

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2020 No. 144.

**THE NATIONAL ENVIRONMENT (STANDARDS FOR
DISCHARGE OF EFFLUENT INTO WATER OR LAND)
REGULATIONS, 2020.**

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S T A T U T O R Y I N S T R U M E N T S

2020 No. 144.

The National Environment (Standards for Discharge of Effluent into Water or Land) Regulations, 2020.

(Under section 179 of the National Environment Act, 2019, Act No.5 of 2019).

IN EXERCISE of the powers conferred upon the Minister by section 179 of the National Environment Act, 2019 and in consultation with the National Environment Management Authority, these Regulations are made this 27th day of March, 2020.

PART I — PRELIMINARY

1. Title

These Regulations may be cited as the National Environment (Standards for Discharge of Effluent into Water or Land) Regulations, 2020.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the National Environment Act, 2019;

“authorised officer” means an officer of the Authority or any other person authorised to act on behalf of the Authority under the Act or these Regulations;

“Authority” means the National Environment Management Authority established under the Act;

“currency point” has the value assigned to it in Schedule 1 to these Regulations;

“effluent” means liquid, including agricultural, domestic and industrial wastewater, discharged, either treated or untreated, directly or indirectly into the environment;

“lead agency” means a ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment are vested;

“environmental standards” means standards produced or adopted by the Authority in consultation with the Uganda National Bureau of Standards for use in Uganda;

“facility” means any plant, structure, group of structures, equipment, device, infrastructure or other associated installation which is used for exploration, drilling, production, storage, handling, transmission, processing, transportation or distribution of oil, and includes any motor vehicle or other vessels, rolling stock or pipeline used for one or more of these purposes;

“pollution” means anything which causes or is likely to cause or aggravate damage or nuisance to human health or the environment including the introduction of solids, liquids or gases into air, water or ground; noise or vibrations, light and other radiation, and effects on temperature;

“standards” means environmental standards set under these Regulations.

3. Scope

These Regulations prescribe the environmental standards and measures for the treatment of effluent before discharge from various sources into water or land.

PART II — STANDARDS FOR EFFLUENT

4. General obligation to prevent and mitigate pollution

(1) A person whose activities are likely to produce effluent shall put in place measures to prevent and mitigate pollution in accordance

with the Act, the National Environment (Waste Management) Regulations 2020, the Petroleum (Waste Management) Regulations 2019, the Water (Waste Discharge) Regulations and environmental standards, including by—

- (a) employing the best available technologies and cleaner production techniques; and
- (b) installing effluent treatment equipment and facilities for effluent emanating from the activities of their industry or any other facility.

(2) In this regulation, “cleaner production techniques” includes process efficiency improvements, material substitution, inventory control, preventive maintenance, improved housekeeping, and in-process recycling.

5. Discharge of effluent into water or land

A person shall not discharge effluent into water or land except in accordance with the Act, the Water Act, the National Environment (Waste Management) Regulations, 2020, the Petroleum (Waste Management) Regulations, 2019, the Water (Waste Discharge) Regulations, these Regulations and environmental standards.

6. Environmental standards for effluent

(1) The standards for effluent before discharge into water or land shall be as prescribed in these Regulations.

(2) A person who intends to discharge effluent into water or land shall ensure that the effluent meets the standards for general chemicals and micro-biological discharge set out in Schedule 2 to these Regulations.

(3) A person who intends to discharge effluent into water or land shall, in addition to the standards set out in subregulation (2), comply with the standards for inorganic substances effluent discharge set out in Schedule 3 to these Regulations and standards

for organic substances effluent discharge set out in Schedule 4 to these Regulations.

(4) The Authority may, in special circumstances and in consultation with the lead agency responsible for water resources and any other relevant lead agency, vary the standards set out in Schedule 2, 3 or 4 to these Regulations.

(5) The lead agency responsible for water resources may, in consultation with any other relevant lead agency and the Authority, issue guidelines and approve method for treatment of effluent.

7. Discharge of effluent into public sewers

(1) A person shall not discharge into water or land substances prohibited in the Water (Sewerage) Regulations.

(2) A person who intends to discharge effluent into public sewers shall seek approval in accordance with the Water (Sewerage) Regulations.

