

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

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G.N. 25/2008

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

under s. 37

PART I

PRELIMINARY

1. Citation

These Regulations may be cited as the Environment Management (Waste Management and Sanitation) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“agricultural solid wastes” include wastes resulting from the production and processing of farm or agricultural products, including manures, pruning and crop residues wherever produced;

“business” shall have the same meaning assigned thereto under the Business Licensing Act; Cap.46:01

“carrier” means any person who carries out the transportation of wastes including hazardous wastes and includes his agents or assignees;

“collection” means the act of collecting solid waste at the place of waste generation by a local government authority or approved private collection agent;

“commercial solid waste” includes all types of solid wastes generated by stores, offices and other commercial sources but does not include domestic waste or industrial waste;

“composting” includes a controlled microbial degradation of organic matters yielding a safe and nuisance free product;

“construction and demolition wastes” include the waste building, materials packaging and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures;

“domestic sewage” means human excrement, water borne human excretion or the water-carried wastes from liquid or non-liquid culinary purposes, washing, cleansing, laundering, food processing or ice production;

“disposal site or plant” means the land or water area on which waste disposal facilities are physically located and includes a large incinerator;

“domestic wastes” means wastes generated from residences and includes garbage and rubbish;

“exporter” means any person under the jurisdiction of the state of export who arranges for the export of wastes including hazardous wastes;

“garbage” includes all kitchen and table food waste, animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of foodstuffs;

“generator” means any person whose activity generates wastes or if that person is not known, the person who is in possession or control of the wastes;

“groundwater” means subsurface water at or below a water table in fully saturated geologic materials and formations;

“hazardous wastes” means any waste which has been identified in the Seventh Schedule hereto or any waste having the characteristics defined in the Eighth Schedule hereto and includes medical waste and infectious waste;

“importer” means any person under the jurisdiction of the state of import who arranges for wastes including hazardous wastes to be imported;

“incinerator” includes any equipment used for the volume reduction or destruction of combustible wastes by burning, from which the exhaust gases pass through a flue;

“industrial wastes” include all types of solid wastes and semi-solid wastes which result from industrial processes and manufacturing;

“infectious wastes” include—

(a) disposable equipment, instruments, utensils and other materials of a disposable nature which require special precaution because of contamination by disease causing organisms;

(b) microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research or industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;

(c) pathological wastes, including human or animal tissues, organs and body parts, removed during surgery, autopsy and biopsy;

(d) human blood and blood products, including waste blood, blood serum and plasma;

(e) used sharps, including used hypodermic needles, syringes, scalpel blades, pasteur pipettes and broken glass; and

(f) contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biological or the “in viro” testing of pharmaceuticals.

“litter” means all improperly discarded waste material including convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic and other natural and synthetic materials, thrown or deposited on the lands and waters of the nation;

“local authority” means a local authority as defined under the Local Government Act; Cap. 22:01

“medical waste” means waste which is generated or produced as a result of diagnosis, treatment or immunization of human beings or animals, and includes waste sharps and bio-hazardous waste which is generated by bio-hazardous research through production and testing of biologicals including serums, vaccines, antigens and anti-toxins;

“Director” means the Director responsible for environmental issues;

“municipal liquid waste” means—

(a) effluent that originates from any source and is discharged into a municipal sewer system;

(b) effluent from residential sources that is discharged to the ground; or

(c) effluent specified by the Director to be included in a waste management plan;

“municipal sewage” means domestic sewage, waste water or municipal liquid waste originating primarily from residences, but may include contributions from—

(a) commercial, institutional and industrial sources; and

(b) inflow and infiltration;

“municipal solid waste” means waste that is generally non-hazardous and may be disposed of without any special considerations and includes trash and garbage and bulky waste;

“recyclables” means waste materials of the type required to be recycled pursuant to these Regulations;

“recycling” means any process by which materials are diverted from the solid waste stream and are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for re-use;

“recycling facility” means a facility which is able to accept and process recyclable materials in accordance with acceptable international standards and these Regulations;

“recycling plan” means a plan describing a programme for waste reduction at source and recycling;

“resource recovery” means the reclamation or salvage of wastes for re-use, conversion to energy or recycling;

“re-use” means using an object and material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material;

“septic tank” means a watertight vessel into which municipal sewage is continually conveyed such that solids within the municipal sewage settle, anaerobic digestion of organic materials occurs and an effluent is discharged;

“sewage facility” means works operated by a municipality or any licensed person to gather, treat, transport, store, utilize or discharge sewage;

“solid waste management” includes—

(a) a planned programme for effectively controlling the generation, storage, collection, transportation, processing, and reuse, conversion or disposal of solid wastes in a safe, sanitary, aesthetically acceptable, environmentally sound and economic manner; and

(b) all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal and resource recovery systems necessary to achieve established objectives.

“transit” means the passage from one border to another border through the national territory of Malawi including storage in transit bonds;

“waste” includes—

(a) general or municipal solid waste;

(b) hazardous waste; and

- (c) municipal liquid waste.

PART II

ROLE OF LOCAL AUTHORITIES

3. Local authorities to prepare waste management

(1) Every local authority shall prepare a waste management plan for the area of its jurisdiction which shall include the following—

- (a) type of waste generated by area;
- (b) management of each type of waste generated; and
- (c) resources required for managing each type of waste in terms of budget and equipment.

(2) A local authority shall keep records of waste management services in its area of jurisdiction from the point of generation to the point of disposal and such records shall include—

- (a) the source;
- (b) waste type or types;
- (c) quantities of waste handled;
- (d) classification of waste;
- (e) recyclability of the types of waste managed; and
- (f) recommended disposal methods and mechanisms for monitoring compliance with such disposal methods.

4. Local authorities to promote waste management

(1) A local authority shall promote an integrated waste management system and shall adopt the waste management hierarchy as provided in the First Schedule hereto.

(2) A local authority shall progressively upgrade landfills from dump sites to sanitary or engineered landfills.

(3) Local authorities shall promote waste composting at source as the only way to reduce the amount of waste to be disposed at landfills.

5. Local authorities to operate a municipal sewage collection system

A local authority shall operate and maintain a municipal sewage collection system in its area of jurisdiction.

6. Local authorities promote colour coding of waste containers by waste type

(1) Local authorities shall promote colour coding of waste containers by waste type to ensure and promote waste segregation.

(2) Waste containers shall be colour coded as provided in the Second Schedule hereto.

PART III

MANAGEMENT OF GENERAL OR MUNICIPAL SOLID WASTE

7. Waste separation at source

(1) Any person who generates or collects solid waste shall sort out the waste by separating hazardous waste from the general or municipal solid waste.

(2) The general or municipal solid waste shall be further sorted out into categories of wastes that can be recycled or reclaimed and waste that is earmarked for disposal.

8. General responsibility for proper storage of municipal waste

(1) Every generator of waste shall be responsible for the safe and sanitary storage of all general or municipal solid waste accumulated on his or her property so as not to promote the propagation, harborage or attraction of vectors or the creation of nuisances.

(2) Any method of storage adopted by a generator pursuant to subregulation (1) shall accommodate the anticipated solid waste loading and shall allow for efficient and safe waste removal or collection.

9. Generator of waste may dispose of waste in certain circumstances

Any generator of waste may, without licence under these Regulations, but with special permission from a local authority, dispose of general or municipal solid waste which is non-hazardous in an environmentally sound manner in accordance with by-laws made by a local authority:

Provided that this shall not apply to the disposal of large amounts of such waste.

10. Collection of municipal solid waste

(1) A local authority shall be responsible for the collection of the general or municipal solid waste in its area of jurisdiction and this shall be done at such a frequency as to prevent the piling of waste.

(2) Notwithstanding subregulation (1), a local authority may assign private contractors to collect general or municipal waste to ensure effective and efficient collection services.

(4) Where the same vehicle is used to collect both types of waste, the separation shall be maintained during collection, transportation and offloading at the respective waste disposal sites or recycling facilities.

(5) Recyclables shall be delivered only at any recycling facility licensed for that purpose under these Regulations and not to a waste disposal site or plant.

11. Disposal of general or municipal solid waste

(1) General or municipal solid waste may be disposed of at any waste disposal site or plant identified and maintained by a competent local authority or owned or operated by any person licensed to do so under these Regulations.

