

Nakuru County Waste Management Bill, 2019

NAKURU COUNTY WASTE MANAGEMENT BILL 2019

ARRANGEMENT OF CLAUSES

PART I – PRELIMINARY

1. Short title and commencement.
2. Interpretation.
3. Objects of the Act.
4. Application of this Act.
5. Principles of waste management.

PART II – ADMINISTRATION

6. Role of the department.
7. County Waste Management Committee.
8. Functions of the county committee.
9. Ward, municipality or town Waste Management Committee.
10. Functions of the ward, municipality or town committee.
11. Meetings and procedures of the county and ward, municipality or town committees.
12. Term of office.
13. Removal from office.
14. Allowances for county and ward, municipality or town committee members.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

15. Reports.

PART III – RIGHTS AND DUTIES

16. Right to clean environment.

17. Duties.

PART IV – PROMOTION AND REGULATION OF WASTE MANAGEMENT

Waste generation

18. Classification of waste generators.

19. Promotion of prevention of waste generation.

20. Coordination and collaboration with national government.

21. Liaising and engagement with national government on production processes.

22. Partnership with manufacturers, wholesalers and retailers.

23. Reuse of materials.

waste handling, storage and processing are source

24. Segregation of waste.

25. Duty not to transfer unsegregated waste.

26. Waste segregation in public markets

27. Adoption of standards and policy.

28. Installation of waste handling and storage containers.

29. Handling and storage of hazardous waste.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

30. Handling and storage of biomedical waste.

Waste Collection

31. Prohibition on waste disposal.

32. Establishment of waste collection system.

33. Designation of waste collection points.

34. Waste collection containers or receptacles.

35. Waste collection containers and receptacles in institutions.

36. Adoption of standards and policy for waste collection.

37. Compliance with waste collection standards.

38. Waste collection in private premises.

39. Depositing of waste at waste collection points.

40. Waste collection in public places.

41. Waste picking.

42. Integration of waste picking into waste management system.

43. Maintaining of waste collection points in conformity with health and environmental standards

44. Participation of vulnerable groups in co-management of waste collection points and services.

45. Public private partnerships for waste collection services.

46. Procurement of waste collection services.

47. Integration of youth, women and persons with disabilities in service delivery chain

48. Access to government procurement opportunities.

49. Waste transfer stations.

waste transfer and transportation

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

- 50. Transfer or transportation of waste.
- 51. Transfer or transportation of waste to transfer stations or materials processing facility.
- 52. Waste transportation services conformity to standards.
- 53. Public private partnerships for waste transfer and transport services.
- 54. Procurement of waste transfer and transportation services.
- 55. Division of waste collection and transportation services.
- 56. Designation of routes for waste transportation.

waste separation, processing and transformation

- 57. Separation of recyclable materials.
- 58. Promotion and facilitation of waste separation and materials processing.
- 59. Separation of waste at a transfer station.
- 60. Access to materials for processing.
- 61. waste materials processing, recovery and transformation.
- 62. Incentives for promoting waste separation and materials processing.
- 63. Procurement of products made from waste materials.

waste disposal

- 64. Prohibition on waste disposal.
- 65. Waste disposal processes.
- 66. Designation of sanitary landfills
- 67. Control of landfills.

PART V – WASTE MANAGEMENT PLANNING

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

- 68. waste management spatial plan.
- 69. Zoning for waste management.
- 70. Integrated waste management plan.

PART VI – LICENSING

- 71. Licensing officers.
- 72. Requirements for licence.
- 73. Application for licence.
- 74. Grant of licence.
- 75. Conditions of a licence.
- 76. Validity of a licence.
- 77. Cancellation or withdrawal of licence.
- 78. Licence to be displayed.
- 79. Classification of licences.

PART VII –PARTNERSHIPS AND PARTICIPATION

- 80. Stakeholder participation.
- 81. Partnerships.

PART VIII – INFORMATION, COMMUNICATION AND TECHNOLOGY

- 82. Information, communication and technology system.
- 83. Information and communication strategies and programmes.
- 84. Technology based communication strategies.
- 85. Annual status report.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

PART IX – RESEARCH AND DEVELOPMENT

- 86. Carrying out of research.
- 87. Capacity development.
- 88. Data management system.

PARTX – ENFORCEMENT

- 89. Authorized officers.
- 90. Powers of an authorized officer.
- 91. Compliance with an order.
- 92. Entry into premises.

PART XI – FINANCIAL PROVISIONS

- 93. Appropriation for implementation of the Act.
- 94. User fees and charges.
- 95. Utilization of fees collected.
- 96. Incentives.
- 97. Donations and grants.
- 98. Public-private partnerships.

PART XII– GENERAL PROVISIONS

- 99. Dispute resolution.
- 100. Community service order.
- 101. Transition.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

102. Power to make Regulations.

NAKURU COUNTY WASTE MANAGEMENT BILL 2019

A Bill for

AN ACT of County Assembly of Nakuru to provide for the realization of Article 42 on right to a clean and healthy environment and Article 43 on health and sanitation, and implementation of section 2 (g) of the Fourth Schedule to Constitution of Kenya in relation to waste management and for connected purposes.