PART III — EFFLUENT DISCHARGE PERMIT

8. Licence to own and operate an effluent treatment plant

A person whose production processes or operations are likely to generate and occasion discharge of effluent into water or land, shall, in accordance with the National Environment (Waste Management) Regulations, 2020, apply for a licence from the Authority to own and operate an effluent treatment plant.

9. Application for an effluent discharge permit

(1) Subject to regulation 8, a person who intends to discharge effluent shall apply to the lead agency responsible for water resources for an effluent discharge permit.

(2) An application referred to in subregulation (1) shall be in a format prescribed in the Water (Waste Discharge) Regulations, on payment of a prescribed fee.

- (3) An application under subregulation (1) shall include—
- (a) the expected physical, chemical and biological composition of the effluent to be discharged;
 - (b) a laboratory analysis report of the effluent from a laboratory gazetted or designated in accordance with the Act, where an effluent treatment plant has been in existence before the commencement of these Regulations;
 - (c) a description of the receiving environment;
 - (d) a site lay-out plan of the effluent treatment plant;
 - (e) a contingency plan specifying measures that shall be taken by the applicant in case of an accident, spillage of effluent, operational shut down or breakdown or failure in the effluent treatment works or process;
 - (f) a copy of a certificate of approval of environmental and social impact assessment, where applicable, issued in accordance with the National Environment (Environmental and Social Assessment) Regulations, 2020;
 - (g) where applicable, a copy of a licence to own and operate an effluent treatment plant issued in accordance with regulation 8; and
 - (h) any other information that the lead agency responsible for water resources may require.

10. Consultations

(1) The lead agency responsible for water resources may consult any other relevant lead agency or the Authority before making a decision on an application under this Part.

(2) The Authority or relevant lead agency consulted under subregulation (1) shall review the application and submit its comments and recommendations on the application within period prescribed in the Water (Waste Discharge) Regulations.

11. Publication of notice of intention to issue an effluent discharge permit

(1) The lead agency responsible for water resources may, where it deems necessary before the issuance of the effluent discharge permit and at the cost of the applicant, publish its intention to issue an effluent discharge permit in a newspaper of national circulation or other media.

- (2) The notice referred to in subregulation (1) shall contain—
- (a) the name and address of the applicant;
 - (b) the proposed site and activity;
 - (c) where applicable, the invitation to the public to make comments within the period specified in the notice; and
 - (d) any other information the lead agency responsible for water resources may deem necessary.

12. Processing of application for effluent discharge permit

(1) The lead agency responsible for water resources shall process applications under this Part, taking into account comments and recommendations received from the Authority or relevant lead agency consulted under regulation 10(2) and, where applicable, from the public under regulation 11(2)(c).

(2) The lead agency responsible for water resources may, in processing the application, conduct inspections that are necessary to enable it make an informed decision regarding—

- (a) the availability of adequate and appropriate facilities and equipment to manage the effluent for which the application is made;

- (b) measures for the protection of human health and the environment; and
- (c) any other specific measure that may be deemed necessary.

(3) The lead agency responsible for water resources shall, before issuing an effluent discharge permit under regulation 13—

- (a) verify that the applicant has adequate technical capacity to manage the effluent;
- (b) where applicable, verify that the applicant has obtained consent from the relevant local government;
- (c) consider the potential impacts of the effluent discharge on human health or the environment;
- (d) verify that the applicant meets any other relevant requirements of the Act, the Water Act, the National Environment (Waste Management) Regulations, 2020, the Petroleum (Waste Management) Regulations, 2019, these Regulations, any other applicable law and environmental standards; and
- (e) take any other measures as are necessary to ensure compliance with the relevant requirements of the Act, the Water Act, the National Environment (Waste Management) Regulations, 2020, the Petroleum (Waste Management) Regulations, 2019, the Water (Waste Discharge) Regulations, these Regulations, any other applicable law and environmental standards.

(4) An application for an effluent discharge permit shall be processed expeditiously in accordance with the Water (Waste Discharge) Regulations.

13. Issuance of effluent discharge permit

(1) The lead agency responsible for water resources may, after being satisfied that the applicant meets the requirements of this Part, issue an effluent discharge permit.