(2) An operator of a waste disposal site or plant shall keep the following records in respect of any waste disposed of at the site or plant—

- (a) the source;
- (b) weight of the wastes; and
- (c) type of wastes.

(3) Any person who discharges wastes into a site or plant which is unlicensed commits an offence.

PART IV

SOLID WASTE RECYCLING AND RECYCLING FACILITIES

12. Recyclables

For the purposes of these Regulations, the following materials may be recycled—

- (a) paper;
- (c) plastics;
- (d) metals such as aluminium foil, beverage cans, metal, food cans;
- (e) tyres; and
- (f) leaf and yard waste and other organic materials including agricultural solid wastes.

13. Application for a licence to own or operate a recycling facility

(1) Any person who intends to own or operate a recycling facility shall apply to the Director for a licence.

(2) The application shall specify the types of waste that is intended to be recycled at the facility and shall be in the form set out in the Third Schedule hereto and shall be accompanied by a fee specified in the Twentieth Schedule hereto.

(3) Where the application is for a licence to recycle hazardous wastes, the applicant shall indicate the recycling process that he intends to employ in accordance with the categories specified under Part VI and shall enclose—

(a) a detailed description of the possible effects of the process that he intends to employ; and

(b) any other matter that may be required by the Director.

14. Application for a licence to own or operate a recycling facility

(1) The Director may grant a licence in the form set out in the Fourth Schedule hereto to own or operate a recycling facility if—

(a) a written approval has been obtained from the local authority responsible for the area within which the recycling facility is located; and

(b) the Director is satisfied that the owner or operator has the ability and appropriate facilities to manage the recycling facility without causing any damage to public health and the environment, taking into account the findings of any environmental impact assessment submitted by the owner or operator.

(2) In granting a licence for the recycling of hazardous wastes, the Director shall clearly indicate the recycling process permitted and identified in accordance with the categories identified under Part VI.

(3) A licence to own or operate a recycling facility shall be valid for one (1) year and may be renewed for a like period at a fee set out in the Twentieth Schedule hereto.

15. A business to recycle solid waste materials

(1) A business may recycle any commercial solid waste which is recyclable under these Regulations and for which there is a viable market.

(2) For the purposes of this regulation, businesses shall be classified into the following size categories—

(a) large business with two hundred fifty or more employees;

(b) medium sized business with one hundred to one hundred forty nine (149) employees;

(c) small business with less than one hundred employees.

(3) Pursuant to subregulation (1), a business shall place containers for all required recyclable materials in adequate sizes and quantities in each location where trash containers are located and shall clearly label each container to indicate the appropriate material to be placed inside for recycling.

16. Solid waste reduction and recycling plan and annual reports

(1) Every business shall prepare and submit to the Director a wastes reduction and recycling plan demonstrating how the business shall recycle or reduce the amount of solid wastes going to a disposal site or plant with the goal of reducing solid waste disposal by at least fifty per cent (50%) annually, by volume or weight.

(2) Every business shall prepare and submit to the Director an annual report providing information on wastes reduction and recycling activities conducted during the previous calendar year.

17. Contents of a solid waste reduction and recycling plan

A solid wastes reduction and recycling plan shall be in the form set out in the Fifth Schedule hereto and shall contain the following—

- (a) a description of the business, including—
 - (i) name and address of the property owner and the reporting business;
 - (ii) names of all entities affiliated with the business, including any parent or subsidiary businesses;
 - (iii) number of full-time and part-time employees;
 - (iv) number of square metres occupied by the business; and
 - (v) the activities conducted by the business.
- (b) a description of the businesses' current solid waste generation, including—
 - (i) estimated tonnage of all solid waste produced;
 - (ii) identification of recyclable solid waste as provided in regulation 12;
- (c) a description of the businesses' waste reduction and recycling methods;
- (d) name of the person responsible for—
 - (i) coordinating recycling and waste reduction activities;
 - (ii) preparation of the annual report on waste reduction and recycling; and
 - (iii) responding to the Director on actions concerning implementation and enforcement of these Regulations; and

(e) name and address of the licensed contractor responsible for collecting the materials to be recycled and the names of the facilities where materials are delivered.

18. Contents of annual report on waste reduction and recycling

An annual report referred to in regulation 16 shall include the following information on waste reduction and recycling activities—

(a) any change in the description of the business as submitted in the waste reduction and recycling plan, including—

- (i) the purpose of and activities conducted by the company;
- (ii) the number of full-time and part-time employees; and
- (iii) the number of square metres occupied by the company;

(b) identification of the total annual tonnage of solid waste generated and the annual tonnage of each type of material being reduced or recycled;

(c) name and address of the licensed contractor responsible for collecting the materials to be recycled and sites where materials are delivered;

(d) a description of the progress in waste reduction and re-use efforts undertaken by the company;

(e) a description of the company's efforts to educate employees about its recycling programme.

19. Certificate of solid waste reduction and recycling plans and reports

All plans and reports on waste reduction and recycling shall be signed by a person authorized to bind a business, and must certify that the information is correct to the best of his knowledge.

PART V

MANAGEMENT OF MUNICIPAL LIQUID WASTE

20. Effluent

(1) No person shall discharge effluent or provide reclaimed water that exceeds the effluent quality limits for use as reclaimed water or for discharge to the environment as specified in the Sixth Schedule hereto.

(2) Disinfected effluent may be used for—

- (a) domestic or agricultural water extraction;

- (b) recreational uses; or
- (c) aquatic food production.

(3) No person shall use chlorine to disinfect an effluent which is to be discharged to surface water unless the effluent is dechlorinated before discharge.

21. Discharges to water

(1) A person must not provide or use reclaimed water unless—

- (a) the standards for use of reclaimed water as set out in the Sixth Schedule are met; and
- (b) an environmental audit has been conducted.

(2) A person providing or using reclaimed water shall—

- (a) provide an alternative method of disposing of the reclaimed water and describe that method in the operating plan; and
- (b) satisfy the Director that no alternative method described in paragraph (a) is required to assure public health protection and treatment reliability.

(3) No person shall provide reclaimed water unless specifically authorized by a local authority having jurisdiction in the area.

22. Discharges

No person shall introduce effluent to water unless—

- (a) the effluent quality standards for discharges to water as set out in the Sixth Schedule hereto are met; and
- (b) there is adequate proof that the receiving water body shall efficiently dilute the effluent so as to prevent any hazard to the environment or public health.

23. Discharges into the environment

No person shall discharge effluent into the environment unless it meets prescribed environment standards.

24. Sewage facility

(1) A sewage facility shall be designed in such a way as to ensure that the construction method, the materials used and the constructed facility meet the design criteria of such a facility undertaken by a competent professional who has expertise in the particular aspect of the design.

(2) Where the sewage facility is to serve a population greater than five thousand persons, a staged approach to the design should be taken as follows—

- (a) concept level planning;
- (b) preliminary engineering; and
- (c) detailed design.

25. Management and operations of a sewage facility

(1) The owner or operator of a sewage facility shall develop an operating plan for the facility.

(2) The operating plan shall specify the following—

- (a) proper operation and maintenance of the sewage facilities;
- (b) for reclaimed water use on vegetation, the maximum application rate based on agronomy studies for the vegetation to which the reclaimed water is applied;
- (c) emergency procedures;
- (d) facility monitoring; and
- (e) staff education and certification.

(3) This regulation shall not apply to a municipal sewage collection system.

26. Non-domestic waste connection to municipal sewage system

(1) No person shall release any non-domestic waste into a municipal sewage system unless—

- (a) the person releasing the non-domestic waste ensures that its quality meets the standards set by a competent local authority before being released;
- (b) the sewage facility owner ensures that the requirements of this regulation and the quality of any bio-solids meet the requirements of an authorization issued by a competent local authority.

(2) A local authority shall not accept the discharge of non-domestic waste into municipal sewage collection system unless the local authority—

- (a) has adopted a source control by-law or equivalent measures to regulate the discharge of non-domestic waste into the sewer system; or
- (b) demonstrates, to the satisfaction of the Director that a source control by-law or equivalent measures are not required to protect the sewage facility or the receiving environment.

