

COUNTY ASSEMBLY OF BUNGOMA OFFICE OF THE CLERK

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BUNGOMA, Kenya

14th JUNE, 2023

REF: REPORT N.O (2)

INTERNAL MEMO

FROM

: CHAIRPERSON TOURISM, ENVIRONMENT WATER AND INGOME

NATURAL RESOURCES COMMITTEE.

TO

: CLERK TO THE COUNTY ASSEMBLY.

DATE

: 14TH JUNE, 2023

RE: REPORT BY THE COMMITTEE CHAIRPERSON TOURISMS.
ENVIRONMENT WATER AND NATURAL RESOURCES OF THE STATUS OF
GARBAGE COLLECTION AND MANAGEMENT IN THE COUNTY.

The above subject matter refers.

Forwarded herewith, please find the report by the Committee on Tourism, Environment, Water and Natural Resources on The Status of Garbage Collection and Management in the County.

Kindly facilitate its approval for tabling.

Hon. Edwin Opwora

CHAIRPERSON COMMITTEE TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES.

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF BUNGOMA

THIRD ASSEMBLY- SECOND SESSION

A REPORT OF THE TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES COMMITTEE ON THE STATUS OF GARBAGE COLLECTION AND MANAGEMENT IN THE COUNTY

Clerk's Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA

APRIL, 2023

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CHAPTER ONE

1.1 PREFACE

Mr. Speaker Sir,

The Committee of Tourism, Environment, Water and Natural Resources pursuant to the County Assembly of Bungoma Standing Orders; Second Schedule, embarked on the inquiry on the status of garbage collection and management in the County. This was necessitated by the fact that there were concerns from the locals around different markets across Bungoma County, an outcry of the community living close to the Muanda dumpsite, a concern and proposals from the public to have each subcounty have its own dumpsite among others. The Committee, therefore, set out to establish the status of garbage collection in the County.

In the course of its inquiry, the Committee held meetings with the CECM Tourism, Environment, Water and Natural Resources and various officers from the department. The committee conducted fact finding visits to several markets across the county and finalized the entire process with a visit to the Muanda dumpsite.

Additionally, the Committee sought for oral submissions from traders in the markets, the dumpsite management, the neighboring community and the workers at the facility during the fact-finding activity. The Committee wrote to the CECM requesting for his appearance on 13th March 2023 and alongside, to deliver a copy of the contract between the County Government and the garbage collection service provider.

The inquiry was guided by;

- 1. Conducting a physical inspection of sampled out markets
- 2. Inspect and ascertain activities at the dumpsite
- 3. To recommend on the strategies to keep the environment clean and the waste management at the Muanda dumpsite

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4. To report on specific recommendations on the way forward on garbage collection.

On behalf of the members of the Tourism, Water, Environment and Natural Resources Committee, it is my pleasure and duty to present to this Honorable House the report for adoption.

1.2 COMMITTEE MANDATE

Mr. Speaker Sir,

The Sectoral Committee on Tourism, Water, Environment and Natural resources is constituted pursuant to the provisions of Standing Order No. 217(1) of the County Assembly of Bungoma Standing Orders and executes its mandate in accordance with Standing order 217(5) which provides as follows:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the program and policy objectives of departments and the effectiveness of the implementation;
- d) Study and review all county legislation referred to it;
- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the constitution or any law requires the House to approve, except those under Standing Order 208 (Committee on Appointments); and



h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

1.3 COMMITTEE MEMBERSHIP

Mr. Speaker sir,

Currently, the committee comprises of the following members;

Name		Designation
1. Hon. Edwin	Opwora	Chairperson
2. Hon. Joseph	Nyongesa	Member
3. Hon. James	Mukhongo	Member
4. Hon. Meshack	Simiyu	Member
5. Hon. Antony	Lusenaka	Member
6. Hon. Isaiah	Busolo	Member
7. Hon. Dorcas	Ndasaba	Member
8. Hon. Benard	Kikechi	Member
9. Hon. Orize	Kundu	Member
10. Hon. George	Tendet	Member
11. Hon Benjamin	Otsiula	Member
12. Hon. Allan	Nyongesa	Member
13. Hon. Florence	Juma	Member
14. Hon.Alice	Kibaba	Member



1.4 METHODOLOGY

Mr. Speaker Sir,

The committee sought to carry out a fact-finding exercise on garbage collection and dumpsite management within the County. This report comprises of information obtained from interviews with the Executive, traders at local markets; Mateka, Kanduyi and Chepkube markets, the community around Muanda and the workers at the site that the Committee visited. Equally, the committee took photos on the real status on the site and made recommendations accordingly.

