

Paper Lengt on 06/10/2016 by Hm. Alex Ouds.

NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY - FOURTH SESSION

REPORT OF THE WATER AND SANITATION COMMITTEE

ON

SITE INSPECTION VISIT TO RUAI TREATMENT PLANT



Clerk's Chambers,

CITY HALL,

NAIROBI.

SEPTEMBER, 2016

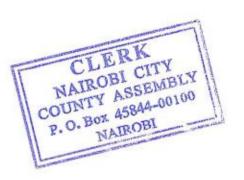
PREFACE

The Sectoral Committee on Water and Sanitation is one of the Sectoral Committees established under Standing Order 191. It is mandated under the Second Schedule to, among other functions oversee all matters related to Water and Sanitation Services; water distribution, regulation, marketing and sewerage services.

ACKNOWLEDGEMENT

The Committee on Water and Sanitation wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for incessant support that has facilitated execution of its mandate. The Committee appreciates Eng. Lucy Njambi, Mr. Mario Kainga and entire staff of the Nairobi City Water and Sewerage Company for invaluable information that abetted to compile this inspection visit report.

Lastly, I thank the Members of the Committee on Water and Sanitation for their continued support and active participation during and after the visit.



1.0 BACKGROUND

The Sectoral Committee on Water and Sanitation is established under the provisions of Standing Order 191 and under the Second Schedule is mandated to consider all matters related to "water distribution, management, regulation; sewerage and sanitation services".

The Committee, resolved to undertake an inspection visit to Ruai Treatment Plant following allegations on human encroachment by the Nairobi City Water and Sewerage Company Limited. The visit was therefore, to enable Members establish the extent of the allegations and to assess the status of the facility, with a view to coming up with amicable resolutions to aggress the propiem.

- Deputy Chairperson

1.1 COMMITTEE MEMBERSHIP

The Committee on Water and Sanitation comprises the following members:

- 1. Hon. Alex O. Otieno, MCA Chairperson
- 2. Hon. Kenneth Thugi, MCA
- 3. Hon. Michael Ogada, MCA
- 4. Hon. Herman Azangu, MCA
- 5. Hon. Robert Mbatia, MCA
- 6. Hon. Hashim Kamau, MCA
- 7. Hon. David Kairu, MCA
- 8. Hon. Pius Otieno, MCA
- 9. Hon. Celestine Ongere, MCA
- 10. Hon. Hawa Dafala, MCA
- 11. Hon. Maurice Akuk, MCA
- 12. Hon. Oscar Lore, MCA
- 13. Hon. Victoria Alali, MCA
- 14. Hon. Monica Ndegwa, MCA
- 15. Hon. Nancy Mwaura, MCA
- 16. Hon. Peter Wanyoike, MCA
- 17. Hon. Caroline Muga, MCA

Hon. Members.

On behalf of the Committee on Water and Sanitation, it is my pleasant duty and privilege, to present the Committee's Report on the inspection visit to Ruai Treatment Plant.

SIGNATURE....

HON. ALEX OTIENO OUDA, MCA (CHAIRPERSON)

2.0 INTRODUCTION

The issue on encroachment on Ruai Treatment Plant was raised by the Managing Director of Nairobi City Water and Sewerage Company during the Committee's 4th quarter retreat held in Naivasha. The Managing Director, while making a presentation on thematic areas of the draft Water and Sanitation Policy, alleged that the plant's expansion prospects was impeded by continuous human encroachment. In view of this, the Committee found it necessary to visit the Ruai treatment Plant in bid to establish the claims and come up with appropriate resolutions for implementation.

2.1 FINDINGS

2.1.2 RUAI TREATMENT PLANT

The Committee undertook the inspection visit to the Plant on Monday 20th June, 2016 to among others; establish the alleged human encroachment and assess the status of the facility. The Members met the Environment and Compliance Manager, the Plant Coordinator and Technical Officers of the Nairobi City Water and Sewerage Company who took the Committee around the Treatment Plant.

Ruai Treatment Plant handles sewage wastes of up to 120,000 daily whereas the 9 No. pools constructed by the Athi Water and Services Board have a tapacity of 160,000 M³.

