

SPECIAL ISSUE

3051

Kenya Gazette Supplement No. 196

4th November, 2024

(Legislative Supplement No. 85)

LEGAL NOTICE NO. 176

THE SUSTAINABLE WASTE MANAGEMENT ACT

(Cap. 387C)

THE SUSTAINABLE WASTE MANAGEMENT (EXTENDED
PRODUCER RESPONSIBILITY) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—object and purpose.
- 4—Application of the Regulations.

PART II—EXTENDED PRODUCER RESPONSIBILITY
OBLIGATION

- 5—Extended producer responsibility obligations.
- 6—Extended producer responsibility fees.
- 7—Registration of producers.
- 8—Extended producer responsibility obligations.
- 9—Registration of extended producer responsibility schemes.
- 10— Registration of extended producer responsibility compliance schemes.
- 11— Requirements for registration of a producer responsibility organization.
- 12— Approval of extended producer responsibility compliance scheme by Authority.
- 13— Revocation, suspension or cancellation of Certificate of Registration
- 14— Annual operating licence.
- 15— Revocation, suspension or cancellation of licence.
- 16— Extended producer responsibility plan
- 17— Producer responsibility organisations obligations.
- 18— Charging and modulation of extended producer responsibility fees.

PART III— GENERAL PROVISIONS

19— Record keeping and reporting

20— Appeals

21— offences

22— General penalty

23— Transitional provision

FIRST SCHEDULE— List of products and packaging subject
to extended producer responsibility
compliance scheme

SECOND SCHEDULE—Forms

FIRST SCHEDULE—Fees

THE SUSTAINABLE WASTE MANAGEMENT ACT

(Cap. 387C)

IN EXERCISE of the powers conferred by section 13, as read with section 33 of the Sustainable Waste Management Act, the Cabinet Secretary for Environment, Climate Change and Forestry, makes the following Regulations—

THE SUSTAINABLE WASTE MANAGEMENT (EXTENDED PRODUCER RESPONSIBILITY) REGULATIONS, 2024

PART I—PRELIMINARY

1. These Regulations may be cited as the Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“agent” means a registered entity contracted by a producer responsibility organization to deliver specific extended producer responsibility services on its behalf;

“brand” means a registered a trade mark under which a product is sold;

“brand owner” means the registered owner of the trademark;

“circular economy” means an environmental management approach that promotes initiatives for designing and redesigning waste from products, extraction of maximum value from natural resources, closing of material loops and creation of new value from materials that would otherwise have been considered as waste;

“collective extended producer responsibility compliance scheme” means a system where producers execute extended producer responsibility obligations in a producer responsibility organisation;

“converter” means an entity that transforms or combines secondary raw materials to produce a new product;

“consumer” means the end user of a product;

“control audit” means a study commissioned by the Authority to evaluate performance of a extended producer responsibility scheme in order to confirm compliance or management systems implementation gaps;

“deposit refund scheme” means a collection system that requires a monetary deposit on a product at the point of sale where consumers redeem the deposit when they return the product;

“environmentally friendly” means the practice of reducing environmental degradation and pollution by making products that comply with environmental sustainability principles including minimal waste production, reusability, recyclability, composability, biodegradability and safe disposability;

“environment sustainability” means responsible interaction with the environment to avoid pollution, depletion or degradation of natural resources and allow long-term environmental quality;

“free rider” means —

- (a) an individual or entity that does not contribute to a collective scheme but benefits from its existence and action and it includes a producer who fails to manage own products at the post-consumer stage;
- (b) a producer who under declare their volumes, or fail to demonstrate fulfilment of individual extended producer responsibility obligations, producers in a pooled scheme who fail to pay their subscriptions, submit accurate information or fulfil their membership requirements;

“individual extended producer responsibility compliance scheme” means a system where direct execution of the extended producer responsibility obligations falls on an entity that is a sole producer of a product;

“mandatory initiatives” means producer responsibility compliance schemes implemented through Government regulation;

“packaging” means the material in which a product is wrapped or covered in order to protect it or prevent it from being contaminated, facilitate handling, transportation and delivery and for purposes of these Regulations, shall also be considered as a product;

“post-consumer” means a period after usage when a product or packaging is discarded by a consumer or becomes waste;

“product” means a good or packaging introduced in the market by any entity or person through production, importation, franchising, marketing, a distribution outlet and channels, for consumption by the consumer;

“producer responsibility organisation” means a producers’ membership organization set up to assume legal obligation to implement extended producer responsibility on behalf of its members in a collective extended producer responsibility compliance scheme;

“product life cycle” means the process a product goes through in all its stages from raw material extraction, design, production, transportation, distribution, consumption or use, repair and maintenance, recycling and end of life disposal; and

“take-back” means a mechanism through which producers collect their products from consumers.

3. The object and purpose of these Regulations shall be to—

Object and purpose.

- (a) extend the responsibility of a producer over a product and its packaging during the life cycle of the product or its packaging;
- (b) provide a framework for the establishment and operation of mandatory extended producer responsibility schemes; and
- (c) the operationalisation of the polluter pays principle.

4. (1) These Regulations shall apply to—

Application of the Regulations.

- (a) producers;
- (b) extended producer responsibility compliance schemes; and
- (c) the products set out in the First Schedule.

(2) These Regulations shall apply to products that produce waste that negatively impact the environment, human and animal health, due to the—

- (a) challenge they pose on—
 - (i) reuse;
 - (ii) recyclability; and
 - (iii) recoverability; and
- (b) high management cost of the products at post-consumer stage because of the—
 - (i) quantities involved;
 - (ii) hazardous nature; and
 - (iii) risks involved.

PART II—EXTENDED PRODUCER RESPONSIBILITY OBLIGATIONS

5. (1) Pursuant to section 13 of the Act, a producer shall—

Extended producer responsibility obligations.

- (a) establish a take back scheme which may include a deposit refund system;
- (b) set up and register an individual or a collective extended producer responsibility compliance scheme;
- (c) join a collective extended producer responsibility compliance scheme;
- (d) register with the Authority;
- (e) provide the Authority with reports of the status of the implementation of their extended producer responsibility obligations to the Authority;
- (f) design products and packaging materials that minimize waste, facilitate reuse, recycling, recovery and use of secondary raw materials where possible and are environmentally friendly at their end of life;
- (g) take financial, organizational and physical responsibility for the management, treatment and disposal of their post-consumer products and end of life treatment for the waste generated by their products;

- (h) provide consumers with information and raise awareness on management of post-consumer products that they introduce in the market;
- (i) carry out product life cycle assessment in relation to their products for enhancing environmental sustainability; and
- (j) put in place circular economy initiatives and any other measures to reduce impact of their product on health and environment.

6. (1) Each importer of a finished product set out in the First Schedule shall pay to the Authority, at the point of importation, the corresponding fee set out in the First Schedule.

Extended
producer
responsibility
fees.

(2) Each importer shall, for purposes of importing any of the products set out in the First Schedule, apply to the Authority, at the point of import, for an extended producer responsibility certificate in Form A as set out in the Second Schedule and pay the corresponding product fee set out in the First Schedule.

(3) The application under sub-regulation (2) shall be accompanied by the following—

- (a) a description of the importer;
- (b) documentation showing the nature and quantities of the product; and
- (c) proof of payment of the requisite fee.

(4) The Authority may, within fourteen days of receipt of an application under this regulation—

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(5) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (4), within seven days of making the decision.

(6) Where the Authority approves the application under sub-regulation (4)(a), the Authority shall issue to the importer an Extended Producer Responsibility Certificate in Form B as set out in the Second Schedule.

(7) The Extended Producer Certificate issued under this regulation shall form part of the mandatory clearance and inspection documentation for an importer importing any of the items set out in the First Schedule.

