with matters provided for under these Regulations for the purpose of giving guidance and matters relating to the protection, development and rehabilitation of the environment.

Codes of
practice
for the
road
sector

8.-(1) For the purposes of these Regulations, the minimum environmental quality standards applicable to road works shall be as may be prescribed by the Minister responsible for standards under Part X of the Environmental Management Act in relation to:

Environ-
mental
standards,
CAP. 191

- (a) water quality;
- (b) discharge of effluents;
- (c) air quality;
- (d) control of noise and vibration pollution;
- (e) sub-sonic vibrations;
- (f) soil quality;
- (g) control of noxious smells;
- (h) light pollution;
- (i) electromagnetic waves and microwaves;
- (j) hazardous substances and materials; and
- (k) any other environmental quality standards.

(2) Without prejudice to sub-regulation (1), additional environmental standard specifications presented in the United Republic of Tanzania Ministry of Infrastructure Development Environmental Code of Practice for Road Works shall apply.

9.-(1) Subject to the provisions of this part the location, alignment and grade of roads to be constructed shall be approved by the road authority.

Land
preserva-
tion

(2) Road development and maintenance shall be conducted in such a manner as to facilitate the growing of natural vegetation and to accommodate proper drainage and prevent soil erosion.

(3) The road authority shall be responsible for restoring areas affected by road development to their original contours after completion of the

road project, including working zones, temporary alignments, borrow areas, quarry sites, camp sites and the like.

Soil
erosion
control

10.-(1) The road authority shall develop a suitable schedule of proposals for temporary and permanent soil erosion control measures at the commencement of the contract and shall submit such schedule on demand to the supervising engineer who may give appropriate directions.

(2) The road authority shall take reasonable steps to prevent soil erosion that may adversely affect road construction, damage adjacent properties, cause contamination of adjacent streams and other watercourses, lakes, ponds, swamps or other areas of impoundment.

Preserva-
tion of
trees and
shrubs

11.-(1) It shall be the duty of the road authority to preserve and protect trees and shrubs within the road reserve or area which does not necessary require removing for the road works.

(2) Vegetation which is damaged or injured beyond repair or treatment shall be restored early in the following planting season with the same type or species or other approved species suited to the environment.

Prevention
of
water
pollution

12.-(1) The road authority shall prevent the entrance or spillage of solid matter, contaminants, debris, refuse garbage, cement, concrete, sanitary waste, radioactive substances, oil, petroleum products, aggregate, processing failings, mineral salts, thermal pollution and other pollutants and wastes into any stream, dry or flowing watersource, wetlands, lakes, sea, underground water sources or any other water bodies.

(2) Where it is necessary to discharge waste waters from aggregate processing, concrete batching or other construction operations into streams, watercourses or other surface waters, the road authority shall use turbidity control methods such as setting ponds, gravel filter entrapment dikes, approved flocculating processed which are not harmful to species, re-circulation systems for washing aggregates or other approved methods.

(3) The road authority shall comply with all applicable laws orders and regulations and water quality standards concerning the control and abatement of water pollution, and shall compensate for polluted water sources and provide the consumers affected by the pollution with clean drinking water transported through pipes or otherwise from unpolluted sources.

13.-(1) The road authority shall utilise practicable methods and devices to control, prevent and minimise atmospheric emissions or discharges of air contaminants.

Prevention
of air
pollution

(2) The Road authority or contractor concerned with road works shall not operate equipment and vehicles which give off excessive emissions of exhaust gases due to poor engine adjustments or other inefficient operating conditions until corrective repairs or adjustments are made.

(3) Burning of waste materials from road works, such as tyres, plastics, rubber products, bituminous products, outdated equipment, clearing of vegetation and other materials, shall be avoided, and the road authority or contractor concerned with road works shall dispose off waste materials by methods indicated in the Environmental Code of Practice for Road Works.

14.-(1) The road authority shall ensure that any undertaking of the road works is in compliance with the applicable laws and regulations pertaining to the prevention and control of air pollution.

