

Guidelines for the Regulation of Water Tanker Services in DAWASA Designated Area

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1. Introduction

- 1.1 These Guidelines have been prepared to guide, monitor and regulate the operation of water tanker services in DAWASA Designated Area. The Guidelines shall govern the supply of clean and safe water by Water Tanker Operators to customers in DAWASA Designated Area where there is limited or no supply of water from DAWASCO.
- **1.2** These Guidelines shall not apply to persons having a Water Tanker for own use.
- **1.3** The Guideline shall describe the procedures for the registration and deregistration of Water Tanker Operator. Furthermore, the Guidelines describe the obligations of water tanker operators, DAWASCO, DAWASA and the Authority.

2. Definition

In these Guidelines unless the context requires otherwise:

- (a) **"Applicable Law"** means any principal law, treaty, proclamation, regulation, order, rule or by-law that is customarily treated in Tanzania as having legally binding force relevant to matters pertaining to water supply, water resources and quality of water;
- (b) **"Authority"** means the Energy and Water Utilities Regulatory Authority established under the provisions of the EWURA Act, Cap. 414;
- (c) **"Cap Price**" means the maximum price per cubic meter of water to be charged for the supply of water by a Water Tanker Operator to a customer as approved by the Authority;
- (d) "Certificate of Registration" means a certificate issued by DAWASCO to the Operator and shall be as prescribed in the First Schedule;
- (e) **"Customer"** means any person who is supplied with water by a Water Tanker Operator;
- (f) **"DAWASA"** means Dar es Salaam Water Supply and Sewerage Authority established under the provisions of the DAWASA Act, Cap 273;
- (g) **"DAWASA Designated Area"** has the meaning ascribed to it under the DAWASA Act Cap 273;
- (h) "DAWASCO" means the Dar es Salaam Water and Sewerage Corporation established under the provisions of the Public Corporations Act, Cap 257 GN No 139 of 20th May 2005;
- (i) **"Filling Point"** means the point designated by DAWASCO and may include a borehole from where a Water Tanker Operator can draw water;
- (j) **"Harmful Materials"** means any substance that will affect the quality of water;
- (k) "Inspector" means an officer of DAWASCO authorized to act as such;
- "Lease Contract" means the contract between DAWASA and DAWASCO signed on 12th December 2005, and the term shall include any subsequent amendment made thereto;

- (m) **"Tariff"** means rates and charges approved by the Authority under the provision of **Paragraph** 9;
- (n) "Water Tanker" means a motorized vehicle carrying or mounted with a vessel of a minimum storage capacity of 200 litres, with its attachment which may include horse pipe, pump and water meter, registered for the purpose of transporting, distributing, supplying or selling clean and safe bulk water in the DAWASA Designated Area; and
- (o) **"Water Tanker Operator"** means the owner or operator of a water tanker registered by DAWASCO to operate in DAWASA Designated Area.
- (p) **"Water Tanker Services"** means the supply of water supply services to customers in DAWASA Designated Area using a water tanker.

3. Registration

- 3.1 Any person intending to supply water in the DAWASA Designated Area using a Water Tanker shall apply to DAWASCO for registration of each Water Tanker.
- 3.2 An application for registration under Paragraph 3.1 above shall be in the form prescribed by DAWASCO (First Schedule) and shall contain the following:
 - (a) the applicant's full name, business address, telephone and fax numbers, email address, and web page address;
 - (b) a list and details of a Water Tanker;
 - (c) a certified copy of registration card of a Water Tanker; and
 - (d) a non-refundable application fee of TZS 100,000 per Water Tanker or such other amount as the Authority shall from time to time prescribe.
- 3.3 DAWASCO shall, upon receipt of an application under Paragraph 3.2 and satisfying itself to the completeness of the application, evaluate such application by taking into account:
 - (a) its compliance with Applicable Law;
 - (b) Water Tanker's compliance with technical requirements as prescribed in the Second Schedule; and
 - (c) the applicant's past records.
- 3.4 DAWASCO shall, upon evaluation of the application, approve, refer back or deny the application.
- 3.5 Where DAWASCO has rejected or denied an application for registration it shall inform the applicant the reasons for such denial or rejection.
- 3.6 Where the applicant is not satisfied with DAWASCO's decision under Paragraph 3.5, the applicant may lodge a complaint to the Authority for determination.
- 3.7 Where DAWASCO has approved an application for registration it shall issue a certificate of registration (Third Schedule) to the applicant and the applicant shall from that moment be deemed to be an agent of DAWASCO.
- 3.8 The Operator shall comply with the Terms and Condition of the Certificate of registration.