7. (1) A producer shall apply to the Authority for registration as a producer in Form C as set out in the Second Schedule and pay the fee set out in the Third Schedule.

Registration of
producers.

(2) The application under sub-regulation (1) shall be accompanied by the following documents—

- (a) a copy of the Registration Certificate issued by the Registrar of Companies;
- (b) a document indicating the goods, product and packaging introduced into the country; and
- (c) proof of payment of the requisite fee.

(3) The Authority shall, within fourteen days of receipt of an application for registration under this regulation —

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for registration under sub-regulation (3)(a), the Authority shall issue to the producer a Registration Certificate in Form D set out in the First Schedule.

(6) Where the Authority rejects the application for registration under sub-regulation (3)(c), the applicant shall have a right to appeal to in accordance with section.

8. (1) Every producer shall, upon registration, fulfil the obligations set out in regulation 5 either individually or collectively by—

Extended producer responsibility obligations.

- (a) setting up an individual producer responsibility compliance scheme; or
- (b) joining a collective extended producer responsibility compliance scheme.

(2) A producer may transfer part of or the entire extended producer responsibility obligations, subject to a membership agreement, to a collective extended producer responsibility compliance scheme through a producer responsibility organisation, in which the producer takes membership.

(3) Despite sub-regulation (1), the lack of an established extended producer responsibility compliance scheme shall not exempt a producer from the extended producer responsibility obligations under regulation 5.

9. (1) The Authority shall register extended producer responsibility schemes as—

Registration of extended producer responsibility schemes.

- (a) individual producer responsibility compliance schemes where there is a single producer; or

- (b) collective producer responsibility compliance schemes where there is more than one producer.

(2) For the purposes of sub-regulation (1)(b), the collective schemes shall be established on the basis of similarity of products, their uses and the nature of waste arising therefrom.

(3) The registered extended producer responsibility schemes shall establish appropriate mechanisms and structures for the management of each product under its respective category.

10. (1) For the purposes of regulation 9, a producer shall apply to the Authority for registration of an individual extended producer responsibility compliance scheme in Form E as set out in the Second Schedule and pay the fee set out in the Third Schedule.

Registration of individual extended producer responsibility compliance schemes.

(2) The application under sub-regulation (1) shall be accompanied by the following—

- (a) a declaration that the applicant is the producer of the product in the country;
- (b) a certificate of conformity issued by the relevant authority in respect of the products produced by the producer;
- (c) a copy of registration certificate from the Registrar of Companies;
- (d) a copy of the producer's extended producer responsibility plan;
- (e) copies of agreements entered into with approved waste service providers; and
- (f) proof of payment of the requisite fees.

(3) The Authority may, within fourteen days of receipt of an application for registration under this regulation —

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for registration under sub-regulation (3)(a), the Authority shall issue to the producer a Registration Certificate in Form F as set out in the Second Schedule.

11. (1) A collective extended producer responsibility organisation shall, before implementing an extended producer responsibility on behalf of its members, apply to the Authority for registration in Form E as set out in the Second Schedule and pay the fee set out in the Third Schedule.

Requirements for registration of a producer responsibility organization.

(2) The application under sub-regulation (1) shall be accompanied by the following—

- (a) proof of registration by the Registrar of Companies under the Companies Act; Cap. 486.
- (b) a certified copy of the most recent register of the members of the extended producer responsibility organisation;
- (c) copies of the Extended Producer Responsibility Registration Certificates issued to each member of the extended producer responsibility organisation;
- (d) certified copy of agreements with the approved waste service providers;
- (e) a copy of the extended producer responsibility fee structure agreed among the members of the extended producer responsibility organisation;
- (f) a progress report on achievement of set targets, in case of renewal of registration;
- (g) a copy of the annual Extended Producer Responsibility audit, in case of renewal of registration;
- (h) report conducted by an independent auditor approved by the Authority, in case of renewal of registration;
- (i) a list of the directors of the company issued by the Registrar of Companies;
- (j) a copy of the PIN Certificate issued by the Kenya Revenue Authority;
- (k) a copy of a lease agreement or proof of ownership of the facility of operation;
- (l) an extended producer responsibility plan prepared in accordance with these Regulations;
- (m) a budget or financial plan for the extended producer responsibility scheme;
- (n) a copy of signed minutes of the meeting adopting the updated extended producer responsibility plan signed by representatives of products within the category;
- (o) an organogram for the producer responsibility organisation;
- (p) work plan and budget for the coming year;
- (q) certified copy of annual audited financial accounts;
- (r) copy of a dispute resolution mechanism for the members participating in the extended producer responsibility scheme;
- (s) a copy of the Memorandum of Association of the company declaring that the sole business of the company is to undertake extended producer responsibility obligations on behalf of the members; and

(i) proof of payment of the relevant fees.

(3) The Authority may, within fourteen days of receipt of an application for registration under this regulation —

(a) approve the application;

(b) request for further particulars; or

(c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for registration under sub-regulation (3)(a), the Authority shall issue to the producer a registration certificate in Form F as set out in the Second Schedule.

(6) The certificate of registration issued under sub-regulation (5) shall indicate the extended producer responsibility number.

(7) A producer shall not switch from one collective extended producer responsibility scheme to another unless at the beginning of a new contract year and after giving a three months' notice to the collective extended producer responsibility scheme and copying the same to the Authority.

12. (1) The registration of an individual extended producer responsibility compliance scheme shall be approved by the Authority for a maximum period of four years, which shall be renewable, on condition that the producer demonstrates proof of operational, technical, managerial and financial capacity to meet their extended producer responsibility obligations and the national targets.

Approval of extended producer responsibility compliance scheme by Authority.

(2) The registration of a producer responsibility organisation shall be approved by the Authority for a maximum period of four years, which shall be renewable, on condition that the producer responsibility organisation demonstrates technical, managerial, financial and staffing and operational capacity to fulfil the requirements set out in the articles of association and agreements set by the members and stakeholders in the value chain.

13. (1) The Authority may revoke, suspend or cancel an extended producer responsibility Certificate of Registration if the individual extended producer responsibility compliance scheme or the producer responsibility organisation does not comply with statutory requirements or fails to meet the national target set out in the extended producer responsibility agreement entered into by the parties in the collective scheme.

Revocation, suspension or cancellation of Certificate of Registration.

(2) An extended producer compliance scheme whose Registration Certificate has been revoked may apply to the Authority for registration upon compliance with the conditions set out in the revocation.

14. (1) A producer or producer responsibility organisation shall, upon registration, apply to the Authority for an annual operating licence in Form G as set out in the Second Schedule and pay the fee set

Annual operating licence.

out in the Third Schedule to undertake producer responsibility obligations for products listed in the First Schedule.

(2) An application for an annual operating licence under sub-regulation (1) shall be accompanied by the following documents—

- (a) a copy of the progress report for the preceding year;
- (b) a copy of the list of Directors of the Company issued by the Registrar of Companies
- (c) a certified copy of current register of producer responsibility organisation members;
- (d) certified copy of agreements with the approved service providers;
- (e) a copy of the Extended Producer Responsibility Registration Certificate;
- (f) a work plan and budget for the coming year;
- (g) proof of payment of the fees set out in the Third Schedule; and
- (h) a duly executed resolution of the company.

(3) The Authority shall, within fourteen days of receipt of an application for registration under this regulation —

- (a) approve the application;
- (b) request for further particulars; or
- (c) reject the application.

(4) The Authority shall, in writing, notify the applicant of its decision made under sub-regulation (3), within seven days of making the decision.

(5) Where the Authority approves the application for an annual operating licence under sub-regulation (3)(a), the Authority shall issue an annual operating licence in Form H as set out in the Second Schedule to individual producers' extended producer responsibility compliance schemes and producer responsibility organisations that fulfil their performance standards as set out in the work plan and are assessed to be of good standing by the Authority.