Dust
abatement

(2) Without prejudice to the generality of sub-regulation (1), the road authority performing road works under these Regulations shall take all reasonable measures to reduce emission of dust and to prevent dust from damaging crops, orchards, cultivated fields or cause nuisance to people in the areas surrounding, or proximate to the road works.

15.-(1) The road authority shall comply with the applicable laws and regulations pertaining to the prevention and abatement of excessive noise in any undertaking of road works.

Noise
abatement

(2) Without prejudice to the generality of sub-regulation (I), the road authority performing road works under these regulations shall supply its employees with such ear protection gear as the supervising engineer may require.

(3) Blasting operations, use of jackhammers, pile driving, rock crushing or other operations producing high intensity impact noise may be performed at night if the road authority has approved it in advance.

16.-(1) The road authority shall direct all stationary floodlights downward at an angle lower than horizontal and such floodlights shall be shielded so as to avoid or minimise nuisance to surrounding areas.

Light
abatement

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(2) The lighting erected on road works sites by the road authority shall not be directed to any residence nearby.

Preservation of historical and archaeological sites and items

17.-(1) The concerned road authority shall upon discovery any site or item of scientific, historical, prehistorically or archaeological significance notify the supervising engineer forthwith.

(2) The road authority upon receiving information on any discovery made under sub-regulation (1), shall promptly take actions to protect the site or item and inform the responsible ministries.

(3) The road authority shall take reasonable precautions to avoid damaging artefacts or fossils during excavations in the course of road works.

Use of pesticides, toxic and hazardous substances

18.-(1) The possible use of pesticides, toxic or other hazardous substances for road works shall comply with relevant legislation on hazardous substances under the Environmental Management Act.

(2) Except with the permission from the relevant authority, the road authority shall not import, store or handle hazardous compounds or substances for use in road works.

Disposal of waste materials

19.-(1) The road authority shall ensure that solid and liquid waste generated during road works is properly collected, controlled and disposed off.

(2) All waste water or sewage produced shall be directed by the road authority to a soak pit or other disposal areas constructed in accordance with local government regulations applicable in the area relating to disposal methods for such waste or sewage.

(3) All servicing of equipment, plant and vehicles shall be done at a road contractor workshop which shall be equipped with secure storage areas for fuel oils and other fluids to avoid uncontrolled spillage.

(4) Whenever servicing of any equipment plant or vehicle shall be done outside a workshop and the servicing shall be conducted at such appropriate locations as to avoid spillage and contamination of a stream or other water courses.

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(5) Any spillage occasioned by road contractor operations shall be cleaned up as soon as possible by either burning at a central disposal area or disposing off at a site duly approved by the supervising engineer.

(6) On completion of the road works the road authority shall remove all plant facilities, temporary constructions, rubbish, unused materials, concrete and other similar materials.

(7) On completion of the road works, the road contractor shall dispose off or clean up in a manner approved by the road authority any residue deposited on the ground from the washing out of transit mix trucks or any similar concrete operations.

(8) The road contractor shall bury the approved materials as prescribed in the standard specifications for road works.

20. Possible alteration or relocation of utilities connected with road works should be made in such a way as not to cause negative impacts on the environment, whether placed within or outside the road reserve. Utilities

21.-(1) The road authority undertaking road works shall enter into a written agreement with every owner of land on the use of property adjacent to the relevant road reserve or facilities inside or outside the road reserve so far as affecting the location, extent and use of borrow pits, quarry sites, haul roads, construction roads, paths and other features. Pro-
perties
and
facilities
outside
road
reserves

(2) A borrow pit or a quarry site shall be fenced off from people, livestock, and wildlife and relevant signs shall be erected by the road authority.

(3) After completion of the road works, borrow pits, quarry sites, camp sites etc. shall be reinstated, unless otherwise agreed upon with the owner of the land.