The Committee was informed by the Treatment Coordinator and Environment and Compliance Manager as follows;

- The Ruai Treatment Plant sits on a 4,000 hectares but only a meagre 500 acres is under use as a result of human encroachment that has impeded expansion of the plant.
- ii. The fish ponds constructed are phase 1 and 2. Generally, there are a total of 56 pools that serve as first sewerage treatment point. Introduction of fish species such as Tilapia and Cat fish into the pools helps to determine quality of water because of their sensitivity to water pollution.

- iii. Some of the pools have been dried up temporarily to control occasional hyacinth.
- iv. The plant's machines that include cup screen, intermediate screen, course bar and grit remover are hugely overstretched by the amount of solid and liquid waste they handle on daily basis. For instance, on average, a total of five tons of solid waste is screened each day which is against the designed standard of the plant that should deal solely on waste water.
- v. It is believed that commercial waste handlers are discharging solid waste/garbage directly into sewer manholes at various points in the sewer system. The areas around markets, Eastleigh and Dandora areas and zones where trunk sewers are accessible by vehicles are particularly notorious. The staff at the plant spend a lot of time removing this garbage manually while a lot of it passes through and can be seen floating on the ponds. Working during night shifts is particularly difficult.
- vi. There are a total of 66 persons working at the plant to aid in the monitoring purposes. The employees include Technical officers, Support staff and Administration Police.

1.2.2 MEETING WITH THE RESIDENTS FROM MATHARE AREA 4

The Mathare 4 A residents were relocated by the Defunct City Council to Ruai to provide space for construction of a Mathare 4 A Primary School. Through a resolution of a Defunct Council General Purpose meeting, the Mathare residents were allocated the piece of land (LR No. 12979/1/R) and allotment letters. The Committee was informed that the Mathare 4 A inhabitants have been paying land rates to the County Government and have stayed for more than five years at the allocated piece of land.

Through their Chairman, the Committee was told that the Mathare 4 A residents were not masqueraders. It was alluded that at one point, the City County Governor, H.E Governor, Dr. Evans Kidero once visited the area with his team and they had the opportunity to scrutinize the approved land documents issued by the Defunct City Council.

In view of the foregoing, the Committee, vide a letter NCCA/WSC/CORR/22 dated 28th June, 2016 invited the Chairman, East End Development Properties to a meeting whose objectives were amongst others;

- Brief on the resolutions arrived at a meeting of the defunct City Council on relocation from Mathare Area 4 to Ruai area;
- Tabling of land documents and any other verifiable documents allegedly issued by defunct City Council; and,
- Discussion on the challenges posed by continuous human encroachment of Ruai
 Treatment Plant.

The Committee met the Chairman, Advocate, Patron, Director, Secretary and one Member of the East End Development Properties on Tuesday 12th June, 2016 and Members were informed as follows:

- a) Around 1992, the Defunct City Council went to Mathare 4 to look for available space to construct Mathare 4 A Primary School. The said construction resulted in displacement of families living in the area and destruction of their properties which consisted of semi-permanent and permanent structures. The latter were constructed by an Indian (who used to operate a quarry at independence period) for his employees working at the said quarry that used to supply the then government with construction materials. Therefore, Mathare 4 A residents moved on to occupy and inherit the area (previously inhabited by their siblings) as squatters.
- b) The Council was taken to Court because it had not issued any eviction orders whereby the Court ruled in favor of Mathare 4 A and the Defunct Council accepted to both compensate (for the houses broken down by bulldozers) and resettle/relocate the residents.
- c) The Town Clerk then, Mr. Gakuo John vide letter DTC(L)MNN/234/E/2005 stated that the City Council had identified land for resettlement at Ruai.
- d) The Council had pledged to undertake road grading, provide water supply and basic amenities at Ruai, a pledge that is yet to be realized.

