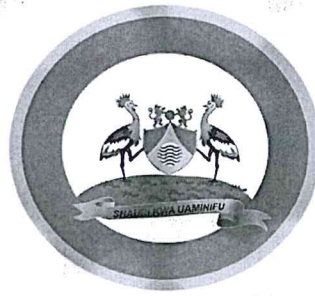


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NBI CA. PLC. 2020 / (004)

19th february, 2020.

PAPER LAID

Pursuant to Standing Order 191 (6) I beg to lay the following Paper on the Table of the Assembly, today Wednesday 19th February, 2020.

THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON THE INQUIRY INTO THE ENVIRONMENTAL POLLUTION IN NAIROBI COUNTY.

(Chairperson, Sectoral Committee on Environment and Natural Resources)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Approved
Blam
20/02/2020

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY-FOURTH SESSION

REPORT OF THE SECTORAL
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
ON THE
THE INQUIRY INTO THE ENVIRONMENTAL POLLUTION IN NAIROBI COUNTY

Approved
Baron
20/02/2020

CLERK'S CHAMBERS,
CITY HALL,
NAIROBI

FEBRUARY, 2020

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ACRONYMS AND ABBREVIATIONS

PPE	– Personal Protective Equipment
NWSCO	– Nairobi Water and Sewerage Company
NEMA	– National Environment Management Authority
CECM	– County Executive Committee Member

1.0 PREFACE

The Sectoral Committee on Environment and Natural Resources for the Second Assembly was established on 5th October 2017 on the floor of the House pursuant to provisions of Standing Order 203.

The Committee's mandate pursuant to the provision of Standing Order 203 –Third Schedule is, amongst others, to investigate, inquire into and report on all matters relating to; “Implementation of specific national government policies on natural resources, environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and refuse removal, refuse dumps and solid waste disposal.”

The Committee comprises the following Members:-

1. **Hon. John Kamau, MCA** – Chairperson
2. **Hon. Fredrick Onyango Okeyo** – Vice-Chairperson
3. Hon. Jeremiah Themendu, MCA
4. Hon. James Mwangi Wambui, MCA
5. Hon. Peter Wahinya Njau, MCA
6. Hon. Laura Mwendu, MCA
7. Hon. John Kamangu, MCA
8. Hon. Joyce Muthoni, MCA
9. Hon. Mwaura Samora, MCA
10. Hon. Muchene Kabiru, MCA
11. Hon. Susan Makungu, MCA
12. Hon. Silas Ongwae, MCA
13. Hon. Peter Anyule Imwatok, MCA
14. Hon. Emily Wanjiku Waithaka, MCA
15. Hon. Rose Masitsa Shitote, MCA
16. Hon. Joseph Ndonji, MCA
17. Hon. Francis Otieno Ngesa, MCA
18. Hon. Solomon Magembe, MCA
19. Hon. Millicent Okatch, MCA

The Committee received a request for statement by Hon. Peter Imwatok, MCA regarding the environmental pollution in Nairobi. The Member stated that residents across the city had often complained of pollution occasioned frequently by irresponsible companies across the city. He added that this pollution has been more demonstrated in the state of rivers across the City.

In addition, the Committee noted with concern the ongoing pollution of rivers by commercial industries. The Committee further noted that there is rampant pollution of River Ruaraka by private developers and industries who were either discharging raw sewer or industrial chemicals into the said river.

In view of this, the Committee resolved to visit a number of companies for a fact finding mission and table a report on its findings on the same in the Assembly. The Committee further resolved to visit Tononoka Rolling Mills, Supa Loaf Ltd, Steel Structures Ltd and Dog Bones Ltd on Tuesday 28th May, 2019, Chandaria Industries and Frigoken Industries on Wednesday 10th July, 2019 and Premier Food Industries and Kenafric Manufacturing Limited on Thursday 11th July, 2019. The Committee managed to visit Tononoka Rolling Mills and Dog Bones Ltd on Tuesday 28th May, 2019.

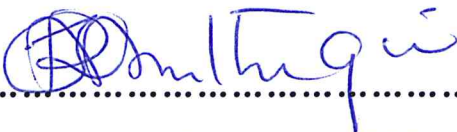
On Wednesday 10th and Thursday 11th July, 2019, the Committee was accompanied by the Hon. Godfrey Majiwa, MCA and officers from the relevant County Executive Sector during its site visit to Chandaria Industries, Frigoken Industries Premier Food Industries and Kenafric Manufacturing Limited in Babadogo Ward.