ENACTED by the County Assembly of Nakuru as follows –

PART I – PRELIMINARY

Interpretation.	2. In this Act –
Short title	1. This Act may be cited as the Nakuru Waste
commencement.	Management Act and shall come into force on the day of
	its commencement as notified in the Kenya Gazette.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

“licensing officer” means an officer designated under Section 70A;
“bio-medical waste” means any waste which is generated during the diagnosis, treatment or immunization of human beings; and
“Municipal Waste Management Committee” means the committee established under the Environmental Management and Coordination Act (Cap 387) and includes categories of waste specified under the Environmental Management and Coordination Act (Cap 387) or products, food, agricultural products and clothing among others;

“composting” means the process biological decomposition of organic wastes into humus;
“recycling” means the process of transforming non-biodegradable waste into secondary resources or new products;
“County Waste Management Committee” means the committee established under section 17 of the Environmental Management and Coordination Act (Cap 387) and includes categories of waste specified under the Environmental Management and Coordination Act (Cap 387) or products, food, agricultural products and clothing among others;

“County Executive Committee Member” means the county executive committee member by which the product being responsible for a waste management waste is used again for the same purpose for which it was conceived;

“Department” means the county department responsible for waste management;
“waste management” means any activity used in prevention, handling, storage, segregation, transfer, transportation, recovery and disposal of waste discarded electrical or electronic devices, components, parts or materials and includes computers, Waste Management Committee established under section 17 of the Environmental Management and Coordination Act (Cap 387), telephones, electrical cables and wires and batteries;

“transportation” means the transfer of waste from waste collection point to a transfer station as assigned under the Environmental Management and Coordination Act (Cap 387);

(Cap 387).

“waste transfer station” means the gathering of waste, including the preparation of waste transfer stations, for the purposes of transfer or transport to a waste transfer station; and
“industrial waste” means waste material produced or treated by industrial processes or activity;

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

“waste segregation point” means the separation of waste into designated areas where wood, plastic, paper, metal, glass, electronics, etc. are collected and transported to a transfer station or a waste disposal site;

“waste transporter” means a person licensed under this Act to collect waste from premises; service that entail waste collection;

“waste to energy” means the process of generation of energy from waste;

“waste transfer station” means any person whose activity or an activity under the person’s direction produces waste or if the person transfers waste to a person who is in a facility of that person and designated a person in accordance with the provisions of section 2 (g) of the Fourth Schedule to the Constitution of Kenya to collect or temporarily deposit, in a container, in that facility, waste for final disposal and collection of recyclable waste where waste is generated;

Objects of the Act.

3. The objective of this Act is to facilitate fulfillment and realization of Article 42 on right to a clean and healthy environment and Article 49 on health and well-being and implementation of section 2 (g) of the Fourth Schedule to the Constitution of Kenya.

(a) the quantity of waste, including through and waste disposal through the use of products or the extension of the life span of products;

(a) provision for an effective, equitable, responsive and sustainable waste management system, and the adverse impacts of generated waste on the environment and human health; or

(b) protection of public, occupational and environmental health; harmful substances in materials and products;

(c) provision of affordable services in waste management that address local needs of the residents;

“waste recovery” means the process of reclaiming particular components, or materials for producing other products through value addition, or using the waste as energy and involves a variety of mechanical or biological processes that remove a variety of materials or chemical components from the waste stream and recycling;

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

- (e) contribution to employment creation and enterprise development;

PART II – ADMINISTRATION

- (f) enhancement of capacity development and empowerment of local residents in

Role of the department.

6. The department shall –waste management;

- (g) coordinate, procure and facilitate effective implementation of standards, policies, plans and strategies adopted on waste management;

- (h) promotion of research and development in waste management collaborate with national government’s relevant lead agencies in the

Application of this Act.

4. This Act shall not apply to the application of this Act and other policies, plans and strategies adopted on

- (a) regulation of generation of waste, including industrial processes;
- (c) enforce laws and guidelines related to
- (b) handling, disposal, hazardous waste; and

- (c) to enforce and facilitate compliance with the Act and policies, plans and strategies adopted on waste management;

Principles of waste management.

5. The following principles shall be applied in

waste management

- (a) prevention and awareness, that to the possible, capacity development on waste including packaging material, consumers and other waste generators should endeavor
- (f) to provide general facilities of waste, community or neighbourhood initiatives or
- (b) proximity principle waste management; waste should be managed close to where it is generated;
- (g) provide public services related to waste management;
- (c) self-sufficiency principle which implies that

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

(h) supervise and coordinate private actors in waste management;

(2) Persons described in subsection (1) (m), (n), (o), (p) and (q) shall be appointed by the County Executive Committee (i) in accordance with the Act; by the respective organizations as prescribed.

(j) in collaboration with county treasury provide described entities as stated in (1) (e) to be appointed by the County Executive Committee subject to the approval by the county waste management committee.

(4) For a person to be appointed under -function for the purposes of (m), (n), (o), (p) and (q) of this Act shall be a holder of at least a diploma in any field or its equivalent from a recognised institution; and

(a) Embrace multi-sectorial approach on county waste management involving departments, entities (public or private) or any relevant agencies who have a role or stake in matters of waste management.

County Waste Management Committee.

7) (1) There is established the County Waste Management Committee which shall consist of persons who are qualified and experienced in matters related to waste management.

(a) the County Executive Committee Member responsible for waste management; who shall be the chairperson;

(6) National government entities who waste management may attend meetings of the county committee and participate in the deliberations provided that officers attending the meetings shall have no voting rights.

(b) the chief officer responsible for waste management who shall be the secretary;

Functions of the county committee.