- e) Town Planning Sub- Committee's resolutions on resettlement of Mathare 4 A residents was passed/ adopted on 27th October, 2009 by the General Purpose meeting.
- f) The Council issued Allotment letters whereby upon request by Mathare 4 A residents, an account was opened for payment of Land Rates.
- g) Aware that Mathare 4 A Resettlement Scheme Ruai was a Self-Help Group that legally could not own Land, a request was made and granted that the name 'East End Development Properties' be reserved by the Registrar of Companies and be used.
- h) Currently, the East End Development Properties is making a follow up through correspondences on issuance or final ownership documents by Nairobi City County Government. This would aid in actualization of land sub division to the members.
- i) The Nairobi City Water and Sewerage Company Limited had been advised on the available documents depicting the resettlement resolutions as passed and adopted by the Defunct City Council. The same advice was given to the County's task force on Restoration of Water and Sewerages which had raised allegations on encroachment on Ruai Treatment Plant.
- j) The low development witnessed at Ruai is as a result of immense challenges faced by the inhabitants which range from the poor state of roads, lack of water, social amenities and the like.

2.0 CONCLUSION AND OBSERVATIONS

The Committee notes with deep concern the overwhelming amount of solid wastes that is screened and manually removed at Ruai Treatment Plant. The level of encroachment being witnessed inhibits expansion of the plant whose machines are currently experiencing regular breakdowns. In view of the presentations made by the Chairman and Officials of the East End Development Properties, the Committee, after scrutiny of land documents tabled before it, view the resettlement exercise as being genuine. To further corroborate and authenticate its findings, the Committee unanimously agreed that the land document tabled before it be reexamined further with the view of inviting relevant County Government Officers or witnesses.

For instance, the actual acreage of the Ruai land need to be proved by documentation of the survey that was allegedly conducted by the defunct City Council of Nairobi. The Committee thus commits itself to meeting with relevant stakeholders including the national government (Ministry of Water and Irrigation) in a bid to find amicable and sustainable solution regarding expansion initiatives with respect to Ruai Treatment Plant.

3.0 RECOMMENDATIONS

Following the Site Inspection visit to the Ruai Treatment Plant and the findings and observations made, the Committee urges this Assembly to resolve as follows;

- i) That, the Nairobi City Water and Sewerage Company to undertake vigorous media campaigns to sensitize Nairobians on the need for commercial waste handlers to desist from dumping solid waste into sewer or storm water manholes.
- ii) That, the County Sector on Environment, Energy and Water to institute enforceable punitive measures to arrest any person(s) who haphazardly dumps solid wastes in the NCWSC trunk sewer system.
- iii) That the NCWSC in liaison with the County Government urgently survey the land meant for the Ruai Sewage treatment plant and demarcates the area surrendered for resettlement of the Mathare 4 A residents.
- iv) That, the NCWSC urgently fence off land that was retained for its use after the surrender in order to curtail any encroachment.
- v) That, any residents found to have encroached on land which was not part of the acreage surrendered for resettlement be given adequate notice to vacate, and that upon expiry of the notice, the County Government to reclaim the land.
- vi) That the wastewater from the last ponds/pools needs should be filtered through wetlands so as to meet the NEMA standards for disposal into the river.

 It is worth noting that currently, the plant does not meet the Chemical Oxygen Demand, Biochemical Oxygen Demand and Total Suspended Solid parameters owing to the huge amount of solid wastes that affect the intended design of the Plant.

CLERK NAIROBI CITY

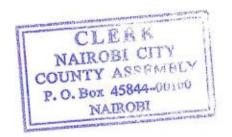
P. O. Box 45844-00100 NAIROBI vii) That, the County Government moves with speed to honor its pledges to provide electricity, water, roads and other social amenities to already resettled residents in Ruai as assured by the Defunct City Council. The County Government should also expedite full regularization of deed plans and title.

MINUTES OF NAIROBI CITY COUNTY ASSEMBLY WATER AND SANITATION COMMITTEE HELD ON WEDNESDAY 28TH SEPTEMBER, 2016 AT 11.00AM AT CHARTER HALL, CITY HALL BUILDINGS AT 12.00 NOON.

