

GOVERNMENT NOTICE No. 827 published on 8/11/2019

THE WATER SUPPLY AND SANITATION ACT,
(Act No. 5 of 2019)

REGULATIONS

(Made under section 73(1)(c))

THE WATER SUPPLY AND SANITATION (PROVISION AND
MANAGEMENT OF SEWAGE AND WASTEWATER SERVICES)
REGULATIONS, 2019

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PART I
PRELIMINARY PROVISIONS

- Citation 1. These regulations may be cited as the Water Supply and Sanitation (Provision and Management of Sewage and Wastewater Services) Regulations, 2019.
- Application 2.-(1) These Regulations shall apply to any area designated and declared to be a water authority, clustered water authority, or to any person providing or using water supply and sanitation services.
(2) Where the circumstances necessitate the provisions of these Regulations to apply to a community organization or private owned system, any reference to any water authority shall be deemed to include community organization or private owned system.
- Interpretation 3. In these Regulations unless the context otherwise requires-
“abattoir” includes a slaughtering slab and any premises or place habitually used for slaughter of animal for human consumption;

Act No. 5 of 2019	“Act” means the Water Supply and Sanitation Act; “Authority” means the local government authority; “authorized officer” means any officer, servant or agent or any person acting on behalf of the water authority, or Authority or any authorized environmental inspector;
Act No. 5 of 2019	“community organization” means a community based water supply organisation established under section 32 of the Act; “inspection chamber” means a cavity constructed between sewer lines to allow for inspection and cleansing; “occupier” includes any person in actual occupation of land or premises; “owner” with regards to immovable property includes any person receiving or accepting any consideration in respect of rent or profits from any tenant or occupier thereof or who would receive rent and profits if the premises were let whether on his own account or as agent for any other person; “public sewer” means any sewer vested in or constructed by or on behalf of or under the control of the water authority;
Cap. 414	“Regulator” means the Energy and Water Utilities Regulatory Authority established under the Energy and Water Utilities Regulatory Act; “sewage” means liquid waste of a excremental nature but does not include wastewater and storm water; “sewer” means any pipe or conduit other than a drain used, or for use, for the conveyance of sewage; “storm water” means a surface runoff (flow on surface) as a result of rainfall precipitation; “trap” means a chambered equipment constructed on a sewer or drain for the interception and removal of sand and grit, seal smells or fumes, or a type of gully chamber constructed for the retention and removal of grease, petroleum spirit or similar matter from wastewater or an appliance for

receiving wastewater or surface water and passing it to the drain through a chamber or a chamber inserted in the run and at the top of the lateral drain; “wastewater disposal works” means all gathering grounds including off-takes, tunnels, ponds, filter beds, conduits, aqueducts, sewers, pipes, wetland, septic tank, soak way pit, lagoons, pumps, prime movers, cesspit empties vans and all structures and appliances used or constructed for the storage, conveyance, measurement or regulation of sewage and wastewater, which are used or have been constructed by or on behalf of a water authority, private or community organization; “wastewater” means liquid waste of non-excremental nature but does not include storm water; “water authority” means a water supply and sanitation authority established under section 9 of the Act.

PART II PROVISION OF SEWAGE AND WASTEWATER FACILITIES

Provision of
sanitation

4.-(1) A water authority shall develop and maintain sanitation works within its jurisdiction.

(2) Sanitation works to be provided by the water authority shall involve infrastructure for collection, conveyance and treatment of wastewater as well as disposal of effluent.

Protection of
public sewers

5.-(1) A person who excavate or cause to be excavated or to carry out any activity within the way leave of a public sewer or sanitation works or disposal works shall obtain a written consent from the water authority.

(2) Subject to subregulation (1), the way leave shall be ten meters of such land being five meters from edge of each side of the main sewer and four meters being two meters from the edge of each side

of the secondary sewer and one meter being half a meter from the edge of each side of tertiary sewer.

(3) Where a person damages sanitation works and fail to repair the damage, the water authority may make good any excavations, damage or alterations, demolish or otherwise deal with any work building or structure carried out or created contrary to this regulation as it may deem fit and may recover the expenses incurred in so doing as a civil debt against such person.