Furthermore, the Committee received submissions from the CECM responsible for Environment, Water, Energy and Natural Resources stating the measures put in place to prevent further pollution of County rivers.

Acknowledgement

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support extended to the Committee to enable members undertake the inquiry.



On behalf of the Committee, I now have the honour and pleasure to present this report on the inquiry into the Environmental Pollution in Nairobi County.

Signed

Hon. John Kamau, MCA

(Chairperson)

Sectoral Committee on Environment & Natural resources

Dated this..... day of..........2020

2.0 INTRODUCTION

- i. The Constitution at Paragraph 10 of Part 2 of the Fourth Schedule gives the County Government responsibility of implementing specific national government policies on natural resources and environmental conservation, including soil and water conservation.
- ii. Industrial pollution is currently a big menace and discharge of waste waters containing hazardous compounds into natural environment contributes heavily to accumulation of pollutants.
- iii. The Committee through a statement requested by Hon. Peter Imwatok noted that residents across the city had often complained of pollution occasioned frequently by irresponsible companies across the city and this pollution has been more demonstrated in the state of rivers across the City.
- iv. The Committee further noted that there is rampant pollution of River Ruaraka by private developers and industries who were either discharging raw sewer or industrial chemicals into the said river.
- v. The Committee resolved that a comprehensive inquiry on the management of effluent and other wastes from companies be conducted particularly in Mowlem Ward and Babadogo Ward where residents had raised concerns over the discharge of untreated effluent. As such, the Committee conducted site inspection visits to Tononoka Rolling Mills and Dog Bones Ltd on Tuesday 28th May, 2019, Chandaria Industries and Frigoken Industries on Wednesday 10th July, 2019 and Premier Food Industries and Kenafric Manufacturing Limited on Thursday 11th July, 2019 and also received submissions from the CECM Water, Energy, Environment and Natural Resources stating the measures put in place to prevent further pollution of County rivers.

COMMITTEE FINDINGS

3.01 Submissions from the CECM responsible for Water, Energy, Environment and Natural Resources

The following were the submissions from the CEC:

1. That one of the most significant mandates of the Sector is the control of pollution levels in both the major and minor water bodies threatened by discharges from industrial and institutional establishments as provided by Part 2 on the 4th Schedule of the Constitution of Kenya, 2010.
2. That the need to focus attention on monitoring the status of the few available rivers in the County that are potential water sources and are also carriers of waste discharge is of particular importance.
3. That the fundamental principle governing effluent disposal is to make treatment plants do part of the work and let nature complete it and that serious pollution problems often arise when nature is called upon to do far more than its share of the work. This was the case with respect to the disposal of untreated effluent into the Ruaraka River from factories in Babadogo Ward.
4. That River Ruaraka is one of the major rivers in the County and the sub-sector is aware of the ongoing pollution of the river yet little/ nothing has been done to stop the pollution.
5. That a multi-agency committee has been formed under the Ministry of Environment and Forestry to address the challenges facing rivers.

4.0 COMMITTEE OBSERVATIONS DURING THE SITE VISITS

The following was the Committee checklist/areas of concern during the site visits;

1. Statutory requirements
 - NCC trade licenses
 - NEMA environmental audits
 - Recycling permits
 - Incineration permits
 - NWSC/NEMA effluent discharge licenses
 - Stack emission report/licenses
 - Any other relevant compliance report

2. General environment aesthetics
 - Covered manholes
 - Disposal of factory waste
 - Litter bins
 - Personal protective Equipment (PPE)
3. Solid Waste Management
 - Description of waste generated
 - Handling and Storage of waste
 - Waste disposal (waste tracking documents, contracts with authorized waste handlers
 - Waste treatment facility
4. Liquid Waste Management
 - Effluent analysis report
 - NEMA/NWSC effluent discharge licenses
5. Air Pollution
 - Stack emission report and license

4.01 Site inspection visit to Tononoka Rolling Mills

The Committee visited Tononoka Rolling Mills on Tuesday 28th May, 2019. The Committee met Mr. Pramod Suryavansh the Factory Manager who briefed it on the operations of the Company and thereafter he took the Committee through the production line.

During the site visit, the committee made the following observations;

- 1) That the Company recycles approximately 45,000 metric tons of waste metal scrap annually into reusable construction materials such as reinforcement steel, mild steel flat bars and angle irons;
- 2) That the solid waste generated at the facility includes both slag generated during the melting process and mill scale generated during the rolling stage;
- 3) That the company has contracted Zoa Taka Ltd to transport and dispose slag as well as general waste;
- 4) That two per cent (2%) of the company's solid waste is not recycled;

- 5) That process water is recycled and reused continuously. Hence the waste water is sanitary;
- 6) That some scrap metal chippings are washed by surface run off hence finding their way to the storm water drainage system;
- 7) That there was improper disposal of slag from the furnaces;
- 8) That there were buildings built on top of the sewer line and manholes next to the company; and
- 9) That the course of a stream near the company is being diverted by private developers who are building buildings on the riparian reserve.