15. (1) The Authority may, after the issuance of an annual operating licence—

- (a) cancel or revoke such licence; or
- (b) suspend such licence for such time as the Authority may deem fit,

where the licensee contravenes the conditions of the licence.

(2) Where the Authority cancels, revokes or suspends a licence in accordance with this regulation, the Authority shall indicate, in writing, the reasons for such cancellation, revocation or suspension.

Revocation,
suspension or
cancellation of
licence.

(3) Where a licence is revoked, suspended or cancelled under this regulation, the holder of the licence shall not proceed with the extended producer responsibility scheme and each individual member of the producer responsibility organisation shall be responsible for the management of their product.

(4) Where the Authority revokes the licence of the producer responsibility organisation—

- (a) an individual member of the organisation may proceed to join another producer responsibility organisation; and
- (b) the members of the organisation shall nominate an interim committee to manage the producer responsibility organisation for a period not exceeding six months within which the producer responsibility organisation shall reorganise itself.

(5) For purposes of this regulation, the Authority may prohibit the producer from placing the affected product and packaging in the market.

16. (1) Every individual and collective extended producer responsibility compliance scheme shall, prior to registration develop and submit a four-year extended producer responsibility plan to the Authority indicating the following—

Extended
producer
responsibility
plan.

- (a) the baseline for the products and packaging handled;
- (b) plan for safe handling, processing and disposal of one hundred per centum equivalent volume of products declared by the producer;
- (c) plan to meet national targets for reuse, recycling or recovery operations and end of life management;
- (d) plan for continuous additionality in material recovery and recycling including circularity.
- (e) a collection, logistics, recycling and composting system and end of life disposal mechanism;
- (f) modulation of extended producer responsibility membership fees and parameters based on environmental sustainability criteria;
- (g) a program on public awareness and consumer education and information on waste segregation and proper handling of post-consumer products;
- (h) a verifiable paid-up membership list;
- (i) a list of service providers and actors in the scheme;
- (j) an eco-design standard operating procedure for the products handled by the scheme;
- (k) a mechanism of controlling banned or dangerous substances in products handled by the scheme;

- (l) an annual reporting mechanism;
 - (m) a plan or projection on training and capacity building of members and actors in the scheme;
 - (n) a schedule on monitoring of members, product traceability system, inspections and compliance with these Regulations;
 - (o) a model of financing the scheme integrating financial flows to the entire value chain actors; and
 - (p) any other actions necessary for execution of responsibility requested by the Authority.
- (2) Every producer responsibility organisation shall submit an annual work plan and progress report to the Authority.

17. A producer responsibility organisation shall—

Producer responsibility organisations obligations.

- (a) at an agreed upon fee, be responsible for executing extended producer responsibility obligations on behalf of its members;
- (b) undertake market development for the secondary raw materials market of the products under their scope;
- (c) establish research and development programs with registered research institutions on emerging technologies to improve material recovery, removal of pollutants and effective systems for handling post-consumer products; and
- (d) execute any other obligations set by the Authority for purposes of ensuring compliance with these Regulations.

18. (1) Each member of a collective extended producer responsibility compliance scheme shall pay extended producer responsibility fees, calculated using the same parameters for all the producers in a given scheme, varying from one producer to another, taking into account the—

Charging and modulation of extended producer responsibility fees.

- (a) quantity of products introduced to the market;
- (b) existence of mechanism for segregation of products at source;
- (c) recyclability and recoverability of the products;
- (d) existence of markets for use of producer's secondary raw material;
- (e) absence or presence of hazardous or none hazardous but disruptive additives;
- (f) products with or without defined environmental foot prints; and
- (g) fulfilment of extended producer responsibility obligations.

(2) The collective extended producer responsibility compliance scheme shall submit to the Authority extended producer responsibility

fee structure agreed among members in accordance with these regulations.

(3) The collective extended producer responsibility compliance scheme shall remit to the Authority five per centum of the membership fee collected under these Regulations for monitoring inspection and control audits, by the 10th February of each year.

(4) The money remitted under sub regulation (3) shall form part of the Restoration Fund established under section 25 of the Act.

(5) A collective extended producer responsibility compliance scheme that contravenes the provisions of this regulation commits an offence and shall on conviction be liable to the penalty provided under section 32 of the Act.

PART III – GENERAL PROVISIONS

19. (1) Every extended producer responsibility compliance scheme shall keep and maintain records of products managed, eco-design standards, contracts entered into with agents, licensed waste service providers and recyclers, and level of performance as per the work plan.

Records.

(2) Every extended producer responsibility compliance scheme shall provide updated information on quantities of products they introduce into the national market, recyclability and reusability, interpretation of packaging labels, market traceability mechanism and any other prescribed information through reporting system established by the Authority.

(3) Every extended producer responsibility schemes both individual and collective shall submit up-to date annual report of the preceding year to the Authority by the 31st January of each year.

(4) Every extended producer responsibility compliance schemes shall provide annual reports on volumes of products collected, transported, recycled, reused, recovered and subjected to end-of life treatment to the respective counties.

(5) The Authority shall establish a reporting mechanism for all the individual and collective extended producer responsibility schemes.

20. Any person or an entity aggrieved by any decision of the Authority under these Regulations may pursuant to section 31 of the Act, appeal to the Tribunal.

Appeals.

21. (1) An individual extended producer responsibility compliance scheme or a producer responsibility organization that wilfully fails to undertake any obligation under these Regulations commits an offence.

Offences.

(2) Upon conviction under sub-regulation (1), the court shall order the individual extended producer responsibility compliance scheme or the producer responsibility organization to bear the cost of management of the said obligation.

(3) A person who introduces in the market a product on behalf of a producer who is not listed in the register published by the Authority as per the Act, commits an offence.

(4) A producer or producer responsibility organization commits an offence when the producer or producer responsibility organization gives misleading or false information on quantities held or managed under the extended producer responsibility scheme.

(5) A producer who is not a member of a related producer responsibility organization, a free rider and does not fulfil their individual obligations commits an offence.

22. A person who commits an offence under these Regulations for which no penalty has been provided shall, on conviction, be liable to the penalty provided under section 32 of the Act. General penalty.

23. Each producer in operation before the commencement of these Regulations shall apply to the Authority for registration within six months after the commencement of these Regulations and shall ensure compliance with the provisions of these Regulations. Transitional Provision.

FIRST SCHEDULE
LIST OF PRODUCTS AND PACKAGING SUBJECT TO EXTENDED PRODUCER
RESPONSIBILITY COMPLIANCE SCHEME

[rr. 4(1)(c), 6(1), (2), (7), 7(5), 14(1)]

NO.	PRODUCT	AMOUNT (KShs) <i>Per item</i>
1.	Packaging for non-hazardous products (plastics, aluminium, composite, paper and its corrugates, glass, cardboard and carton).	150
2.	Hazardous products' packaging (Industrial chemicals, oil and lubricants, pharmaceuticals, agrochemicals, veterinary, cosmetics, paints and solvents), treated wood and agricultural films.	150
3.	Electrical and Electronic Equipment, Mercury Auto Switches, thermostats, Battery and Accumulators.	150
4.	End of life motor vehicles, automobiles, aircrafts, locomotives.	150
5.	Non packaging items (Plastics, glass, paper, cardboard), Furniture (except wooden, metallic), Rubber and Tyres, textiles, leather, artificial hair, diapers and sanitary towels.	150

SECOND SCHEDULE

FORM A

(r.6(2))

APPLICATION FOR EXTENDED PRODUCER RESPONSIBILITY IMPORT
CERTIFICATE

PART A: DETAILS OF APPLICANT

- A1: Name of applicant (Individual or Firm).....
- A2: Nationality.....
- A3: PIN No.....
- A4: Business Registration No. (*where applicable*)Date
- A5: Postal Address.....
- A6: Telephone No.....
- A7: Physical Location.....
- A8: Email:
- A9: Contact Person..... Designation.....
- A10: Consignment No.....
- Email.....
- Mobile No.....
- A10: Indicate the category(s) of the import product
.....
- A11: List and Quantity of Products and packaging (attach another page if necessary)
.....