8. The county committee shall be responsible for

(a) the director in charge of waste matters;

(a) all sub-county administrators; private sector provision of waste management services in the county;

(e) the municipal and town managers;

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

(b)providing a platform for public-private

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

Ward, Municipality or Town Waste Management Committee. **9.** (1) There is established in each ward, municipality or town, a Ward, Municipality or Town Waste Management Committee which shall consist of-

- (a) the ward administrator who shall be the chairperson or municipality or town manager in the case of municipality or town respectively;
- (b) the officer in charge of environment in the ward, municipality or town who shall be the secretary;
- (c) the Area Chief as designated by the national government;
- (d) the officer in charge of public health matters in the ward, municipality or town;
- (e) the officer in charge of trade in the ward, municipality or town;
- (f) the officer in charge of public works in the ward, municipality or town;
- (g) one person nominated and appointed to represent community based organizations or non-governmental organizations engaged in waste management in the ward, municipality or town;
- (h) two persons representing resident or neighbourhood associations in the ward, municipality or town;
- (i) one person representing entities engaged in

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

	recovery, municipality or town;
Meetings and procedures of the county and ward, municipality or town committees.	<p>11. (1) The county and ward, municipality or town committees shall be appointed on a rotational basis. (j) one person representing the ward, municipality or town;</p> <p>(k) one person representing private enterprises</p> <p>(2) The county and ward, municipality or town committees shall regulate the transportation services in the ward, municipality or town; and</p> <p>(3) Notwithstanding subsection (2), a committee shall maintain it one professional qualified and experienced and deliberations in matters related to environment and waste management.</p>
Term of office.	<p>12. A person appointed under section 7 (1) (m), (n), (o), (p) and (q) or section 9 (1) (g), (h), (i), (j) and (k) shall serve for a term of three years which may be renewed for one final term of three years.</p> <p>(k) shall be appointed by the County Executive Committee Member from persons nominated by the respective organizations as prescribed.</p>
Removal from office.	<p>13. A person appointed under subsection section 7 (1) (m), (n), (o), (p) and (q) or section 9 (1) (g), (h), (i), (j) and (k) may</p> <p>(a) at any time resign by issuing notice in writing to the County Executive Committee Member;</p> <p>(4) For a person to be appointed under subsection (g), (h), (i), (j), (k) and (l), the person shall be a holder of at least a post-secondary certificate in any field or its equivalent from a recognised institution.</p> <p>(b) be removed from office by the County Executive Committee Member for-</p> <p>(5) The ward, municipality or town committee shall not be more than three persons who are qualified and experienced in matters related to waste management or providing waste management services, whether in the performance of the functions of the office or otherwise;</p>
Functions of the ward, municipality or town committee.	<p>10. The ward, municipality or town committee shall be responsible for –</p> <p>(iii) physical or mental incapacity to perform the functions of office;</p> <p>(a) coordinating public and private sector provision of waste management services in</p>

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

- Removal from office. **13.** A person appointed under subsection section 7 (1) (a) Pursuant to subsection (1), (2) and (3), every person (b) and (k) may –
- (a) accessible, available, efficient and responsive county public services in waste management;
 - (a) at any time resign by issuing notice in writing to the County Executive Committee Member;
 - (b) be removed from office by the County Executive Committee Member for –
 - (i) serious violation of the Constitution or any other written law;
 - (ii) gross misconduct, whether in the performance of the functions of office or otherwise;
 - (iii) physical or mental incapacity to perform the functions of office;
 - (c) inclusive participation in waste management processes.
- Duties. **17.** (1) Pursuant to Article 69 (2) of the Constitution of Kenya, every person in the county, has the duty to cooperate with the county government, its agent and other county residents to protect and conserve environment in relation to waste management.
- (2) Specifically, a person in the county shall have a duty to –
- (a) maintain the premises occupied by the person in clean condition free of litter or garbage;
 - (b) dispose waste only in the manner prescribed by law;
 - (c) segregate waste at source in accordance with the prescribed requirements and
 - (d) reuse materials that are reusable and in good condition instead of disposing off the materials as waste;
 - (e) prevent or reduce where appropriate the generation of waste;
 - (f) bankruptcy.
 - (v) incompetence; or
- Allowances for county and ward, municipality or town committee members. **14.** The members of the county and ward, municipality or town committee may be paid such allowances as the county treasury may from time to time determine in accordance with guidelines established under the Public Finance Management Act.
- (No. 18 of 2012)
- Reports. **15.** (1) The county committee shall prepare and submit quarterly reports on the discharge of its functions to the county executive committee for consideration.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

guidelines;

- (f) handle and store waste in accordance with the prescribed guidelines and standards;
- (g) participate in and support waste management services and programmes initiated by the county; and
- (h) comply with the national standards and policy in regard to production processes and management of waste.

(2) Save as provided under this Act, any waste generated by waste generators described under subsection (1) shall be managed as prescribed.

PART IV - PROMOTION AND REGULATION OF WASTE MANAGEMENT

Promotion of prevention of waste generation of waste generators.

19. The department in collaboration with national government and relevant stakeholders adopt strategies for prevention of waste generation of waste generators.