3.9 The period of registration under Paragraph 3.7 shall be two (2) years and may be extended upon application by the Operator.

4. Deregistration

DAWASCO may deregister a Water Tanker where it is found that:

- (a) a water tanker operator uses a Water Tanker to conduct an activity other than that it was registered for;
- (b) the applicant has provided false or inaccurate information related to the operation of the Water Tanker;
- (c) a water tanker operator is drawing water from a non designated Filling Point;
- (d) a water tanker operator sells water at a price which is above the approved cap price;
- (e) a water tanker operator has ceased to carry out water supply business; or
- (f) a water tanker operator has failed to carry out its obligations under these Guidelines.

5. Obligations of a Water Tanker Operator

A water tanker operator **shall**

- (a) draw water from a Filling Point only;
- (b) transport, distribute, supply or sell to a customer clean and safe water which complies with Tanzania's water quality standards for drinking water;
- (c) ensure that the water loaded, transported, distributed, supplied and discharged to a Customer is free of contamination;
- (d) ensure that all pipes, fittings and removable equipment connected to the Water Tanker are maintained in such a way as to prevent contamination during transit and delivery;
- (e) provide all necessary assistance to an Inspector to facilitate inspection of a Water Tanker;
- (f) be required to discharge non conforming water to the quality requirements in an open channel or any other appropriate place as the Inspector may consider appropriate;
- (g) disinfect its Water Tanker every six months or any time contamination of a Water Tanker has occurred and shall forthwith after such disinfection, obtain a disinfection certificate from DAWASCO;
- (h) keep in a safe and conspicuous place as DAWASCO may direct, a certified copy of a valid disinfection certificate issued by DAWASCO;
- (i) ensure that a Water Tanker bears a designated colour, a registration number, words "REGISTERED WATER TANKER" or "GARI LA MAJI

LILILOSAJILIWA" and any other mark as shall be prescribed by DAWASCO and are legibly written on both sides of the Water Tanker;

- (j) at all times ensure that a Water Tanker meets the technical requirements set out in the Second Schedule;
- (k) ensure that a driver of a Water Tanker has a valid driving licence; and
- (l) comply with:
 - (i) Orders and directions of the Authority;
 - (ii) Orders and directions of DAWASCO;
 - (iii) Applicable Law;
 - (iv) these Guidelines; and
 - (v) applicable codes and standards.

6. Obligations of DAWASCO

6.1 DAWASCO being the principal of the Operator shall ensure that during the registration period the Operator performs its obligations under these Guidelines.

6.2 Notwithstanding the generality of Paragraph 6.1 DAWASCO shall, during the registration period:

- (a) designate, operate and maintain sufficient number of Filling Points;
- (b) monitor the quality of water supplied by Water Tanker Operators;
- (c) designate enough disinfection points and prepare the procedures for disinfection;
- (d) submit to DAWASA and the Authority quarterly reports on performance of Operators;
- (e) designate a registration number and colour of Water Tankers which prescribes the identity of a Water Tanker;
- (f) ensure that a Water Tanker bears a designated colour, a registration number and words "MAJI YA KUNYWA" and any other mark as shall be prescribed by DAWASCO are legibly written on both sides of the Water Tanker;
- (g) certify the capacity of a Water Tanker;
- (h) ensure that its consumer complaint telephone number is legibly written on both sides of the Water Tanker;
- (i) monitor the price of water supplied by a the water tanker operator; and
- (j) on annual basis publish a list of all water tanker operators, including their business addresses, location and telephone numbers, in news papers of wide circulation both in Kiswahili and English.