PART III CONNECTION WITH PUBLIC SEWER

Connection
with public
sewer

6.-(1) The owner or occupier of any premises or the owner of private sewer situated within thirty meters where a public sewer crosses, shall connect to public sewer.

(2) A person who owns a private sewer in a manner prescribed under sub regulation (1) and fails to connect with public sewer shall be required to pay for the wastewater service.

(3) Without prejudice to sub regulation (1), a person shall not-

- (a) discharge directly or indirectly into public sewer any matter from a manufacturing process or a factory, other than domestic sewage, except by a written trade waste agreement with the water authority warranted by an inspection certificate issued by the relevant authority;
- (b) connect storm water to the public sewer;
- (c) connect with public sewer where that sewer is situated in excess of thirty metres of the curtilage of the premises, unless otherwise permitted;
- (d) connect with public sewer where the water authority determines that the location of

- the premises or ground level makes it impracticable unless wastewater booster pumps or any other technology permitted by the water authority; or
- (e) discharge any matter which is prohibited under the Act or any other written law.
- Cap. 99 (4) A person who deemed to have access to public sewer under section 94(2) of the Public Health Act shall be connected to the public sewer.

PART IV PROVISION OF SANITATION SERVICES

Application for sewer connection 7.-(1) A person who intends to connect a private sewer into public sewer shall make an application in a prescribed form set out in the First Schedule to these Regulations.

(2) The water authority shall, within fourteen days upon receipt of the application together with the payment of sewer connection fee, connect the applicant premises with sewer services.

Restrictions on public sewer 8.-(1) A person shall not lay, alter, remove or extend any customer's service unless he applied for and obtained permission in writing from the water authority.

(2) The water authority may, in granting the permission to lay, alter, remove, or extend the service; approve the place, fittings and arrangements for laying, removing, altering or extending the service.

Sample analysis 9.-(1) Upon receipt of an application for sewer connection service, the water authority may require samples of wastewater and sewage conveyed or to be conveyed to such sewer to be taken and analyzed by designated laboratory, which shall deliver to the water authority true analyses of such samples.

(2) The costs and expenses related to taking and analyzing of samples shall be incurred by the customer or person applying for connection to a public sewer.

(3) Where the results of sample analysis satisfy the water authority that the wastewater or sewage is likely to cause nuisance or dangerous or injurious to the environment or negatively affect functioning of the wastewater treatment plant, it may require installation of suitable pre-treatment at the cost of the applicant before they are connected to the public sewer.

(4) Without prejudice to sub regulation (3), installation of pre-treatment plant, for wastewater and sewage from industrial activities, shall be mandatory pursuant to Environmental Management Act and other relevant legislation.

(5) Water authority may issue guideline for monitoring wastewater in accordance with these Regulations.

Trade waste agreement

10.-(1) The water authority may enter into a trade waste agreement with a private operator to discharge sewage or wastewater into wastewater disposal works, or for treatment of sewage or wastewater; such agreement may include such terms and conditions as the water authority may determine.

(2) The trade waste agreement stipulated under sub-regulation (1) may be entered between a water authority and private operator for sucking, transporting and disposing wastewater and sewage to wastewater disposal works, or with a person who is connected or applying to be connected with public sewer as may be determined by the water authority.

(3) Without prejudice to sub regulation (1), the terms and conditions of trade waste agreement shall include-

- (a) provisions on the rate of discharge of sewage and wastewater;

- (b) taking of samples and checking the compliance of sewage and wastewater before discharge to wastewater disposal works;
- (c) prescription of the nature of the sewage and wastewater;
- (d) provision on the details of wastewater disposal works;
- (e) prescription of the fees, tariff, and charges and show up the source;
- (f) provision of technical support to the private operator where necessary; and
- (g) maintenance of equipments to the standards required by the Authority.

(4) In executing an agreement under sub regulation (1), the water authority shall cause a private operator to fill in a prescribed form set out in the Second Schedule to these Regulations for discharge of sewage or wastewater.