(3) The source control by-law shall include—

(a) provision for the pre-treatment of industrial, commercial and institutional discharges to the municipal sewer system;

(b) pre-treatment requirements to ensure that the final discharge of effluent meets the effluent quality standards set out in these Regulations and that the quality of any bio-solids meets the requirements of an authorization by a competent local authority.

(4) For the purposes of this regulation “non-domestic waste” means liquid waste other than domestic waste.

27. Semi-solid waste

(1) A person shall not dispose of semi-solid waste to a sewage facility unless—

(a) the sewage facility is capable of treating these wastes, in accordance with acceptable standards as may be prescribed under the Act or any other written law;

(b) the quality of any bio-solids removed from the sewage facility shall meet the requirements of an authorization given by a competent local authority.

(2) Where necessary to protect the sewage facility, the owner or operator of the facility shall install pre-treatment or containment facilities.

(3) For the purposes of this regulation “semi-solid waste” means septictank pumpage, holding tank solids and sewage sludge.

28. Discharge monitoring

(1) Any person who discharges municipal liquid waste into the environment shall—

(a) install a suitable sampling facility for obtaining a sample of the effluent;

(b) provide and maintain a suitable flow measuring device to record the effluent volume discharged over any specified period as may be directed by the Director;

(c) monitor effluent quantity and quality as directed by the Director in writing.

(2) A local authority shall develop guidelines to promote appropriate disposal methods for semi-solid wastes by private septictank emptying operators.

(3) Any person who discharges solid wastes indiscriminately shall be guilty of an offence.

29. Monitoring of receiving environment

(1) Any person who discharges municipal liquid waste into the environment shall—

(a) monitor the receiving environment to provide data to assess the potential impact of the discharge and to ensure that the discharge does not and shall not cause water quality parameters outside the initial dilution zone, to exceed any known water quality guidelines;

(b) ensure that the monitoring programme is designed by a qualified professional knowledgeable in such matters;

(c) when conducting a receiving environment monitoring programme, provide at least one control sampling station located up stream, upgradient or outside the influence of the initial dilution zone of the effluent.

(2) A receiving environment monitoring programme shall document pre-discharge conditions.

(3) Where the Director considers that the seasonal variations of parameters within the receiving environment are significant he/she shall require the discharger to carry out pre-discharge monitoring during the most critical period of the year as may be determined by the Director.

30. Reporting

(1) A person who discharges municipal liquid waste into the environment shall retain the following information at all times—

(a) effluent flow and effluent quality data; and

(b) receiving environment monitoring data.

(2) The data required under subregulation (1) and any other associated quality control work shall be submitted to the Director in a format acceptable to the Director.

31. Submission of false information. etc.

Any person who, with intent to mislead—

(a) submits false monitoring data; or

(b) fails to retain monitoring data in accordance with regulation 29 commits an offence.

PART VI

MANAGEMENT OF HAZARDOUS WASTES

32. Hazardous wastes

The Director shall from time to time publish in the Gazette and in at least one (1) of the local newspapers of daily circulation a list of wastes which fit in categories specified under the Seventh Schedule hereto or which have characteristics specified in the Eighth Schedule hereto which are hazardous and need to be controlled.

33. Labeling of waste

Each container or package of hazardous wastes shall have a label written in English and such other relevant local languages in characters that are easily legible affixed into the container which shall at the minimum contain the following—

- (a) identity of the hazardous wastes;
- (b) name and address of the generator of wastes;
- (c) net contents;
- (d) normal storage stability and methods for safe storage;
- (e) name and percentage by weight of other ingredients or half-life of radio-active material;
- (f) warning or caution statements which may include all, some or any of the following as appropriate—
 - (i) the words “warning” or “caution”;
 - (ii) the words “danger! keep away from unauthorized persons”;
 - (iii) the word “poison” marked indelibly in red or on contrasting background;
 - (iv) a pictogram of a skull and crossbones; and
- (g) a statement of first aid measures including the antidote when inhaled or ingested and a direction that a physician must be contacted immediately.

(2) Vehicles or other conveyances carrying hazardous wastes shall be labeled in accordance with subregulation (1) (f) and any such label shall contain no warranties, guarantees or liability exclusion clauses.

34. Directions for handling hazardous wastes

Each container or package of hazardous waste shall contain a leaflet giving adequate directions for handling the waste including safety precautions in transporting, storage and disposal of the hazardous waste and measures for cleaning any equipment used.

35. Compliance code by industries

Every industry shall develop a compliance code which shall outline the industry goals for—

- (a) waste reduction and minimization;
- (b) waste treatment on site; and
- (c) disposal plans.

36. Disposal of hazardous waste

(1) No industry, business or medical facility shall discharge any hazardous waste in any state into the environment unless such wastes have been treated in accordance with acceptable international methods that are approved by a competent local authority in consultation with the Director.

(2) Hazardous wastes whether treated or not shall not be discharged into a disposal site or plant unless such disposal site or plant has been approved and licensed for that purpose in accordance with these Regulations.

(3) Any person who contravenes this regulation commits an offence.

37. In Infectious waste

(1) No person may mix infectious waste in the same bag or waste receptacle with solid waste which is not infectious, unless mixing the wastes is necessary to protect the health or safety of patients, employees or other persons.

(2) Adequate measures shall be taken to protect waste handlers and other persons from exposure when separating infectious wastes from solid waste that is not infectious.

(3) No person may transport general solid waste and infectious waste on the same vehicle or conveyance unless the wastes are in separate and identifiable containers or bags.

38. Containment of infectious waste

(1) No person shall transport infectious waste from the property where the waste was generated unless the person puts the waste in containers or bags which protect waste handlers and other persons from exposure to the infectious waste.

(2) In the case of sharps, the person shall ensure that the sharps are contained in rigid, puncture-resistant labelled containers made of materials which include metal or rigid plastic, designed to prevent the loss of the contents and labelled with the legible words "sharps", "infectious waste" or "bio-hazard".

(3) Where the waste is infectious waste other than sharps, it shall be contained according to all of the following—

(a) the waste shall be placed in a single plastic bag that is tear resistant or if necessary, a double bag that meets the same standard or a rigid re-usable container;

(b) the bag or re-usable container shall be securely sealed to prevent leakage or expulsion of contents under normal handling;

(c) all re-usable containers shall be disinfected after being emptied.

(4) No person may open a secured bag or container of infectious waste which is ready for transportation until immediately before treating the waste unless—

- (a) repackaging is necessary to prevent spills or leakages; or
- (b) the person is conducting a waste audit or training session.

39. Handling waste

(1) No person shall handle, load, unload, process or treat infectious waste unless adequate measures are taken to protect waste handlers and other persons from exposure to the infectious waste.

(2) Such measures shall ensure that—

- (a) all containers or bags are handled and transported in such a way as to prevent the loss or spilling of the contents;
- (b) nuisance conditions shall be prevented from developing including measures to prevent odors by refrigerating the waste, among other methods;
- (c) all infectious waste shall be loaded and unloaded by hand or by a safe mechanical method which does not damage containers or spill their contents; and
- (d) untreated infectious waste is not compacted.

40. Storage and transfer of infectious wastes

(1) Infectious waste generators may temporarily accumulate infectious waste in individual containers near the place where the waste is generated prior to moving the waste to a disposal facility.

(2) Notwithstanding subregulation (1), no person may store infectious wastes unless the person protects waste handlers and other persons from exposure.

41. Infectious waste treatment methods

(1) No person shall dispose of infectious waste in a solid waste disposal facility unless the infectious waste has undergone treatment which effectively renders the waste non-infectious.

(2) The treatment method shall be in accordance with acceptable international methods that are approved by a local authority in consultation with the Director and shall be chosen by considering the properties of the waste being treated and the degree of microbial contamination and shall be one or more of the following—

- (a) incineration in a controlled air, multi-chambered incinerator which provides complete combustion of the waste to carbonized or mineralized ash;

(b) steam disinfection, which includes autoclaving and subjects the waste to a combination of operational temperature, pressure (where applicable) and time proven to render the waste non-infectious at the design capacity of the relevant equipment used;

(c) chemical disinfection which exposes the infectious waste to an appropriate type and concentration of disinfectant for a period of time sufficient to render the waste non-infectious;

(d) mechanical grinding and chemical disinfection, which prevents the release of infectious liquid or infectious gaseous discharges into the environment;

(e) mechanical grinding and heat disinfection, which includes low frequency wave radiation and microwave radiation and exposes infectious waste to heat for a period of time sufficient to render it non-infectious; or

(f) gas disinfection, which allows for gas to penetrate all the infectious waste to render it non-infectious.