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....

Signature of applicant Full name in block letters Position

On behalf of.....Date.....

Firm Name and seal

PART C: REQUIREMENTS

Please submit the following attachments:

- (a) Application Form;
- (b) Certificate of Registration for the Company.
- (c) Documents indicating the type of products and packaging introduced to the Kenyan Market
- (b) The prescribed fee: Payable to:

Account Name: NEMA Revenue Account
Account No. 1102298158
Bank: KCB, KICC Branch

Director-General
The National Environment Management Authority
Kapiti Road, South C
P.O. Box 67839 – 00100
NAIROBI, KENYA

Tel. 254-020-609013/27/79 or 608999 Fax 254-02-608997
E-mail: dgnema@nema.go.ke

FORM B

(r. 6(6))



EXTENDED PRODUCER RESPONSIBILITY – IMPORT CERTIFICATE

Certificate No.....

This certificate has been issued to
(Extended Producer Responsibility – Importer name) in fulfilment of the extended
producer responsibility import registration requirements in compliance with these
Regulations.

Date of issue:

Expiry Date;.....

Signature

Director General

National Environment Management Authority

FORM C

(r. 7(1))

APPLICATION FOR PRODUCER REGISTRATION

PART A: DETAILS OF APPLICANT

- A1: Name of applicant (Individual or Firm).....
- A2: Nationality.....
- A3: PIN No.....
- A4: Business Registration No. (*where applicable*)Date
- A5: Postal Address.....
- A6: Telephone No.....
- A7: Physical Location.....
- A8: Email:
- A9. Contact Person.....Designation.....
 Email..... Mobile No.....
- A10: Indicate the category(s) of producer you belong (tick appropriately)
- i. Manufacturer
- ii. Importer
- iii. Refiller
- iv. Repackager
- v. Rebrander
- vi. Brand owner
- vii. Converter
- viii. Others..... (please specify)
- A11: List of Products and packaging (attach another page if necessary)

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....

Signature of applicant Full name in block letters Position

On behalf of..... Date.....

Firm Name and seal

PART C: REQUIREMENTS

Please submit the following attachments:

(a) Application Form;

- (b) Certificate of Registration for the Company.
- (c) Documents indicating the type of products and packaging introduced to the Kenyan Market
- (b) The prescribed fee: Payable to:
 - Account Name: NEMA Revenue Account
 - Account No. 1102298158
 - Bank: KCB, KICC Branch

Director-General,
National Environment Management Authority (NEMA)
Kapiti Road, South C,
P.O. Box 67839 – 00100
NAIROBI, KENYA

Tel. 254-020-609013/27/79 or 608999 Fax 254-02-608997
E-mail: dgnema@swiftkenya.com

FORM D

(r. 7(5))



CERTIFICATE OF REGISTRATION

Certificate No.....

This certificate has been issued to
(Producer name) in fulfilment of the extended producer responsibility registration requirements in compliance with these Regulations.

Date of issue:

Expiry Date;.....

Signature

Director General

National Environment Management Authority

FORM E

(rr. 10(1))(11(1))

APPLICATION FOR PRODUCER RESPONSIBILITY REGISTRATION

PART A: DETAILS OF APPLICANT

- A1: Name of applicant (Individual or Firm).....
- A2: Nationality.....
- A3: PIN No.....
- A4: Business Registration No. (*where applicable*)Date
- A5: Postal Address.....
- A6: Telephone No.....
- A7: Physical Location.....
- A8: Email:
- A9. Contact Person.....Designation.....
 Email..... Mobile No.....
- A10: Indicate the category(s) of producer you belong (tick appropriately)
- ix. Manufacturer
- x. Importer
- xi. Refiller
- xii. Repackager
- xiii. Rebrander
- xiv. Brand owner
- xv. Converter
- xvi. Others..... (please specify)
- A11: List of Products and packaging (attach another page if necessary)

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....

Signature of applicant Full name in block letters Position

On behalf of..... Date.....

Firm Name and seal

PART C: REQUIREMENTS

Please submit the following attachments:

- (a) Application Form;
- (b) Certificate of Registration for the Company.

(c) Documents indicating the type of products and packaging introduced to the Kenyan Market

(b) The prescribed fee: Payable to:

Account Name: NEMA Revenue Account
Account No. 1102298158
Bank: KCB, KICC Branch

Director-General
National Environment Management Authority
Kapiti Road, South C
P.O. Box 67839 – 00100
NAIROBI, KENYA

Tel. 254-020-609013/27/79 or 608999 Fax 254-02-608997
E-mail: dgnema@swiftkenya.com

FORM F

(r. 10(5)), (11(5))



EXTENDED PRODUCER RESPONSIBILITY

CERTIFICATE OF REGISTRATION

Certificate No.....

This certificate has been issued to
(Extended Producer Responsibility name) in fulfilment of the extended producer
responsibility registration requirements in compliance with these Regulations.

Date of issue:

Expiry Date;.....

Signature

Director General
National Environment Management Authority

FORM G

(r.14(1))

APPLICATION FOR ANNUAL LICENCE TO OPERATE INDIVIDUAL
/COLLECTIVE PRODUCERS EXTENDED PRODUCER RESPONSIBILITY
SCHEME

1. I hereby apply for a licence to undertake extended producer responsibility objectives for(Category name) of which particulars are as given below:
 - Full Name of Applicant or contact person.....
 - Name of company on behalf of which the application is being made (if applicable)
 - Producer responsibility registration number/Producer Responsibility Organization registration number (in case of renewal).....
 - Registered address of Applicant/Company
 - (Address and postcode)*
 - Physical Locality :(location, building).....
 - County.....Phone/Mobile number
 - E-mail Address.....KRA PIN Number
 - Company Registration Number
 - (If applicable)*
- 2.4 Describe circular economy initiative for your product(s) [reuse, recyclability, recoverability, energy efficiency (attach additional pages as necessary).....
- 2.5 What is the estimated annual volume/quantity of product(s) introduced into the market?
.....
- 2.6 State the estimated annual amount of your product/product components at post-consumer stage.
- 2.7 State mechanisms put in place for identification and tracking of your product(s)?
.....
- 3 Attach the following documents together with the application form
 - (a) Proof of registration as a company limited by guarantee as provided by the Companies Act Kenya;
 - (b) Copy of list of directors (CR12) issued by the Registrar of Companies;
 - (c) Kenya Revenue Authority (KRA) Pin Certificate;
 - (d) A copy of lease agreement/ proof of ownership of the facility of operation;
 - (e) The Extended Producer Responsibility Plan;
 - (f) Budget/financial plan of the proposed scheme;

- (g) Signed minutes of the meeting adopting the extended producer responsibility plan signed by representatives of products within the category (for collective schemes)
- (h) List of members of the producer responsibility organisation per product
- (i) Proposed organogram for the producer responsibility organisation
- (j) Provide a dispute resolution mechanism for the actors in the scheme
- (k) Copy of the Memorandum of Association of the company declaring that the sole business of the company is to undertake extended producer responsibility obligations on the specific products.
- (l) proof of payment of the relevant fees to the Authority.

FORM H

(r.14(5))

ANNUAL LICENCE TO OPERATE AN EXTENDED PRODUCER
RESPONSIBILITY SCHEME

License number:

Application Reference:

Name.....

Postal Address:

You are hereby licensed to undertake Extended Producer Responsibility Obligations for
..... (Category)

This License is valid from..... (date of issue) to (date of expiry)

This license is subject to the following conditions (see over leaf).