1.5 ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committee on Tourism, Environment, Water and Natural Resources wishes to thank the office of the Speaker and the Clerk of the County Assembly for the support in executing its mandate. I appreciate the Honorable Members of the Committee for their great input throughout the fact-finding exercise and during the compilation of this report. I thank the secretariat for their input and valuable contributions during the entire exercise.

On behalf of the committee, it is my pleasant duty and privilege, to present the Committee's report on the status of garbage collection and management of Muanda dumpsite for adoption.

Sign Date 08 05 2023

HON. EDWIN OPWORA,

MCA. LUUHYA-BWAKE WARD.

CHAIRPERSON,

TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES COMMITTEE

CHAPTER TWO

2.1 LEGAL FRAMEWORK

1. The Constitution of Kenya 2010

Mr. Speaker,

The Constitution of Kenya 2010, Chapter five; Land and Environment, Part 2 gives a Constitutional guideline on the management of the Environment and Natural Resources. These laws are found in Article 69 and 70 of the Constitution of Kenya, 2010.

Obligations in respect of the environment.

- 69. (1) The State shall—
- (a) ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;
- (b) work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;
- (c) protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities;
- (d) encourage public participation in the management, protection and conservation of the environment;
- (e) protect genetic resources and biological diversity;
- (f) establish systems of environmental impact assessment, environmental audit and monitoring of the environment;
- (g) eliminate processes and activities that are likely to endanger the environment; and

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- (h) utilize the environment and natural resources for the benefit of the people of Kenya.
- (2) Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.

Enforcement of environmental rights.

- 70. (1) If a person alleges that a right to a clean and healthy environment recognized and protected under Article 42 has been, is being or is likely to be, denied, violated, infringed or threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter.
- (2) On application under clause (1), the court may make any order, or give any directions, it considers appropriate—
- (a) to prevent, stop or discontinue any act or omission that is harmful to the environment;
- (b) to compel any public officer to take measures to prevent or discontinue any act or omission that is harmful to the environment; or
- (c) to provide compensation for any victim of a violation of the right to a clean and healthy environment.
- (3) For the purposes of this Article, an applicant does not have to demonstrate that any person has incurred loss or suffered injury

2. Waste Management Act, 2006.

Mr. Speaker,

Part II of this Act gives the General provisions that give guidelines for the regulations and management of solid waste. Under this section, the Act provides for the following;

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- 1. Responsibility of Waste generator
- 2. Segregation of waste by Generator
- 3. Cleaner production methods
- 4. License for transportation of waste
- 5. Mode of transportation of waste
- 6. Transportation of waste by licensed transporting wasted
- 7. License for disposal facility
- 8. Transitional provision for disposal facilities
- 9. Waste treatment by operator at disposal sites
- 10. Validity of license and renewals
- 11. Requirement for Environmental Audit
- 12. Re-use and recycling plants.

Responsibility	(1) No person shall dispose of any waste on a public highway, street, road,
of Waste	recreational area or in any public place except in a designated waste
Generator	receptacle.
	(2) Any person whose activities generate waste shall collect, segregate and dispose or cause to be disposed of such waste in the manner provided for under these Regulations. (3) Without prejudice to the foregoing, any person whose activities generates waste has an obligation to ensure that such waste is transferred to a person who is licensed to transport and dispose of such waste in a designated waste disposal facility.
Segregation of	5. (1) Any person whose activities generate waste, shall segregate such
Waste by	waste by separating hazardous waste from non-hazardous waste and shall
Generator	dispose of such wastes in such facility as is provided for by the relevant
	Local Authority.



Cleaner	6. (1) Any person who owns or controls a facility or premises which
Production	generates waste shall minimize the waste generated by adopting the
Principles	following cleaner production principles:
	improvement of production process through:
	conserving raw materials and energy
	(ii) eliminating the use of toxic raw materials within such time as may be prescribed by the Authority
	(iii) reducing toxic emissions and wastes
	monitoring the product cycle from beginning to end by:
	identifying and eliminating potential negative impacts of the product.
	(ii) enabling the recovery and re-use of the product where possible.
	(iii) reclamation and recycling.
	(c) incorporating environmental concerns in the design, process and disposal of a product.
Waste	7. (1) No person shall be granted a license under the Act to transport waste
Transportatio	unless such person operates a transportation vehicle approved by the
n License	Authority upon recommendation from the relevant lead agency.
	Any vehicle used for transportation of waste or any other means of conveyance shall be labelled in such a manner as may be directed by the Authority.
	The Authority in consultation with the relevant lead agency may designate particular geographical areas as areas for operation for licensed waste transporters.
	The application for a license to transport waste shall be in Form I of the First Schedule to these Regulations and shall be accompanied by the