(3) No person shall treat the following categories of infectious waste in any other way except as follows—

(a) human tissue, by—

(i) a method which renders the tissue both non-infectious and unrecognizable as human tissue; or

(ii) incineration;

(b) animal tissue, by—

(i) a method which renders the tissue non-infectious;

(ii) incineration; or

(iii) burial;

(c) sharps, by—

(i) any method which renders the sharp non-infectious and renders the sharps broken non-re-usable, such as by a grinding or shredding process; or

(ii) incineration;

(d) bulk blood, by:

(i) biological treatment in a municipal or industrial waste water treatment plant which has been approved under these Regulations and may be transported to such facility through the sewer system;

- (ii) incineration; or
- (iii) methods which render the blood non-infectious; and

(e) body fluids and blood-contaminated urine and faeces shall be treated by any method in paragraph (d) or by disposal into a septic tank.

42. Infectious waste records

(1) An infectious waste generator shall keep records of the amounts of infectious wastes generated and sent off-site for treatment and disposal.

(2) The records may consist of any of the following—

- (a) copies of infectious wastes manifest;
- (b) invoices or records received from the infectious waste treatment facility;
- (c) logs or other written documentation of the amount of infectious waste sent off-site for treatment and disposal.

(3) The records under this regulation shall be kept for at least three years after they were created and if the three year period expires during an unresolved enforcement action, the period shall automatically extend until resolution of the pending enforcement action.

43. Medical waste reduction

(1) Medical facilities shall adopt and implement policies aimed at—

- (a) reducing the amount of medical waste generated by medical facilities;
- (b) preventing the mixing of infectious waste with non-infectious waste;
- (c) promoting practical alternatives to disposable items; and
- (d) maintaining effective waste reduction programmes.

(2) Each medical facility shall prepare a medical waste reduction plan for—

- (a) separating, reducing and managing the medical waste generated;
- (b) evaluating alternatives to disposable products; and
- (c) maintaining waste reduction efforts.

(3) The medical waste reduction plan shall—

(a) include or refer to specific written policies and procedures for informing volunteers, patients and others about waste disposal in order to prevent non-infectious waste from being put in containers meant for infectious waste;

(b) provide for the training of employees and medical personnel who work within the medical facility.

44. Waste audit by medical facilities

(1) Each medical facility shall audit the facility's current solid waste management practices at least every three years.

(2) The audit shall identify—

(a) the source areas for solid waste in general and the types of waste that are generated within each source area;

(b) quantity of medical waste generated during the previous twelve months and also the rate at which the facility generated the medical waste;

(c) how medical waste is collected, stored, transported and treated from the point of generation to the point of final disposal;

(d) how non-infectious waste is prevented from being mixed with infectious waste and any waste types that are currently mixed with or may be mixed with infectious wastes.

PART VII

TRANSPORTATION AND STORAGE OF WASTE

45. Transportation and storage of waste

(1) No person shall engage in the business of transporting, handling or storage of wastes without first applying for a licence from the Director in accordance with the provisions of the Act.

(2) An application for a licence to transport wastes shall be in the form set out in the Ninth Schedule hereto and shall be accompanied by the fee prescribed in the Twentieth Schedule hereto.

(3) An application for a licence for storage of wastes shall be in the form set out in the Tenth Schedule hereto and both application shall be accompanied by the fee prescribed in the Twentieth Schedule hereto.

(4) In addition to the provisions of the Act, the Director in granting a licence to any person for the purposes of this regulation shall be satisfied—

(a) that the applicant has adequate and appropriate facilities and equipment to transport, handle or store wastes in an environmentally sound manner;

(b) with the proposed collection schedule of wastes of the applicant and, in the case of storage, that the premises are suitable for storing such a category of wastes as applied for.

(5) Any person who contravenes subregulation (1) commits an offence.

46. Licence for waste transportation or storage

(1) The Director shall publish his intention to issue a licence for the transportation or storage of wastes by notice in the Gazette and in at least one of the local newspapers of daily circulation sixty days before the licence is granted.

(2) A licence to transport wastes shall be in the form set out in the Eleventh Schedule hereto and a licence for storage of wastes shall be in the form set out in the Twelfth Schedule hereto:

Provided that the Director may, where he deems it necessary, issue a licence to any applicant for the temporary storage of any waste pending final disposal if the temporary storage meets the standards required for the storage of such a category of waste under these Regulations.

(3) Subject to the Act and these Regulations, a licence granted under this regulation shall be valid for such a period as the Director shall determine:

Provided that the Director may limit the validity of period of the licence to a specific number of transactions where necessary.

47. Conditions attached to licences

(1) The Director shall subject a licence to transport wastes granted under regulation 46 to the following conditions, that—

(a) the collection and transportation shall be conducted in such a manner that shall not cause scattering of the wastes;

(b) the vehicles, pipelines and equipment for the transportation of wastes shall be in such a state as not to cause the scattering of, or the flowing of the wastes, or the emission of bad smell from the wastes;

(c) there shall be adequate cleaning facilities at waste disposal sites or plants where the transported wastes will be disposed of to ensure that the vehicles or other equipment used for transportation of wastes are cleaned regularly.

(2) The Director shall attach the following conditions to the licences for transportation and storage of wastes—

(a) that the personnel involved in the collection, transportation or storage of wastes shall be provided with—

(i) adequate protective and safety clothing;

- (ii) adequate and appropriate equipment or facilities for handling wastes;
- (iii) safe and secure sitting facilities in the vehicles for transportation of wastes; and
- (iv) proper training and information;

(b) the licensee shall ensure that the personnel involved in the collection, transportation or storage of wastes undergo such medical check-ups as may be necessary, in view of the risks faced by the employees, and medical reports of fitness shall be kept by the licensee for inspection;

(c) an inspector may at any reasonable time subject the personnel involved in collection, transportation or storage of wastes to a medical check-up and the costs of such examination shall be borne by the licensee;

(d) the vehicles for transporting or other means of conveyance and the premises for storage of wastes shall be labeled in such a manner as may be determined by the Director;

(e) the premises for storage of waste are safe and secure to prevent scavenging; and

(f) any other condition which the Director shall consider relevant for the transportation and storage of wastes.

(3) In addition to the powers contained in the Act, an inspector may at any reasonable time stop and inspect any vehicle or conveyancer used for the transportation of wastes and enter upon any premises where waste is stored.

48. Materials for storage of waste

(1) Any person who applies for a license for storage of wastes under regulation 46 shall provide a sample of the container or packaging material in which the wastes shall be stored.

(2) The container or packaging material submitted under regulation (1) shall be suitable for the storage of wastes for which the application for storage has been made and shall—

(a) not be reactive to the wastes in question;

(b) be capable of protecting the health of persons involved in handling the wastes, the neighboring community and the environment in general; and

(c) be leak or puncture proof.

(3) Every container or packaging material which is used for storage of hazardous wastes shall be labeled in accordance with these Regulations.

PART VIII

WASTE DISPOSAL SITE OR PLANT

49. Environmental impact assessment

(1) No disposal site or plant shall be licensed under these Regulations unless an environmental impact assessment has been carried out in accordance with the provisions of the Act.

(2) Any person operating a disposal site or plant shall carry out annual audit of the environmental performance of his site or plant and shall submit his reports to the Director.

50. Application for a licence to own or operate a waste disposal site or plant

(1) Any person who intends to own or operate a waste disposal site or plant shall apply to the Director for a licence.

(2) An application for a licence to operate a waste disposal site or plant shall specify whether the facility shall be for the disposal of general or municipal solid waste or the disposal of hazardous waste or for the disposal of both and shall be in the form set out in the Thirteenth Schedule hereto and shall be accompanied by the fee prescribed in the Twentieth Schedule hereto.

(3) Where the application is for a licence for the disposal of hazardous wastes, the applicant shall indicate the disposal operations that he intends to carry out in accordance with the categories identified in the Seventh and Eighth Schedules hereto and shall enclose—

- (a) a detailed description of the process he intends to employ and its possible effects;
- (b) a detailed description of the soil structure and geology of the area;
- (c) a plan for managing leachate, incinerator fumes, fly ash and other by-products from the waste;
- (d) a detailed drawing indicating the structure, construction and surroundings of the waste disposal site or plant; and
- (e) any other matter that may be required by the Director.

