

(EMP) under the Environmental Impact Assessment / Environmental Audit report is adhered to throughout the operational cycle.

- Comply with NEMA improvement orders throughout the operational period
- Ensure that all visitors to the site are provided with the requisite personnel protective equipment (PPE).
- Ensure that the recycling plant is situated in appropriate location as per the zoning specification of the local authority.
- Ensure that sludge/slur is disposed off according the Environmental Management and Coordination (Waste Management) Regulations, 2006.

### 3. Monitoring Conditions

The owner/operator shall:

- Comply with the monitoring requirements of the Environmental Management and Coordination Act, 1999 and the Regulations there under

### 4. Notifications

The owner/operator shall:

- Seek written approval from the Authority for any operational changes.
- Notify the Authority of intention to decommission and submit a Decommissioning Plan, 3 months prior to the decommissioning date.
- Inform the Authority of any incident through the hotline No. 606041 and written notice to the Authority within 24 hours

### 5. Decommissioning Conditions

The owner/operator shall:

- Decommission the recycling facility according to the approved Decommissioning plan

Licensing Procedures

- Obtain application forms from District Environment Officer (DEO) OR download from the National Environment Management Authority (NEMA) Website: [www.nema.go.ke](http://www.nema.go.ke)
- Fill application forms in triplicate indicating EIA or EA reference Number, executive summary of Environmental Impact Statement, and attach the necessary documents.
- Pay prescribed application fee through NEMA's Kenya Commercial Bank (KCB) Revenue Account (233971386) or Cash payment of Kshs 3, 000 at NEMA headquarters. NEMA official receipt will be issued on evidence of payment such as bank deposit slips or copy of bankers cheque
- Return the duly filled application forms and documents to the District Environmental Officer who will then forward them to the NEMA Headquarters, waste management section for reviewing.
- The application will then be reviewed within 21 working days. An approval for licensing will be given with relevant conditions or a decline stating the reasons.

- Upon fulfillment of application requirements and payment of license fees, a license will be issued within 30 working days
- The license is renewed annually upon adherence to all conditions provided.

N/B: Processing of the license will proceed upon submission of necessary documents.

Charges

Application Fee: KShs 3, 000

Licensing Fee: KShs.40, 000

### Environmental Monitoring and Compliance

Environmental Inspectors will undertake regular monitoring of the facilities to ensure compliance with the Regulations. In the event of violation of conditions in the license notwithstanding the official renewal dates. Such facilities shall cease to operate until the licensing conditions are fulfilled.

### Offences and Penalties

Any person who contravenes any provision of this section shall be guilty of an offence and liable to imprisonment for a term not more than two years or a fine of not more than one million shillings or to both such imprisonment and fine.



Buffalos enjoying a well natured environment

**For further information please contact:**  
**Director General, National Environment Management Authority**  
 (NEMA)

Popo Road, off Mombasa Road  
 P.O Box 67839, Nairobi, Kenya  
 Tel: 605522/6/7, 601945 Fax: 254-02-608997, Hotline: 606041, Mbl: 0720 947417  
 e-mail: [dgnema@nema.go.ke](mailto:dgnema@nema.go.ke)  
 website: [www.nema.go.ke](http://www.nema.go.ke)

Our Environment Our life



**National Environment Management Authority (NEMA)**

*"Committed to ensuring a Clean and Healthy Environment for all"*

**ENVIRONMENTAL MANAGEMENT AND COORDINATION (WASTE MANAGEMENT) REGULATIONS 2006**



*Waste Recyclers & Transfer Stations*





An open dump site with assorted Plastics

### Introduction

Recyclable materials such as papers, plastics, metals and glass makes up a significant percentage of the waste. Traditionally, the emphasis by the Local Authorities has been on collection and disposal of waste rather than on an integrated solid waste management strategy. Most of the recyclable waste is found in middle and high income areas. The companies engaged in the waste recycling include Nairobi Plastics, Central Glass Industries Limited, Kamongo Waste Paper Limited, Madhu Paper Limited, Kenya Reclaim Rubber Co Limited, Premier Rolling Mills Limited, RH Devani Ltd, Agriplast Kenya Ltd, Premier Industries etc are involved in plastic recycling while Industries like Devki Steel Ltd, Polypipes Ltd, Tononka Steel Ltd, Morris 2004 Co Ltd, Rolmil Ltd, Accurate Steel Ltd, Apex Steel Ltd, etc are involved in scrap metal recycling. Companies involved in used oil recycling are Subira Ship Contractors, Lubricanto Enterprises, Mwawako Shipping Agencies etc. There are also companies like Mavoloni Ostrich Farm Ltd which are involved in recycling bones to make poultry feeds. The materials that are often recycled from solid waste include waste paper, cardboard, glass, scrap metal, rubber sludge/used oil, plastics etc. However, most recycling technologies are very informal and rudimentary.