Date issued:

THIRD SCHEDULE

(r. 6(1))

FEES



Individual producer registration (one off) – Ksh. 5, 000

Registration

1. Collective Extended Producer Responsibility Schemes – Ksh. 10,000
2. Individual Extended Producer Responsibility Schemes - Ksh. 5,000

Annual Licence

1. Collective Extended Producer Responsibility Scheme – Ksh. 100,000
2. Individual Extended Producer Responsibility Scheme – Ksh. 50,000

Made on the 14th October, 2024.

ADEN DUALE,
*Cabinet Secretary for Environment
Climate Change and Forestry.*

LEGAL NOTICE NO. 177

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION ACT

(Cap. 387)

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION (WATER QUALITY) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY PROVISIONS

1—Citation.

2—Interpretation.

3—Application.

PART II—PROTECTION OF SOURCES OF WATER

4—Prevention of water pollution.

5—Standards for sources of domestic water.

6—Protection of lakes, rivers, streams, springs, wells and other
water sources.

7—Restrictions and other measures on use of water sources.

8—Compliance with water quality standards.

9—Water quality monitoring.

**PART III—WATER FOR INDUSTRIAL USE AND EFFLUENT
DISCHARGE**

10—Water for industrial use and compliance with industrial standards.

11—Discharge into the environment.

12—Compliance.

13—Discharge into public sewers.

14—Discharge monitoring.

15—Review of records.

16—Application for effluent discharge licence.

17—Effluent discharge licence.

18—Validity.

19—Register of licences.

20—Licence not transferable.

PART IV—WATER FOR AGRICULTURAL USE

21—Use of waste water for irrigation.

22—Abstraction from a water body under environmental management plan.

23—Creation of buffer zone for irrigation scheme.

24—Transitional provision.

25—Compliance with irrigation water standards.

PART V—WATER FOR OTHER USES

26—Water pollution.

27—Recreational uses.

PART VI—MISCELLANEOUS PROVISIONS

28—Offences.

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION ACT

(Cap. 387)

IN EXERCISE of the powers conferred by section 147 of the Environmental Management and Coordination Act, the Cabinet Secretary for Environment, Climate Change and Forestry, in consultation with the relevant lead agencies, makes the following Regulations—

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION (WATER QUALITY) REGULATIONS, 2024

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Environmental Management and Co-ordination (Water Quality) Regulations, 2024.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“Buffer Zone” means distinct or established areas that separate potentially competing users and that serve to lessen the danger of potential conflicts;

“Designated Representative” means any person authorized by the Authority to act on its behalf;

“Ground water” means the water of underground streams, channels, artesian basins, reservoirs, lakes and other bodies of water in the ground, and includes water in interstices below the water table;

“Natural water body” means any river, stream, spring, lake, swamp, pond, estuary, reservoirs, coastal or other water source in a natural water course;

“pH” means the negative base 10 logarithm of the hydrogen ion concentration;

“Point Sources” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, conduit, tunnel, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged;

“Resource Quality” in relation to a water resource, means the quality of all the aspects of a water resource including—

- (a) the character and condition of the in-stream and riparian habitat;
- (b) the characteristics, condition and distribution of the aquatic biota;
- (c) the physical, chemical and biological characteristics of the water;
- (d) the quantity, pattern, timing, water level and assurance of in-stream flow; and

(e) the water quality stipulated for the reserves.

3. These Regulations shall apply to—

Application.

(a) drinking water;

(b) water used for industrial purposes;

(c) water used for agricultural purposes;

(d) water used for recreational purposes,

(e) water used for fisheries and wildlife; and

(f) water used for any other purposes.

PART II—PROTECTION OF SOURCES OF WATER

4. (1) Every person shall refrain from any act which directly or indirectly causes, or may cause immediate or subsequent water pollution, and it shall be immaterial whether or not the water resource was polluted before the enactment of the Act.

Prevention of water pollution.

(2) No person shall throw or cause to flow into or near a water resource any liquid, solid or gaseous substance or deposit any such substance in or near the water course, as to cause pollution.

5. All sources of water for domestic uses shall comply with the standards set out in First Schedule of these Regulations.

Standards for sources of domestic water.

6. No person shall—

Protection of lakes, rivers, streams, springs, wells and other water sources.

(a) discharge any effluent from sewage treatment works, industry or other point source into the aquatic environment without a valid effluent discharge license issued in accordance with the Act;

(b) abstract ground water or carry out any activity near any lakes, rivers, streams, springs or wells that is likely to have an adverse impact on the quantity and quality of the water without an Environmental Impact Assessment license issued in accordance with the Act; or

(c) cultivate or undertake any development activity within a minimum of six metres and a maximum of thirty metres from the highest ever recorded flood level, on either side of a river or stream, and as may be determined by the Authority.

7. The Authority, in consultation with the relevant lead agency, may impose restrictions and other measures on the use of sources of water for domestic use in order to prevent and control the degradation of those sources.

Restrictions and other measures on use of water sources.

8. Each operator and supplier of treated water, containerised water and each water vendor shall comply with the relevant quality standards in force as promulgated by the relevant lead agencies.

Compliance with water quality standards.

9. The Authority, in consultation with the relevant lead agency, shall collect and maintain water quality monitoring records for sources of domestic water at least twice every calendar year and such records shall be in the form set out in the Second Schedule.

Water quality monitoring.

PART III—WATER FOR INDUSTRIAL USE AND EFFLUENT DISCHARGE

10. (1) No person shall use water for trade or an industrial undertaking unless that person complies with the standards prescribed by the relevant lead agency in regard to that particular activity.

Water for industrial use and compliance with industrial standards.

(2) The Authority, in consultation with the relevant lead agencies, shall take measures to ensure compliance with the standards contemplated under subregulation (1) by the user of water for trade or an industrial undertaking.

11. No person shall discharge or apply any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutant or permit any person to dump or discharge such matter into the environment unless such discharge, poison, toxic, noxious or obstructing matter, radioactive waste or pollutant complies with the standards set out in the Third Schedule.

Discharge into the environment.

12. (1) Each county government, or person operating a sewage system, or owner or operator of any trade or industrial undertaking issued with an effluent discharge licence under the Act shall comply with the standards set out in Third Schedule.

Compliance.

(2) Each county government, or person operating a sewage system, or owner or operator of any trade or industrial undertaking shall be guided by the monitoring guide for discharge into the environment set out in the Fourth Schedule.

13. Each owner or operator of a trade or industrial undertaking issued with a licence by a county government or sewerage service provider to discharge effluent into any existing sewerage system shall comply with the standards set out in the Fifth Schedule.

Discharge into public sewers.

14. (1) Each person who generates and discharges effluent into the environment under a licence issued under the Act shall—

Discharge monitoring.

- (a) carry out effluent discharge quality and quantity monitoring in accordance with methods and procedures of sampling and analysis prescribed by the Authority; and
- (b) submit records of effluent discharge quality and quantity monitoring to the Authority at least once in every six months or as the Authority may prescribe.

(2) The effluent discharge quality and quantity monitoring record shall be in the form set out in Sixth Schedule.

15. The Authority shall review the monitoring records in order—
- (a) to verify compliance with these Regulations; and

Review of records.

- (b) to determine the fees payable in the subsequent year where the scale set out in the Eleventh Schedule is applicable:

Provided that where (b) is applicable, the Authority may inspect the premises and carry out its own analysis in accordance with section 117(3) of the Act.

16. (1) An application for an effluent discharge licence shall—

Application for effluent discharge licence.

- (a) be in Form A as set out in the Seventh Schedule; and
(b) accompanied by the fee set out in the Eleventh Schedule.