(3) Any person who operates a waste disposal site or plant without a licence commits an offence.

51. Licence to own or operate a waste disposal site or plant

The Director may grant a licence in the form set out in the Fourteenth Schedule hereto to own or operate a waste disposal site or plant if—

- (a) a written approval has been obtained by the applicant from the local authority within the area of which the waste disposal site or plant is located;

(b) that the Director is satisfied that the owner or operator has the ability and resources to manage the facility without causing any damage to public health and the environment, taking into account the findings of any environmental impact assessment submitted by the applicant; and

(c) notice has been given by the applicant in the Gazette or such local newspapers of daily circulation as the Director shall deem fit on the proposed waste disposal site or plant, sixty days before the issue of the licence.

52. Conditions for a waste disposal site or plant

(1) Each waste disposal site or plant shall—

(a) be at least outside a radius of one thousand metres away from a residential or commercial area and water sources;

(b) have hazard and safety signs displayed at appropriate places indicating the disposal site or plant and the nature of operations it carries out in accordance with the Fifteenth Schedule hereto;

(c) be enclosed and secure from scavenging;

(d) be operated in a way which would—

(i) avoid polluting surface and underground water;

(ii) avoid the emission of bad smells from the site or plant to levels beyond any standards prescribed by the Director under section 30 of the Act; and

(iii) prevent the breeding of rats, mosquitoes and other vermin at the site or plant;

(e) have equipment to control accidental fires;

(f) make provision to confine wind blown materials within the active area of disposal;

(g) have means of ventilation to remove bio-gas generated from the site or plant and the smell from the site or plant shall be controlled; and

(h) install equipment for the collection and testing of leachate.

53. Methods of disposal

(1) General or municipal waste shall be compacted and completely covered at the end of each day with a compacted layer of at least six centimeters of soil.

(2) Sewage sludge may be disposed of at a waste disposal site or plant after treatment.

(3) Any waste which is deemed to be hazardous under these Regulations shall be disposed of in a specially designated cell and shall be compacted to a thickness of at least one metre and each layer of wastes shall be covered with at least fifty centimeters of soil.

(4) Where the waste disposal site or treatment plant is for disposal of hazardous waste only, then the waste shall be disposed of or treated in accordance with conditions specified in the licence or in accordance with any general guidelines issued by the Director in consultation with the Director responsible for Local Government.

(5) Any person who disposes of hazardous wastes contrary to these Regulations commits an offence.

54. Requirements for personnel working at waste disposal site or plant

(1) The personnel working at the waste disposal site or treatment plant shall be provided with—

- (a) adequate protective and safety clothing;
- (b) adequate water and appropriate equipment or facilities for the operations of the disposal site or plant;
- (c) shelter;
- (d) first aid training and facilities;
- (e) communication equipment and facilities; and
- (f) adequate cleaning facilities for vehicles.

(2) The personnel working at the waste disposal site or treatment plant shall undergo a medical check-up at least once every year.

55. Prevention of pollution from waste disposal sites or treatment plants

(1) Every person who operates a waste disposal site or plant shall take all necessary measures to prevent pollution from such site or plant including the erection of necessary works and the taking of mitigating measures.

(2) In taking mitigating measures to prevent pollution, the operation of such a waste disposal site or plant shall comply with any directions given by an inspector under the Act.

PART IX

TRANS-BOUNDARY MOVEMENT OF WASTES

56. Trans-boundary movement of waste

(1) Any person who wishes to export or import wastes from or into Malawi shall complete a movement document in the form set out in the Sixteenth Schedule hereto which shall be accompanied by the fee prescribed in the Twentieth Schedule hereto.

(2) The movement document shall be submitted to the Director and a copy of which shall be submitted to the local authority of the area to which the imported wastes are destined, or of the area where the wastes to be exported are situated.

(3) The Director shall issue an export licence which shall be in the form set out in the Seventeenth Schedule hereto after considering the movement document submitted under subregulation (1) and taking into account the provisions of the Act.

(4) The Director shall issue an import licence, which shall be in the form set out in the Eighteenth Schedule hereto after considering the movement document submitted under subregulation (1) and taking into account the provisions of the Act.

(5) Where a licence is issued under the provisions of this regulation, a copy of such licence shall be sent to the Malawi Revenue Authority for the necessary customs verifications and control.

57. Restrictions on exporting hazardous wastes or other wastes

The Director shall grant a licence to export hazardous wastes or other wastes if—

(a) the applicant does not have the technical capacity or suitable disposal sites to dispose of the wastes in question in an environmentally sound and efficient manner;

(b) the wastes in question are required as raw materials for recycling or recovery in the state of import; and

(c) the export is in accordance with an agreement or arrangement that conforms with the requirements contained in Article 11 of the Basel Convention.

58. National authority for prior informed consent procedure

(1) The Director shall be the national authority for the operation of the prior informed consent procedure for the import, export or any other trans-boundary movement of hazardous wastes.

(2) The Director shall closely liaise with the designated national authorities of other states under any international conventions or arrangements to which Malawi is a party and international organizations with competence in the field of the management of hazardous wastes under any convention or arrangement to which Malawi is a party for the purpose of monitoring and controlling the movement of hazardous wastes in Malawian territory.

(3) The Director shall disseminate information on hazardous wastes management to the public.

59. Notification procedures and prior informed consent

(1) A licence for export of wastes shall not be issued by the Director unless the Director has—

(a) notified the designated national authority of the state of import of wastes by sending a copy of—

- (i) the movement document in the form set out in the Sixteenth Schedule hereto;
 - (ii) the notification document for trans-boundary movement of wastes in the form set out in the Nineteenth Schedule hereto;
 - (iii) the comments that the Director made on the documents;
 - (iv) the necessary consents received from such authorities;
- (b) transmitted copies of the documents provided for in paragraph (a) to the international body designated under any agreement or arrangement to which Malawi is a party or participant and has received favourable comments from such a body.

(2) The Director shall not grant a licence to any person who wishes to import any wastes into Malawi which is hazardous in accordance with the categories identified in the Seventh Schedule hereto unless—

- (a) the Director has received from the designated national authority of the state in which the wastes is generated, a movement document conforming with the provisions of the Sixteenth Schedule and the notification document conforming with the provisions of the Nineteenth Schedule hereto;
- (b) the applicant has submitted a valid licence or letter of authority from the designated authority of the state where the wastes are generated permitting the export of the wastes; and
- (c) the Director has received comments from the international body designated under any agreement or arrangement to which Malawi is a party or participant on the status of the wastes to be imported.

60. Ports of entry and routes

(1) A licence issued under these Regulations shall only entitle the licensee to transport wastes through the customs points of entry designated as such under the Customs and Excise Act. Cap. 42:01

(2) No hazardous wastes shall be transported by water except for hazardous wastes generated from islands within the territorial jurisdiction of Malawi.

PART X

MISCELLANEOUS PROVISIONS

61. Location of disposal of wastes

(1) Any generator of wastes shall dispose of wastes within the area of jurisdiction of the local authority where the waste is generated.

(2) Where a person wishes to move wastes from one local authority to another, he shall notify in writing the environmental officers of the local authority from the area of which he is moving the wastes, and of the local authority of the area to which he is moving the wastes, before he applies for any licence under these Regulations.

(3) The environmental officers from the two local authorities shall consult and satisfy themselves that—

(a) the intended disposal site and the proposed methods of disposal or storage are in accordance with sound environmental management; and

(b) the Act and these Regulations have been complied with.

(4) Where the environmental officers are satisfied in accordance with subregulation (3), they shall make a recommendation to the Director for consideration to grant a licence under these Regulations.

62. Reporting procedures

(1) Any person who is licensed to carry out any activities under these Regulations shall submit to the Director bi-annual reports on the conduct of the licensed activities.

(2) Where special reporting procedures are a condition of any licence under these Regulations, such procedures shall take precedence over regulation (1).

63. Duty to keep records

(1) The holder of a licence under these Regulations shall—

(a) keep records of the licensed activities and all transactions related thereto; and

(b) submit the records referred to in paragraph (a) to the Director every twelve months from the commencement of the licensed activities.