						
	prescribed fee set out in the Second Schedule.					
	A license issued under the Act for the transportation of waste shall be in					
	Form II of the First Schedule to these Regulations and shall be valid for					
	one year from the date of issue.					
7.α - J C						
Mode of	A person granted a license to transport waste shall ensure that:					
Transporting	(1) the collection and transportation of such waste is conducted in such a					
	manner that will not cause scattering, escaping and/or flowing out of the					
	waste;					
	(2) the vehicles and equipment for the transportation of waste are in such					
	a state that shall not cause the scattering of, escaping of, or flowing out of					
, t, * - 1	the waste or emitting of noxious smells from the waste;					
-	(3) the vehicles for transportation and other means of conveyance of waste					
	shall follow the scheduled routes approved by the Authority from the					
-	point of collection to the disposal site or plant; and					
÷	(4) he or his agent(s) possess at all times during transportation of the					
	waste, a duly filled tracking document as set out in Form III of the First					
	Schedule to these Regulations and shall produce the same on demand to					
	any law enforcement officer.					
Transportatio	9. Any person licensed to transport waste shall collect waste from the					
n of waste by	designated area of operations or storage areas and shall deliver such waste					
licensed	to the designated storage site, disposal site or plant.					
transporter						

Transitional	10. Any person, who before the commencement of these Regulations was
Provision for	carrying on the business of transporting waste, shall apply to the
transporting	Authority for a license for the transportation of waste within ninety days
waste •	after the commencement of these Regulations in the prescribed Form I as
	set out of the First Schedule to these Regulations in the prescribed Form I
	as set out of the First Schedule to these Regulations.
License for	11. (1) Any person granted a license under the Act and any other license
disposal	that may be required by the relevant Local Authority to operate a waste
facility	disposal site or plant, shall comply with all conditions imposed by the
	Authority to ensure that such waste disposal site or plant operates in an
	environmentally sound manner.
	(2) An application for a license to operate a waste disposal site or plant
	shall be in Form IV of the First Schedule to these Regulations and shall be
	accompanied by the prescribed fee set out in the Second Schedule.
	A license issued under the Act for the operation of a waste disposal site or
	plant shall be as in Form V as set out in the First Schedule to these
	Regulations.
Transitional	12. Any person who before the commencement of these Regulations was
Provision for	carrying on the business of operating a waste disposal site or plant shall
disposal	apply to the Authority for a license as prescribed in these Regulations
facilities	within ninety days after the commencement of these Regulations.
Waste	13. Any operator of a disposal site or plant shall apply the relevant
treatment by	provisions on waste treatment under the Local Government Act and
operators of	Regulations thereunder to ensure that such waste does not present any
disposal sites.	imminent and substantial danger to public health, the environment and
Cap 265	natural resources.

2.2 COMMITTEE FINDINGS

Mr. Speaker,

Unsustainable patterns of production and consumption have resulted in a considerable increase in both the quantity and variety of waste. The typical waste management scenario in most of Bungoma County includes but not limited to poor onsite storage, lack of onsite separation facilities, poor formal waste transport systems, lack of formal waste transfer stations, lack of recycling practices and plants, and lack of appropriate waste disposal sites thereby encouraging the practice of crude dumping and open burning of wastes. This poses serious risks to public health and the environment because these wastes produce offensive smells (effluvia), release dioxins when burnt, act as rodent and insect breeding sites and portray a poor aesthetic picture of the environment. In many Bungoma town for instance, open drains are usually blocked by heaps of refuse, occasioning waste water overflows onto the adjacent areas and even homes.

2.3 MUANDA DUMPSITE

Mr. Speaker sir,

Muanda dumpsite is located in Muanda area of South Bukusu Ward in Bumula Sub County. The land that is approximately 3.5 Acres under which the site sits was purchased by the Department of Land on behalf of the Department of Environment. The site was identified to serve as the dumping site for all solid wastes in Bungoma County. The department has contracted a private firm to collect all solid waste and dump it in this facility. The supervisory and management of the dumpsite is performed by the Department of Environment where its officers perform this task on a daily basis.

Under the contractual agreement, the waste collection firm is supposed to dump all waste inside the dugout done by the department. The firm is also supposed to ensure that there is fumigation of not only the site but also the neighboring

homesteads to keep away ordure, flies, pests and control the spread of any kind of diseases that might arise as a result of the dumpsite.