(5) Where the sewage or wastewater does not meet the required standard or cannot be treated, the water authority shall direct that person to the Authority.

Eligibility to enter into trade waste agreement

11. Any person seeking to enter into a trade waste agreement with water authority shall possess a permit to carry out activities of emptying and transporting sewage or wastewater issued by the Authority.

Permit for carrying and transporting wastewater

12. Prior to grant of the permit for carrying and transporting sewage and wastewater, the Authority shall ensure that the vessel-

- (a) has a containment mechanism to conceal the contents except during loading and unloading;
- (b) is water and air tight manufactured to prevent leakage and facilitate thorough cleaning;

- (c) has self-sucking and off loading mechanisms; and
- (d) has been visibly marked as strictly carrying and transporting wastewater and sewage only.

Chamber for taking samples

13.-(1) The water authority may require the owner or occupier of any premise from which the wastewater or sewage is conveyed or to be conveyed to construct an inspection chamber of the size not less in horizontal internal dimensions than 90cm x 75cm or of such form as the authority may determine.

(2) Subject to sub regulation (1), a duly authorized officer of the water authority shall at all time have access to such chamber and may examine the quality of discharge from such chamber.

Installation of public sewer

14. There shall be only one tertiary sewer connecting a building or several buildings in the same cartilage to the public sewer, unless, in the opinion of the water authority, there is special circumstance warranting otherwise.

Private sewer on private lands

15.-(1) Where a person intends to construct or repair private sewer on land not owned or occupied by him and not forming part of a street thereof, shall obtain permission in writing from the owner of such land.

(2) Nothing in this regulation shall be construed to impose any liability on the water authority for any damage arising from the carrying out of such repair or construction.

Public Sewer on private lands

16. Without prejudice to section 21(b) of the Act, the water authority may, after giving reasonable notice, enter into a private land to carry out any activity relating to sewage and wastewater services.

Cesspools and
septic tanks
to discharge
into sewers

17. A person shall not cause or permit any discharge or overflow from any cesspool, septic tank or any like receptacle of sewage to connect to a public sewer without the consent of the water authority.

Responsibility
to maintain
private sewer

18.-(1) The owner or occupier of any premises shall at his own expense, maintain all private sewer, fittings and appurtenances in connection with the collection and disposal of sewage and wastewater constructed upon or in connection with such premises in an efficient and clean condition and in a proper state of repair and free from obstruction to the satisfaction of the water authority.

(2) In all cases where two or more buildings owned or occupied by more than one owner or occupier are drained in combination by a private sewer, such owners or occupiers shall jointly and severally be responsible for the duty of and for any costs and expenses incidental to maintaining and repairing such private sewer.

Repair of
blocked or
damaged
public sewer

19.-(1) The water authority shall, upon receipt of information of blockage or damage of public sewer, repair such blockage or damage.

(2) Where the blockage or damage is established to be negligently or maliciously caused by the owner or occupier, the water authority shall repair the blockage or damage and shall recover expenses in connection with such repair from the owner or occupier.

(3) Notwithstanding sub regulation (2), the water authority may include the costs of repair of the defects into the monthly bill of the defaulting owner or occupier.

Traffic ways
over public
sewers

20. A person shall not, without the written permission of the water authority, alter or construct any traffic way where any part of such traffic way

passes or is intended to cross over any public sewer.

Specifications
for private
sewers

21. A person who intends to construct a private sewer shall ensure-

- (a) sewers not exceeding 150mm in diameter conform to the requirements of these Regulations relating to wastewater sewer; and
- (b) sewers exceeding 150mm in diameter are constructed in accordance with specification approved by the water authority and tested in such a manner as the water authority may require.

Sewer works
license

22. A person shall not construct or carry out any sewer works unless such person is in lawful possession of a license obtained from the relevant authority.

Inspection
chambers

23. A person shall not seal or allow to be sealed the cover of the inspection chamber in a manner likely to distort accessibility.