- 18.** For purposes of this Act, a waste generator may be classified as –
- (a) household which entails generation of waste from a household such as waste food, glass, bottles, metal scrap, papers, and food consumption packaging, junk waste, tree cuttings and other waste;
 - (b) promotion of reuse of materials; and
 - (b) commercial which entails generation of waste from retail and wholesale businesses and hotels such as packages, waste from production processes, waste on expired products, trash papers, clothes cuttings, bottles, glass, e-waste, tyres and junk furniture;

Coordination and collaboration with national

20. The department shall collaborate with national government to adopt appropriate measures for resource conservation and management in

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

Coordination and collaboration with national government. **20.** The department shall collaborate with national government to provide services to generate and provide the prescribed waste collection, utilization of resources, and appropriate for waste segregation in accordance with the contract of service entered into between the parties.

Liaising and engagement with national government production processes. **21.** The department shall liaise and engage with national government on or transporter may decline to collect and transport the waste if the waste generator fails to segregate waste as prescribed under subsection (1), a waste collector or transporter can be identified by the waste collector or transporter.

(4) Where a waste collector or transporter establishes that the waste is not segregated, the waste collector or transporter shall notify and request the waste generator to separate the waste as prescribed.

Partnership with manufacturers, wholesalers and retailers. **22.** The department shall establish partnerships and collaborate with manufacturers, wholesalers and retailers to segregate the waste for appropriate treatment and subsequent reuse. After the notification under subsection (4), the waste collector or transporter shall notify an authorised officer appointed under this Act.

Reuse of materials. **23.** The department shall in collaboration with other relevant stakeholders create initiatives and programmes for encouraging material reuse which may include writing of the requirement to comply with the waste segregation requirements under this Act within fourteen subsequent days upon the issuance of the notice.

waste handling, storage and processing are source

Segregation of waste. **24.** (1) A waste generator who fails to comply with the notice issued under subsection (6) commits an offence and shall be liable upon conviction –
 (a) segregate or separate waste at source or in the case of an individual to a fine not exceeding two thousand Shillings; and
 (b) in the case of an industrial or commercial manner as may be prescribed; and

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

Waste segregation in public markets.	<p>(7) A waste generator who fails to comply with the notice under subsection (6) shall be liable to a fine not exceeding two thousand Shillings; and</p> <p>(2) The department shall in consultation and coordination with operators of enterprises in a public market adopt rules for segregation, handling and storage of waste generated in the public markets.</p>
Adoption of standards and policy.	<p>(8) The person who fails to pay the fine provided for subsection (7) shall be liable to a prison term for a term not exceeding one month and partnership.</p> <p>(2) The department shall, in consultation with relevant stakeholders, modify the application of standards where due to cultural or social conditions, the application of standards would result in a hardship to the person or transporter.</p>
Duty not to transfer unsegregated waste.	<p>(3) A person who fails to pay the fine prescribed under subsection (1) shall, upon conviction be liable to a fine not exceeding ten thousand Shillings.</p> <p>(1) The department shall, in consultation with relevant stakeholders, modify the application of standards where due to cultural or social conditions, the application of standards would result in a hardship to the person or transporter.</p>
Installation of waste handling and storage containers.	<p>(4) Notwithstanding, subsection (1) and (2), It shall be a defense to the person or transporter if the waste collector or transporter demonstrates that</p>

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

<p>Establishment of waste collecting system. storage containers.</p>	<p>22. (1) The department with the sole charge of waste and regulations shall in collaboration with private actors establish an efficient, responsive and coordinated waste collection system. (a) designated waste collection specific area within the premises where waste generated shall be deposited or stored; and (2) The system described under subsection (1) shall include an appropriate litter bins or waste collection containers and maintenance and participation; with public health standards.</p>
<p>Handling and storage of hazardous waste. Cap 387, Designation of waste collection Handling and storage of biomedical waste.</p>	<p>29. A person maintaining a general public streets and waste shall handle and store it in accordance with the standards and requirements prescribed under the Environment Management and Coordination Act. 33. (1) The department shall in consultation with National Environment Management Authority and local residents shall handle and store it in accordance with the standards and requirements prescribed under the Environment Management and Coordination Act.</p>
<p>Prohibition on waste disposal.</p>	<p>(2) Notwithstanding subsection (1), a waste collection point in an area with an existing neighbourhood or residential association and served by private waste collection services shall have a waste collection point as 31. (1) A waste generator shall not dispose waste generated in any area other than in a waste collection point designated under section 33 and in conformity with requirements prescribed under section 24. (3) The department shall clearly mark the waste collections points where appropriate to facilitate ease of visibility. (2) A person who contravenes subsection (1) commits an</p>

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

<p>Waste collection containers or receptacles.</p>	<p>34 (1) The department shall facilitate where appropriate zones for waste collection services at the waste collection points. for purpose of collection of waste deposited by waste (2) The prescribed standards (1), the department shall in collaboration with other stakeholders place adequate light</p>
<p>Depositing of waste at waste collection points.</p>	<p>35 (1) A collector or generator shall deposit the waste generated in the public area at an appropriate collection point located within the geographical locality of the waste</p>
<p>Waste collection containers and receptacles in institutions.</p>	<p>35 A institution shall install appropriate waste collection containers, receptacles and bins in strategic places within (2) A person or facility responsible for the collection of waste at the institution shall be liable for the prescribed standards.</p>
<p>Adoption of standards and policy for waste collection.</p>	<p>36 The department shall, in the case of an individual, a firm and policy and standards for business premises, for (a) in the case of an industrial or commercial enterprise to a fine not exceeding fifty thousand Shillings</p>
<p>Compliance with waste collection standards in public places.</p>	<p>37 (1) A public place service provider in waste collection shall comply with the standards, policy and (1) The department shall be responsible for collecting waste in public places. (2) The department shall facilitate capacity development (2) Notwithstanding subsection (1), the department may prohibit partnerships with private sector compliance with the standards, policy and appropriate best practices based organizations to collect waste in public places within their (2) The department shall facilitate capacity development</p>
<p>Waste collection in private premises.</p>	<p>38 (1) Waste collection services from residential, commercial, institutional or industrial premises shall be (2) The department shall, within the scope of the service provided, remove all waste and refuse that is disposed or dumped in public streets, public</p>