22.-(1) Only a person with adequate experience in blasting who possess a blasting certificate acceptable to the supervising engineer may be employed by the road authority to use explosives in the course of and for the purposes of road works. Use of
explosives

(2) The purchase, transportation, storage, handling and use of explosives shall be according to the laws and rules governing explosives.

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(3) The road contractor shall be liable for any injury, damage, loss, inconvenience and annoyance to persons, damage to adjoining structures, animals and property resulting from the use of explosives.

Health
and
safety

23.-(1) The road contractor shall immediately notify the road authority officially within twenty four hours concerning any accident occurring on site or off site during the operations.

(2) Arrangements shall be made by the road contractor to ensure the transportation of materials in vehicles which do not cause spillage and which are secured properly.

Land
acquisi-
tion

24. The road authority shall make arrangements with the local authorities and owners of land where road works are conducted, and shall pay the cost of compensation in accordance with the Land Act and the Land Regulations.

Personal
protective
gears

25. The road authority shall ensure that any contractor or person concerned with the execution of road works provides his employees with proper personal protective gears in accordance with the provisions made in the Occupational Safety and Health Act.

Execution

26. The road authority shall be responsible for the incorporation of relevant environmental management issues addressed from regulations 8 to regulation 25 of these Regulations into contracts of contractors or any other persons concerned with execution of road development and maintenance.

(c) Reporting

Records

27. Every road authority has the responsibility of keeping records of environmental assessments which is carried out.

State of
the
environ-
ment
reporting

28.-(1) The road sector Environment section shall submit a bi-annual state of the environment reports to the Director of the Environment in accordance with the provisions of the Environmental Management Act.

(2) The road authority shall submit the bi-annual environmental and social monitoring reports to the relevant environmental monitoring organisation within one month from the end of the preceding period.

PART III

PROCEDURE FOR ENVIRONMENTAL ASSESSMENT OF ROAD PROJECTS

29. The provisions for Environmental Impact Assessment and Audit Regulations shall apply mutatis mutandis to these regulations in relation to procedures for environmental assessment of road projects.

Procedures
for
environ-
mental
Assess-
ment for
roads
project

30. The following types of projects are subject to environmental assessment and shall be registered prior to the commencement of any implementation in accordance with the Environmental Impact Assessment and Audit Regulations made under the Environmental Management Act:

Road
Projects
to be
registered

- (a) road project types that are listed on the Environmental Assessment and Audit Regulations list of projects for which environmental impact assessment is mandatory;
- (b) any new road construction;
- (c) upgrading of a road;
- (d) rehabilitation of a road; and
- (e) any road project which requires opening of a new borrow pit, a new quarry or establishment of a temporary facility in a sensitive area.

31. The application form contained in the First Schedule of these Regulations, shall be filled and sent to NEMC and a copy to the Environmental Section of the Ministry.

Environ-
mental
Applica-
tion form

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FIRST SCHEDULE

ENVIRONMENTAL APPLICATION FORM
(To be filled by Road Authority / Project Proponent)

(Made under Regulation 31)

FORMS FOR EIA

FORM No. 1

(Regulation 7)

Application Reference No

THE ENVIRONMENT MANAGEMENT ACT, 2004 SUBMISSION OF
PROJECT BRIEF

PART A

DETAILS OF PROPONENT

Name of proponent (Person or Firm): PIN No. Address Name of contact person.

Telephone No. Fax No. E-mail:

PART B

DETAILS OF THE PROJECT

I. PROPOSED UNDERTAKING/DEVELOPMENT

Title of Proposal (general classification of undertaking)

Description of Proposal (nature of undertaking, unit processes (flow diagram), raw materials list of chemicals (source, types and quantities), storage facilities, wastes/by-products (solid, liquid and gaseous)

Scope of Proposal (size of labour force, equipment and machinery, installed/production capacity, product type, area covered facility/proposal, market)

2. PROPOSED SITE:

Location area, district, region (attach a site plan/map)
Current zoning
Distance to nearest residential and/or other facilities:
Adjacent land uses (existing & proposed):
Site description:

3. INFRASTRUCTURE AND UTILITIES

Structures (buildings and other facilities):
Land required:
Water (source, quantity):
Power (type, source & quantity):
Road: Other major utilities (e.g. sewerage, etc.):

4. ENVIRONMENTAL IMPACTS

Potential environmental effects of proposed undertaking (both construction and operational phases):

5. OTHER ENVIRONMENTAL ISSUES.

Potential significant risks and hazards associated with the proposal (including occupational health and safety). State briefly relevant environmental studies already done and attach copies as appropriate.
.....