Discharge of
certain waste
prohibited

24.-(1) A person shall not discharge gaseous, liquid or solid waste which contains any fat, grease, oil, petroleum spirit, abattoir waste, hospital waste, sand, detritus or similar matters into a sewer which connects with a public sewer.

(2) Subject to sub regulation (1) the discharge of such waste shall only be allowed where an approved trap by the water authority is installed and maintained regularly by the person discharging such matters.

(3) The water authority shall make regular inspections of the trap to ensure compliance and any observation of traces of prohibited wastes under this regulation beyond the trap connection is *prima facie* evidence that the facility is not well maintained then shall be disconnected from public sewer.

Reconnection
of sewer

25.-(1) Where a person who is disconnected from public sewer under regulation 24 undertakes the remedial measures as required by the water authority may apply for reconnection in a prescribed form set out in the Third Schedule to these Regulations and shall pay the reconnection fees and charges to the water authority.

(2) The water authority shall, within seven days from date of full payment of required reconnection fees and charges, reconnect the service to the customer.

Special trap
and removal of
prohibited
matters

26.-(1) A trap as required by sub-regulation 24(2) shall have a suitable non-corrosive tray or basket or other approved arrangement by means of which prohibited matter may be removed completely from such trap.

(2) Removal of prohibited matters shall be carried out at least once daily or as may be determined by the water authority and it shall be the responsibility of the occupier or owner of the premises

(3) The trap under this regulation shall be installed in a manner to ensure efficient removal and disposal of prohibited matters.

PART V OFFENCES AND PENALTIES

Damage of
sanitation
works
Act No. 5 of
2015

27. Any person who destroys or causes damage or destruct any sanitation works commits an offence and shall, upon conviction, be liable to penalties as provided under the Act.

Obstruction of
authorized
officer

28. A person who interferes the authorized officer in the execution of his duties or obstructing from entering to a premise for sewer line inspection and sampling commits an offence, and upon

conviction, shall be liable to a fine of not less than one hundred thousand shillings and not more than two million shillings or to imprisonment for a term of not less two months or to both.

Tempering
with public
sewers

29. A person who remove trap, grit chamber, manhole cover or destroy any appurtenances installed for suitable operation of the system or other approved arrangement by means of which prohibit trapping of unwanted matter, commits offence, and upon conviction shall be liable to a fine of not less than one million shillings and not more than two million shillings or to imprisonment for a term not exceeding three months or to both.

Failure to
comply

30. A person who operate a private cesspit empties and fail to comply with operation conditions prescribed under these Regulations commits an offence, and upon conviction shall be liable to a fine of not less than five hundred thousand shillings and not more than one million shillings or to imprisonment for a term not exceeding three months or to both.

General
Penalty

31. A person who contravenes the provisions of these regulations, where no specific penalty is provided, commits an offence and shall, upon conviction, be liable to the penalty prescribed in the Act.

PART VI GENERAL PROVISIONS

Inspection

32. An authorized person may, for purpose of implementation and ensuring compliance with provisions of these Regulations, enter and inspect any premises or activity regulated under these Regulations.

Fees and charges

33.-(1) The water authority shall charge and collect tariffs, fees or other charges for wastewater and sewage services rendered to customers in accordance with rates as may, from time to time, be authorized by the Regulator.

(2) Where a customer is disconnected from water supply but continues to discharge wastewater into a public sewer, the water authority shall charge fee which is an average of latest past three months bills or such other fees as may be approved by the Regulator.

Disconnection of sewer

34.-(1) The water authority may disconnect a sewerage from any premises or private sewer due to the following circumstances:

- (a) where any charges in connection with the sewerage services are not paid within ninety days after notification by the water authority;
- (b) where a private sewer discharges waste prohibited under these regulations;
- (c) where the water authority need to repair or re-adjust any public sewer;
- (d) where a customer refuses an authorized officer to enter into his premises for purpose of inspecting, examining, testing or discharging any of his duties;
- (e) where a customer connects into a public sewer without consent of the water authority; and
- (f) any other reason as the water authority may deem fit.

(2) Where the water authority disconnect the service to customer pursuant to sub-regulation (1) (c), an alternative means of disposal of waste shall be provided by it.

