

General Prohibitions

- No person shall dispose of any waste on a public highway, street, road, and recreational area or in any public place except in a designated waste receptacle.
- No person shall transport waste without a valid license issued by NEMA
- No person shall operate a waste Storage, Processing, Treatment and Disposal Facility without a valid license issued by NEMA.
- No person shall import hazardous waste into Kenya.
- No person shall export hazardous waste from Kenya without a valid permit to export waste.

Licensing

Applicable Licences

Application fees	
Type of License	Fees
Licence to transport waste	5,000
Licence to own/operate a waste treatment and disposal site	5,000
Permit to export waste	5,000

Licence fees	
License to transport waste	10,000
Licence to own/operate a waste storage and processing plant/ facilities	80,000
Licence to own/operate a waste treatment and disposal site (incineration and landfill)	100,000
Permit to export waste	50,000

Offences

EMCA CAP 387 identifies various environmental offences and states that any person who contravenes any part of the regulations commits an offence. These offences include;

- Dumping of waste in non-designated sites
- Operating waste transportation vehicle without a license
- Owning /operating waste disposal sites without a valid license
- Importing hazardous waste in the country
- Exporting waste without a permit

Penalties

A person who contravenes a provision of this shall, on conviction, be liable to imprisonment for a term not less than 1 year but not more than 4 years or to a fine of not less than two million shillings and not more than four million shillings or both such a fine and imprisonment.

A person who does not segregate waste in accordance with the regulations commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months or both

A waste service provider who fails to handle or manage waste in accordance with regulations commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shilling or imprisonment for a term of six months or both..



Waste Management in Kenya

Simplified Waste Management Regulations, 2024



Introduction

Waste is any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner likely to cause an alteration of the environment. Any person whose activities generate waste shall collect, segregate and dispose off such waste in the manner provided for under these Regulations.

Objective of the Regulations

The objective of the Regulation is to promote sustainable waste management; ensuring a clean and healthy environment as well as promoting green growth through circular economy practices for employment.

Scope of Application

The Regulation applies to all categories of waste except radioactive waste. It covers waste generation, segregation, transportation, handling, storage, and disposal.

The waste types covered by the Regulation include; Municipal waste (garbage, sewage), various hazardous industrial waste, Biomedical waste, e-waste, recyclable organic waste, waste paper, plastics, tyres, waste oil, asbestos waste, scrap metal, waste automotive batteries, pharmaceutical waste among other

Obligations of Entities

Waste Generators

The regulations prohibits waste generators from disposing any waste on a public highway, street, road, recreational area or in any public place

except in a designated waste receptacle. Any person whose activities generates waste has an obligation to collect, segregate and ensure that such waste is transferred to a person who is licensed by NEMA to transport and dispose off such waste in a designated waste disposal facility.

Segregation of Waste

Waste segregation begins from separating hazardous waste from non-hazardous waste. The waste is separated further into organic and non-organic waste. It is then disposed off into color-coded receptacles such as bags, bins, containers in the appropriate waste disposal sites.

Waste transportation

Waste transporters should handle waste in a manner that does not contaminate or pollute the environment. Transportation of waste should safeguard against scattering, escaping and/or flowing out of the waste from the vehicle, as well as emitting noxious smell. The waste transportation vehicle should be covered and properly labeled, indicating the type of waste being transported. The transporter should at all times have tracking note during transportation. Transporter should dispose waste at designated sites licensed by NEMA.

Waste Disposal

All waste should be disposed at designated disposal sites. Under the regulations disposal sites are required to operate in environmentally sound manner to ensure proper and modern management of solid waste. Waste within the disposal sites shall be treated in accordance with all the relevant legislations to ensure that such waste does not present any imminent and substantial danger to public health, the

environment and natural resources. Owners/operators of waste disposal sites require a license issued by the NEMA

Waste Storage, Processing, Treatment & Disposal Facilities

Waste treatment facilities include incinerators, waste recycling plants, transfer stations, material recovery facilities (MRFs), landfills, deep burying sites, composting sites, biological decomposition sites, microwaves/Autoclaves, etc. Owners/operators of waste treatment sites must have a license issued by the NEMA. Existing sites are required to undertake annual environmental audits. Operators of such sites must keep accurate records for the sites and report to NEMA. Environmental inspectors shall undertake routine monitoring to ensure compliance to the conditions of the license.

Exporters/Importers of Hazardous Waste

Importation of hazardous waste is prohibited. Exporter of hazardous waste must have a valid permit from NEMA, written purchase contract, duly filled notification and movement forms, proof of final disposal site and a valid prior informed consent document from the destination country as well as proof of an insurance policy.

Common wastes being exported include: non-ferrous scrap metal, e-waste fractions, scrap tyres, plastic waste, zinc oxide/slag, carbon black, mild steel from pyrolysis processes etc.

Handling of Bio-medical waste

Every generator of biomedical waste shall at the point of generation and at all stages thereafter segregate the waste in line with the Guidelines issued by the WHO and MoH.