(2) The decision of the Authority together with the reasons thereof shall be communicated to the applicant within thirty working days from the date of submission of the application under subregulation (1).

(3) Where the Authority approves an application for the grant of an effluent discharge licence, it shall issue an effluent discharge licence within twenty-one days.

17. An effluent discharge licence shall be in Form B as set out in the Seventh Schedule.

Effluent discharge licence.

18. An effluent discharge licence shall be valid for such period of time as the Authority may determine.

Validity.

19. The Authority shall maintain a register of effluent discharge licences.

Register of licences.

20. An effluent discharge licence issued under the Act shall not be transferable.

Licence not transferable.

PART IV—WATER FOR AGRICULTURAL USE

21. No person shall use wastewater for irrigation purposes unless the water meets the quality guidelines set out in the Eighth Schedule.

Use of waste water for irrigation.

22. Where the Cabinet Secretary, in exercise of the powers conferred under section 42(3) of the Act has issued an order for the management of a natural water body, no person shall abstract water from such body for irrigation unless the water meets the standards set out in the Ninth Schedule.

Abstraction from a water body under environmental management plan.

23. An owner or operator of an irrigation scheme shall create a buffer zone of at least fifty meters in width between the irrigation scheme and the natural water body into which such irrigation scheme discharges its waters.

Creation of buffer zone for irrigation scheme.

24. Each owner or operator of an existing irrigation scheme shall, within ninety days upon the coming into force of these Regulations, take necessary steps to comply with these Regulations.

Transitional provision.

25. The Authority, in consultation with the relevant lead agency, shall take measures to ensure compliance with these Regulations by the owner or operator of an existing irrigation scheme.

Compliance with irrigation water standards.

PART V—WATER FOR OTHER USES

26. No person shall discharge or apply any poison, toxic, noxious or obstructing matter, radioactive wastes, or other pollutants or permit any person to dump or discharge any such matter into water meant for fisheries, wildlife, recreational purposes or any other uses unless such discharge, poison, toxic, noxious or obstructing matter, radioactive waste or pollutant complies with the standards set out in the Third Schedule. Water pollution.

27. No person shall use or allow to be used any natural water body for recreational purposes unless the water body meets the quality standards for recreational use set out in Tenth Schedule. Recreational uses.

PART VI—MISCELLANEOUS PROVISIONS

28. Any person, who upon the coming into force of these Regulations, discharges or applies any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutants or permits any person to dump or discharge such matter into the aquatic environment in contravention of water pollution control standards established under this Part commits an offence and shall be liable, on conviction, the penalty prescribed under section 144 of the Act. Offences.

FIRST SCHEDULE

(r. 5)

QUALITY STANDARDS FOR SOURCES OF DOMESTIC WATER

Parameter	Guide Value (max allowable)
pH	6.5 – 8.5
Suspended solids	30 (mg/L)
Nitrate-NO ₃	10 (mg/L)
Nitrite –NO ₂	3 (mg/L)
Total Dissolved Solids	1200 (mg/L)
Total coliforms	Nil/100 ml
Fluoride	1.5 (mg/L)
Phenols	Nil (mg/L)
Arsenic	0.01 (mg/L)
Cadmium	0.01 (mg/L)
Lead	0.05 (mg/L)
Selenium	0.01 (mg/L)
Copper	0.05 (mg/L)
Zinc	1.5 (mg/L)
Alkyl benzyl sulphonates	0.5 (mg/L)
Permanganate value (PV)	1.0 (mg/L)

Nil means less than limit of detection using prescribed sampling and analytical methods and equipment as determined by the Authority.

SECOND SCHEDULE

(r. 9)

WATER QUALITY MONITORING FOR SOURCES OF DOMESTIC WATER

Name of Water Source.....

Sample No

Description of sample (untreated).....

Date and time sample received in lab

Date and time sample was examined

Parameter	Observed value	RESULTS	
			Guide value (max allowable)
pH			6.5-8.5
Suspended solids			30 (mg/L)
Nitrate-NO ₃			10 (mg/L)
Ammonia -NH ₃			0.5 (mg/L)
Nitrite -NO ₂			3 (mg/L)
Total Dissolved Solids			1200 (mg/L)
Total coliforms			Nil/100 ml
Fluoride			1.5 (mg/L)
Phenols			Nil (mg/L)
Arsenic			0.01 (mg/L)
Cadmium			0.01 (mg/L)
Lead			0.05 (mg/L)
Selenium			0.01 (mg/L)
Copper			0.05 (mg/L)
Zinc			1.5 (mg/L)
Alkyl benzyl sulphonates			0.5 (mg/L)
Permanganate value			1.0 (mg/L)

And any other parameters as may be prescribed by the Authority.

Remarks

.....

.....

.....

.....

.....

.....

THIRD SCHEDULE

(rr. 11, 12(1), 26)

STANDARDS FOR EFFLUENT DISCHARGE INTO THE ENVIRONMENT

Parameter	Max Allowable Limits
1,1,1-trichloroethane (mg/l)	3
1,1,2-trichloroethane (mg/l)	0.06
1,1-dichloroethylene	0.2
1,2-dichloroethane	0.04
1,3-dichloropropene (mg/l)	0.02
Alkyl Mercury compounds	Nd
Ammonia, ammonium compounds, NO ₃ compounds and NO ₂ compounds	100
(Sum total of ammonia-N times 4 plus nitrate-N and Nitrite-N) (mg/l)	
Arsenic (mg/l)	0.02
Arsenic and its compounds (mg/l)	0.1
Benzene (mg/l)	0.1
Biochemical Oxygen Demand (BOD 5days at 20 °C) (mg/l)	30
Boron (mg/l)	1.0
Boron and its compounds – non marine (mg/l)	10
Boron and its compounds –marine (mg/l)	30
Cadmium (mg/l)	0.01
Cadmium and its compounds (mg/l)	0.1
Carbon tetrachloride	0.02
Chemical Oxygen Demand (COD (mg/l)	50
Chromium VI (mg/l)	0.05
Chloride (mg/l)	250
Chlorine free residue	0.10
Chromium total	2
cis -1,2- dichloro ethylene	0.4
Copper (mg/l)	1.0
Dichloromethane (mg/l)	0.2
Dissolved iron (mg/l)	10
Dissolved Manganese(mg/l)	10
E.coli (Counts / 100 ml)	Nil
Fluoride (mg/l)	1.5
Fluoride and its compounds (marine and non-marine) (mg/l)	8
Lead (mg/l)	0.01
Lead and its compounds (mg/l)	0.1
n-Hexane extracts (animal and vegetable fats) (mg/l)	30
n-Hexane extracts (mineral oil) (mg/l)	5
Oil and grease	Nil
Organo-Phosphorus compounds (parathion,methyl parathion,methyl demeton and Ethyl parantrophanyl	1.0
phenylphosphorothroate, EPN only) (mg/l)	
Polychlorinated biphenyls, PCBs (mg/l)	0.003

pH (Hydrogen ion activity----marine)	5.0-9.0
pH (Hydrogen ion activity--non marine)	6.5-8.5
Phenols (mg/l)	0.001
Selenium (mg/l)	0.01
Selenium and its compounds (mg/l)	0.1
Hexavalent Chromium VI compounds (mg/l)	0.5
Sulphide (mg/l)	0.1
Simazine (mg/l)	0.03
Total Suspended Solids, (mg/l)	30
Tetrachloroethylene (mg/l)	0.1
Thiobencarb (mg/l)	0.1
Temperature (in degrees celious) based on ambient temperature	± 3
Thiram (mg/l)	0.06
Total coliforms (counts/100 ml)	30
Total Cyanide (mg/l)	Nd
Total Nickel (mg/l)	0.3
Total Dissolved solids (mg/l)	1200
Colour in Hazen Units (H.U)	15
Detergents (mg/l)	Nil
Total mercury (mg/l)	0.005
Trichloroethylene (mg/l)	0.3
Zinc (mg/l)	0.5
Total Phosphorus (mg/l)	2
Total Nitrogen (mg/l)	2

And any other parameters as may be prescribed by the Authority from time-to-time
Remarks

Standard values are daily/weekly/monthly average discharge values. Not detectable (nd) means that the pollution status is below the detectable level by the measurement methods established by the Authority.

