REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY BILLS, 2026

(Date…….)

Bill for introduction into the County Assembly of Nyandarua County

(OCTOBER 2026)

THE NYANDARUA COUNTY SOLID WASTE MANAGEMENT BILL, 2026

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An ACT of the County Assembly of Nyandarua for effective and efficient waste management, and ensure the realization of the right to a clean and healthy environment, and the sustainable solid management in the County and for connected purposes.

ENACTED by the County Assembly of Nyandarua County as follows—

PART I – PRELIMINARY	
Short title and commencement	1. This Act may be cited as the Nyandarua County Solid Waste Management Act, 2026 and shall come into force on the ninetieth day after its publication in the Kenya Gazette.
Interpretation	2. In this Act, unless the context otherwise requires— **"Authority"** means the National Environment Management Authority established under the Environmental Management and Co-ordination Act (No. 8 of 1999); **"County Executive Committee Member"** or **"CECM"** or **"Executive Member"** means the County Executive Committee Member responsible for waste management; **"County Government"** means the County Government of Nyandarua; "designated disposal facility" means a waste treatment or disposal facility lawfully designated, authorized or licensed for receipt of the relevant waste stream; **"extended producer responsibility"** means the responsibility of a producer for a product and its packaging extending to the post-consumer stage, as provided under national law; **"hazardous waste**" has the meaning assigned to it under EMCA and applicable national regulations; **"materials recovery facility"** or **"MRF"** means a facility authorized to receive and sort eligible waste streams and recover recyclable, reusable or compostable materials for lawful onward use or processing; **"non-hazardous waste"** means waste that is not classified as hazardous under applicable law; **"organic waste"** means biodegradable waste of plant or animal origin capable of biological treatment, subject to applicable standards; **"private waste service provider"** means a person or entity, other than the County Government, engaged under a lawful contract, license or other authorization to collect, transport, transfer, sort, recover, treat or dispose of waste; **"segregation at source"** means separating waste into prescribed categories at the place where it is generated; and **"waste service provider"** means the County Government or a person or entity lawfully engaged or authorized to provide a waste-management service.

	Words and expressions not defined in this Act have the meanings assigned to them under EMCA, the Sustainable Waste Management Act, 2022, and applicable regulations.
Object and purpose	3. The object and purpose of this Act is to provide for the establishment of an appropriate legal and institutional framework to promote sustainable solid waste management in the County and in particular to— (a) establish an appropriate implementation mechanism for the devolved solid waste management function. (b) set forth the guiding principles for sustainable solid waste management (c) ensure a clean and healthy environment by reducing air, land, fresh water and pollution by solid waste; (d) catalyse transition towards a circular economy by mainstreaming resource efficiency principles in sustainable consumption and production practices; (e) ensure efficient delivery of solid waste management services; (f) establish an environmentally sound infrastructure and system for sustainable solid waste management; (g) create an enabling environment for employment in the green economy in waste management, composting, recycling and recovery; and (h) inculcate responsible public behavior on Solid waste management and environment.
PART II – GUIDING PRINCIPLES	
Guiding principles	**4.** In implementing this Act, the County Government, its officials, agents, com and/or any other lawful organs or institutions of the County Government shall be guided by the following general guiding principles— (i) the right to a clean and healthy environment; (ii) the precautionary principle; (iii) the polluter pays principle; (iv) payment for ecosystem services or payment for ecological services; (v) zero waste principle; (vi) public participation; and (vii) proximity principle.
PART III – ADMINISTRATION AND IMPLEMENTATION	
Role of County Executive Committee Member.	5. (1) The Executive Member shall, (a) formulate county policy on sustainable solid waste management; (b) coordinate the county administration and implementation of this Act and regulations made under it; (c) prepare or cause to be prepared county waste management plans and monitor their implementation; (d) coordinate preparation of annual implementation plans and periodic monitoring reports; (e) oversee the county waste management information system and county-level reporting; and