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

Public private partnerships for waste picking and collection services. ~~45. The department may where appropriate initiate and adopt public private partnership in provision of waste picking and collection services.~~ ~~46. (c) A waste picker may pick or collect waste in a Public Private Partnership. A person does not litter or scatter any waste that has been deposited in a waste collection points.~~

(No. 5 of 2013.)

Procurement of waste collection services. ~~46. (f) The department may procure with provision of prescribed procedure. services in accordance with the Public Procurement and Disposal Act.~~ (2) A waste picker shall register with the respective ward

(No. 33 of 2015.) (3) The department shall facilitate capacity building for waster pickers on waste management.

Integration of waste picking into waste management system. ~~42. Subject to the Public Procurement and Disposal Act, in state holders safe and clean capital for investment, waste picking providers, steers and gear for waster collection services shall be operational for a period of not less than two years and not more than three years.~~

Maintaining of waste collection points with disabilities with health delivery and environmental standards. ~~43. The department shall be in close section with the department responsible for public health, maternal and child health, and the department responsible for disability in the service health standards.~~

Access to participation of vulnerable groups opportunities of waste collection points and services. ~~48. (1) Pursuant to Access to Government Procurement (2) The department shall prioritize the target groups described under subsection (1) to participate in (2) Any initiative established under subsection (1) county~~ ~~49. (1) The department shall in collaboration with the provide preferential treatment to women and persons with disabilities in accessing thirty per cent of county government contracts for provision of waste collection services for (2) The department shall prioritize the target groups described under subsection (1) to participate in (2) Any initiative established under subsection (1) county~~

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

government.

Waste transfer stations. Transfer or transportation of waste.

49. (1) The department shall, in consultation with local residents, neighbourhood or resident associations and in accordance with the National Environment Management Authority Act, designate and gazette an area or facility to be a waste transfer station for the purposes of collecting, transporting and segregating waste in accordance with this Act.

(b) waste transfer station, material processing station shall not be designated adjacent to residential building, a health facility or a school or within a reasonable distance as prescribed under subsection (1).

(2) A transfer station shall be constructed as an enclosed facility to minimize exposure of the waste from a collection point shall exercise due care so as not to litter the site or the area around it.

(3) A person who contravenes subsection (2) and (3) shall be liable upon conviction to a fine not exceeding two thousand Shillings; and

(Cap 387).

(4) A transfer station shall meet the requirements under the Environmental Management and Coordination Act and shall adopt modern international best practices exceeding fifty thousand Shillings of the county.

(Cap 387). or transportation of waste to transfer stations or materials processing facility.

51. (1) Save for biodegradable waste, all waste shall be transported privately provided that the transfer station meets the requirements of the Environmental Management and Coordination Act. (2) The department may enter into public-private partnership with an operator of a privately managed waste transfer station for the purposes of waste transfer and

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

<p>Waste transportation services conformity to standards.</p>	<p>demolition waste shall be transported to a specific material processing facility for use section (2) and demolition waste or to a designated landfill as approved by the department in accordance with the appropriate standards. from poor neighbourhoods or informal settlements may</p> <p>52. (1) waste based on collection and transfer services to a including waste and equipment that is used for designated prescribed waste collection points: Provided that such a group is registered under a relevant law; or</p> <p>(b) a person transferring waste from a small waste</p> <p>(2) Subject to the conditions (a) a person is permitted to transport waste in a waste transfer vehicle, trailer, processing facility or landfill, a wheelbarrow or any non-motorized transport as may be appropriate.</p> <p>(a) be a registered entity or be trading as a</p>
<p>Public private partnerships for waste transfer and transport services.</p> <p>(No. 5 of 2013).</p>	<p>53. The department may, where appropriate initiate and adopt public private partnership in provision of waste transfer and transportation services in accordance with the Public-Private Partnership Act.</p> <p>(b) possession of a permit in accordance with</p> <p>(c) be the owner or leasee of a waste or refuse collection vehicle or garbage truck that –</p>
<p>Procurement of waste transfer and transportation services.</p> <p>(Cap 403). (No. 33 of 2015).</p>	<p>54. (1) The department may, under the Traffic Act, as a transfer and transport vehicle, in accordance with the Public Procurement and Disposal Act..</p> <p>(ii) has a valid inspection certificate in accordance with the Traffic Act;</p> <p>(iii) is insured;</p> <p>(2) Subject to the Public Procurement and Disposal Act, in order to safely and efficiently provide waste transfer and transportation services shall be operated for a period of not less than two years and not more than three years from the waste carrying cabin;</p>
<p>Division of waste</p>	<p>55. (1) Pursuant to section 45, 46, 53 and 54 and for</p>

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

collection and transportation services. purposes of ensuring efficiency and effectiveness of service delivery and licensing, the department may in consultation with county treasury designate waste collection services as distinct from waste transport services.

waste separation, processing and transformation

Separation of recyclable materials.