FOURTH SCHEDULE

(r. 12(2))

MONITORING GUIDE FOR DISCHARGE INTO THE ENVIRONMENT

DISCHARGING FACILITY	Oil and Gas	Fuel dispensing stations	Dairy Products	Grain Mills	Canned Fruits and Vegetables	Canned and Preserved Sea Foods	Sugar Processing	Textiles	Cement	Feedlots	Electroplating	Organic Chemicals	Inorganic Chemicals	Plastics and Synthetics	Soap and Detergents	Fertilizer Manufacturing	Petroleum Refining	Iron and Steel Manufacturing	Non Ferrous	Phosphate Manufacturing	Steam Electric Power Generating	
Water quality parameters																						
Biochemical Oxygen Demand, BOD	x	x	x	x	x	x	x	x	X	x		x	X	x	x	x	x					
Total Suspended Solids	x	X	x		x	x	x	x	x		x	x	X	x	x	x	x	X	X	x	x	x
pH	x	X	x	x	x	x	x	x	x	x	x	x	X	x	x	x	x	X	X	x	x	x
Faecal Coliforms	x		x	x	x	x	x	x	x	x	x	x	X	x	x	x	x	X	X	x	x	x
Oil and Grease	x	X	x	x	x	x	x	x	x	x	x	x	X	x	x	x	x	X	x	x	x	x
Temperature	x	X	x	x	x	x	x	x	x	x		X	X	x	x		x	X	x	x	x	x
Chemical Oxygen Demand, COD	x	X																				
Colour/Dye/Pigment	x		x	x	x	x	x	x	x	x	x	X	x	x	x	x	x	X	x	x	x	x
Elemental Phosphorus																					x	
Total Phosphorus							x				x					x					x	x
Ammonia (as N)													x			x	x	X	X			
Organic Nitrogen as N							x									x						
Nitrate							x									x		x				
Flow	x		x	x	x	x	x	x	x	x	x	X	x	x	x	x	x	x	X	x	x	x
Phenols								x				X		x			x	x				
Sulphide	x	x						x									x	x				
Total Chromium								x			x		x				x					
Chromium VI											x		x				x					x

Sulphide/Sulphur			x						x												x	
Total Chromium							x															x
Chromium VI																						x
Chrome																						x
Copper																					x	x
Nickel																					x	x
Zinc							x	x													x	x
Zinc A																						
Total Cyanide																						x
Fluorine																						x
Free Available Chlorine																					x	x
Cadmium																						x
Lead							x	x	x													x
Iron							x	x	x													x
Tin																						x
Silver																						x
Gold							x															x
Iridium																						x
Palladium																						x
Rhodium																						x
Ruthenium																						x
Mercury							x															x
Total Organic Carbon, TOC																						
Aluminium																						x
Arsenic																						x
Selenium																						x
Barium																						x
Manganese																						x
Tannin																						x
Oil																						X
Settleable Solids							x															x
Surfactants								x														X

X Means parameters to be monitored

And any other parameters and/or discharging facilities as may be prescribed by the Authority from time to time.

FIFTH SCHEDULE

(r. 13)

STANDARDS FOR EFFLUENT DISCHARGE INTO PUBLIC SEWERS

PARAMETER	Maximum levels permissible
Suspended solids (mg/L)	250
Total dissolved solids (mg/L)	2000
Temperature °C	20-35
pH	6-9
Oil and Grease (mg/L)-	5
Ammonia Nitrogen (mg/L)	20
Substances with an obnoxious smell	Shall not be discharged into the Sewers
Biological Oxygen Demand BOD ₅ days at 20 °C (mg/L)	500
Chemical Oxygen Demand COD (mg/L)	1000
Arsenic (mg/L)	0.02
Mercury (mg/L)	0.05
Lead (mg/L)	1.0
Cadmium (mg/L)	0.5
Chromium VI (mg/L)	0.05
Chromium (Total) (mg/L)	2.0
Copper (mg/L)	1.0
Zinc (mg/L)	5.0
Selenium (mg/L)	0.2
Nickel (mg/L)	3.0
Nitrates (mg/L)	20
Phosphates (mg/L)	30
Cyanide Total (mg/L)	2
Sulphide (mg/L)	2
Phenols (mg/L)	10
Detergents (mg/L)	15
Colour	Less than 40 Hazen units
Alkyl Mercury	Not Detectable (nd)
Free and saline Ammonia as N (mg/L)	4.0
Calcium Carbide	Nil
Chloroform	Nil
Inflammable solvents	Nil
Radioactive residues	Nil
Degreasing solvents of mono-di-trichloroethylene type	Nil

And any other parameter as the Authority and the sewerage service provider may prescribe.

SIXTH SCHEDULE

(r. 14(2))

MONITORING FOR DISCHARGE OF TREATED EFFLUENT INTO THE ENVIRONMENT

Name of organization.....
 Name of facility
 Nature of activities
 Sample No
 Description of sample
 Date and time sample received in lab
 Date and time sample was examined

Parameter	RESULTS		Guide value	Remark
	Sample upstream	Sample at discharge point		
pH			6.5-8.5	
Biological Oxygen Demand (5 days at 20 °C)			30 max (mg/L)	
Chemical Oxygen Demand			50 max (mg/L)	
Suspended solids			30 max (mg/L)	
Ammonia -NH ₄ + Nitrate-NO ₃ + Nitrite -NO ₂			100 max (mg/L)	
Total Dissolved Solids			1200 max (mg/L)	
E.Coli			Nil/100 ml	

*Based on sampling analysis monitoring frequency. (daily/weekly/monthly/quarterly)

Others

1.....
 2.....
 3.....
 4.....

As guided by the Fourth Schedule or as may be directed by the Authority

SEVENTH SCHEDULE

(rr. 16(1), 17, 19)

FORM A:

APPLICATION FOR EFFLUENT DISCHARGE INTO THE ENVIRONMENT

PART A: DETAILS OF APPLICANT

- A1. Name of applicant:.....
- A2. Personal Identification Number.....
- A3. Postal Address:
.....
- A4. Name of contact person:.....
.....
.....
- A5. Telephone No.
- A6. E-mail
- A7. Previous Licence Number

PART B: DETAILS OF DISCHARGING FACILITY

- B1. EIA License Number/ Environmental Audit reference number
- B2. Location of discharging facility (County, subcounty, location, sub-location, GPS coordinates):.....
- B3. Activity of discharging facility (e.g. coffee factory, sewage plant, tea factory)
- B4. Nature and composition of effluent:.....
- B5. Does the facility have effluent treatment plant (Yes or No)?
- B6. Maximum quantity of effluent which is proposed to be discharged on any one day (in M³/day)
- B7. The highest rate at which it proposes to discharge the effluent (in M³/hr.)
- B8. Source of processing water to the facility.....
- B9. Does the facility have access to a Laboratory for monitoring the quality of discharged effluent? (Yes or No)
- B10. Description of the activities of the facility
-
-

B11. Point of discharge (description including GPS coordinates):

.....

1.1.1 PART C: DECLARATION BY APPLICANT

I hereby certify that the information given above is correct and true to the best of my knowledge:.....

Signature of the Applicant.....

Full Names in Block letters.....

Position

On behalf of:

(Firm name and seal)

Date:

PART D: FOR OFFICIAL USE

Approved/Not Approved.....

COMMENTS

.....