7. Obligations of DAWASA

DAWASA shall:

(a) provide sufficient number of Filling Points;

- (b)in consultation with DAWASCO and Operators and subject to Paragraph 9, propose a Tariff to the Authority; and
- (c) on annual basis submit to the Authority the status report which includes number of registered Water Tankers.

8. Obligations of the Authority

The Authority shall:

- (a) monitor the implementation of these Guidelines by DAWASA, DAWASCO and the Water Tanker Operators;
- (b) set Cap Prices pursuant to Paragraph 9; and
- (c) handle complaints arising from implementation of these Guidelines which DAWASCO has failed to resolve.

9. Tariffs

- 9.1. DAWASA shall, on its own motion or upon receipt of a request from DAWASCO or Water Tanker Operator submit a proposed tariff pursuant to this Paragraph.
- 9.2. Notwithstanding the provisions of Paragraph 9.1, DAWASA shall, at least once after every 24 months submit to the Authority an application for tariff review for water tanker services, provided that no application for tariff review shall be made within twelve months from the date of the last approval.
- 9.3. Subject to Paragraph 9.1, DAWASA shall conduct a consultative meeting with DAWASCO and the Water Tanker Operators before submitting a proposed tariff to the Authority
- 9.4. The tariff application by DAWASA shall be in a form of a letter addressed to the Director General of the Authority and shall be supported by the following:
 - (a) written justification of the proposed tariff and the proposed effective date;
 - (b) minutes and signatures of the attendees of the consultation meeting(s);
 - (c) detailed computation in Microsoft Excel format which demonstrate how the proposed tariff was reached; and
 - (d) detailed benefits that the customers shall get out of the proposed tariff.
- 9.5. The Authority shall, upon receipt of the application under Paragraph 9.3, evaluate such application in order to satisfy itself to the correctness and completeness of the application and thereafter shall conduct an Inquiry pursuant to Section 19 of the EWURA Act.
- 9.6. The Inquiry under Paragraph 9.4 shall be concluded within 45 days after receipt of a complete application.
- 9.7. After the conclusion of the inquiry the Authority shall set the Cap Price which shall thereafter be published in the *Gazette*.
- 9.8. The Authority shall, on quarterly basis, publish in newspapers of wide circulation, both in English and Kiswahili, the prevailing cap price.

9.9. Any person who is aggrieved by the decision of the Authority under Paragraph 9.6 may appeal to the Fair Competition Tribunal under the provision of the Fair Competition Act, Cap. 285.

10. Amendment

These Guidelines may be amended by the Authority from time to time.

FIRST SCHEDULE

APPLICATION FORM FOR WATER TANKER SERVICES

FOMU YA MAOMBI YA KUENDESHA HUDUMA YA MAJI KWA KUTUMIA MAGARI

The purpose of application is (mark with "X" in the applicable box): Malengo ya maombi ni (weka alama "X" katika boksi husika)

- (a) Applying for registration *Kuomba usajili*
- (b) Applying for extension of registration Kuomba kuendeleza usajili
- (c) Giving notice of transfer of vehicle ownership Kutoa taarifa ya kubadili umiliki wa gari
- (d) Giving notice of intention to stop the service *Kutoa taarifa ya kusitisha huduma*
- (e) Giving notice of change of registration details *Kutoa taarifa ya kubadili maelezo ya usajili*

PART I

GENERAL INFORMATION

SEHEMU I

MAELEZO YA JUMLA

A: Applicant's Details

: Maelezo ya Mwombaji

- 1. Full Name(s) of Applicant(s):.... Jina Kamili la Mwombaji (waombaji)
- 2. Title: Wadhifa
- 3. Contact Address of Applicant Anuani ya Mwombaji

House No:Plot No.....Block No:Street: Nyumba Na. Kiwanja Na Kitalu Na: Mtaa:

Municipality: Manispaaa		
Telephone No: <u>Simu Na</u> .	Mobile No: Simu ya Mkononi	
Facsimile No:	Email address:	
Nukushi Na.	Barua pepe	
B: Legal status (mark with "X Hadhi ya kisheria ya Mwomba	,	sika)
Individual 🗌 Binafsi	Company 🗌 <i>Kampuni</i>	Partnership 🗌 <i>Ubia</i>
NGO	Community 🗌 <i>Jumuiya</i>	
C: Technical Details <i>Taarifa za Kiufundi</i>		
Vehicle Registration No: Namba ya usajili wa Gari	Capacity (m ³): <i>Ujazo(m³)</i>	

PART II

THIS PART SHALL APPLY ONLY TO NOTICE OF TRANSFER OF VEHICLE OWNERSHIP

SEHEMU II

SEHEMU HII IJAZWE KWA AJILI YA TAARIFA YA KUBADILI UMILIKI WA GARI TU

I, (Mimi) -----of P.O Box (wa S.L.P)------

of P.O Box------, effective ------day of -----20-----. wa S.L.P kuanzia siku ya

PART III

THIS PART SHALL APPLY ONLY TO NOTICE OF INTENTION TO STOP THE SERVICE

SEHEMU III

SEHEMU INAHUSU TU TAARIFA YA KUSUDIO LA KUSITISHA HUDUMA

I,(*Mimi*) ------ P.O Box (*S.L.P*)------, hereby give notice that I have stopped supplying water tanker services in the area of ------*Ninatoa taarifa kwamba nimesitisha kusambaza huduma ya maji kwa gari katika eneo la*

-----day of -----20----*kuanzia siku ya*

PART IV

THIS PART SHALL APPLY ONLY TO NOTICE OF CHANGE OF REGISTRATION DETAILS SEHEMU IV

SEHEMU HII IJAZWE KWA AJILI YA TAARIFA YA KUBADILI MAELEZO YA USAJILI TU

I, *(Mimi)*------, hereby give notice that I have changed my registration details as follows from: *Ninatoa taarifa kwamba nimebadili maelezo yangu ya usajili kama ifuatavyo kutoka:*

(insert current registration details)-----jaza maelezo ya sasa za usajili to(insert new registration details) -----kuwa (jaza maelezo mapya ya usajili)

effective	day of20
kuanzia	siku ya

PART V

DOCUMENTS TO BE SUBMITTED TOGETHER WITH THE APPLICATION FORM

SEHEMU V

NYARAKA ZINAZOWASILISHWA PAMOJA NA FOMU YA MAOMBI

Checklist (Tick as applicable) **Mambo ya kuangalia** (weka alama ya vema sehemu husika)

- 1. Certified copies of the registration certificate of the water tanker *Cheti kilichothibitishwa cha usajili wa gari la maji*
- 2. Cheque or receipt of payment made payable to DAWASCO in respect of the application fee of

TShs.100,000 for registration Hundi au stakabadhi ya malipo ya shilingi za kitanzania 100,000 yaliyofanywa DAWASCO kwa ajili ya maombi ya usajili

PART VI

DECLARATION BY THE APPLICANT(S)

SEHEMU VI

KIAPO CHA MWOMBAJI(WAOMBAJI)

I / We (delete where not applicable), the undersigned, hereby declare that this entire application, all statements made, attachments and other information submitted in connection with this application are, to the best of my/our knowledge true, correct and complete in all respects and in all their material particulars

Mimi/ sisi (futa lisilohusika), nili/tuliosaini hapa chini, nina/tunakiri kwamba, maombi haya yote, matamko yote yaliyofanyika, viambatanisho vyote na taarifa zote zilizowasilishwa kwa ajili ya maombi haya, kwa utashi wangu/wetu ni kweli, sahihi na kamili kwa vigezo vyote na matakwa yote.

I / We (delete where not applicable), understand that DAWASCO may conduct complete and comprehensive investigations to determine the accuracy of all information provided herein and I / We (delete where not applicable), authorize DAWASCO to make such investigations.

Mimi/ sisi (futa lisilohusika),nina/tuna elewa kwamba DAWASCO wanaweza kufanya uchunguzi kamili na wakina kupata usahihi wa maelezo yote yaliyotolewa humu ndani and Mimi/sisi (futa lisilohusika), tunairuhusu DAWASCO kufanya uchunguzi huo.