PRESENT

- 1. Hon. Alex Ouda, MCA
- 2. Hon. Kenneth Thugi, MCA
- 3. Hon. Victoria Alali, MCA
- 4. Hon. Nancy Mwaura, MCA
- 5. Hon. Peter Wanyoike, MCA
- 6. Hon. Hashim Kamau, MCA
- 7. Hon. Herman Azangu, MCA
- 8. Hon. Monica Ndegwa, MCA
- 9. Hon. Celestyne Ongere, MCA
- 10. Hon. Robert Mbatia, MCA
- 11. Hon. Oscar Lore, MCA
- 12. Hon. David Njoroge, MCA
- 13. Hon. Hawa Dafala, MCA

- Chairperson
 - Deputy Chairperson



ABSENT WITH APOLOGIES

- 1. Hon. Akuk Maurice, MCA
- 2. Hon. Caroline Muga, MCA
- 3. Hon. Pius Otieno, MCA
- 4. Hon. Michael Ogada, MCA

INATTENDANCE

Mr. Inyundele Austin

Acting Committee Clerk

Min. No. 301/wsc/September/2016: Preliminary

The meeting was called to order at 12.00 noon after a prayer was said by the Chairman.

The Chair welcomed all the Members to the meeting.

Min. No. 302/wsc/September/2016: Adoption of the agenda

The agenda of the meeting was read and adopted by the Committee after being proposed by Hon. Nancy Mwaura and seconded by Hon. Hashim Kamau.

- 1. Prayer
- 2. Adoption of the agenda
- 3. Adoption of the report of the committee on the site inspection visit to Ruai Treatment

 Plant
- 4. Any Other Business
- 5. Adjournment and date of next meeting.

iviin. No. 304/wsc/September/2016. Adoption of the draft report of the committee on the site inspection visit to Ruai Treatment Plant

The Committee was informed that following the resolution in the previous meeting that the Clerk prepares a fine copy of the report of the site inspection visit to Ruai Treatment Plant and presents it to the Committee for adoption, the said report was presented before the Committee and the Chairman requested that copies be circulated to the Members for perusal.

After the perusal led by the Chairman, the Committee adopted the report after being proposed by Hon. Nancy Mwaura and seconded by Hon. Herman Azangu.

Min. No. 305/wsc/September/2016: Adjournment

IN

There being no other business to consider, the meeting was adjourned at seventeen minutes to 1.00 p.m. The next meeting was scheduled for Tuesday 4th October, 2016 at 11.00 a.m.

signature	the fact you	
(Chairperson)	1/1 2/	
DATE	05/10/2016.	

MINUTES OF THE 61ST SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON WATER AND SANITATION HELD ON TUESDAY 12TH JULY, 2016 AT 1000.A.M AT THE RESIDENT'S LOUNGE, HILTON HOTEL.

PRESENT

- 1. Hon. Alex Otieno, MCA
- 2. Hon. Kenneth Thugi, MCA
- 3. Hon. Celestyne Ongere, MCA
- 4. Hon. Nancy Mwaura, MCA
- 5. Hon. Monica Ndegwa, MCA
- 6. Hon. Hawa Dafala, MCA
- 7. Hon. David Njoroge, MCA
- 8. Hon. Caroline Muga, MCA
- 9. Hon, Michael Ogada, MCA
- 10. Hon, Hashim Kamau, MCA
- 11. Hon. Pius Otieno, MCA
- 12. Hon. Herman Azangu, MCA
- 13. Hon. Peter Wanyoike, MCA

- Chairperson
- Vice-Chairperson

ABSENT

- 1. Hon. Victoria Alali, MCA
- 2. Hon. Robert Mbatia, MCA
- 3. Hon. Akuk Maurice, MCA
- 4. Hon. Oscar Lore, MCA

SECRETARIAT

COUNTY ASSEMBLY

Mr. Wilfred Manyi

Clerk Assistant

MIN No. 310/wsc/July/2016 - PRELIMINARIES

The meeting was called to order at 10.11a.m. and began by a word of prayer said by the Chairperson, Hon. Ouda Otieno who welcomed all Members to the meeting and gave opportunity for introductions.

He then read the correspondence highlighting objectives of the meeting and invited response from the witnesses.

