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**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
ENVIRONMENTAL IMPACT ASSESMENT LICENSE**

License No: **NEMA/EIA/PSL/10044**

Application Reference No: **NEMA/EIA/SR/1858**

This is to certify that the Environmental Impact Assessment Study Report received from

Kithaayoni Dam Self Help Group,

P.O Box 336-90100, Machakos,

submitted to the National Environment Management Authority in accordance with the Environmental Impact Assessment & Audit Regulations, 2003 regarding the:

Proposed Kithaayoni Concrete Dam Project,

whose objective is to carry on

Establishment of Kithaayoni Concrete Dam with a reservoir capacity of 40,000m³ and associated works.

located at

Makaveti Village, Kyaanzasu Sub-Location in Machakos County.

has been reviewed and a license is hereby issued for the implementation of the project, subject to attached conditions.

Issue Date : **18 February, 2021**


Signature

(Seal)

**Director-General
The National Environment
Management Authority.**

P.T.O



ISO 9001:2015 Certified

1.0 General Conditions

- 1.1 This project is for the establishment of Kithaayoni Concrete Dam with a reservoir capacity of 40,000m³ and associated works at Makaveti Village, Kyaanzasu Sub-Location, Machakos County at an estimated cost of Kshs 30,000,000.00
- 1.2 The license shall be valid for 24 months (time within which the project shall commence) from the date hereof.
- 1.3 The Director General shall be notified of any transfer, variation or surrender of this license.
- 1.4 Without prejudice to the other conditions of this license, the proponent shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.
- 1.5 The Authority shall take appropriate action against the proponent in the event of breach of any of the conditions stated herein or any contravention to the Environmental Management and Coordination Act, 1999 and regulations therein.
- 1.6 This license shall not be taken as statutory defence against charges of environmental degradation or pollution in respect of any manner of degradation/pollution not specified herein.
- 1.7 The proponent shall ensure that records on conditions of licenses/approval and project monitoring and evaluation shall be kept on the project site for inspection by NEMA's Environmental Inspectors.
- 1.8 The proponent shall submit an Environmental Audit report in the first year of occupation/operations/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.9 The proponent shall submit the final project accounts (final project costs) on completion of the construction. This should be done prior to project commissioning/operation/occupation.
- 1.10 The proponent shall comply with NEMA's improvement orders throughout the project cycle.

2.0 Construction Conditions

- 2.1 The proponent shall obtain the requisite approvals from the County Government of Machakos and all other relevant Authorities prior to commencement of works.
- 2.2 The proponent shall put up a project signboard as per the Ministry of Transport and Infrastructure standards showing the NEMA EIA license number among other details.
- 2.3 The proponent shall seek authorization from the Water Resources Authority for the proposed water works and for water abstraction, prior to commencement of works.
- 2.4 The proponent shall ensure strict adherence to the provisions of Environmental Management and Coordination (Noise and Excessive Vibrations Pollution Control) Regulations of 2009.
- 2.5 The proponent shall ensure that any changes made to the designs are submitted to Water Resource Authority for checking and recording.
- 2.6 The proponent shall ensure in the event of changes the design consultant to produce as built drawings at the end of construction period and submit a copy to Water Resource Authority.
- 2.7 The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.
- 2.8 The proponent shall ensure relocation, compensation and restoration of livelihoods for any project affected persons (PAPs) and develop a consultative plan for emerging issues and grievance redress mechanisms (GRM) as shall be prescribed in the Resettlement Action Plan (RAP).

- 2.9 The proponent shall continually consult with the County Government of Machakos to ensure that pertinent issues are resolved amicably, including equitable sharing of the abstracted water to ensure project sustainability.
- 2.10 The proponent shall ensure that workers are provided with adequate personal protection equipment (PPE), sanitary facilities as well as adequate training.
- 2.11 The proponent shall ensure strict adherence to the provisions of the National Construction Act of 2011.
- 2.12 The proponent shall ensure that no excavated debris or other forms of wastes are disposed off or deposited in the rivers.
- 2.13 The proponent shall ensure that all excavated material and debris is collected, re-used and where need be, disposed off as per the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 2.14 The proponent shall ensure strict adherence to the provisions of the Environmental Management and Coordination (Air Quality) Regulations of 2014.
- 2.15 The proponent shall ensure that construction activities are undertaken during the day (and not at night) between 0800 hrs and 1800 hrs and on Saturdays between 0800hours and 1300hours. No works shall be undertaken on Sundays and that transportation of construction materials to and from the site are undertaken during weekdays and Saturdays only during the hours specified herein.
- 2.16 The proponent shall ensure that the development adheres to zoning specifications issued for development of such a project within the jurisdiction of the County Government of Machakos with emphasis on approved land use for the area.
- 2.17 The proponent shall ensure strict adherence to the Environmental Management Plan (EMP) developed throughout the project cycle.
- 3.0 **Operational Conditions**
- 3.1 The proponent shall adhere to conditions issued by Water Resources Authority for any in-water works and water use permits.
- 3.2 The proponent shall provide Water Resource Authority with the work plan, and the inspection schedule ensuring that during the site meetings, Water Resource Authority technical staff is/or are involved to enhance adherence to design for safety purposes.
- 3.3 The proponent shall ensure that sanitary facilities are constructed at suitable places so as to avoid contamination of water bodies and the subsequent water-borne diseases/vectors.
- 3.4 The proponent shall ensure that the chemicals used for water treatment (such as Alum) are appropriately handled and disposed off as provided for in their respective Material Safety Data Sheets.
- 3.5 The proponent shall ensure that all waste water is disposed as per the standards set out in the Environmental Management and Coordination (Water Quality) Regulations of 2006.
- 3.6 The proponent shall ensure that all drainage facilities are fitted with adequate functional oil water separators and silt traps.
- 3.7 The proponent shall ensure that rain water harvesting facilities are provided to supplement surface and ground water.
- 3.8 The proponent shall ensure that all equipment used are well maintained in accordance with the Environmental Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations of 2009.



- 3.9 The proponent shall ensure that all solid waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 3.10 The proponent shall ensure that all workers are well protected and trained as per the Occupational Safety and Health Act (OSHA) of 2007.
- 3.11 The proponent shall ensure that the downstream users water usage rights are not interfered with.
- 3.12 The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a project within the jurisdiction of the County Government of Machakos, Kenya Forest Service, Ministry of Health, Kenya Rural Roads Authority, Water Resource Authority, Ministry of Water and Sanitation, Ministry of Land, Housing and Urban Development, Kenya Wildlife Service, Ministry of Agriculture, Livestock, Fish and Irrigation and other relevant Authorities.
- 3.13 The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as soil erosion control, functional storm drainage, catchment protection, river pollution prevention, equitable water supply mechanisms are designed, constructed and employed simultaneously with the proposed project.

4.0 Notification Conditions

- 4.1 The proponent shall seek written approval from the Authority for any operational changes under this license.
- 4.2 The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hours on the NEMA hotline No. **020 6006041/0786101100** and mitigation measures put in place.
- 4.3 The proponent shall keep records of all pollution incidences and notify the Authority within 24 hours.
- 4.4 The proponent shall notify the Authority in writing of its intent to decommission the facility **three (3) months** in advance.

5.0 Decommissioning Conditions

- 5.1 The proponent shall ensure that a decommissioning plan is submitted to the Authority for approval at least three (3) months prior to decommissioning.
- 5.2 The proponent shall ensure that all pollutants and polluted material is contained and adequate mitigation measures provided during the phase.

The above conditions will ensure environmentally sustainable development and must be complied with.