S.I. 99 of 2021

ENVIRONMENT PROTECTION ACT, 2016

(Act 18 of 2016)

Environment Protection (Waste Services) Regulation, 2021

In exercise of the powers conferred by section 80 (1) (c) read with section 32 (1) (b) of the Environment Protection Act, 2016, the Vice-President acting as the Minister responsible for Environment makes the following regulations —

Citation

1. These regulations may be cited as the Environment Protection (Waste Services) Regulations, 2021.

Interpretation

2. In these regulations, unless the context otherwise requires —

"Act" means the Environment Protection Act, 2016 *(Act 18 of 2016)*;

"Agency" means the Landscape and Waste Management Agency established under regulation 3 (1) of the Environment Protection (Landscape and Waste Management Agency) Regulations, 2009;

"Appeals Board" means the Appeals Board established under section 73 of the Act";

"establishment" means any waste generating entity listed in the First Schedule;

"outdoor event" means any outdoor display, entertainment or activity organised for the public for which a permit is required by law;

"public bin" means a receptacle and its enclosure marked for the containment of municipal waste, as stated in the Third Schedule;

"registration certificate" means a certificate issued by the Agency, to the effect that the person specified therein is a waste contractor under regulation 4;

"specialised equipment" means any equipment used for undertaking waste services as specified in the registration certificate and as stipulated in Part 2 of Schedule 2;

"waste contractor" means a waste contractor registered by the Agency under regulation 4 who may provide waste services;

"waste services" means the collection, handling, transportation, treatment, disposal, processing or trade of any waste or the undertaking of any activity connected thereto; and

"waste class" means the waste class specified in the Second Schedule.

Prohibition against offering commercial waste service without licence

3.(1) A person shall not engage in commercial waste service without a registration certificate issued by the Agency under regulation 4 and a licence issued under the Licences Act *(Cap 113).*

(2) A person who engages in a waste service contrary to subregulation (1) commits an offence.

Application of registration certificate

4.(1) An application for a registration certificate to engage in a waste service shall be made in Form I under the Fifth Schedule.

(2) The Agency may require an applicant to furnish such additional document or information as it may deem necessary for making its decisions.

(3) The Agency may for reasons to be recorded in writing, approve or reject an application to engage in waste services.

(4) Where the Agency refuses to approve an application under

subregulation (3), the Agency shall, in writing, inform the applicant the reasons for rejecting to approve the application.

(5) Where an application is approved by the Agency, it shall enter the name of the applicants in the register of waste contractor and issue a registration certificate to the applicant.

(6) The registration certificate shall be issued in Form II provided under the Fifth Schedule.

(7) A waste contractor shall comply with the conditions specified in their licence in relation to —

(a) the types of waste, collecting the waste specified in the registration certificate;

(b) the collection of the classes of waste in the manner prescribed for that class of waste and using the appropriate transportation for classes of waste for which registration certificate is issued;

(c) where applicable, the keeping of records of all transactions concerning waste management; and

(d) the frequency of collection of waste as specified for the type of establishment as set forth in Third Schedule.

(8) A waste contractor's licence may be revoked if the contractor provides waste services contrary to the condition specified in the registration certificate and commits an offence.

Disposal of waste

5.(1) A waste contractor shall dispose of all waste class collected at the approved waste disposal site for that waste class and shall not dispose waste in any public bin, public place or any other place not approved by the Agency and shall pay the landfill fees as specified in the Fourth Schedule.

(2) A waste contractor who contravenes subregulation (1), commits and offence.

Waste collection contract for holding of outdoor events

6.(1) An establishment or a person organising an outdoor event shall have a valid waste service contract with a registered waste contractor for the management and disposal of the waste it generates.

(2) A waste service contract under subregulation (1) shall be considered as valid if —

(a) it contains the names of the establishment or person organising the outdoor event and the name of registered contractor;

(b) it contains the tipping fee applicable for disposal of waste at the approved waste disposal site;

(c) it specifies the frequency of collection of waste which shall correspond to the size and nature of the establishments activity or event organised; and

(d) the registration certificate of the waste contractor has not been revoked or suspended.

(3) An establishment or a person organising an outdoor event without a valid waste service contract for the management of the waste generated commits an offence.