### Targeted Facilities

The recycling industries for plastics, sludge/used oil, waste paper, scrap metal, bones

### Impacts

Plastics and other non biodegradable waste cause health and environmental concerns. Plastics block gutters and drains, creating serious drainage problems. Consumption of plastic by animals could lead to their death. Plastic bags are non-biodegradable and their

presence in agricultural fields decreases soil productivity. Improper disposal of plastic bags have been linked to spread of malaria because they provide breeding habitats for mosquitoes and pathogens. When burned plastic bags release toxic gases such as furan and dioxin, and leave unhealthy residues that include lead and cadmium.

### Legal Interventions

Part 12 (a) of the second schedule of Environment Management and Coordination Act (EMCA, 1999) states that Environmental Impact Assessment (EIA) and Environmental Audits (EA) shall be carried out for waste disposal including work involving sites for solid waste disposal .

Part V111 Section 87(1) EMCA, 1999 states that no person shall discharge or dispose of any wastes whether generated within or outside Kenya, in such manner as to cause pollution to the environment or ill health to any person.

Part V111Section 89 EMCA, 1999 states that any person who ,at the commencement of this Act ,owns or operates a waste disposal site or plant or generated hazardous waste shall apply to the Authority for licence under this part within six months after the commencement of this Act.

### Provisions of Waste Management Regulations (2006)

Part 11 section 10(1-5), 11, 12 and 13 of Waste Management Regulations states that:

10(1) Any person granted a licence under the Act and any other licence required by relevant local authority to operate a waste disposal site or plant, shall comply with all conditions imposed by the authority to ensure that such waste disposal site or plant operates in an environmentally sound manner.

10(2) An application for licence to operate a waste disposal site or plant shall be in Form V as set out in the first schedule of the regulation and shall be accompanied by the prescribed fees set out in the second schedule

10(3) A licence under the Act for the operation of waste disposal site or plant shall be in Form V as set out in the First schedule of these Regulations

10(4) A licence to operate a waste disposal site or plant shall be valid for a period of one year from the date of issue and may be renewed for a further period of one year on such terms and conditions as the authority may deem necessary or impose for purposes of ensuing public health and sound environmental management.

10(5) In issuing a waste disposal license, the Authority shall clearly indicate the disposal operation permitted and identified for the particular waste.

11Any operator of a disposal site or plant shall apply the relevant

provisions on waste treatment under the local government act and Regulations to ensure that such waste does not present any imminent and substantial danger to the public health, the environment and natural resources.

12 Every licensed owner or operator shall carry out an annual environmental audit pursuant to the provision of the act

13 Notwithstanding any provision to the contrary in these Regulations, these Regulations shall also apply to plants and sites established for re-use or recycling of wastes

### Licensing Conditions

#### 1. General Conditions

The owner/operator shall:

- Operate within the area specified on the site plan submitted together with the application form.
- Without prejudice to the other conditions of this license, the owner/operator shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.
- Submit an Annual Environmental Audit together with the application for renewal of license.
- Shall keep records including, this recycling license Environmental Impact Assessment license, Environmental Audit report, emission monitoring reports, and shall make them available to the Environmental inspectors.
- Shall ensure that competent personnel operate the facility.
- Shall ensure that staff is provided with appropriate personnel protective equipment (PPE).
- Shall give access to Environmental inspectors from the Authority without prior notice upon identification and provide information, reports, records and data for inspection.
- Shall provide the staff with full disclosure of the wastes characteristics under recycling
- Shall put appropriate signage and labeling, of a height at least 30 centimetres, on the facility.
- Not be taken as statutory defense against charges of pollution in respect of any manner of pollution not specified herein.

#### 2. Operational Conditions

The owner/operator shall:

- Ensure that the recycling facility is designed and operated in a manner to prevent the occurrence of odour or health hazard
- Ensure that all waste to be recycled is confined within the licensed site
- Provide adequate storage space for the incoming waste, the recycling phase and temporary storage space for the finished/final product.
- Provide adequate and effective control measures for fire, incidents and nuisances.
- Ensure that the approved Environmental Management plan