4.02 Site inspection visit to Dog bones Ltd

The Committee visited Dog Bones on Tuesday 28th May, 2019. The Committee met Mr. Elijah Marube the Operations Manager and Mr. Victor Odongo, EHS officer who briefed Members on the operations of the Company.

During the site visit, the committee made the following observations;

1. That the Company processes wet-salted camel hides and wet-salted & green cow hides into leather;
2. That the most commonly tanning agents used in its tannery is trivalent chromium;
3. That the tannery generates two types of waste;-
 - a. Solid waste from the raw hides trimming and fleshings from fleshing machines;
 - b. Effluent (80% of the total waste) which contains mineral acids, sulfides, salts and chromium used in the tanning process;
4. The company's waste water is discharged through the Nairobi Water and Sewerage Company sewer line.
5. That its solid waste is incinerated and the ash is disposed at Dandora dumpsite by County trucks;
6. That the pre-treatment facility was ineffective. The waste water discharged comprises of sludge and fleshings;

7. That the open drain channel for uncontaminated wash water and storm water drains into the lower area which remains stagnant;
8. That there was bad odor from decaying organic matter from animal wastes, skins and hides within the facility;

4.03 Site inspection visit to Chandaria Industries

The Committee visited Chandaria Industries on Wednesday 10th July, 2019. The Committee met Mr. Darshan Chandaria the CEO who briefed Members on the operations of the Company and thereafter took Committee through the production line.

During the site visit, the committee made the following observations;

1. That Chandaria Industries is the largest recycler of paper waste for tissue manufacturing;
2. That solid waste is the only significant waste that emanate from the recycling process. The sludge generated from the waste water treatment process is compressed, dried and disposed as solid waste;
3. That the industry's effluent is treated and recycled in the pulping process. The extra treated waste water is channeled into NWSC sewerage system;
4. That there is significant noise emanating from the machines used in the paper recycling process. Employees exposed to this noise had no ear protectors;
5. That waste oil generated at the motor vehicles workshop is disposed by a licensed waste handler;
6. That the management of the industry had no waste disposal tracking documents; and
7. That the management of the industry had little or no knowledge of the characteristics of the waste-water being generated from the industry.

4.04 Site inspection visit to Frigoken Industries

The Committee visited Frigoken Industries on Wednesday 10th July, 2019. The Committee met Eng. Dishon Kahara the Growing Division Unit Manager and Mr. Eric

Oyoti the Factory Operations Manager who briefed the Members on the operations of the Company.

During the site visit, Committee made the following observations:

1. That Frigoken Limited processes extra fine green beans and packages into cans or jars for export primarily to the European market;
2. That the water used to wash the beans is recycled through a sand filter and used to flush the toilets. The waste beans from this process are given to local farmers;
3. That the unused waste water from the factory is delivered into the Nairobi Water and Sewerage Company sewer line via a series of covered drains which are fitted with steel sieves at various points before they join the main sewer line. The steel sieves ensure no solid matter is allowed to flow into the sewer lines and are periodically cleaned during production to ensure they are not clogged;
4. That the waste water is periodically tested for BOD levels, fecal coliform, PH, suspended solids and color;
5. That any waste beans from this process onwards are disposed off in the waste disposal bins and collected by a registered/ licensed garbage collector i.e. Bins (Nairobi) Services Ltd; and
6. That the company does forward its annual environmental audit reports to National Environment Management Authority as required.

4.05 Site inspection visit to Premier Food Industries Ltd

The Committee visited Premier Food Industries Ltd on Thursday 11th July, 2019. The Committee met Mr. Japheth Maingi the Operations Manager and Mr. Andrew Nzomo, Administration Officer. They took Members through the operations of the company.