(2) Waste collection services may be designed to include –
(a) collection of waste in public places or private places that shall not have access to the private waste collection services as stipulated under section 38 and 40; and facilitate collection and separation of recyclable materials.

(b) transfer of waste from small waste collection receptacles or containers to large waste of collecting recyclable materials from waste collection points or directly from waste generators.

(3) Waste transportation services may be designed to

(a) a person who or entity which establishes a system under section (2) shall notify the department of the system or private place that geographical areas that the system or private waste collection services as stipulated under section 38 and 40; and

(4) The department shall provide relevant and appropriate support (b) facilitate the person who implements the system or receptacles or containers to waste transfer stations, material processing facility or to

Promotion and facilitation of Designation of routes for waste processing.

58. (1) The department shall in collaboration with national government and other relevant stakeholders establish the system of collaboration with the department responsible for physical processing and transportation such as National Environment Management Authority and in consultation with waste transportation

(2) The system shall designate routes to be followed for transfer and transportation of waste
involved in waste processing and transformation –

(2) A person who transports waste in a non-designated route for the purposes shall be an offence and shall be

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

waste materials processing, recovery and transformation. **61.**(1) Subject to the national policy and standards, the following processes for waste materials processing, recovery and transformation shall be adopted and promoted in the county –

- (a) waste re-use;
- (b) waste recycling, processing and transformation.
- (c) access technical assistance; and
- (d) develop capacity to undertake waste

(3) The department shall maintain a register of persons and entities operating enterprises for processing waste materials for composting such materials.

Separation of waste at a transfer station. **59.** (a) Waste transferred to a transfer station shall be separated and stored into the various categories of waste as follows: (i) organic waste, (ii) plastics, metal, glass, paper and cardboard, (iii) hazardous waste, (iv) e-waste, (v) inert waste, (vi) liquid waste, (vii) sludge, (viii) other waste. (b) The department shall ensure that the transfer station is equipped with the necessary infrastructure and facilities described in subsection (1) which shall include the siting of materials

Access to materials for processing, promoting waste separation and materials processing. **60.** (c) The department shall facilitate persons registered under section 58 to access respective materials for further processing. **62.** (c) The county government shall adopt appropriate economic incentives to promote private sector investment

(a) Waste separation, processing and transformation activities shall be carried out by enterprises for processing waste materials and exporting such materials and is registered under section 58.

(2) The department shall in collaboration with other stakeholders promote investment for accessible and safe recycling materials or should be utilized for recycling materials. (c) The department shall promote investment for accessible and safe recycling materials or should be utilized for recycling materials. (c) The department shall promote investment for accessible and safe recycling materials or should be utilized for recycling materials.

waste materials processing, recovery and transformation. **63.** (1) Subject to the national policy and standards, the county government shall promote the following processes for waste materials processing, recovery and transformation: (a) waste re-use; (b) waste recycling, processing and transformation; (c) access technical assistance; and (d) develop capacity to undertake waste processing, recovery and transformation. (2) The department shall maintain a register of persons and entities operating enterprises for processing waste materials for composting such materials. (3) The department shall ensure that the transfer station is equipped with the necessary infrastructure and facilities described in subsection (1) which shall include the siting of materials

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

(2) Pursuant to subsection (1), a person shall dispose or dump any waste in a facility shall install modern technology for purposes (a) of any non-designated place, hazardous waste as may be appropriate, and in accordance with the Environmental Management and Coordination Act.

(Cap 387).

(5) Where (c) a public place, including a street, public park, bus park or station, bus stop or public facility, biomedical waste, the health facility may enter into service delivery (d) water resource, water source, riparian or water resource or source, or for disposal of biomedical waste in a public health facility, on such terms and conditions (e) on any private place or facility, that is not owned or occupied by the person.

Designation of sanitary landfills.

66. (1) The department shall in collaboration with the Department responsible for physical planning, National Environment Management Authority, on residents and relevant stakeholders designate, in a gazette and the controlled sanitary landfill, the waste spatial plan, the national standards and international best practices (b) in the case of an industrial or commercial enterprise to a fine not exceeding one

Waste disposal processes. Control of landfills.

(2) In designating landfills, the department shall differentiate landfills for hazardous and non-hazardous waste. 65. (1) The waste that may not be processed or transformed under section 61 shall be disposed through (a) a landfill to a landfill shall be controlled in accordance with prescribed guidelines.

(Cap 387).

(2) Biomedical waste shall be disposed through the (2) No private enterprise and industrial centres shall be established in accordance with the guidelines prescribed in the Environmental Management and Coordination Act.

(Cap 387).

(3) Hazardous waste shall be disposed in accordance with the (PART IV) WASTE MANAGEMENT PLANNING, Coordination and Management Act.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

waste
management
spatial plan.

68. (1) The department responsible for spatial planning shall in coordination with the department and relevant stakeholders –

(a) carry out waste management survey using Geographical Information System (GIS), which shall consider –

(i) land use: topography, drainage and soil;

(ii) infrastructure such as transport, communications, health, education, water and energy;

(iii) economic structure of the area;

(iv) human settlements which includes density and land use; and

(v) institutions such as schools and other government institutions, industries and commercial enterprises and non-state organizations;

(b) develop the county waste management spatial plan which shall include details for each sub-county and ward as the core decentralized spatial units;

(c) designate the location of the collection points, transfer stations, composting sites, waste recovery facility and landfills in accordance with the waste management spatial plan; and

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

waste
Application for
Spatial plan.