(2) The Director may order the holder of a licence under these Regulations to install mechanisms at the expense of the holder of the licence to take samples and analyze them as the Director may direct.

64. Register of licences

The Director shall maintain a register of holders of licences to transport wastes, for storage of wastes or for operating recycling facilities and wastes disposal sites or plants.

65. Communication of decision

Where a person applies for a licence under these Regulations, the Director shall communicate his decision to the applicant within three months.

66. Improvement notice

(1) Where an inspector has reasonable cause to believe that any person is violating these Regulations, he may issue against such a person an improvement notice or take any other measures appropriate for correcting the situation.

(2) An improvement notice issued under subregulation (1) shall not prejudice criminal proceedings which may be taken under any of the provisions of the Act.

67. Cancellation of licence

In addition to the provisions of the Act, the Director may suspend or revoke a licence issued under these Regulations if he is satisfied that—

- (a) the conditions attached to the granting of the licence have not been complied with; or
- (b) continued operation of the activity will be injurious to the health of the neighbouring environment in general.

68. Selling or offering for sale a container previously used for storage of hazardous waste

Any person who sells or offers for sale a container which has previously been used for the storage of hazardous wastes to be used for any purpose other than storage of wastes commits an offence.

69. Polluter responsible to pay for pollution

Any generator, collector or transporter of wastes or any person responsible for disposal of wastes who pollutes the environment by poor management of wastes shall be responsible to pay for any damage to the environment occasioned by such pollution.

70. Duty of care

(1) Every person, business or industry shall exercise duty of care by avoiding indiscriminate disposal of litter, garbage, commercial solid waste, and construction and demolition wastes.

(2) Any person who contravenes this provision commits an offence.

71. Skips

(1) Where a skip is provided by a local authority, it shall be securely fenced or a person shall be placed at such skip to guard it to reduce scavenging.

(2) A local authority shall not provide a skip for waste collection at a hospital to encourage hospitals to provide waste transfer stations which shall comprise secure rooms with restricted access:

Provided that a skip may be permissible only for the out-patient areas.

72. Pit latrines

(1) Where a household uses a pit latrine, it shall be an improved pit latrine which shall be—

- (a) properly ventilated;
- (b) built with slab; and
- (c) be at least two and half metres in depth from ground level to the bottom of the pit:

Provided that where the surface of the water table is more than two and half metres below ground level, a depth of two metres from ground level to the bottom of the pit shall be permissible.

(2) A pit latrine shall be located at least thirty metres away from any well, spring, stream, underground water supply, water reservoir, pool or borehole.

73. Refuse pits

(1) The use of refuse pits shall only be permissible in areas where local authorities are not able to provide refuse collection services.

(2) When the refuse pit is full, the refuse shall be burned, buried or composted.

74. Public and private lavatories and washing places

(1) A local authority shall provide or cause to be provided public and private toilets and washing places in its area of jurisdiction.

(2) Such toilets and washing places shall comply with any by-laws that a local authority may adopt to promote public health and sound management of municipal liquid waste.

75. Offences and penalties

Any person who contravenes the provisions of these Regulations commits an offence and on conviction shall be liable to the penalties prescribed under the Act.

76. Local authorities to make by-laws

(1) Every local authority shall make by-laws prescribing the management of wastes in its jurisdiction.

(2) The by-laws made under subregulation (1) shall—

- (a) not be in conflict with the Act and these Regulations;
- (b) ensure that the disposal method of wastes is environmentally sound.

(3) Every local authority shall be responsible for the waste management system in its area of jurisdiction and such system shall be in accordance with the Act and these Regulations.

77. Transitional provision

(1) Any person whose operations discharge wastes into the environment at the date of entry into force of these Regulations, shall within six months submit a written proposal specifying the timeframe within which compliance with these Regulations shall be achieved.

(2) Any person carrying out the business of operating a waste disposal site or plant or a recycling facility before the commencement of these Regulations shall apply for a licence within six months from the date these Regulations come into force.

FIRST SCHEDULE reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

SOLID WASTE MANAGEMENT HIERACHY

FROM THE MOST PREFERRED TO THE LEAST PREFERRED

1. Source reduction
2. Re-use
3. Recycling

SECOND SCHEDULE reg. 6

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

COLOUR CODING OF WASTE CONTAINERS BY WASTE TYPE

	Waste Type	Colour Coding
1.	General waste	Black
2.	Toxic waste	Red
3.	Cytotoxic waste	Red

- 4. Human anatomical waste Red
- 5. Microbiological laboratory waste Yellow
- 6. Human blood and body fluid wast Yellow
- 7. Waste sharps Yellow

THIRD SCHEDULE reg. 13

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

APPLICATION FOR A LICENCE TO OWN/OPERATE A WASTE RECYCLING FACILITY

I/WE hereby apply for a licence to own operate a waste recycling facility, whose particulars are given below:

Name and address of applicant:

Location and District of site/plant:

Approval of Town and Country Planning Authority:

Type of wastes to be recycled at the facility:

In the case of hazardous waste:

(a) the processes to be employed:

(b) possible adverse effects of proposed process:

Quantity being recycled/per annum tonnes/Kg:

Estimated life span of facility:

Proposed hectarage/area of facility (include facility plan and design):

.....

Executive summary of environmental impact assessment (please attach):.....

Any other information:

.....

Date: Signature: Designation/Title:

FOR OFFICIAL USE ONLY

Application received by:..... on, 20.....

Fees payable is MK

Fee paid MK (in words):

Date:.....

Signature:

Director, Department of Environmental Affairs

FOURTH SCHEDULE reg. 14

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

LICENCE TO OWN/OPERATE A RECYCLING FACILITY

Licence No.:

Name:

Address:

You are hereby licensed to own/operate a waste recycling facility at Plot No.:

(village, town, city, district):

The validity period of this licence is from:, 20..... to, 20.....

This licence is subject to the following conditions:

.....

.....
.....
.....

Date:

Signature:.....

Director, Department of Environmental Affairs

FIFTH SCHEDULE reg. 17

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

SOLID WASTE REDUCTION AND RECYCLING PLAN

A description of the company including—

- (a) name and address of the property owner and the reporting company:
.....
- (b) names of all entities affiliated with the company:
.....
- (c) number of full-time and part-time employees:.....
- (d) square metres occupied by the company:
- (e) the activities conducted by the company:

A description of the company's current solid waste generation, including—

- (a) estimated tonnage of all solid waste produced:
- (b) identification of recyclable solid waste:

A description of the company's waste reduction and recycling methods:

.....

.....
.....
.....
.....

Name(s) of the persons responsible for coordinating recycling and waste reduction activities:

.....
.....
.....

Name and address of licensed collector responsible for collecting materials to be recycled and the facilities where materials are delivered:

.....
.....

SIXTH SCHEDULE reg. 20

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

QUALITY STANDARDS FOR EFFLUENT TO INLAND SURFACE WATER

Table 1—Tolerance Limits for Industrial Effluents

Characteristics	Tolerance Limits
Total suspended solids, mg/l, max.	30
Particle size of total suspended solids, mg/l	Shall pass 850 micron
Total dissolved solids, mg/l, max.	500
Total residual chloride mg/l, max.	1
PH	6,5 to 9,0

Temperature (in any section of the stream within 15 metres down stream from the effluent outlet), °C, max.	40°C
Biochemical oxygen demand for 5 days at 20°C, mg/l, max.	60
Chemical oxygen demand after 1 hour's quiescent settlement, mg/l, max.	20
Oils and grease and other liquids immiscible with water, mg/l, max. ...	2,5
Edible oils, mg/l, max.	10
Colour, TCU, max.	25,0
Turbidity, NTU, max.	25,0
Effluent volume/day m ³ , mg/l, max.	5,0
Dilution ratio, effluent: receiving water body, max.	8,0
Radioactive materials:	
Alpha emitters, u c/ml, max.	10
Beta emitters, u c/ml, max.	10
Insecticides	Nil
Pesticides:	
Organochlorides, mg/l, max.	0,10
Organophosphates, mg/l, max.	0,20

Table 2—Tolerance limits for sewage effluents discharged into inland surface waters

Characteristics Tolerance limit

Total suspended solids, mg/l, max.	30
Biochemical oxygen demand for 5 days at 20°C, mg/l max.	20

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

CATEGORIES OF HAZARDOUS WASTES TO BE CONTROLLED

WASTE STREAMS:

- Y 1 Clinical wastes from medical care in hospitals, medical centers and clinics;
- Y 2 Wastes from the production and preparation of pharmaceutical products;
- Y 3 Waste from pharmaceutical, drugs and medicines;
- Y 4 Waste from the production, formulation and use of biocides and phytopharmaceuticals;
- Y 5 Wastes from the manufacture, formulation and use of organic solvents;
- Y 6 Wastes from the production, formulation and use of organic solvents;
- Y 7 Wastes from heat treatment and tempering operations containing cyanides;
- Y 8 Waste mineral oils unfit for their originally intended use;
- Y 9 Waste oils/water, hydrocarbons/water mixtures, emulsions;
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs);
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment;
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish;
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives;
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or environment are not known;
- Y15 Wastes of an explosive nature not subject to other legislation.;
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials;
- Y17 Wastes resulting from surface treatment of metals and plastics;
- Y18 Residue arising from individual wastes disposal operations.