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	(f) submit annual implementation reports to the County Assembly and, where required by law, to the relevant national authority. g) advise the county government on the solid waste management resource requirements.
Role of County department	6. The County department responsible for waste management shall— (a) coordinate implementation of this Act and county waste management policies, plans and strategies; (b) collaborate with relevant national government agencies, other county governments and stakeholders; (c) undertake county enforcement this Act and other written law,; (d) promote compliance with applicable environmental, public health and occup[illegible] safety requirements; (e) conduct public awareness, community mobilization and capacity development; (f) facilitate community and neighborhood waste-management initiatives; (g) plan, provide or facilitate county waste-management services and infrastructure; (h) supervise and coordinate licensed or contracted private waste service providers; (i) administer county licenses or permits under this Act, (j) develop solid waste management incentives in consultation with the County Treasury. (k) undertake any other lawful county function necessary to implement this Act; ; and (m) publicize eligible procurement opportunities and facilitate participation by youth, women and persons with disabilities in accordance with applicable law.
Role of County Environment Committee	**7.** The County Environment Committee established under section 29 of the Environmental Management and Co-ordination Act (No. 8 of 1999), in the exercise of its functions for the proper management of the environment within the county as relates to solid waste management, shall, in liaison with the Executive ember and in consultation with relevant stakeholders, — (a) prepare the County Integrated Solid Waste Management Plan; (b) review and monitor the implementation of the County Integrated Solid Waste Management Plan; (c) formulate the necessary education promotion and information campaign strategies to promote sustainable waste management and encourage private sector initiatives, community participation and investments in waste management and resource recovery- based livelihood programs for local communities; (d) establish criteria, guidelines and formula that are fair, equitable and reasonable in establishing various charges and rates for sustainable solid waste management; (e) develop criteria and guidelines for formalization and inclusion of informal waste service providers in the County waste management system;

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PART IV – MEASURES AND ACTIONS	
Segregation of waste at source	8. (1) Every person or entity that generates waste shall segregate it at source into the categories prescribed by national law and regulations, including separating hazardous waste from non-hazardous waste and separating organic waste from other non-hazardous waste where applicable. (2) Owners, landlords, property managers and occupiers of residential, commercial, institutional and other premises shall provide, or ensure provision of, sufficient, accessible, clearly labelled and colour-coded receptacles for the required waste streams, in accordance with the national colour-coding system and applicable regulations. (3) The County Government and licensed or contracted service providers shall communicate collection arrangements and shall provide receptacles where this is part of the approved service model or contract. This subsection does not remove the duty of a property owner or occupier under subsection (2). (4) Segregated waste shall be stored and presented for collection in a manner that prevents mixing, leakage, spillage, littering and risks to public health or the environment.
Management of hazardous and specially regulated waste	9 (1) Hazardous waste and any waste stream subject to specialised statutory controls shall be segregated, stored, handled, transported, treated and disposed of in accordance with applicable national legislation, regulations, standards, permits and license conditions. (2) A person shall not mix hazardous waste with ordinary non-hazardous waste or deliver such waste to a facility not authorized to receive it. (3) The County Government shall, within its lawful mandate, facilitate public awareness, coordination and access to appropriate collection or referral arrangements for such waste. (4) Nothing in this Act shall be construed as conferring on the County Government a licensing, permitting or enforcement power reserved by written law to a national authority. (5) The department responsible for waste management shall, in collaboration with agricultural extension officers, relevant national agencies, agrochemical suppliers, producer responsibility organisations and farmer organisations, promote awareness and training on the safe handling and return of empty pesticide and other agrochemical containers. (6) Empty agrochemical containers shall not be reused for household, food, water or agricultural storage, burned, buried or placed in ordinary municipal waste. They shall be managed in accordance with applicable national law, product-label requirements and approved take-back or collection arrangements, including delivery to a designated collection point where provided.
Preparation and approval of the County Integrated Waste Management Plan	10 (1) The Executive Member shall coordinate the preparation of the County Integrated Solid Waste Management Plan, in consultation with the County Environment Committee, relevant County departments, national government agencies, affected stakeholders and members of the public. (2) The County Environment Committee shall provide technical and environmental oversight, review the proposed Plan and monitor its implementation in accordance with its lawful mandate. (3) The Plan shall be submitted for approval to the County Assembly authority in accordance with applicable law and shall be aligned with the County Integrated