I / We (*delete where not applicable*), hereby authorize my personnel/staff, to provide any information as may be reasonably required by DAWASCO in connection with this application.

Mimi/ sisi (futa lisilohusika),nina/tunawapa mamlaka wafanyakazi wangu/wetu kutoa maelezo yoyote kama ambavyo kwa sababu zozote yatahitajika na DAWASCO kuhusiana na maombi haya.

Full name:..... Jina Kamili

rs
•

Title:	 	
Wadhifa		

Signature:..... Saini

Date:..... *Tarehe*

PART VII

FOR OFFICE USE ONLY

SEHEMU VII

KWA MATUMIZI YA OFISI TU

1. Has/Have the applicant(s) been registered by DAWASCO as Water Service Provider? Je mwombaji(waombaji) ame/wamesajiliwa na DAWASCO kama mtoa huduma ya maji?

Yes 🗌	No 🗌
Ndio	Hapana

2. Have the forms been duly filled in and signed by the authorized officer of the applicant? *Je fomu za maombi zimejazwa kwa ukamilifu na kusainiwa na Ofisa aliyethibitishwa na mwombaji?*

Yes 🗌	
Ndio	

3. Has the applicant complied with the registration requirements regarding the provision of water services to the public?

Je mwombaji amekidhi matakwa ya usajili wa kutoa huduma ya maji kwa jamii?

No 🗌

Hapana

Yes 🗌	No 🗌
Ndio	Hapana
Date Received:	
Tarehe ya Kupokea	Imepokelewa na
Application Reference No:	
Namba ya Mwombaji	Saini

Official Stamp:

Muhuri wa Ofisi

SECOND SCHEDULE

Technical Requirements of a Water Tanker

(Made under Paragraph 3.3 (b))

- 1. A Water Tanker shall:
 - (a) be constructed and treated with a material that does not affect the quality of water;
 - (b) be in good hygienic condition;
 - (c) be resistant to corrosion;
 - (d) be road worthy and in good condition; and
 - (e) not have come into contact with harmful materials.
- 2. A Water Tanker shall not contain stagnant points which can facilitate bacterial growth.

THIRD SCHEDULE

(Made under Paragraph 3 of the Guidelines)



DAR ES SALAAM WATER AND SEWERAGE CORPORATION (DAWASCO)

CERIFICATE OF REGISTRATION OF WATER TANKER OPERATOR

(Issued under Paragraph 3 of the Guidelines for the Regulation of Water Tanker Services in DAWASA Designated Area)

WATER TANKER SERVICES CERTIFICATE NO. WTSC-2013----000

A Certificate of Registration of a Water Tanker is hereby granted to...... of P.O. Box...... Dar es Salaam to operate the Water Tanker with Registration Number..... subject to the terms and conditions in the Appendix.

This Certificate shall be valid from thisday of, 20... and shall remain in force for twenty four (24) months unless revoked or extended under the Terms and Conditions provided in the Appendix.

... ..., 20..

SEAL

Date of Issue

Chief Executive Officer

APPENDIX

1. Definitions

In this Certificate unless the context otherwise requires:

- (a) **Applicable Law**" means any principal law, treaty, proclamation, regulation, order, rule or by-law that is customarily treated in Tanzania as having legally binding force relevant to matters pertaining to water supply, water resources and quality of water;
- (b) **"Authority"** means the Energy and Water Utilities Regulatory Authority established under the provisions of the EWURA Act, Cap. 414;
- (c) "**Cap Price**" means the maximum price per cubic meter of water to be charged for the supply of water by a Water Tanker Operator to a customer as approved by the Authority;
- (d) "Certificate of Registration" means this certificate;
- (e) "**Customer**" any person who is supplied with water by a Water Tanker Operator;
- (f) "DAWASA" means Dar es Salaam Water Supply and Sewerage Authority established under the provisions of the DAWASA Act, Cap 273;
- (g) **"DAWASA Designated Area"** has the meaning ascribed to it under the DAWASA Act Cap 273;
- (h) "DAWASCO" means the Dar es Salaam Water and Sewerage Corporation established under the provisions of the Public Corporations Act, Cap 257 GN No;
- (i) "Inspector" means an officer of DAWASCO authorized to act as such;
- (j) "Ministry" means the Ministry responsible for water;
- (k) **"Tariff"** means rates and charges approved by the Authority under the provision of Paragraph 9 of the Guidelines;
- (1) "Water Tanker" means a motorized vehicle carrying or mounted with a vessel of a minimum storage capacity of 200 litres, with its attachment which may include horse pipe, pump and water meter, registered for the purpose of transporting, distributing, supplying or selling clean and safe bulk water in the DAWASA Designated Area; and