2.4 WASTE DISPOSAL SITE ACTIVITIES.

Mr. Speaker sir,

There are several activities that happen at the dumpsite upon receipt of solid waste at the dumpsite. These include;

a) Aeration of the garbage

The waste from different markets around the County, upon reaching the dumpsite, is aerated and sun-dried to get rid of the moisture content, remove the bad odour and make the waste easy to sort by the workers at the facility.

b) Fumigation of the garbage and the neighborhood.

Fumigation is done to get rid of flies and control the other pests that might cause spread of diseases not only to the workers but also to the neighboring community. This is also done to control the growth of fungi which poses a great risk to the workers.

The facility uses DIVINO® registered under the trademark of a company of the ADAM GROUP to fumigate the waste. The facility also makes use of cow urine and dung filtrate to fumigate the waste. Additionally, they fumigate the surrounding homes to a radius of one Kilometer from the dumpsite. This is done with an aim to control the spread of diseases such as Cholera and Typhoid.

c) Sorting of the garbage

The garbage is then sorted according to material, recyclability and any other particular process required. Generally, the waste includes; paper, glass, plastic, wood compost, hazardous waste, scrap metal, residual waste and others. Organic waste in most cases is often collected and sorted for example fruits peelings, tomatoes, vegetables among others for composting. This process is very



Figure 5:An employee fumigating the dumpsite



Figure 6:Employees sorting garbage on the dumpsite





Figure 7: The Chairperson of the Committee Hon. Edwin Opwora having a discussion with the managers of Muanda dumpsite.

2.3 MARKETS COVERED BY THE CONTRACTOR Mr. Speaker,

According to the Contract signed between the County Government and the contractor, the following is a table summary of the markets covered in solid waste management.

Kanduyi	Webuye	Kabuchai	Kimilili	Mt.Elgon	Bumul	Tongare	Sirisia
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	st						
Bungoma	Webuye	Chwele	Kimilili	Kapsokwon	Miyanga	Mbakalo	Lwakhak
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Mayanja	Misikhu	Nalondo	Kamukuyw	Kapkateny	Kimaeti	Brigadier	Malakisi
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Kanduyi	Lugulu	Kuywa	Chesamisi	Cheptais	Kabula	Ndalu	Sirisia
Bukembe	Bokoli	Khachonge	Nasusi	Kaptama	Mayanja	Naitiri	Namwela

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CHAPTER THREE

3.1 OBSERVATIONS AND RECOMMENDATIONS

3.2 COMMITTEE OBSERVATIONS

Mr. Speaker,

The Committee made the following observations in regard to the garbage collection and management of the dumpsite:

- Evalbe Building and Construction Company limited was the contracted company mandated to collect garbage across the county on behalf of the County Government of Bungoma.
- 2. The current contract of garbage collection is an extension of the contract that runs from October, 2022 to 30th September 2023.
- 3. The contract signed with the County Government of Bungoma is of contract sum of Ksh. 222,014,225.84 Payable monthly at a sum of Kshs. 20,183,111.44.
- 4. There is an incomplete perimeter wall around the facility to demarcate the land. Additionally, the facility is not gated.
- 5. There were workers performing their daily duties of garbage sorting and some fumigation work on the dumpsite and nearby homesteads. This, however, is supposed to be done frequently but it is rarely carried out according to the community.
- 6. The road network leading to Muanda dumpsite is in a dilapidated state.
- 7. There is no access to clean water for the residents living around the dumpsite leading to frequent outbreaks of diseases such as Cholera and Typhoid.
- 8. The County Government of Bungoma has no legislation on waste management hence the national solid waste management strategic plan 2015 is used as a guideline for implementation of waste management.
- 9. There is a stalled weighbridge construction at the entrance to the dumpsite.

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10. Part of the community is hostile towards the fumigators and were against the employees working in their homes. This posed a great risk in spread of diseases to these homesteads.

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3.3 COMMITTEE RECOMMENDATIONS