	Development Plan and relevant national waste-management plans and legislation. (4) The Plan shall specify measurable targets, implementation responsibilities, timelines, resource requirements, financing arrangements and monitoring and reporting mechanisms. (5) The Plan shall be reviewed periodically and whenever necessary to respond to changes in waste-generation patterns, applicable law or implementation requirements, following appropriate stakeholder consultation. (6) The County Department responsible for waste management shall delineate waste-management service zones covering all sub-counties and wards and specify the service providers, collection routes and schedules, collection points, and reporting responsibilities for each zone. The zones shall be established through an appropriate lawful instrument and in accordance with applicable law. (7) The County Government shall establish and maintain an accessible public grievance-redress mechanism for receiving, recording, referring and tracking complaints relating to waste management and the waste management plans, and ensuring their resolution within prescribed timelines.
County Waste Management Information System	11. (1) The County Government shall establish and maintain a County Waste Management Information System for the collection, recording, storage, management, analysis and reporting of information necessary for the administration and enforcement of this Act. (2) The System shall contain information relating to:- (a) the registration, authorization and activities of waste-management service providers operating within the County; (b) the quantities, sources and composition of waste generated, collected, segregated, reused, recycled, composted, recovered, transported, treated and disposed of within the County; (c) the availability, accessibility, coverage and performance of waste-management services provided by the County Government and other service providers; (d) waste-management infrastructure, facilities and equipment, including their location, capacity and operational status; (e) compliance with this Act and other applicable written laws, including reported incidents and impacts relating to public health and the environment; and (f) any other information necessary for the effective planning, coordination, monitoring and regulation of waste management within the County. (3) The County Department responsible for waste management shall administer the System and ensure that information submitted to or maintained in the System is accurate, current and appropriately verified. (4) In administering the System, the department shall ensure the security, integrity and confidentiality of information and compliance with applicable requirements relating to data protection, access to information and records retention. (5) The County Government shall, in accordance with applicable written law, facilitate the sharing of relevant information with the National Environment Management Authority and other competent national authorities, including the national waste-management information system, where applicable. (6) The County Government shall publish periodic reports or summaries of waste-management information to promote transparency, public awareness and accountability, subject to applicable legal restrictions on disclosure.

Waste minimisation	**12.** Any owner or operator of a manufacturing or processing facility, plant or premises which generates waste shall implement a waste minimization programme by adopting cleaner production principles including— (i) improvement of production processes through conservation of raw materials and energy; (ii) eliminating the use of toxic raw materials; (iii) reducing toxic emissions and waste; (iv) monitoring the product cycle by— (a) identifying and eliminating potential negative impacts of the product; (b) enabling the recovery and reuse of the product; (c) reclamation and recycling; and (d) incorporating environmental concerns in the design process and disposal of a product.
Extended Producer Responsibility	13. (1) Extended producer responsibility obligations applicable to products and packaging placed on the market in the County shall be implemented in accordance with the Sustainable Waste Management Act, 2022, the Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024,, and any other applicable national law. (2) A producer shall establish or participate in a take-back or extended producer responsibility compliance scheme where required by national law. (3) The County Government shall support public awareness of lawful take-back arrangements and, where appropriate, coordinate with registered producer responsibility organisations, retailers, producer agents and other relevant stakeholders to improve public access to collection points. (4) Public awareness may include information on where and how to return eligible products and packaging, collection-centre locations, any applicable deposit or reward scheme, and safe handling requirements. (5) County arrangements under this section shall be consistent with NEMA's statutory functions and shall not authorize a person or entity to operate a national EPR scheme without the registration, approval or license required by national law.
PART V – WASTE COLLECTION AND TRANSPORTATION	

Responsibility of County Government to collect waste	**14.** (1) The County Government shall be responsible for the provision of solid waste collection services in County. (2) In undertaking the obligation set out in (1) above, the County Government may— (a) carry out waste collection services directly through its relevant department; or (b) contract a private person or entity to provide waste collection services on its behalf; or (c) enter into a public private partnership, in accordance with the Public Private Partnerships Act (No. 14 of 2021, Laws of Kenya), for provision of solid waste collection services; or (d) license a private person or entity to provide waste collection services on such terms and conditions as the department may determine. (3) The County Government shall provide clearly labeled and colour-coded waste collection containers or receptacles in all public streets, public markets and other open public places within the County, and shall collect and dispose of such waste in the manner prescribed under this Act or regulations thereunder.
Minimum requirements for waste collectors	15. (1) Waste collectors and personnel directly involved in collection, sorting, loading, transfer or transport shall be provided with and shall use appropriate personal protective equipment (PPE), tools and equipment suited to the waste stream and task. (2) The County Government, in collaboration with relevant national government agencies where their mandates apply, and the employer, contractor or licensee responsible for the work shall ensure, as applicable, that— (a) PPE is suitable, maintained, replaced when damaged and used correctly; (b) workers receive induction, task-specific training and information on hazards, hygiene, emergency response and safe handling; (c) suitable tools, lifting aids, containers, first-aid supplies and handwashing or sanitation facilities are available as appropriate to the task; and (d) incidents, injuries, spills and exposure events are recorded and reported as required by law. (3) Waste shall be handled to prevent spillage, scattering, injury and exposure. This section shall be read together with applicable occupational safety and health legislation and national waste-management regulations.
Establishment of waste collection points	16. (1) The County Government shall establish or designate accessible communal collection points for appropriate non-hazardous waste streams and shall publish collection schedules and service arrangements. (2) The department shall, in consultation with relevant national agencies, agrochemical suppliers, producer responsibility organisations and farmer representatives, identify or facilitate designated collection points or approved take-back arrangements for empty agrochemical containers and other hazardous or special waste streams. (3) A collection point shall have clear signage, access controls where necessary, safe storage arrangements, records and onward-transfer arrangements consistent with applicable law. Hazardous waste shall not be placed in a general communal collection point unless the point is specifically authorized and designed for that waste stream.