The Committee made the following observations;

1. That the company manufactures over 50 different products under the brand name Peptang and Pep, Zuri and Orchid Valley for both local consumption and export;
2. That the company maintains high standards of cleanliness within the plant;
3. That the company has ensured complete control of waste leaving the premise to NWSC sewer line by construction of a treatment plant to ensure all the waste water parameters are within the required limit to such disposal;
4. That there have not been any sewer leakages that might have affected the community;
5. That effluent waste test is carried out quarterly to ensure that they are within the required limit;
6. That all the factory process wastes and office wastes are segregated and disposed off by a licensed garbage collector i.e. Bins (Nairobi) Services Ltd;
7. That the company does not have documented tracking of waste leaving the premises. The company relies on the trust and contract with the waste handler that all waste goes to the designated areas of disposal;
8. That the company's employees were provided with various personal protective equipment (PPE) to reduce body contact with any hazardous condition and chemicals or operations; and
9. That the company does forward its annual environmental audit reports to NEMA as required.

4.06 Site inspection visit to Kenafric Industries Limited

The Committee visited Kenafric Industries Ltd on Thursday 11th July, 2019. The Committee met the following officers;

- i. Mr. Bharat Shah – Chairman;
- ii. Mr. Ketan Patel – Process Improvement Manager;
- i. Mr. Kennedy Kiondo – Assistant Quality Manager;
- ii. Ms. Lorna Solopian – Head of Legal and Compliance;
- iii. Ms. Rehab Gatwiri –Legal and Compliance Assistant;

They took Members through the operations of the company.

The Committee made the following observations;

1. That Kenafric Industries Limited is one of the largest manufacturers of Confectionery, Culinary Products, Juices, Biscuits and Snacks in Kenya;
2. That the company maintains high standards of cleanliness within the plant;
3. Paper wastes such as cartons are sold to a company that recycles the same;
4. General waste is collected by a certified waste collector (Boredo Supplies Limited) and taken to Dandora dump site;
5. The company had all the required tracking documents regarding its waste transportation and disposal.
6. The company's effluent is fully treated before it is released to NWSC sewer line; and
7. The company recycles its effluent after it is treated.

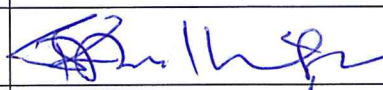

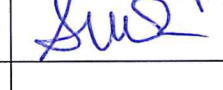
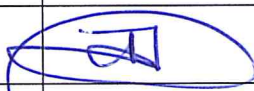
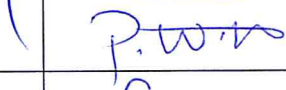
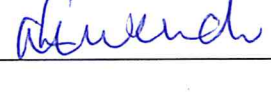
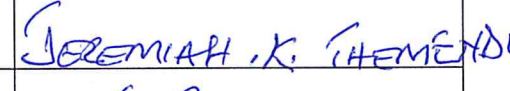
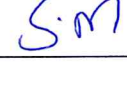


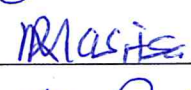
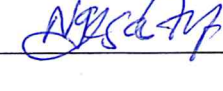
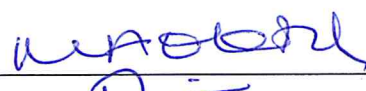


5.0 COMMITTEE RECOMMENDATIONS

The Committee recommends that this Assembly resolve as follows;

- 1) That the County Government do compel industries in the County to;
 - i. Treat their waste-water prior to discharge to avert the serious pollution problems currently caused to County Rivers by the discharge of the untreated wastewater;
 - ii. Ensure routine and continuous removal of all solid waste that might cause clogging of sewer lines;
 - iii. Ensure constant/timely and regular collection and removal of waste materials that might cause any environmental pollution;
 - iv. Develop Personal Protective Equipment policies to guide the issuance and use to all their employees; and

- v. Ensure that they have documented tracking of waste leaving their premises.
- 2) That the relevant County Executive Sector do engage casuals to clean up County Rivers and demarcate the riparian reserve.
 - 3) That the relevant County Executive Sector do initiate regular monitoring and mapping of pollution discharge points from the industries
 - 4) That the Sector do come up with waste tracking guidelines to ensure all parties involved with managing waste take a responsible attitude towards waste management and that the waste is transported and managed appropriately to prevent illegal waste dumping which could cause or has the potential to cause environmental harm.
 - 5) That impromptu inspections to all industries be done so as to ensure that industries in the County fully and continuously put in place measures to regulate their effluent are within the required limit as stipulated in the Environmental Management and Coordination (Waste Management) Regulations 2006.