(3) A sewage bill in respect of payment of any rate or charge issued by the water authority which bears the words "the bill is a notice" shall be deemed

as a duly notice under this regulation.

(4) Where the disconnection of sewerage services is because of reason other than non-payment of bill, the water authority shall serve a notice of disconnection to the customer specifying the reason for intended disconnection and time to take remedial measure.

(5) Notwithstanding the provisions of this regulation, nothing shall be construed to prohibit a water authority to disconnect service from the customer without serving a notice where the discharges from the customer are harmful to public sewer and the environment.

SCHEDULES

FIRST SCHEDULE

(Made under regulation 7(1))

APPLICATION FOR SEWER CONNECTION FORM

To: The Water authority

(1) I/we make application for a sewer connection to the under-mentioned premises upon payment of the charges as prescribed by the Water authority and approved by the Regulator applicable to the purpose for which the sewer connection/or reconnection is required and I/we agree to pay for the charges.

(2) I/we apply for permission to lay/remove/alter/extend the services in relation to the sewer connection at my/our premises.

A. Premises

Address of premises (Street, Plot no. Block no, Area and District).....

Description of premises (Residential, institution, commercial or industrial)

.....

No. of water closets

No. of urinals

No. of bathrooms

No. of stand-pipe.....

No. of wash basins.....

Other draw-offs (mention type)

B. Service:

Nature of service in respect of which application is made

Purpose for which sewage and wastewater requires connection, stating full particulars of any non-domestic purpose.....

Name of plumber or contractor employed to fix pipes, taps and other sanitation works.

I undertake not to have the work begun before the written permission from the Water authority is received and to have the work carried out in accordance with the Provisions and Management of Sewage and Wastewater Regulations to the satisfaction of the Water authority.

I further undertake to notify the water authority as soon as the work is complete and to give facilities for its inspection by the Water authority whose proper charges in connection with the work undertake to pay in advance.

Signature of Applicant (Owner/Occupier)

Address in full

Mobile number.....

Landline.....

E-mail.....

Date of application

Entry in Sewer connection/or reconnection Register

Folio Entered by.....

C. CERTIFICATION

(The Certificate must be signed by the owner/occupier of the premises concerned and shall attach evidence of ownership).

I certify that I am the owner/occupier of the premises referred to in the application and I agree that the premises be supplied with sewer connection/reconnection from the sanitation works as from

Signature of the owner

Address in full

Mobile number.....

Landline.....

e-mail.....

For Official Use

Date of application receipt.....

Payment Receipt No.....of

Receiver Name.....

Position in Water authority.....

N.B. – Cancel the words above which do not apply.

SECOND SCHEDULE

(Made under regulation 10(4))

(To be filled in duplicate)

DISCHARGE OF SEWAGE AND WASTEWATER FORM

(Made under regulation 10(4))

1. Name of Person
2. Physical Address
3. Telephone No.
4. Vehicle Reg. No.
5. TIN Number
6. Authority's Reg. No.
7. Waste and Sewage collection area, Municipal/District
.....street.....House No.....
8. Usage of the Premises: Residential/Commercial/ Industrial/Institution
.....
9. Tanker Capacity No. of Trips

For Official Use:

Received by position.....

Signature:

Date:

THIRD SCHEDULE

(Made under regulation 25(1))

APPLICATION FOR RECONNECTION TO PUBLIC SEWER

To: The Water authority

I hereby apply for reconnection of my private sewer after undertaking the remedial measures to rectify the defects pursuant to the given notice of(date).

My premises are now ready for inspection and I request to have the necessary reconnection made to the public sewer.

Customer's Account No.
House No.
Street Name
No. of houses or descriptions of premises
Signature
Address in full
Mobile number.....
Landline.....
e-mail.....
Attach Copy of Payment Receipt.

For Official Use:

Examined on the Day of
And found to be in compliance/ not complying with the Regulations.

Payment Receipt No. of (date)

Authorized Officer Name:

Signature

Date:

Dodoma,
18th October, 2019

MAKAME MBARAWA
Minister for Water