WASTE HAVING AS CONSTITUENTS:

- Y19 Metal carbonyls;
- Y20 Beryllium, beryllium compounds;
- Y21 Hexavalent chromium compounds;
- Y22 Copper compounds;
- Y23 Zinc compounds;
- Y24 Arsenic, arsenic compounds;
- Y25 Selenium, selenium compounds;
- Y26 Cadmium, cadmium compounds;

WASTE HAVING AS CONSTITUENTS:

- Y27 Antimony, antimony compounds;
- Y28 Tellurium, tellurium compounds;
- Y29 Mercury, mercury compounds;
- Y30 Thallium, thallium compounds;
- Y31 Lead, lead compounds;
- Y32 Inorganic fluorine compounds excluding calcium fluoride;
- Y33 Inorganic cyanides;
- Y34 Acid solutions or acids in solid form;
- Y35 Basic solutions or bases in solid form;
- Y36 Asbestos (dust and fibres);
- Y37 Organic phosphorus compounds;
- Y38 Organic cyanides;
- Y39 Phenols, phenol compounds including chlorophenols;
- Y40 Ethers;
- Y41 Halogenated organic solvents;
- Y42 Organic solvents excluding halogenated solvents;

- Y43 Any congener or polychlorinated dibenzo-furan;
- Y44 Any congener or polychlorinated dibenzo-P-dioxin;
- Y45 Organohalogen compounds other than substances referred to in this Schedule (e.g. Y39, Y41, Y42, Y43, Y44); and
- Y46 Organotin compounds (TBT).

CATEGORIES OF OTHER HAZARDOUS WASTES TO BE CONTROLLED:

- Y47 Wastes collected from households, including sewage and sewage sludges;
- Y48 Residues arising from the incineration of household wastes; and
- Y49 Wastes resulting from mining, habitat modification, agricultural activities and industrial operations not specified in this Schedule and/or characterized in the Second Schedule.

EIGHTH SCHEDULE reg. 32

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

LIST OF HAZARDOUS CHARACTERISTICS

UN	Code	Characteristics Class
----	------	-----------------------

1.	H1	Explosive
----	----	-----------

An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

3.	H3	Flammable Liquids
----	----	-------------------

The word “flammable” has the same meaning as “inflammable”. Flammable liquids are liquids, or mixtures or liquids containing solids in solution or suspension (for example paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, open-up test. Since the results of open-up tests and of closed-up tests are not strictly comparable and even

individual results by the same test are often variable, regulations varying from the above figures to make allowance for such difference would be within the spirit of this definition.

4.1 H4.1 Flammable solids

Solids or wastes solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

4.2 H4.2 Substances or wastes liable to spontaneous combustion

Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

4.3 H4.3 Substances or wastes, which in contact with water emit flammable gases

Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

5.1 H5.1 Oxidizing

Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

5.2 H5.2 Organic per oxides

Organic substances or wastes, which contain the bivalent -O-O- structure, are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

6.1 H6.1 Toxic or Poisonous (Acute)

Substances or wastes liable either to cause death or serious injury or harm to human health if swallowed, inhaled or by skin contact.

6.2 H6.2 Infectious substances extremely hazardous to health

Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

8. H8 Corrosives

Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

9. H10 Liberation of toxic gases in contact with air or water

Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

9. H11 Toxic (delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects including carcinogenicity.

9. H12 Ecotoxic

Substances or wastes which if released, present or may present immediate or delayed adverse impacts in the environment by means of bio-accumulation and/or toxic effects upon biotic systems.

9. H13 Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.

10. H14 Radioactive wastes.

11. H15 Persistent wastes; wastes which contaminate the environment for long periods of time.

12. H16 Carcinogenic wastes which may lead to development of cancer in human beings or animals.

NINTH SCHEDULE reg. 46

(To be completed in Triplicate)

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

APPLICATION FOR A LICENCE FOR TRANSPORTATION OF WASTES

I/WE hereby apply for a licence to transport wastes, whose particulars are given below:

Name and address of applicant(s):

Location and District applied for:

Number and type of vehicles to transport waste:

Quantity of wastes per vehicle to be transported:

Quantity of wastes to be disposed of (tonnes/kg per annum) and source:

.....

Licensed sites/plant to which wastes are to be transported:

.....

Collection schedule:.....

Any other information:

Date: Signature:

Designation/Title:

FOR OFFICIAL USE ONLY

Application received by: on, 20.....

Fees payable is MK

Fee paid MK (in words):

Date:.....

Signature:

Director, Department of Environmental Affairs

TENTH SCHEDULE reg. 46

(To be completed in Triplicate)

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

APPLICATION FOR A LICENCE FOR STORAGE OF WASTE

I/WE hereby apply for licence to store wastes, whose particulars are given below:

Name and address of applicant(s):

Address of premises for the storage:

.....

(Plot No., village, town, district, city):

Type of wastes to be stored (indicate number in accordance with Fourteenth Schedule and describe) whether liquid, solid or gaseous and their possible impacts:

.....

Quantity of wastes to be stored in kg or tonnes for solids or in cm³ if liquid or gases:

.....

Type of containers in which the wastes are packaged:

Type of labels on the container (describe and attach sample):

.....

Are there any other materials stored in the premises? (describe):

.....

Surroundings of the premises (describe whether industrial, residential, commercial and whether it is near schools or recreational areas):

.....

Duration of storage applied for:

Final destination of the wastes:

.....

Specifications of the construction of the premises including ventilation or other measures and suitability for storage for the specific wastes (describe and attach building plans):

.....

.....

.....

.....

Describe the safety measures at the premises:

Measures for containment and treatment of leachate if applicable:

Date: Signature of Applicant:

FOR OFFICIAL USE ONLY

Date received:

Fee paid MK (in words):

Comments of the lead agency:

.....

.....

Comments of the Authority:

.....

.....

Date:

Name and signature of Responsible Officer:

Decision of the Technical Committee on the Environment:

.....

.....

.....

Date:.....

Signature:

Director, Department of Environmental Affairs

Date when decision was communicated to Applicant (attach communication to this form):

.....

Name of Responsible Officer:

Date:..... Signature:

ELEVENTH SCHEDULE reg. 46

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT
(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

LICENCE TO TRANSPORT WASTES

Licence No. TR/W:

Name:

Address:.....

.....

You are hereby licensed to transport wastes to (location/district):

From (location/district):

Number, type and registration number of vehicles licenced:

This licence is valid from:, 20..... to, 20.....

This licence is granted subject to the following conditions:

.....

.....

.....

.....

Date:.....

Signature:

Director, Department of Environmental Affairs

TWELFTH SCHEDULE reg. 46

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

LICENCE FOR STORAGE OF WASTE

Licence No. ST/W:

Name and address:

(Plot No., village, town, city, district):

You are hereby licensed to operate a storage facility for the following wastes (indicated by number in Schedule):

1.

2.

3.

4.

5.

6.

7.

at the following address:

(Plot No., village, town, city, district):

This licence shall be valid from:, 20..... to, 20.....

This licence is subject to the following conditions:

.....

.....

.....

Date:

Signature:.....