(2) The effluent discharge permit shall be in the format set out in Schedule 5 to these Regulations.

14. Conditions in the permit

The lead agency responsible for water resources may, in issuing the effluent discharge permit under regulation 13(1), impose conditions, including requirements related to—

- (a) the activity or facility for which the permit is issued;
- (b) the maximum volume of effluent that may be discharged daily;
- (c) the maximum rate at which effluent may be discharged at any given time;
- (d) the method of sampling and location of sampling points of the industrial or other effluent;
- (e) the discharge point;
- (f) the parameters to be analysed and monitored;
- (g) the frequency of analysis to be conducted in respect of the effluent;
- (h) standards of discharge set out in Schedule 2, 3 and 4 to these Regulations or as varied in accordance with these Regulations; and
- (i) any other condition as the lead agency may deem necessary.

15. Duration of effluent discharge permit

An effluent discharge permit shall be valid for a period not exceeding three years.

16. Suspension or revocation of effluent discharge permit

(1) The lead agency responsible for water resources may suspend or revoke the effluent discharge permit issued under regulation 13 where—

- (a) information or data given by the applicant in the application or during consultations was false, substantially incorrect or intended to mislead;
- (b) information related to the conduct of the applicant which could have precluded the approval of the application had it been available to the lead agency responsible for water resources, is brought to the attention of the lead agency;
- (c) there is non-compliance with the Act, the Water Act, the National Environment (Waste Management) Regulations, 2020, the Petroleum (Waste Management) Regulations, 2019, the Water (Waste Discharge) Regulations, these Regulations, environmental standards or the conditions of the permit;
- (d) it is necessary to protect human health or to prevent harm or further harm to the environment, due to a situation that was not foreseen during the grant of the permit; or
- (e) there is a substantial change or modification of the process or technology, the basis on which the permit was granted, which may lead to adverse environmental impacts or endanger human health or undermine safety.

(2) Where the lead agency responsible for water resources intends to suspend or revoke an effluent discharge permit, it shall—

- (a) notify the holder of the permit of the intention before the decision; and
- (b) inform the holder of the permit of their right to show cause why the permit should not be suspended or revoked.

(3) A holder of the permit given notice under subregulation (2) may give a written response to the lead agency responsible for water resources within the period prescribed in the Water (Waste Discharge) Regulations, stating reasons why the effluent discharge permit should not be suspended or revoked.

(4) The lead agency responsible for water resources may, after the expiration of the period specified under subregulation (3), suspend or revoke the effluent discharge permit where—

- (a) it is not satisfied with the reasons given by the holder of the permit; or
- (b) it has not received a response from the holder of the permit.

(5) Notwithstanding subregulation (2), the lead agency responsible for water resources may, depending on the gravity of the matter, suspend or revoke the effluent discharge permit issued under these Regulations without notice and immediately stop operations of the holder of the permit.

(6) Where an effluent discharge permit is suspended or revoked under subregulation (4) or (5), the holder of the permit shall stop any further operations and undertake necessary remediation measures in a manner determined by the lead agency responsible for water resources.

(7) Where an effluent discharge permit has been suspended and a holder of the permit has undertaken remediation measures under subregulation (6) to the satisfaction of the lead agency, the permit holder may apply to the lead agency responsible for water resources for reconsideration.

17. Renewal of effluent discharge permit

(1) A person granted an effluent discharge permit under these Regulations may, before the expiration of the permit, apply to the lead agency responsible for water resources for renewal of the permit in accordance with the Water (Waste Discharge) Regulations.

(2) An application under subregulation (1) shall be made in the format set out in the Water (Waste Discharge) Regulations.

(3) An application under subregulation (1) shall be accompanied by an environmental compliance audit report for the facility, prepared in accordance with the National Environment (Audit) Regulations, 2020.

(4) The lead agency responsible for water resources shall process the application for renewal in accordance with this Part and the Water (Waste Discharge) Regulations.

(5) The lead agency may, in renewing a permit under this regulation, impose any of the conditions specified in regulation 14.