**COMMITTEE MEMBERS SIGNATURES FOR ADOPTION OF COMMITTEE REPORT ON
THE INQUIRY INTO THE ENVIRONMENTAL POLLUTION IN NAIROBI COUNTY**

NO	NAME	SIGNATURE
1	Hon. John Kamau, MCA	
2	Hon. Michael Ogada, MCA	
3	Hon. Elijah Mbuthia, MCA	
4	Hon. Peter Imwatok, MCA	
5	Hon. James Kiriba, MCA	
6	Hon. Peter Wahinya Njau, MCA	
7	Hon. Laura Mwende, MCA	
8	Hon. Joyce Muthoni, MCA	
9	Hon. Osman Adow, MCA	
10	Hon. Jeremiah Themendu, MCA	
11	Hon. Susan Makungu, MCA	
12	Hon. Hassan Abdikadir, MCA	
13	Hon. Mwaura Samora, MCA	
14	Hon. Joseph Ndonji, MCA	
15	Hon. Emily Waithaka, MCA	
16	Hon. Rose Masitsa, MCA	
17	Hon. Francis Ngesa, MCA	
18	Hon. Fuad Hussein, MCA	
19	Hon. Millicent Okatch, MCA	
20	Hon. Redson Otieno, MCA	
21	Hon. Nicholas Okumu, MCA	

MINUTES OF THE 5TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY 18TH FEBRUARY, 2020 AT 11.30 AM AT COMMITTEE ROOM 6, CITY HALL BUILDINGS

PRESENT:

- | | |
|---------------------------------|-------------|
| 1. Hon. John Kamau, MCA | Chairperson |
| 2. Hon. Michael Ogada, MCA | |
| 3. Hon. Elijah Mputhia, MCA | |
| 4. Hon. James Kiriba, MCA | |
| 5. Hon. Peter Wahinya Njau, MCA | |
| 6. Hon. Laura Mwende, MCA | |
| 7. Hon. Joyce Muthoni, MCA | |
| 8. Hon. Jeremiah Themendu, MCA | |
| 9. Hon. Susan Makungu, MCA | |
| 10. Hon. Joseph Ndonji, MCA | |
| 11. Hon. Emily Waithaka, MCA | |
| 12. Hon. Rose Masitsa, MCA | |
| 13. Hon. Francis Ngesa, MCA | |
| 14. Hon. Millicent Okatch, MCA | |
| 15. Hon. Redson Otieno, MCA | |

ABSENT:

1. Hon. Peter Imwatok, MCA
2. Hon. Hassan Abdikadir, MCA
3. Hon. Mwaura Samora, MCA
4. Hon. Fuad Hussein, MCA
5. Hon. Nicholas Okumu, MCA
6. Hon. Osman Adow, MCA

SECRETARIAT:

- | | | |
|------------------------|---|-----------------|
| 1. Ms. Josephine Kamau | – | Clerk Assistant |
| 2. Mr. Abdi Mohamed | – | Clerk Assistant |

Agenda:

- 1) *Preliminaries*
- 2) *Election of the Vice Chairperson*
- 3) *Adoption of Committee Report on the Inquiry into Environmental Pollution in Nairobi County*
- 4) *Any Other Business*
- 5) *Adjournment*

MIN.13/ENVR/FEB/2020: PRELIMINARIES

The Chairperson called the meeting to order at 11.40 am and opened the meeting with a word of prayer. He then welcomed Members to the meeting and read the agenda of the day which was subsequently adopted for discussion as proposed by Hon. Emily Waithaka and seconded by Hon. Laura Mwende.

MIN.14/ENVR/FEB/2020:

ELECTION OF THE VICE-CHAIRPERSON

The Committee clerks invited the Members to nominate candidates for the said position or interested candidates to present and identify themselves to the Committee.

Only one Member, Hon. Joseph Ndonji, presented himself for the position of the Vice Chairperson having been nominated by other Members. The clerks therefore declared Hon. Joseph Ndonji as the duly elected Vice Chairperson of the Sectoral Committee on Environment and Natural Resources unopposed; as proposed by Hon. Millicent Okatch and seconded by Hon. Emily Waithaka.

Having completed the election process, the Chairperson invited the Vice Chairperson to briefly address the Committee.

MIN.15/ENVR/FEB/2020: ADOPTION OF COMMITTEE REPORT ON THE INQUIRY INTO ENVIRONMENTAL POLLUTION IN NAIROBI COUNTY

The Chairperson took Members through the recommendations in the Committee report on the Inquiry into the Environmental Pollution in Nairobi County. The report was adopted as proposed by Hon. Jeremiah Themendu and seconded by Hon. Francis Otieno.

MIN.16/ENVR/FEB/2020:

A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being twenty seven minutes past Twelve O'clock, the Chairman adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

SIGN.....

DATE.....19-02-2020.....

HON. JOHN KAMAU (CHAIRPERSON)