Director, Department of Environmental Affairs

THIRTEENTH SCHEDULE reg. 50

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

APPLICATION FOR A LICENCE TO OWN/OPERATE A WASTE DISPOSAL SITE/PLANT

I/WE hereby apply for a licence to own/operate a wastes disposal site/plant, whose particulars are given below:

Name and address of applicant(s):

Location and District of site/plant:

Approval of Town and Country Planning Authority:

Type of wastes to be disposed of at site/plant:.....

Quantity being disposed of/per annum tonnes/Kg:

(a) land fill:

(b) compost:

(c) incinerator:

(d) other (specify):

Estimated life span of plant/site:

Proposed hectrage/area of site/plant (include site plan and design):

Executive summary of environmental impact assessment (please attach):

Any other information:

Date:.....

Signature:

Designaton/Title

FOR OFFICIAL USE ONLY

Application received by: on, 20.....

Fee paid MK (in words):

Date:.....

Signature:

Director, Department of Environmental Affairs

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

LICENCE TO OWN/OPERATE A WASTES RECYCLING FACILITY

Licence No.:

Name:

Address:

You are hereby licensed to own/operate a wastes recycling facility at Plot No.:

(village, town, city, district)

The validity period of this licence is from:, 20..... to, 20.....

Date:

Signature:.....

Director, Department of Environmental Affairs

FIFTEENTH SCHEDULE regs. 11, 32 and 36

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

DISPOSAL OPERATIONS

D1 Deposit into or onto land, (e.g. landfill, etc.);

D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.);

D3 Deep injection, (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.);

D4 Surface impoundment, (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.);

- D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.);
- D6 Biological treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations in this Schedule;
- D7 Physico-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operation, (e.g. evaporation, drying, calcinations, neutralization, precipitation, etc.)
- D8 Incineration on land;
- D9 Incineration at sea;
- D10 Permanent storage (eg. Emplacement of containers in a mine, etc.);
- D11 Blending or mixing prior to submission for any of the operations in this Schedule;
- D12 Repackaging prior to submission to any of the operations in this Schedule;
- D13 Storage pending any of the methods of disposal;
- D14 Use of a fuel (other than in direct incineration) or other means to generate energy;
- D15 Solvent reclamation/regeneration of organic substances, which are not used as solvents;
- D16 Reclamation/recycling of organic substances, which are not used as solvents;
- D17 Reclamation/recycling of metals and metal compounds;
- D18 Reclamation/recycling of other inorganic materials;
- D19 Regeneration of acids or bases;
- D20 Recovery of components used for pollution abatement;
- D21 Recovery of components from catalysts;
- D22 Used oil re-refining or other reuses of previously used oil;
- D23 Land treatment resulting in benefit to agriculture or ecological improvement;
- D24 Use of residual materials obtained from any of the operations numbered D1-D26;
- D25 Exchange of wastes for submission to any of the operations numbered D1-D26;
- D26 Accumulation of material intended for any operation in this Schedule.

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

MOVEMENT DOCUMENT FOR TRANS-BOUNDARY MOVEMENT OF WASTES

Notification for wastes shipment was issued at:

Date of issuance: / /

- Notification for a single shipment.
- Notification for multiple shipment for the period.

This shipment is number: general notification number:

of total shipments included in the

.....

1. EXPORTER NOTIFIER(1)

2. GENERATOR(S) OF WASTES

3. DISPOSER OF THE WASTES

4. WASTES

5. ITINERARY

6. CONSENT OF THE COMPETENT LOCAL AUTHORITY
(to be completed by the generator or/exporter/importer)

7. CARRIER OF THE WASTES OR HIS AGENT

8. CONSENT OF THE COMPETENT LOCAL AUTHORITY
(to be completed by the generator or/exporter/importer)

(a)

ANNEX TO THE NOTIFICATION AND MOVEMENT DOCUMENT

1. The Notifier is:

— the person who wants to transit hazardous wastes through Malawi.
2. “Designation to the wastes” means a designation of the nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the wastes both in handling and in relation to the proposed disposal method.
3. As per Annex IV of the Basel Convention: D or R Code.
4. This must include the point of entry and the point of exit of the wastes, inside or outside the country.
5. In the case of a general notification covering several shipments, the expected dates of each shipment have to be specified. If this is not known, the expected frequency of the shipments.

SEVENTEENTH SCHEDULE reg. 56

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

LICENCE TO EXPORT WASTES

Licence No. EX/HW:

Name and address:

(Plot No., village, town, city, district):

To (name and address):.....

This export shall be made through: border/customer control post

The validity period of this licence is from, 20..... to, 20.....

This licence is subject to the following conditions:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

(attach a copy of authorization by the state to which the export is to be made)

Date:

Signature:.....

Director, Department of Environmental Affairs

EIGHTEENTH SCHEDULE reg. 56

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

LICENCE TO IMPORT WASTES

Licence No. IM/HW:

Name and address of importer:

(Plot No. village, town, city, district):

Purpose for which the imported wastes are licensed:

You are hereby licensed to import the following wastes:

From (name and address):

To (name and address):

This import shall be made through: border/customs control post:

The validity period of this licence is from:, 20..... to....., 20.....

This licence is subject to the following conditions:

1.
2.
3.
4.
5.
6.

(attach a copy of authorization by the state to which the export is to be made)

Date:

Signature:.....

Director, Department of Environmental Affairs

NINETEENTH SCHEDULE reg. 22

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (WASTE MANAGEMENT AND SANITATION) REGULATIONS

NOTIFICATION DOCUMENT FOR TRANS-BOUNDARY MOVEMENT OF WASTES (FOR TRANSIT PURPOSES ONLY)

1. NOTIFIER

2. GENERATOR(S) OF WASTES

Name:

Address:.....

.....

Telephone: Telefax:

E-mail:

Contact person (name, address, telefax, E-mail)

Process by which the wastes were generated:

.....

.....

.....

Site of generation:

3. REASON FOR WASTES EXPORT/IMPORT

Why the wastes cannot be disposed, in the country of origin:

.....

.....

.....

.....

.....

.....

Why the wastes would have to be exported/imported through Malawi:

.....

.....

.....
.....
.....
.....
.....

4. WASTES

Wastes Description:

Y number: . H number: UN class: UN number:

Shipping name:.....

Physical state at 20°C:

Powder solid paste/viscous sludge

liquid gaseous other

Estimated quantity (Kg or L) per shipment:

Type of packaging:.....

Number of packages:

Special handling requirements including emergency provision in case of accidents:

.....
.....
.....
.....

5. EXPORTER/IMPORTER OF THE WASTES

Component authority and details of approval:

.....
.....
.....
.....

Exporter/Importer of the wastes in the country of origin/destination:

Name:

Address:.....

.....

Telephone: Telefax:

E-mail:

6. DISPOSER OF THE WASTES

Name:

Address:

.....

Telephone: Telefax:

E-mail:

(Contact person in case of emergency)

Approximate date of disposal:

Actual site of disposal:

Signature and official stamp of disposer:.....

7. TRANSIT

Projected length of time the wastes shipment shall be on transit on Malawi territory:

.....

Expected date of entry:

Expected date of exit:.....

Means of transport envisaged:

Information relating to insurance:

(Guarantee that the person responsible shall fully compensate any damage caused to human health, property or the environment, by the wastes in question during transit).

8. DECLARATION

I/we* being the exporter/importer* hereby declare that on I/we* entered into a contract with the disposer and that I/we* shall be bound by the terms of the said contract (attach a copy of contract).

Signed:

(Exporter/Importer*)

I/we* being the exporter/importer* hereby guarantee/declare that the above information is correct and true.

Signed:

(Exporter/Importer*)

TWENTIETH SCHEDULE regs 13, 14, 45, 50 and 56

FEES

Column 1	Column 2	Column 3
Matter	Fees payable on first application	Fees payable on renewal of licence
	K t	K t
1. Application for a licence to own or operate a recycling facility	50,000 00	30,000 00
2. Application for a licence to transport wastes	50,000 00	30,000 00
3. Application for a license to store wastes	50,000 00	30,000 00
4. Application for a licence to operate, own a disposal site or plant	50,000 00	30,000 00

- 5. Application for a licence to export waste (movement document) 50,000 00
30,000 00

- 6. Application for a licence to import wastes (movement document) 50,000 00 30,000
00