18. Transfer of facility and permit

(1) Where a holder of a licence issued under regulation 8 wishes to transfer a facility whose production processes or operations cause effluent to be discharged, the holder of the licence shall, within 90 days—

- (a) notify the Authority of the intention to transfer the facility; and
- (b) advise the transferee to apply to the Authority for a new licence to own and operate the effluent treatment plant in accordance with the National Environment (Waste Management) Regulations, 2020.

(2) A holder of a licence who intends to transfer a facility referred to under subregulation (1) shall notify the Authority of the transfer in accordance with the National Environment (Waste Management) Regulations, 2020.

(3) In the absence of the holder of a licence referred to under subregulation (1), the transferee shall obtain the information of the holder of the licence required under subregulation (2) and notify the Authority of the transfer.

(4) The transferee referred to under subregulation (1) shall, within the period stipulated under subregulation (1), apply to the Authority for a licence in accordance with the National Environment (Waste Management) Regulations, 2020.

(5) Where the Authority makes the decision to issue a new licence, it shall cancel the old licence before issuing the new licence in accordance with the National Environment (Waste Management) Regulations, 2020.

(6) Transfer of an effluent discharge permit shall be in accordance with the Water (Waste Discharge) Regulations.

PART IV — MONITORING, RECORDS AND REPORTS

19. Effluent record and reporting

(1) A lead agency applying the standards established under these Regulations shall comply with the National Environment Act, 2019 and the Water Act.

(2) The holder of a licence or permit issued under these Regulations shall keep and maintain a record of volumes and quality of effluent discharged into the environment.

(3) The records and documents generated under these Regulations shall be kept for a minimum of ten years.

(4) The Authority and the lead agency responsible for water resources may develop an electronic tracking system for the records and reports required under these Regulations.

20. Monitoring and inspection

The Authority, lead agency responsible for water resources or authorised officer shall conduct regular inspections and monitoring of the facility whose production processes or operations are

generating and discharging effluent into water or land and the facility that has an effluent treatment plant—

- (a) to assess compliance by the holder of the licence or permit with the requirements of the Act, the Water Act, the Occupational Safety and Health Act, 2006, the National Environment (Waste Management) Regulations, 2020, the Petroleum (Waste Management) Regulations, 2019, the Water (Waste Discharge) Regulations, these Regulations, or any other applicable law and environmental standards;
- (b) to ascertain that appropriate measures are in place for avoiding and minimising pollution of the environment or harm to human health;
- (c) to verify that information contained in reports submitted to the Authority and the lead agency responsible for water resources by the holder of a licence or permit reflects the performance of the facility and the effluent treatment plant;
- (d) to verify the availability and functionality of the measuring devices; or
- (e) to undertake any other interventions as may be deemed necessary.

21. Independent laboratory analysis

(1) The Authority, the lead agency responsible for water resources, any other relevant lead agency or authorised officer, may subject samples of effluent taken from the source of the effluent to independent laboratory analysis to ascertain if the effluent meets the standards prescribed under these Regulations and any other applicable law.

(2) For the purpose of subregulation (1)—

- (a) the sampling shall be carried out in accordance with the Act, the Water Act, the National Environment (Waste Management) Regulations, 2020, the Petroleum (Waste Management) Regulations, 2019, the Water (Waste

Discharge) Regulations, these Regulations, acceptable national and international standards or any other environmental standards approved by the Authority or relevant lead agency; and

- (b) the methods of storage and analysis of samples shall be in accordance with standards approved by the Authority or the lead agency responsible for water resources.

(3) The person undertaking laboratory analysis of effluent in accordance with this regulation shall apply the test methods for the different parameters indicated in Schedules 2, 3 and 4 to these Regulations.

22. Notifications

(1) In the event of acute pollution caused by the effluent discharge, a holder of a licence or permit referred to in these Regulations, shall immediately notify the nearest police, the Authority and the lead agency responsible for water resources.

(2) A holder of a licence or permit shall as soon as possible and in any case not later than twenty-four hours, notify the Authority and the lead agency responsible for water resources where there is eminent threat of pollution to the environment or harm to human health by effluent.

(3) The duty in subregulation (1) or (2) shall not release the holder of a licence or permit from the obligation to take immediate action to mitigate the damage resulting from effluent discharge.