MIN No. 311/wsc/July/2016 - Adoption of the agenda

The agenda of the meeting was read and was adopted by the Committee after being proposed by Hon. Nancy Mwaura and seconded by Hon. Celestyne Ongere as follows:-

- 1) Prayer
- 2) Adoption of Agenda
- 3) Meeting with Chairman and Officials of East End Development Properties
- 4) Any Other Business
- 5) Adjournment

MIN No. 312/wsc/July/2016 - Remarks by the Chairman and Officials of East End Development Properties

The Chairman of East End Development Properties thanked the Committee for the invitation and further stated as follows in reference to the objectives of the meeting;

- a) Around 1992, the Defunct City Council went to Mathare 4 A to look for available space to construct Mathare 4 A Primary School. However, the Council was taken to Court because it had not issued eviction orders.
- b) The Court ruled in favor of Mathare 4 A and the Defunct Council accepted to both compensate (for the houses broken down by bulldozers) and resettle/relocate the residents.
- c) The Town Clerk then, Mr. Gakuo John vide letter DTC(L)MNN/234/E/2005 stated that the City Council had identified land for resettlement in Ruai.
- d) The Council had pledged to undertake road grading, provide water supply and basic amenities at Ruai, a pledge that was yet to be implemented.
- e) Town Planning Sub- Committee's resolutions on resettlement of Mathare 4 A residents was passed/ adopted in 27th October, 2009 by the General Purpose meeting.
- f) The Council issued Allotment letters whereby upon request by Mathare 4 A residents, an account was opened for payment of Land Rates.
- g) Aware that Mathare 4 A Resettlement Scheme Ruai was a Self-Help Group that legally could not own a parcel of Land, request was made and granted that the name 'East End Development Properties' reserved by the Registrar of Companies be used.
- h) The East End Development Properties was still making a follow up through correspondences regarding issuance of final ownership documents by Nairobi City County Government. This was to aid in the actualization of land sub division to the members of Mathare 4 A.
- i) The Nairobi City Water and Sewerage Company Limited had been advised on the available documents depicting the resettlement resolutions as passed and adopted by the Defunct City Council. The same advice was given to the County's task force on Restoration of Water and Sewerages which had raised allegations on encroachment on Ruai Treatment Plant.
- j) The low development witnessed in Ruai was as a result of immense challenges faced by the occupants which range from the poor state of roads, lack of water

MIN No. 313/wsc/July/2016 - Remarks from the Chairperson, Hon. Ouda

The Committee through the Chair raised concerns regarding lack of proper documentation in particular on the survey and actual acreage of the allocated Ruai land. However, the Committee agreed to ventilate on the document tabled before it regarding land ownership and a chronology of events that resettled Mathare 4 A residents in Ruai.

MIN No. 314/wsc/July/2016 - Any Other Business and Adjournment

There being no any other business, the meeting adjourned at 11.23am. The next meeting was to be held on Wednesday 13th July, 2016 at the County Assembly Foyer, City Hall Buildings at 11am.

(CHAIRPERSON)





MINUTES OF THE 63RD SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON WATER AND SANITATION HELD ON THURSDAY 14TH JULY, 2016 AT 1100.A.M AT THE COUNTY ASSEMBY FOYER, CITY HALL BUILDINGS.

PRESENT

- 1. Hon. Alex Otieno, MCA
- 2. Hon. Kenneth Thugi, MCA
- 3. Hon. Michael Ogada, MCA
- 4. Hon, Herman Azangu, MCA
- 5. Hon, Hashim Kamau, MCA
- 6. Hon, Victoria Alali, MCA
- 7. Hon. Monica Ndegwa, MCA
- 8. Hon. Nancy Mwaura, MCA
- 9. Hon. Peter Wanyoike, MCA
- 10. Hon. Akuk Maurice, MCA
- 11. Hon. Caroline Muga, MCA
- 12. Hon. Celestyne Ongere, MCA
- 13. Hon. David Njoroge, MCA

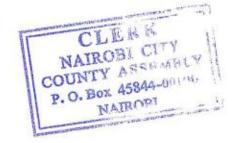
ABSENT

- 1. Hon. Hawa Dafala, MCA
- 2. Hon. Pius Otieno, MCA
- 3. Hon. Robert Mbatia, MCA
- 4. Hon. Oscar Lore, MCA

- Chairperson

- Vice-Chairperson

- Ag. Chair



SECRETARIAT

COUNTY ASSEMBLY

Mr. Wilfred Manyi

Clerk Assistant

MIN No. 320/wsc/July/2016 - PRELIMINARIES

The meeting was called to order at 11.02a.m. and began by a word of prayer said by the Acting Chairperson, Hon. Nancy Mwaura.