Power to conduct onsite visit and request documents

7.(1) The Agency may, with or without notice conduct site visits at an establishment or during an outdoor event and may request information or the production of document relating to waste management.

(2) Where the Agency makes a request under subregulation (1) the establishment or person organising the outdoor event shall furnish the required information or documents to the Agency.

(3) An establishment or person organising an outdoor event who fails to comply with the request of the Agency under subregulations (1) commits an offence.

Suspension or revocation

8.(1) Where the Agency finds that a waste contractor is engaging in a waste service contrary to the condition specified in the registration certificate or is engaging in a waste service that is contrary to the waste class specified in the registration certificate, the Agency may suspend or revoke the registration certificate.

(2) Where a suspension or revocation of registration certificate is made the Agency shall communicate in writing the details of the suspension or revocation to the waste contractor and the reasons therefor.

(3) Where the registration certificate of a waste contractor has been suspended or revoked, the waste contractor shall cease to engage in any waste services.

(4) A person who continues to engage in waste services after the suspension or revocation under subregulation (1) commits an offence.

Compliance Notice

9.(1) An establishment or a person organising an outdoor event shall ensure that he or she takes all the necessary measures as may be instructed by the Agency, for the handling and management of waste generated by the establishment or the outdoor event.

(2) Where during an onsite visit under regulations 7, the Agency finds that an establishment or person organising an outdoor event is not taking necessary measures for handling and managing waste, the Agency may issue a immediate compliance notice to the establishment or person organising an outdoor event.

(3) An establishment or person who fails to comply with a compliance notice under subregulation (2) commits an offence.

Non-disposal of waste in public bins

10.(1) An establishment or person acting on behalf of the establishment or a person organising an outdoor event or persons acting on behalf of the person organising an outdoor event shall not dispose waste in any public bin or any other place not approved by the Agency.

(2) An establishment or a person who contravenes subregulation (1) commits an offence.

Records

11.(1) A waste contractor, an establishment or a person organising an outdoor event shall keep proper records of the waste collected and disposed and records of all payments made for waste collection and tipping fees.

(2) The records required to be kept under regulation (1), shall be kept by the waste contractor, establishment or a person for a period of 1 year.

(3) The receipt for payment of waste collection and the tipping fees under subregulation (1) shall serve as a rebuttable presumption that the waste has been properly disposed.

(4) A waste contractor who contravenes subregulation (1) commits an offence.

Appeals to the Appeals Board

12. A person who is aggrieved by a decision of the Agency may appeal to the Appeals Board.

Offence and penalty

13. A person who commits an offence under these regulations shall upon conviction be liable to a fine not exceeding SCR 20,000 or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

FISRT SCHEDULE

(regulation 2)

Establishments

Establishments shall include —

(a) Persons or entities carrying out licensable activities pursuant to an Act or for which a waste contract is required;

(b) Public bodies;

(c) Live aboard vessels;

(d) Food premises and mobile food vendors; and

(e) Buildings with multiple tenants.

SECOND SCHEDULE

(regulation 2)

Waste Class and Means of Transportation of classes of waste

PART 1

Class of Waste

WASTE CLASS			
CLASS	**DESCRIPTION**	**TREATMENT OPTION**	**NOTES**
CLASS 1	**MUNICIPAL SOLID WASTE** Household/domestic waste and waste originating from communal waste bins other public collection points designated by LWMA	Landfill	Free service as part of Municipal waste collection service
CLASS 2	**MIXED COMMERCIAL SOLID WASTE** Commercial, industrial, tourism and institutional waste whether mixed or collected as separate fractions.	Landfill	

CLASS 3	**GREEN AND BIOLOGICAL WASTE**		
3A.	**GREEN WASTE** Plant remains , waste from forestry, landscaping, private gardens.	Landfill Compost	Applies to green waste free from foreign matter Non-compliance of waste in this class is considered as Class 2
3B.	**PUTRESCENT WASTE** Waste from processing of meat , fish and other foods of animal origin , animal remain, sludge	Deep burial Composting	Submit request using special waste form
3C.	**OTHER (CLEAN) BIO DEGRADABLE WASTE** Not specified above: processed wood paper and cardboard	Compost Landfill	Applies to biodegradable waste free from foreign matter. Non-compliance of waste in this class is considered as Class 2
CLASS 4	**LIQUID WASTE** Residues and liquids from waste water management facilities, septic tanks, grease traps, not containing petroleum, off-site water & waste water treatment,edible oils, waste water & sludges	Stabilisation pits Deep burial for screenings and non-stabilised sludge	Normal sewage should be disposed at wastewater treatment plants - PUC and others Submit request using special waste form
CLASS 5	**BULKY WASTE** End of life appliances, furniture, tyres, disused items, glass or plastic items, waste electronic and electrical equipment (w.e.e), bulky items from commercial or industrial applications	Break/Shred for material recovery or Landfilling	All material shall be deposited at designated area for bulky waste as per instruction