Mr. Speaker,

The committee made the following recommendations

- 1. **That,** the County Government of Bungoma should ensure regular fumigation is done at the dumpsite and within the neighborhood to control pests and diseases.
- 2. **That,** the County Government of Bungoma to allocate sufficient funds for the completion of the construction of the perimeter wall, mount a gate and provide a shed for the workers as well.
- 3. **That,** the County Government of Bungoma should procure more land around the dumpsite for establishing a buffer zone in the area by planting trees and grass to reduce the effects of air and water pollution.
- 4. **That,** the County executive Committee Member for Tourism, Environment, Water and Natural resources in Government of Bungoma to provide access to water for the residents living around the dumpsite by drilling a borehole and supplying water to their homes.
- 5. **That,** the County Executive Committee member for Health and Sanitation to establish and equip a dispensary in Muanda village to counter emergencies and potential outbreaks of diseases.
- 6. **That,** the County Executive Committee Member for Roads and Infrastructure to improve and regularly maintain the road network leading to and even within the dumpsite.
- 7. **That,** the County Government of Bungoma to develop necessary legislation on the Garbage collection and management of dumpsites in the County.
- 8. **That,** the department should fast-track the construction and operationalization of the weighbridge to promote accountability of the garbage collected from the markets and delivered at the facility.
- 9. **That,** the County Government should consider recycling the recyclable waste especially plastic and glass. Additionally, it should also consider partnering with other stakeholders to help them manage the reusable garbage.

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- Furthermore, the department should procure an incinerator to burn unrecyclable waste.
- 10. **That,** the department should implement on the House resolution during the Second Assembly on decentralization of dumpsites across all the Sub-Counties.



ADOPTION SCHEDULE

Mr. Speaker,

Herein is an undersigned adoption scheduled by the Committee members adopting this report.

Name	Title	Sign
1. Hon. Edwin Opwora	Chairperson	En.M.
2. Hon. Joseph Juma	Member	
3. Hon. Antony Lusenaka	Member	PAR T
4. Hon. James Mukhongo	Member	Alligo
5. Hon. Florence Juma	Member	
6. Hon. Alice Kibaba	Member	Mindra
7. Hon. Benjamin Otsiula	Member	BBCLL
8. Hon. Sudi Busolo	Member	SATTOMA
9. Hon Allan Nyongesa.	Member	Alla
10. Hon. George Tendet	Member	Glemmdet
11. Hon. Orize Kundu	Member	
12. Hon. Benard Kikechi	Member	Ki Ska ska i Cu
13. Hon. Simiyu Meshack	Member	Quiting v
14. Hon. Dorcas Ndasaba	Member	Macros

MINUTES OF THE TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES COMMITTEE ON HELD ON 8th MAY 2023 IN COUNTY ASSEMBLY COMMITTEE ROOM 1 FROM 12:00 NOON.

MEMBERS PRESENT

1. Hon. Edwin Opwora - Chairperson - Member Hon. Benard Kikechi - Member Hon. Joseph Juma 4. Hon. Meshack Simiyu - Member 5. Hon. Anthony Luseneka - Member 6. Hon. Busolo Sudi - Member 7. Hon. Benjamin Otsiula - Member - Member 8. Hon James Mukhongo - Member 9. Hon. Allan Wanyama 10. Hon. Alice Kibaba - Member - Member 11. Hon. Florence Juma 12. Hon. George Kwemoi - Member 13. Hon. Orinze Kundu - Member

SECRETARIAT

14. Hon. Ndasaba Dorcas

Wechuli W. Mike - Committee Clerk
 Levis Wanjala - Legal Clerk
 Beatrice Akoth - Hansard Officer
 Mercyline Munyolo - Serjeant-at-Arms

- Member

Agenda:

- 1. Preliminaries.
 - i. Prayer.
 - ii. Determination of the quorum
 - iii. Adoption of Agenda
- 2. Communication from the Chair.

3. Adoption of the report on the Status of Garbage Collection and Management in the County.

MIN/TEW/01/08/05/2023: PRELIMINARIES

i. Prayer

The meeting was called to order at 12:15 Noon and the prayer was said by the Chairperson Hon. Edwin Opwora.

ii. Determination of the quorum

The quorum was determined at the beginning of the meeting and that the meeting was properly convened as per the Standing Orders.

iii. Adoption of the Agenda

On proposal by Hon Orinze Kundu and secondment by Hon Joseph Juma, the agenda was adopted without amendments.

MIN/YASC/02/08/05/2023: COMMUNICATION FROM THE CHAIR.

The chairperson thanked the Hon members who had honored the invitation and turned up for the meeting on time.

MIN/YASC/03/08/05/2023: ADOPTION OF THE REPORT ON THE STATUS OF GARBAGE COLLECTION AND MANAGEMENT IN THE COUNTY

The Committee having come up with the report, its observations and recommendations, it was unanimously agreed to with its contents therein.

MIN/YASC/04/08/05/2023: ADJOURNMENT.

There being no other business, the meeting was adjourned at 1:30 P.M and the next meeting would be upon notice.

CONFIRMATION	
CONFIRMED BY:	
Committee Clerk	
Name: Wechuli W. Mike	
SIGN Athur	DATE ONOSTRO23
Chairperson	
Name: HON ROWIN	OPWORA
SIGN ADWY	DATE 08/05/2023