MIN No. 321/wsc/July/2016 - Adoption of the agenda

The agenda of the meeting was read and was adopted by the Committee after being proposed by Hon. Victoria Alali and seconded by Hon. Herman Azangu as follows:-

- 1) Prayer
- 2) Adoption of Agenda
- 3) Consideration of Inspection Visit Report on Ruai Treatment Plant
- 4) Any Other Business
- 5) Adjournment

MIN No. 322/wsc/July/2016 - Inspection visit Report on Ruai

The Committee ventilated the report of the Inspection visit to Ruai Treatment Plant. Having read through the observations/findings and the issues that transpired from the meeting with the East End Development Properties (Mathare), the Members agreed to make further amendments and/or input before adoption and tabling on the floor of the House.

MIN No. 323/wsc/July/2016 - Any Other Business and Adjournment

The Acting Chair reminded Members to be carrying their tablets to enforce the Speaker's Communication on Assembly's path to digital transformation.

There being no any other business the meeting adjourned at 12.03pm. The next meeting was to be held through notice.

SIGNATURE

DATE

(CHAIRPERSON)

MINUTES OF THE 57TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON WATER AND SANITATION HELD ON WEDNESDAY 22ND JUNE, 2016 AT 1100.A.M AT CHARTER HALL, CITY HALL BUILDINGS.

PRESENT

- 1. Hon. Alex Otieno, MCA
- 2. Hon. Kenneth Thugi, MCA
- 3. Hon. Nancy Mwaura, MCA
- 4. Hon, Hashim Kamau, MCA
- 5. Hon. Hawa Dafala, MCA
- 6. Hon. David Njoroge, MCA
- 7. Hon. Robert Mbatia, MCA
- 8. Hon. Herman Azangu, MCA
- 9. Hon. Akuk Maurice, MCA
- 10. Hon. Peter Wanyoike, MCA
- 11. Hon. Oscar Lore, MCA

- Chairperson
- Vice-Chairperson

ABSENT

- 1. Hon. Monica Ndegwa, MCA
- 2. Hon. Michael Ogada, MCA
- 3. Hon. Celestyne Ongere, MCA
- 4. Hon. Victoria Ahali, MCA
- 5. Hon. Pius Otieno, MCA
- 6. Hon. Caroline Muga, MCA

SECRETARIAT

COUNTY ASSEMBLY

Mr. Wilfred Manyi

Clerk Assistant

MIN No. 289/wsc/June/2016 - PRELIMINARIES

The meeting was called to order at 11.04a.m. and began by a word of prayer said by Chairperson, Hon. Ouda.

MIN No. 290/wsc/June/2016 - Adoption of the agenda

The agenda of the meeting was read and was adopted by the Committee after being proposed by Hon. Kenneth Thugi and seconded by Hon. David Njoroge as follows:-

- 1) Prayer
- 2) Adoption of Agenda
- 3) Deliberations of draft report of visit to Ruai Treatment Plant
- 4) Any Other Business
- 5) Adjournment

MIN No. 291/wsc/June/2016 - Ruai Report

The Chairperson took Members through the draft report and it was resolved as follows;

- a) The Chair of Mathare area 4 be invited to a Committee meeting in a week's time to shed light on amongst other things;
 - i) table verifiable documentations on the land currently being occupied.
 - State the amount of acreage previously allocated vis a vis the size of acreage being occupied at present.

MIN No. 292/wsc/June/2016 - Matters Arising.

Owing to the absence of the Managing Director. NCWSC. the Committee was informed of the deferral to Thursday 30th June, 2016 in Naivasha of report writing retreat with the Nyandarua County Assembly Intergovernmental Relations and Coordination Committee. It was also stated that the venue of the said retreat was to be communicated at a later date.

MIN No. 293/wsc/June/2016 - Any Other Business and Adjournment

There being no any other business, the meeting adjourned at 12.14pm. The next meeting was to be held on Thursday 23rd June, 2016 at Charter Hall, City Hall Buildings at 11.00am.

SIGNATURE

DATE

23/6/2016

DAIL

(CHAIRPERSON)