CLASS 6	**SCRAP METAL** Ferrous and non-ferrous metals light and heavy scrap including end of life vehicles	Break/Shred for material recovery	All material shall be deposited at designated scrap area as per instruction
CLASS 7	**WASTE OIL** Oil wastes and wastes of liquid fuels, wastes from petroleum refining, oily sludge, oil spills, bitumen not including edible oils	Oil recovery under approved scheme	For waste oil disposal scheme, refer to separate instructions issued by the Agency SR2.00 for SEYPEC SR4.50 for Waste Oil Contractor plus VAT/Taxes (if applicable) SR2.00 for LWMA
CLASS 8	**CONSTRUCTION& DEMOLITION WASTE** Construction and demolition wastes including excavated soil from contaminated sites, reinforced concrete, tree trunks, plastics and other waste as minor components of the waste	Landfilling Cover material	C & D waste free from contamination shall be treated as landfill cover - Class 11
CLASS 9	**INERT WASTE**		
9A	**GLASS** **(whole or broken pieces)** For Glass waste under the Levy system - waste is disposed according to existing Government scheme For glass waste NOT part of the LEVY SYSTEM, the landfill fee apply	Landfilling at approved site.	Disposal at approved site, which may lie outside landfill area. Administrative formalities apply - Use Special waste form Items to be disposed are FIRST weighed at Providence Landfill

9B	**CEMENT**	Landfilling at approved site	Disposal at approved site, which may lie outside landfill area.
CLASS 10	**HAZARDOUS WASTE** Waste included in this category whether collected separately or a major component of any waste load (incl. medical waste). Asbestos, Toxic chemicals, Paints, Chlorine, Ammonia, Acids, Alkalis solutions	• Disposal via landfill of approved items on the list • Treatment at external specialised facility	Submit using Hazardous waste form
CLASS 11	**LANDFILL COVER** Sawdust, aggregates, soil, material free from other wastes	Landfill cover	Landfill cover contaminated with any material to be considered as Class 2 - Mixed waste.
CLASS 12	**SPECIAL WASTE/ OTHERS**		
12A	Bonded goods (SRC)	Landfill	Use Special waste form
12B	Public Health or Biosecurity procedures	Landfill	Use Special waste form
12C	Expired cooked Food, Fruit, Vegetables, Alcoholic and Non-Alcoholic beverage consignments	Disposal via approved method	Use Special waste form

12D	Ash free from other waste, Ash residues from crematoria and incinerators	Landfilling at approved site. Ashes - landfilling	Disposal at approved site, which may lie outside landfill area
ADDITIONAL FEES			
CLASS 13	**PUBLIC WEIGHING**		General service to any customer/client
CLASS 14	***PENALTY FEE** (For part or complete non-compliance, non-adhereance & false declaration of waste)		Enforced on customer/client to curb down on malpractices

*** <u>Explanation on Surcharge Fees</u>**

1. A penalty fee in the form of a surcharge is added to a payment in cash or credit for a customer/client, as a result of an offence in relation to non-compliance (part or whole), non-adherence to instructions given and/or providing falsified information to officers @ the landfill at any point in the process of waste disposal.

2. Surcharge applies per Trip upon committing of offence and is instantly added to the invoice bill.

3. The LWMA reserves the right to refuse entry to a customer/client at any point in time, if they have an outstanding bill yet to be paid.