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PART C
DECLARATION BY THE PROPONENT

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

.....
Name Position
Signature
On behalf of

Date:
(Firm name and Seal)

PART D
DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT

Name (individual/firm):
Certificate of Registration No.
Address:
Tel.: Fax: E-mail:
.....

PART E
FOR OFFICIAL USE

Decision of the Council
Comments:
.....
Officer: Sign.: Date:

NB:

1. If the Project Brief does not contain sufficient information required under the Environmental Impact Assessment Regulations the applicant may be requested to give further information concerning the project, or be notified of any defects in the application and may be required to provide the additional information.

2. Any person who fraudulently makes a false statement in a project report or alters the project report commits an offence.

Important notices: Please submit the following:

- (a) three copies of this form;
- (b) 10 copies of the project brief;
- (c) the prescribed fees to:

Director General

The National Environment Management Council (NEMC)

Sokoine Drive, Tancot House, 3rd Floor

P.O. Box Dar es Salaam Tanzania

Tel:

Fax:

E-mail:

SECOND SCHEDULE

ENVIRONMENTAL SENSITIVE AREAS FOR ROAD SECTOR

A. "Environmentally sensitive area" means:

- (i) an area covering more than ten hectares of wetlands;
- (ii) areas susceptible to erosion, landslides, or any other tectonic movements;

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- (iii) areas with unique, rare, endangered, or threatened plants and animals species;
- (iv) areas of unique socio-cultural, archaeological, or scientific interest;
- (v) areas with potential tourist value;
- (vi) polluted areas;
- (vii) coastal areas;
- (viii) areas declared as watershed reserves;
- (ix) sacred areas;
- (x) hot springs;
- (xi) green belt, parks, or public open spaces in urban areas;
- (xii) burial sites and graves;
- (xiii) churches, mosques or temples;
- (xiv) indigenous territories and reserves; and
- (xv) vulnerable indigenous populations.

Dar es Salaam,
31st July, 2009

SHUKURU J. KAWAMBWA,
Minister for Infrastructure Development

GOVERNMENT NOTICE No. 338 published on 2/10/2009

THE LOCAL GOVERNMENT TRAINING INSTITUTE
ACT
(CAP 396)

REGULATIONS, 2008

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY PROVISIONS

<i>Regulation</i>	<i>Title</i>
1.	Citation.
2.	Application.
3.	Interpretation
4.	Board of Trustees and Committees.

PART II
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6. Deputy Principal.
7. Director of Studies.
8. Delegation of powers on several appointments.
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10. Guideline preparation.
11. Suggestion of suitable candidates.

*(b) Recruitment procedures of deputy principal, directors, heads
of department and other employees*

12. Vacancies.
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14. Private consultancies

(c) Mode and types of appointment

15. Types of appointment.
16. Appointment on permanent terms.
17. Appointment on temporary terms.
18. Appointment on contract terms.
19. First appointment.

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DELEGATION OF POWERS, DUTIES AND RESPONSIBILITIES

20. Board of trustees.
21. The Principal.
22. Deputy Principal.
23. Director of Studies.
24. Director of Finance and Administration.
25. Bursar.
26. Principal Human Resource Officer.
27. Chief Internal Auditor and External Auditors.
28. Principal State Attorney.

PARTY IV

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30. Promotion procedures.
31. Promotion merits.
32. Employees elevation.
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(b) Training and Staff development

34. Staff development and maintenance.
35. Staff development programmer.

(c) Salaries and remunerations

36. Salaries.