68. (1) The department responsible for spatial planning for coordination with the department provided waste stakeholders and transport services shall apply for license to the department in the prescribed form.

(a) carry out waste management survey using Geographic Information System (GIS) shall be required to meet the required conditions under section 52 or any other condition in this Act; and topography, drainage and soil;

(3) The licensing officer shall within fourteen days review the application and (a) ascertain that the applicant

(Cap 387).

(a) has met the conditions stipulated under section 52 (2);

(iii) economic structure of the area;

(b) has met the conditions stipulated under the Environment Management and Coordination Act; includes density and land use; and

(c) has a valid business permit or trade licence; and (v) institutions such as schools and other government institutions,

(d) has met any other prescribed conditions commercial enterprises and non-state

Grant of licence.

74. (1) Where the licensing officer is satisfied that applicant

meets the requirements of this Act, the officer shall upon the applicant paying the licence fee, grant the licence in the prescribed form.

(b) develop the county waste management spatial plan which shall include details for each sub-county and ward as the core decentralized spatial units;

(2) Where the licensing officer is not satisfied that the application meets the requirements of this Act, the licensing officer shall reject the application and shall within fourteen days of such rejection communicate to the applicant of the decision giving reasons for the rejection of the waste management spatial plan; and

(d) regulate waste management in accordance

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

(3) An applicant whose application for a licence is rejected under subsection (2) may re-submit an application upon meeting the requirements of this Act.

Conditions of licence. a **75.** The licensing officer may impose such conditions on a licence which shall be endorsed on the licence as the licensing officer deems necessary in order to ensure compliance with this Act or any other written law.

(2) Pursuant to subsection (1), the classes of licences issued shall include—
 (a) waste collection services;

Validity of licence. a **76.** A licence issued under section 74 shall expire on the thirty first day of December in each year.

(b) waste transportation services;
 (c) waste recycling;

Cancellation or withdrawal of licence. **77.** (1) The licensing officer may withdraw or cancel a licence issued under this Act where the licensee fails to comply with the requirements of this Act.

(d) waste treatment;
 (e) waste transfer stations where the licensee is privately owned or operated; and

(2) Where a licence is withdrawn or cancelled under this section, the licensing officer shall issue a notice to the holder of the licence which shall contain the reasons for such withdrawal or cancellation.

PART VII –PARTNERSHIPS AND PARTICIPATION

Licence to be displayed. Stakeholder participation. **78.** (1) A person issued with a licence under this Act shall display or cause the licence to be displayed in a conspicuous place on the premises where the person operates business from.

(1) The Department shall in collaboration with relevant stakeholders

Classification of licences. **79.** (1) The County Executive, Management, shall prescribe the different classes of licenses that may be issued under section 74 which shall be based on the geographical coverage of the service for which the licence

(2) A person who contravenes subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings.

(a) initiate programmes mobilizing and creating awareness among residents, local communities and neighbourhoods to participate in sustainable waste management;

(b) establish mechanism to receive and handle complaints related to waste management

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

Information, communication and technology system.

82. The department shall in collaboration with relevant stakeholders develop and implement an integrated information management system or locally based provide among others for users and providers of waste (a) data generated to types of waste for deliberate waste engineering issues in waste management so as to enhance efficiency in service delivery; and (b) information on service delivery as (c) integrated data for stakeholders included in services provided waste management.

Information and communication strategies and programmes.

(2) The department shall in coordination with the County Executive Committee Member with stakeholders in waste management at least twice each

83a(1) The department shall in coordination with the department responsible for education, national (d) for purposes of sustainable implementation of this Act relevant stakeholders and principles, the department shall establish partnerships with national, regional and provincial development partners and sector targeted basic education research institutions, and governmental organizations and community based organization.

(2) The department ensure that the strategies and (2) The department shall establish a partnership with and collaboration to progress users and providers of waste management for processing or distribution of products for purposes of taking back used packaging materials that is

Technology based communication strategies.

84. The department shall facilitate recycling by the department responsible for information technology develop technology-based communication strategies on waste management.

PART VIII – INFORMATION, COMMUNICATION AND TECHNOLOGY

Annual status report, communication and technology

85. (1) The County Executive Committee Member shall **82.** The department shall in collaboration with relevant stakeholders to be prepared and published integrated information management system which shall provide

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

Authorized officers. **89. (1) PART X RESEARCH AND DEVELOPMENT** The county government shall designate by notice in the county *gazette*, such officers to be authorized officers for the purpose of enforcing this Act.

Carrying out of research. **86. (1)** The department for waste management shall –
 (a) undertake research; or
 (2) For an officer to be designated as authorized officer under subsection (1), the officer shall be a qualified person in matters related to environment management of higher learning in carrying out research and development in waste management.
 (3) Notwithstanding subsection (1),
 (a) a public health officer licensed under the Public Health (Training, Registration and Licensing) Act and appointed as a county public officer;
 (b) a specialized officer appointed by the county government and relevant stakeholders.

(No. 12 of 2013). (3) The department and county police officers under the National Police Services Act or ensure that appropriate measures are adopted on the basis of research findings generated from the research carried out.
 (d) an officer appointed under a national law as an authorized officer in environment related matters;

Capacity development. **87.** The department shall in collaboration with national government promote and facilitate capacity development and shall be authorized officers for the purpose of this Act. and development related to waste management.