PART 2

Specialised Equipment
Means of Transporation Per Class

Waste Class	Recommended Vehicle Type
Class 1 and 2	Compactor Truck
Class 3A, 3C, 5, 6, 8 and 11	Open Truck
Class 3B	Compactor Truck or Skip
Class 4 and 7	Vacuum Truck
Class 9	Special collection and disposal Modality - as per the Agencys instruction
Class 10	Special collection and disposal Modality - as per the Agencys instruction
Class 12	Special collection and disposal Modality - as per the Agencys instruction

THIRD SCHEDULE

[regulation 4(7)(d)]

Frequency of collection and recommended waste receptacle per Business Type and Categories

Business Type or Category	Nature of Business type and Category	Recommended Waste Receptacle of 240 Litres	Frequency of Collection *
A	Large Tourism Establishment (Hotel, Spa, Guest House	11-18	Daily
B	Commercial Complex, Malls, Composite Building Blocks, School (Educational Faculty/Academia)	7-10	At least twice per week
C	Flats/Apartment, small tourism (Residential/Apartment/Villas/ Rental) Domestic Waste from Individual House only	5-6	Daily or at least three times per week
D	Warehouse/Wholesaler Retail Shop, Supermarket	4	Daily or at least three times per week

E	Take Away, Bakery, Food Court, Snack Shop, Cafeteria, Internet Café, Restaurant	3	Twice per week
F	Small Business Hairdresser, Beauty, Cosmetic, Boutique, Tailoring, Laundry, Gifts and Stationary	1-2	weekly
G	Micro and Medium Small Enterprises	1-3	At least three times per week
H	Food Vans, Food Kiosks	1-2	Three times per week

* The Agency reserves the right not to accept the frequency of waste collection or bin capacity chosen by the individual or business, instead prescribed new instructions to change the frequency and/or capacity prior to endorsement of waste collection contract.

FOURTH SCHEDULE

(regulation 5)

Approved Fees

APPROVED LANDFILL FEES				
CLASS	**DESCRIPTION**	**NEW RATES**	**TREATMENT OPTION**	**NOTES**
CLASS 1	**MUNICIPAL SOLID WASTE** Household domestic waste and waste originating from communal waste bins and other public collection points designated by the Agency	Nil	Landfill	Free service as part of Municipal waste collection

CLASS 2	**MIXED COMMERCIAL SOLID WASTE** Commercial, industrial, tourism and institutional waste whether mixed or collected as separate fractions.	**SCR75.00 per Ton**	Landfill	
CLASS 3	**GREEN AND BIOLOGICAL WASTE**			
3A.	**GREEN WASTE** Plant remains , waste from forestry, landscaping, private gardens.	**SCR50.00 per Ton**	Landfill Compost	Applies to green waste free from foreign matter Non-compliance of waste in this class is considered as Class 2
3B.	**PUTRESCENT WASTE** Waste from processing of meat, fish and other foods of animal origin, animal remains or sludge	**SCR500.00 per Ton**	Deep burial Composting	Submit request using special waste form
3C.	**OTHER (CLEAN) BIO DEGRADABLE WASTE** Not specified above: processed wood paper and cardboard	**SCR30.00 per Ton**	Compost Landfill	Applies to biodegradable waste free from foreign matter. Non-compliance of waste in this class is considered as Class 2

CLASS 4	**LIQUID WASTE** Residues and liquids from waste water management facilities, septic tanks, grease traps, not containing petroleum, off-site water & waste water treatment,edible oils, waste water & sludges	**SCR500.00 per Ton**	Stabilisation pits Deep burial for screenings and non-stabilised sludge	Normal sewage should be disposed at wastewater treatment plants - PUC and others Submit request using special waste form
CLASS 5	**BULKY WASTE** End of life appliances, furniture, tyres, disused items, glass or plastic items, waste electronic and electrical equipment (w.e.e), bulky items from commercial or industrial applications	**SCR100.00 per Ton**	Break/Shred for material recovery or Landfilling	All material shall be deposited at designated area for bulky waste as per instruction
CLASS 6	**SCRAP METAL** Ferrous and non-ferrous metals light and heavy scrap including end of life vehicles	**SCR100.00 per Ton**	Break/Shred for material recovery	All material shall be deposited at designated scrap area as per instruction
CLASS 7	**WASTE OIL** Oil wastes and wastes of liquid fuels, wastes from petroleum refining, oily sludge, oil spills, bitumen not including edible oils	**SCR9.18 per Litre**	Oil recovery under approved scheme	For waste oil disposal scheme, refer to separate instructions issued by the Agency SR2.00 per ton for SEYPEC SR4.50 for Waste Oil Contractor plus VAT/Taxes(if applicable) SR2.00 per tonfor LWMA