PART V — OFFENCES, PENALTIES AND ADMINISTRATIVE MEASURES

23. General penalty

A person who discharges effluent into water or land without an effluent discharge permit or in contravention of the effluent discharge permit issued under these Regulations commits an offence and is liable, on conviction—

- (a) in the case of an individual, to a fine not exceeding ten thousand currency points or imprisonment not exceeding five years or both;
- (b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points; or
- (c) in the case of a continuing offence, to a fine not exceeding two thousand currency points in respect of each day or part of day on which the offence continues.

24. Administrative measures

Without prejudice to penalties imposed by judicial process, the Authority or the lead agency responsible for water resources may, in accordance with section 171(2) of the Act, administer other measures which may include—

- (a) a written warning to the holder of the licence or permit;
- (b) an order that the holder of a licence or permit should immediately suspend or terminate an effluent treatment activity where there is acute risk of harm to human health or the environment;
- (c) closure of the facility where there is persistent breach of the effluent standards, including failure to put in place corrective measures to the satisfaction of the Authority or relevant lead agency;
- (d) administrative penalties under the Act;
- (e) surcharge of five percent of the amount required to be paid which is in default for each day of default;
- (f) confiscation of property or equipment;
- (g) an order to adopt appropriate technologies or install appropriate equipment;
- (h) an order to take samples and analyse them as the Authority or relevant lead agency may direct; or

- (i) requiring the holder of a licence or permit to enter into a compliance agreement in accordance with the Act, the Water Act or any other applicable law.

PART VI — GENERAL

25. Revocation of S.I 153-3

(1) The National Environment (Standards for Discharge of Effluent into Water or Land) Regulations, S.I. 153-3 are revoked.

(2) An approval made, licence or permit given under the National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations revoked under subregulation (1), and which is in force immediately before the commencement of these Regulations—

- (a) shall have effect from the commencement of these Regulations as if granted under these Regulations; and
- (b) in the case of an approval, licence or permit for a specified period, shall remain in force, subject to these Regulations, for so much of that period as falls after the commencement of these Regulations.

SCHEDULES

SCHEDULE 1

Regulation 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Regulation 6(2)(4) and 14(h).

STANDARDS FOR GENERAL CHEMICALS AND MICRO-BIOLOGICAL DISCHARGE.

Parameter or pollutant	Unit	Maximum Permissible Limit
Temperature increase	°C	≤5
Odour		Not detectable
Color	TCU	50
pH	Units	5.0 -8.5
Electrical Conductivity	μS/cm	1000
Total Dissolved Solids	mg/L	750
Total Suspended Solids	mg/L	50
Biological Oxygen Demand ₅ (Unfiltered)	mg/L	50
Chemical Oxygen Demand	mg/L	70
Cyanide (Free)	mg/L	0.1
Cyanide (AD)	mg/L	0.5
Cyanide (Total)	mg/L	0.1
Nitrogen (Total)	mg/L	10
Nitrogen (Ammonia)	mg/L	10
Nitrogen (Nitrates)	mg/L	10
Total Kjeldahl Nitrogen	mg/L	10
Phosphorus (Total)	mg/L	5
Sulphates	mg/L	500
Chlorides	mg/L	250
Chlorine (Residual)	mg/L	0.2
Total Coliforms	CFU/100ml	400
Fluorides	mg/L	2
Sulphides	mg/L	1
Urea	mg/L	1

Notes:

- (a) *Total metal includes: arsenic, beryllium, cadmium, chromium, gold, lead, mercury nickel, selenium, silver and vanadium.*
- (b) *The effluent should result in a temperature increase of no more than 5°C above ambient temperature at the edge of the zone where initial mixing and dilution take place. Where the zone is not defined, use 100m from the point of discharge.*
- (c) *Effluent requirements are for direct discharge into water or land, and into sewers, except as varied in accordance with the Water (Sewerage) Regulations, S.I 152-3.*
- (d) *A BOD₅ test is to be performed only in cases where the effluent does not contain any substances toxic to the microorganisms used in the test.*

SCHEDULE 3

Regulation 6(3), (4) and 14(h).

STANDARDS FOR INORGANIC SUBSTANCES EFFLUENT DISCHARGE.