Powers of an authorized officer. **90.** An authorized officer described in section 87 may –
88. The department shall in collaboration with the departments responsible for information technology and county statistics establish a research and analysis data management system which shall be prohibiting a person from carrying on with an action that contravenes the provisions of this Act; or
 (c) issue orders to any person who has

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

Powers of an authorized officer and charges.	<p>90. An authorized officer described in section 87 may –</p> <p>94. (1) The county government may levy fees and charges for services rendered in compliance with this Act;</p>
	<p>(2) A waste generator shall pay the prescribed person charges for waste collection, transportation and disposal services. Contravenes the provisions of this Act; or</p>
(No. 17 of 2012)	<p>(3) The fee issued for providing a public sewer for waste collection and disposal in any district shall be in accordance with the tariff policy stipulated under the County Government Act designated place and in the appropriate manner.</p>
Compliance with an order.	<p>(4) The user fees and charges stipulated under subsection 91. shall be paid in full by the waste generator as described under section 18.</p>
Utilization of fees collected.	<p>95. Subject to the Public Finance Management Act, the user fees and charges collected under this Act shall be utilized for the purpose of providing or improving services associated with exceeding one month.</p>
(No. 18 of 2012).	<p>(a) implementation of this Act;</p> <p>92. An authorized officer may enter premises for purposes of ensuring compliance with the County Waste Management Policy; and</p> <p>Provided that an authorized officer shall not enter a dwelling place unless the officer has reasonable grounds to believe that the waste management stipulated in the premises poses a health threat to adjacent premises and –</p>
Incentives.	<p>96. The county government may, in collaboration with the national government, provide incentives for promoting and facilitating private investment in waste management.</p>
Donations and	<p>(b) at any time between 6:00pm and 8:00am; and</p> <p>97. The county government may mobilize resources in the</p>

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

grants. (2) Without prejudice to the generality of subsection (1), the Regulations may –
for the Regulation implementation of this Act, the County Waste Management Policy and generally the provision of public waste management services as stipulated under this Act.

Public private partnerships. **98.** In addition to section 43 and 51, the county government may finance services described under this Act through public-private partnership.

PART XII- GENERAL PROVISIONS

Dispute resolution. **99.** The department shall prescribe guidelines for alternative dispute resolution mechanisms for resolving emerging disputes related to waste management under this Act.

Community service order. (No. 10 of 1998). **100.** Pursuant to the Community Service Orders Act, the court may make a community services order, to a person convicted of an offence under this Act in lieu of a penalty stipulated under this Act such terms and conditions as may be required under the Community Services Order Act.

Savings. **101.** A licence issued prior to the commencement of this Act shall be deemed to have been under this Act and shall be effective for the time remaining until the thirty first day of December that year under the same terms and conditions.

Power to make Regulations. **102.** (1) The county executive member may make Regulations generally for the better carrying out of the objects of this Act.
(2) Without prejudice to the generality of subsection (1), the Regulations may –
(a) prescribe the process of nomination of

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

MEMORANDUM OF OBJECTS AND REASONS

Firstly, this Bill seeks to provide a mechanism for the realization Constitutional requirements under of Article 42 on right to a clean and healthy environment and Article 43 on health and sanitation, and implementation of section 2 (g) of the Fourth Schedule on refuse removal and disposal.

Secondly, this Bill seeks to facilitate and promote sustainable development in the county through effective and efficient waste management.

PART I of the Bill provides for preliminary matters such as interpretation of terms used in the Bill as well as the objects of the Bill so as to ensure there is better clarity in adoption and implementation of the Bill.

PART II of the Bill seeks to provide for an effective and coordinated administrative mechanism and structure for waste management. The part provides for establishment of county, ward, municipality and town waste management committees as structures that bring together public and private sector stakeholders in waste management planning and programmes implementation.

PART III of the Bill seeks to facilitate realization of the rights related to environment. It also seeks to anchor core citizen duties in accordance with international constitutional law standards of balancing rights and duties.

PART IV of the Bill provides for promotion and regulation of waste management in order to facilitate effective control, regulation and management system on matters such as waste generation, waste handling, storage and processing, waste collection, waste transfer and transportation, waste separation, processing and transformation, waste disposal.

PART V of the Bill seeks to provide for establishment of waste management planning process in order to facilitate effective and efficient implementation of the policy as well as adoption of effective land use management process in relation waste management.

PART VI of the Bill provides for licensing mechanism for entities involved in collection, transfer, transportation and processing of waste. The Part seeks to ensure effectiveness and accountability in regulation of waste management.

PART VII of the Bill provides for stakeholder participation and partnership in order to ensure citizen engagement and stakeholder coordination in waste management.

COUNTY WASTE NAKURU MANAGEMENT BILL, 2019

PART VIII of the Bill provides for information, communication and technology so as to promote information management and adoption of modern technology in waste management.

PART IX of the Bill provides for research and development so as to promote evidence-based approach to policy process.

PART X of the Bill provides for an enforcement mechanism to as to ensure effective compliance with the requirements of the Bill.

PART XI of the Bill provides for financing mechanism so as to ensure and facilitate access to financing for implementing the Bill.

PART XII of the Bill provides for general provisions such dispute resolution mechanisms, powers to make regulations and transition.

Dated thisJune 2019

.....
Chairman, Environment Committee