- (m) "Water Tanker Operator" means the owner or operator of a water tanker registered by DAWASCO to operate in DAWASA Designated Area.
- (n) "Water Tanker Services" means the supply of water supply services to Customers in DAWASA Designated Area using a water tanker.

2. Transfer, Modification, and Assignment of the Certificate

This Certificate may be transferred, modified, or assigned pursuant to the provisions of the Guidelines, and Regulations made by the Minister.

3. Duties of the Operator

The Operator shall:

- (a) draw water from a Filling Point only;
- (b) transport, distribute, supply or sell to a customer clean and safe water which comply to Tanzania's water quality standards for drinking water;
- (c) ensure that the water loaded, transported, distributed, supplied and discharged to a Customer is free of contamination;
- (d) ensure that all pipes, fittings and removable equipment connected to the Water Tanker are maintained in such a way as to prevent contamination during transit and delivery;
- (e) provide all necessary assistance to an Inspector to facilitate inspection of a Water Tanker;
- (f) be required to discharge nonconforming water to the quality requirements in an open channel or any other appropriate place as the Inspector may consider appropriate;
- (g) disinfect its Water Tanker every six months or any time contamination of a Water Tanker has occurred and shall forthwith after such disinfection, obtain a disinfection certificate from DAWASCO;
- (h) keep in a safe and conspicuous place as DAWASCO may direct, a certified copy of a valid disinfection certificate issued by DAWASCO;
- ensure that a Water Tanker bears a designated colour, a registration number, words "MAJI YA KUNYWA" and any other mark as shall be prescribed by DAWASCO are legibly written on both sides of the Water Tanker;
- (j) at all times ensure that Water Tanker meets the technical requirements set out in the Second Schedule;
- (k) ensure that a driver of a Water Tanker has a valid driving licence; and
- (k) comply with:

- (vi) Orders and directions of the Authority;
- (vii) Orders and directions of DAWASCO;
- (viii) Applicable Law;
- (ix) these Guidelines; and
- (x) applicable codes and standards.

4. Tariff

An Operator shall not charge a price above Cap Price as approved by the Authority.

5. Notices

5.1 Any correspondence or notice to be given under any of these terms and conditions shall be in writing and shall be deemed to have been properly served if hand-delivered or sent by registered mail or transmitted by facsimile to the relevant party at the address set out below or such other address as that party may from time to time specify in writing to the other:

The Water Tanker Operator:

Chief Executive Officer, [Insert Name of the Company/or individual]

[Insert physical and postal address,] Telephone: [Insert landline number] Facsimile: [Insert landline number] Email: [Insert email address]

DAWASCO:

Chief Executive Officer, Dar es Salaam Water and Sewerage Corporation (DAWASCO), P. O. Box 5340 DAR ES SALAAM, TANZANIA Telephone: +255 (22) 212 2450 Facsimile: +255 (22) 211 0931 Email: info@dawasco.com

- 5.2 Any notice given under Paragraph 5 (1) shall be deemed to have been duly served and received:
 - (a) at the actual time of delivery, if delivered personally;
 - (b) ten working days subsequent to the date of postage, if sent by registered mail with return receipts; and
 - (c) at the time of receipt, if transmitted by facsimile or e-mail where there is confirmation of uninterrupted transmission by a transmission report and provided that the original of the notice is then delivered personally or sent by registered mail as soon as reasonably practicable.