Parameter or pollutant	Units	Maximum permissible Limit
Aluminium	mg/L	0.5
Antimony	mg/L	0.5
Arsenic	mg/L	0.1
Barium	mg/L	10
Beryllium	mg/L	0.1
Cadmium	mg/L	0.01
Calcium	mg/L	100
Chromium (Hexavalent)	mg/L	0.05
Chromium (Total)	mg/L	0.5
Cobalt	mg/L	0.1
Copper	mg/L	0.5
Iron (Total)	mg/L	3.5
Lead	mg/L	0.1
Magnesium	mg/L	100
Manganese	mg/L	1
Mercury	mg/L	0.01
Nickel	mg/L	0.5
Selenium	mg/L	0.02
Silver	mg/L	0.5
Tin	mg/L	2
Total Metal	mg/L	10
Vanadium	mg/L	1
Zinc	mg/L	2

Note

Effluent requirements are for direct discharge into surface water, land or sewer.

SCHEDULE 4

Regulation 6(3)(4) and 14(h).

STANDARDS FOR ORGANIC SUBSTANCES EFFLUENT DISCHARGE.

Parameters	Units	Maximum Permissible Limit
Active ingredients (each)	mg/L	0.05
Adsorbable Organic Halides	mg/L	0.5
Benzene	mg/L	0.05
Benzo (a) pyrene	mg/L	0.05
Detergents	mg/L	15
Dioxins/Furans (Total)	mg/L	0.00005
Ethylbenzene	mg/L	0.05
Fats Oils & Grease	mg/L	10
Nitro organic Compounds (each)	mg/L	0.05
Organochlorine pesticides each)	mg/L	0.05
Organophosphorus pesticides (each)	mg/L	0.05
Phenols	mg/L	0.5
Phenoxy Compounds (each)	mg/L	0.05
Polycyclic Aromatic Hydrocarbons (each)	mg/L	0.05
Pyrethroids (each)	mg/L	0.05
Toluene	mg/L	0.05L
Total chlorocarbons	mg/L	0.05
Total Hydrocarbons	mg/L	0.05
Total Organic Carbon	mg/L	50
Trichloroethane	mg/L	0.05
Trichloroethylene	mg/L	0.05
Vinyl Chloride	mg/L	0.05
Xylene	mg/L	0.05

Notes

- 1. Active ingredients relate to major chemical groups used in the formulation of pesticides (insecticides, fungicides, herbicides & rodenticides) and pharmaceuticals.*
- 2. Special attention must be given to restricted substances which should be evaluated under relevant international agreements, conventions and protocols.*

SCHEDULE 5

Regulation 13(2).

**PERMIT TO DISCHARGE EFFLUENT INTO WATER OR ON LAND
(choose as applicable).**

Application Reference No.

Permit No.

FOR OFFICIAL USE

This is to certify that the application for discharge of effluent into water/land
(*choose as appropriate*) received from (*name of applicant*) of
.....(*address*) to in accordance
with the National Environment (Standards for Discharge of Effluent into
Water or on Land) Regulations, 2020 for (*facility*)
located at (*locality and district*) to discharge effluent
to..... has been evaluated and a permit is
hereby issued for the discharge, subject to the attached/following conditions.

Dated this day of 20.....

Signature:
(Official Stamp)

Name of lead agency responsible for water resources

Conditions of Permit

1. This Permit is valid for a period of (days/months/years
(*choose as appropriate*) from the date hereof.
2.
3.
4.
5.

Cross Reference

Access to Information Act, 2005, Act No. 6 of 2005.

National Environment Act, 2019, Act No. 5 of 2019.

Occupational Safety and Health Act, 2006, Act No. 9 of 2006.

Water Act, Cap. 152.

National Environment (Waste Management) Regulations, 2020, S.I. No. 49 of 2020.

Petroleum (Waste Management) Regulations, 2019, S.I. No. 3 of 2019.

National Environment (Environmental and Social Assessment) Regulations, 2020.

National Environment (Audit) Regulations, 2020, S.I. No. 47 of 2020.

Water (Sewerage) Regulations S.I 152-3.

Water (Waste Discharge) Regulations, S.I 152-4.

HON. SAM CHEPTORIS,
Minister for Water and Environment.