.....

Official Signature.....

Date

Important Notes: Please submit the following: (a) Online application form (b) relevant attachments and (c) Prescribed fee.

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
EFFLUENT DISCHARGE LICENCE

Form B

Application Reference No.

Licence No.

FOR OFFICIAL USE

This is to certify that the application for discharge to the Environment received from
..... (name of applicant) of(address) to
the National Environment Management Authority in accordance with Water Quality
Regulations for..... (facility) located at
..... (locality and County) to discharge effluent to
..... has been evaluated and a licence is hereby issued for
discharge, subject to the attached conditions.

Dated this day of 20.....

Signature:

(Official Stamp)

Director General
National Environment Management Authority
Conditions of Licence

1. This Licence is valid for a period of from the date hereof.
2. Frequency of Monitoring (Daily/Weekly/Monthly/Quarterly/Biannually)
3.
4.

EIGHTH SCHEDULE

(r. 21)

Microbiological quality guidelines for wastewater use in irrigation

Reuse conditions	Exposed group	Intestinal nematodes (MPN/L)*	Coliforms (MPN/100 ml)
Unrestricted irrigation (crops likely to be eaten uncooked, sports fields, public parks)	Workers, consumers, Public	<1	<1000**
Restricted irrigation (cereal crops, industrial crops, fodder crops, pasture and trees***)	Workers	<1	No standard recommended

* *Ascaris lumbricoides*, *Trichuris trichiura* and human hookworms.

** A more stringent guideline (<200 coliform group of bacteria per 100 ml) is appropriate for public lawns, such as hotel lawns, with which the public may come into direct contact.

*** In the case of fruit trees, irrigation should cease two weeks before fruit is picked and fruit should be picked off the ground. overhead irrigation should not be used.

NINTH SCHEDULE

(r. 22)

STANDARDS FOR IRRIGATION WATER

Parameter	Permissible Level	
pH	6.5-8.5	
Aluminium	5	(mg/L)
Arsenic	0.1	(mg/L)
Boron	0.1	(mg/L)
Cadmium	0.5	(mg/L)
Chloride	0.01	(mg/L)
Chromium	1.5	(mg/L)
Cobalt	0.1	(mg/L)
Copper	0.05	(mg/L)
<i>E.coli</i>	Nil/100 ml	
Fluoride	1.0	(mg/L)
Iron	1	(mg/L)
Lead	5	(mg/L)
Selenium	0.19	(mg/L)
Sodium Absorption Ratio (SAR)	6	(mg/L)
Total Dissolved Solids	1200	(mg/L)
Zinc	2	(mg/L)

And any other parameters as may be prescribed by the Authority from time to time

TENTH SCHEDULE

(r. 27)

QUALITY STANDARDS FOR WATER FOR RECREATIONAL USE

PARAMETER	MAXIMUM PERMISSIBLE LEVEL
Arsenic (mg/l)	0.05
Fecal coliform (Counts/100 ml)	Nil
Total coliform (Counts/100 ml)	500
Cadmium	0.01
Chromium	0.1
Colour (True Colour Units)	100
Light Penetration (meters)	1.2
Mercury (mg/L)	0.001
Odour (Threshold Odour Number, TON)	16
Oil and Grease (mg/L)	5
pH	6 – 9
Radiation, Total (Bq/L)	0.37
Surfactant, MBAs (mg/L)	2
Temperature (°C)	30
Turbidity (NTU)	50

And any other parameters as may be prescribed by the Authority from time to time

ELEVENTH SCHEDULE

(rr. 15(b), 16(1)(b))

FEES

	Fee (Ksh)
The fees chargeable under these Regulations shall be as specified hereafter:	
1. Application for discharge of effluent into the environment	
a) Sewerage service providers	10,000
b) Discharging facility in Schedule 4 other than (a) above	10,000
c) Any other institution	10,000
2. Annual License fee for discharge of effluent into the environment	
a) Sewerage service providers sector—	
Category (I) \geq 80,000 M DWF Design Capacity	550,000
Category (II) \geq 60,000<80,000m ³ DWF Design Capacity	440,000
Category (III) \geq 40,000<60,000m ³ DWF Design Capacity	330,000
Category (IV) \geq 20,000<40,000m ³ DWF Design Capacity	220,000
Category (V) 20,000m ³ DWF Design capacity	110,000
Discharging facility in Schedule 4 other than (a) above - and for-	110,000
(i) <i>Petroleum sector</i>	
Category (I) Depots, pump stations and refineries	110,000
Category (II) Service station (Filling station + Vehicle service + carwash)	82,500
Category (III) Service station (Filling station +Vehicle service)	55,000
Category (IV) Filling station \geq 50M ³ (Tank Storage)	33,000
Category (V) Filling Station <50M ³ (Tank storage)	27,500
(ii) <i>Hotels, Camps and lodges sector</i>	27,500
Category (I) \leq 25 persons bed capacity	
Category (II) >25 \leq 50 persons bed capacity	33,000
Category (III) >50 \leq 75 persons bed capacity	55,000
Category (IV) >75 \leq 100 Persons bed capacity	82,500
Category (V) >100 Persons bed capacity	110,000
(iii) <i>Agro-based Processing Industries</i>	
Category (i) \geq 2,000 M ³ DWF Design capacity	110,000
Category (i) \geq 1500 <2,000 M ³ DWF Design capacity	82,500
Category (i) \geq 1000 <1500 M ³ DWF Design capacity	55,000
Category (i) \geq 1,000 M ³ DWF Design capacity	33,000
(iv) <i>Abattoirs/slaughterhouses</i>	
Category (i) \geq 40 animals per day	110,000
Category (ii) \geq 20 < 40 animals per day*	82,500
Category (iii) \geq 6 < 20 animals per day	55,000
Category (iv) <6 animals per day	22,000
(v) <i>Chemical-based Processing Industries</i>	
Category (i) \geq 2,000 m ³ DWF Design Capacity	110,000
Category (ii) \geq 1500<2,000 m ³ DWF Design Capacity	82,500
Category (iii) \geq 1000<1500 m ³ DWF Design Capacity	55,000

Category (iv) <1,000 m ³ DWF Design Capacity	33,000
<i>(vi) Intensive Chemical Agriculture</i>	
Category (i) ≥ 40 HA Acreage	110,000
Category (ii) ≥ 30 <40 HA Acreage	82,500
Category (iii) ≥ 20 <30 HA Acreage	55,000
Category (iv) ≥ 10 <20 HA Acreage	33,000
Category (v) < 10 HA Acreage	22,000
<i>(vii) Institutions</i>	
with populations ≥ 1000 persons	110,000
with populations ≥ 500 ≤ 999	55,000
with populations ≥ 100 ≤ 499	33,000
with populations ≥ 50 ≤ 99	22,000
<i>(viii) Medical facilities</i>	
with bed capacity ≥ 1000	110,000
with bed capacity ≥ 500 ≤ 999	55,000
with bed capacity ≥ 100 ≤ 499	33,000
with bed capacity ≥ 50 ≤ 99	22,000
<i>(ix) Commercial premises</i>	
Category (i) ≥ 2,000 m ³ DWF Design Capacity	110,000
Category (ii) ≥ 1500 <2,000 m ³ DWF Design Capacity	82,500
Category (iii) ≥ 1000 <1500 m ³ DWF Design Capacity	55,000
Category (iv) <1,000 m ³ DWF Design Capacity	33,000
<i>(x) residential premises</i>	
with > 100 housing units	22,000
with ≥ 50 ≤ 100 housing units	11,000
xi) Car wash facilities	25,000
xii) Other facilities/ institutions	25,000
3. Inspection of records/effluent register	500

Made on the 14th October, 2024.

ADEN DUALE,
Cabinet Secretary for Environment,
Climate Change and Forestry.