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mazingira yetu | uhai wetu | wajibu wetu

Application Reference No.....**PR/3588**

Registration No.....**0057567**

For Official Use

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

ENVIRONMENT IMPACT ASSESSMENT LICENSE

This is to certify that the Environmental Impact Assessment Project Report received from
County Government of Machakos-Kenya Climate Smart Agriculture Project

individual/firm) of.....**P. O. Box 40-90100 Machakos**.....(Name of)
.....(Address)

Submitted to the National Environment Management Authority (NEMA) in accordance with the Environment
Impact Assessment and Audit Regulations 2003 regarding.....**Proposed Kilaatu water pan**

.....(title of project)whose objective is to carry on

.....**Excavation of a water pan with a storage capacity of 90,000 m³**.....

.....(briefly describe purpose)located at
.....**Yatta/Mathingau/777, Makutano Sub Location, Kinyaata Location, Yatta Sub County,**

.....**Machakos County**.....(locality and county)has been

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

Date this.....**2nd**.....Day of.....**July 2019**

Signature.....

SEAL

Director General
The National Environment Management Authority

CONDITIONS OF LICENSE

1. This license is valid for a period of **24 months** (time within which the project should commence) from the date hereof.
2. The Director-General shall be notified of any transfer/variation/surrender of this license.

P.T.O.



1. General Conditions

- 1.1. The project is for the **excavation of Kilaatu water pan with a capacity of 90,000m³ in Yatta/Mathingau/777, Makutano Sub Location, Kinyaata Location, Yatta Sub-County, Machakos County costing Kshs. 64,000,000.**
- 1.2. The licence shall be valid for 24 months from the date of issue (period within which project should commence).
- 1.3. The proponent shall provide the final project accounts (final project costs) on completion of excavation phase. This should be done prior to project commissioning/operation.
- 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 Co-ordination Act, 1999 and regulations there under.
- 1.6. This license shall not be taken as statutory defense against charges of pollution in respect of any manner of 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 operation/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.9. The proponent shall comply with NEMA's improvement orders throughout the project cycle.

2. Excavation/Construction Conditions

- 2.1. **The proponent shall obtain Water Authorisation Permit before commencement of the project.**
- 2.2. The proponent shall put up a project signboard as per the Ministry of Works Standards indicating the NEMA license number among other information.
- 2.3. The proponent should ensure the excavation of the dam is supervised by a water officer from Machakos county Government.
- 2.4. The proponent shall completely secure the site before commencement of the excavation.
- 2.5. The proponent shall erect safety and traffic signages within the excavation site before commencement of excavation.
- 2.6. 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 2006.

- 2.7. The proponent shall ensure strict adherence to the provisions of Environmental Management and Coordination (Noise and Excessive Vibrations Pollution Control) Regulations 2009.
- 2.8. The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.
- 2.9. The proponent shall ensure adequate measures are put in place to suppress dust during excavation activities and transportation of the excavated materials.
- 2.10. The proponent shall ensure that excavation workers are provided with adequate personal protection equipment (PPE), sanitary facilities as well as adequate training.
- 2.11. The proponent shall ensure that excavation activities are undertaken during the day (and not at night) - between 0800 hrs and 1700 hrs; that transportation of the excavated materials from site are undertaken during the day between 08.00Hrs and 17.00Hrs and that excavation activities and transportation of the excavated materials shall be on weekdays only.
- 2.12. The proponent shall ensure silt traps and silt collection ditches are constructed upstream to minimise siltation of the proposed dam
- 2.13. The proponent shall ensure comprehensive soil conservation measures are undertaken in the catchment area of the proposed dam
- 2.14. The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle.
- 2.15. The proponent shall ensure the embarkment of the proposed dam is well planted with suitable species of grass to enhance its strength and prevent soil erosion.
- 2.16. The proponent shall ensure that the flow downstream of the proposed dam is maintained to ensure it does not dry up.
- 2.17. **The proponent shall ensure that the excavation activity adheres to specifications issued by the Water Resources Authority, Matuu Town Administration, the dam Engineer and the District Water Office with emphasis on approved land use for the area.**
- 2.18. The proponent shall ensure that the dam embarkments are properly stabilized with planted grass and other suitable measures.

3.0 Operational Conditions

- 3.1. The proponent shall ensure minimal entry into the dam by providing secured entry and exit points.
- 3.2. The proponent shall ensure that all solid waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations 2006.
- 3.3. The proponent shall adhere to the provisions of the Public Health Act (CAP 242).

- 3.4. The proponent shall ensure they liaise with the ministry of Public Health and sanitation to curb waterborne diseases and enhance water quality.
- 3.5. The proponent shall ensure that all workers are well protected trained as per the OSHA, 2007.
- 3.6. The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as solid and liquid waste management, oil spill containment measures, energy efficient facilities, storm water drain reticulation facilities, land scaping, dust control, soil erosion control mechanism are designed, constructed and employed simultaneously with the proposed project.
- 3.7. The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a Project within the jurisdiction of **Matuu Town Administration, Sub- County Water Office, Water Resources Authority** and other relevant Authorities.
- 3.8. The proponent shall ensure water abstraction permit is obtained from the Water Resources Management Authority before operation.
- 3.9. The proponent shall ensure a certificate of completion is obtained from the District Water Office before operation of the dam.

2.0 Notification Conditions

- 4.1. The proponent shall seek written approval from the Authority for any operational changes under this licence.
- 4.2. The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hrs on the NEMA Hotline 020 606041 and mitigation measures put in place.
- 4.3. The proponent shall keep records of all pollution incidences & notify the Authority within 24 hrs.
- 4.4. The proponent shall notify the Authority of its intent to decommission three months in advance in writing.

3.0 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.