CLASS 8	**CONSTRUCTION AND DEMOLITION WASTE** Construction and demolition wastes including excavated soil from contaminated sites, reinforced concrete, tree trunks, plastics and other waste as minor components of the waste	**SCR200.00 per Ton**	Landfilling Cover material	Construction and Demolition Waste free from contamination shall be treated as landfill cover - Class 11
CLASS 9	**INERT WASTE** Glass and Cement	**SCR300.00 per Ton** *SR250.00 for the Agency SR50.00 for Recycling scheme*	Landfilling at approved site.	Disposal at approved site, which may lie outside landfill area (In absence of a Recycling scheme SR300.00 per ton is charged)
CLASS 10	**HAZARDOUS WASTE** Waste included in this category whether collected separately or a major component of any waste load (incl. medical waste). Asbestos, Toxic chemicals, Paints, Chlorine, Ammonia, Acids, Alkalis solutions	**SCR1,200.00 per Ton**	• Disposal via landfill of approved items on the list • Treatment at external specialised facility	Submit using Hazardous waste form

CLASS 11	**LANDFILL COVER** Sawdust, aggregates, soil, material free from other wastes	**SCR50.00 per Ton**	Landfill cover	Landfill cover contaminated with any material to be considered as Class 2 - Mixed waste.
CLASS 12	**SPECIAL WASTE/ OTHERS**			
CLASS 12A	Bonded goods (SRC)	**SCR250.00 per Ton**	Landfill	Use Special waste form
CLASS 12B	Public Health or Biosecurity waste	**SCR250.00 per Ton**	Landfill	Use Special waste form
CLASS 12C	Expired cooked Food, Fruit, Vegetables, Alcoholic and Non-Alcoholic beverage consignments	**SCR250.00 per Ton**	Disposal via approved method	Use Special waste form
CLASS 12D	Ashes free from other waste, Ash residues from crematoria and incinerators	**SCR 250.00 per Ton**	Landfilling at approved site. Ashes - landfilling	Disposal at approved site, which may lie outside landfill area
ADDITIONAL FEES				
CLASS 13	PUBLIC WEIGHING	**SCR 345.00 per Weighing**		
CLASS 14	* SURCHARGE (For partor complete non-compliance, non-adhereance &false declaration of waste)	**SCR2,500.00 per Trip**		Enforced on customer/clients to curb down on malpractices

***Explanation on Surcharge Fees**

1. A penalty fee in the form of a SURCHARGE is added to a payment in cash or credit for a customer/client, as a result of an offence in relation to non-compliance (part or whole), non-adherence to instructions given and/or providing falsified information to officers at the landfill at any point in the process of waste disposal.

2. Surcharge applies per trip upon non compliance and is instantly added to the invoice bill.

3. The Agency reserves the right to refuse entry to a customer or client at any point in time, if the current or outstanding bill is not settled.

FIFTH SCHEDULE

[regulation 4(1)]

Form I

Application for Registration Certificate

WASTE CONTRACTORS REGISTRATION FORM

BUSINESS NAME:

T.I.N NUMBER:

TYPE OF VEHICLES:

VEHICLES REGISTRATION NUMBER:

NAME & SURNAME OF APPLICANT:

ADDRESS:

D.O.B: GENDER:

NATIONALITY:

CONTACT NO:

EMAIL ADDRESS:

APPLICANT COMMENT FOR REGISTRATION

FOR OFFICIAL USE ONLY

COMMENT:

LWMA'S REPRESENTATIVE SIGNATURE: DATE:

Form II

Waste Contractor Registration Certificate

[regulation 4(6)]

Business Name/Owner:…….....

Business Address:…….....

This registration certificate is valid for ……. years.

From……..……..……..…….....

To……...……..…….....

Date Issued:……..…….....

Authorised Officer:……..…….....

Specific Conditions……..…….....

Waste Class (to be collected) ……..…….....

Specialised Equipment (s):……..……..……

Official Stamp with CEOs signature	Seal of authentication

MADE this 10th day of November, 2021.

AHMED AFIF
VICE-PRESIDENT