Waste collection	**17.** Every person or entity whose activities generate non-hazardous waste shall— (a) deposit such waste, after segregating, labeling and colour-coding as provided for under this Act at collection points established or designated by the County Government; or (b) hand over the waste to a service provider licensed or contracted by the County Government in accordance with the provisions of this Act.
Obligation of owners and occupiers of houses, buildings or premises	**18.** (1) Every owner or occupier of a house, building or premises shall ensure that any waste stored within their house, building or premises while awaiting collection is segregated and kept in properly labeled and colour coded waste receptacles or bins or containers or bags as provided for under this Act or regulations made thereunder. (2) An owner or occupier of a house, building or premises shall not place, cause or permit to be placed any waste in any public place or upon the frontage of any house, building or premises. (3) Notwithstanding the provision in subsection (2) above, it shall be lawful for an owner or occupier of a house, building or premises, to place such waste in properly labeled and colour coded waste receptacles or bins or containers or bags, at a location within or at the frontage of his house, building or premises to facilitate convenient collection of the waste by the County Government or licensed waste service providers on the designated waste collection day.
Obligation of waste generators	**19.** (1) Every person whose activities generate waste shall— (a) deposit such waste, after segregating, labeling and colour-coding as provided for under this Act at collection points established or designated by the County Government; or (b) hand over the waste to a service provider licensed or contracted by the County Government in accordance with the provisions of this Act or regulations made thereunder.
Obligation of waste service providers	20. (1) The County Government department and each licensed or contracted waste service provider shall collect and transport waste in accordance with the segregation requirements under this Act, national law, license conditions and the applicable service schedule. (2) Segregated waste streams shall not be mixed during collection, loading, transfer or transport. Compliance may be achieved through separate vehicles, separate trips, sealed and clearly labelled compartments, or separate containers that prevent contact or cross-contamination. (3) Each service provider shall maintain records of the waste stream, collection zone, quantity where practicable, date, destination and receiving facility, and shall provide such records to the department or competent authority when lawfully required. (4) Vehicles and other conveyances shall be suitable for the waste stream, secure loads and prevent spillage, scattering, leakage and nuisance. Hazardous waste shall be

	transported only in accordance with applicable national requirements and license conditions.
License to collect and transport waste	21. A person may collect or transport waste under a county contract, license or authorisation only where the person meets the requirements prescribed by this Act and county regulations, and holds any national license, permit or approval required for the relevant waste stream or activity.
PART VI – MATERIAL RECOVERY, RECYCLING AND COMPOSTING	
Establishment and operation of Material Recovery Facilities	22 (1) The County Government may, subject to approved plans, land-use requirements, technical and financial feasibility, availability of suitable land, and approvals required under applicable written law, establish or designate Material Recovery Facilities for the sorting and recovery of recyclable, reusable and compostable materials. (2) The County Government shall plan for at least one Material Recovery Facility, or an appropriately scaled and accessible material recovery arrangement, serving each sub-county. A facility or arrangement under this subsection may be established or operated by the County Government, through a lawful public-private partnership, by an appropriately authorized private operator, or in collaboration with an approved producer responsibility organisation, in accordance with applicable written law. (3) A Material Recovery Facility shall, in accordance with its approved design, applicable licenses and authorisations: - (a) receive and record waste streams permitted at the facility; (b) sort and recover recyclable and reusable materials; (c) direct suitable organic waste to composting or other authorized biological treatment; (d) safely store recovered materials pending their lawful onward transfer or processing; (e) maintain records of waste received, materials recovered and residual waste generated; (f) implement measures to prevent fires, litter, runoff, pollution, nuisance and risks to workers and the public; and (g) transfer residual waste to an authorized treatment or disposal facility. (4) A Material Recovery Facility shall not receive or process hazardous waste unless specifically authorized to do so under applicable written law. (5) The establishment and operation of a Material Recovery Facility shall comply with section 23 and all other applicable requirements relating to environmental assessment, licensing, environmental audits and pollution prevention.
Environmental Assessment and Approvals	23 (1) A person or entity proposing to establish, expand or modify a waste-management facility or undertake a waste-management activity for which an environmental assessment, environmental impact assessment license or other environmental approval is required shall comply with the Environmental Management and Co-ordination Act, 1999, the Sustainable Waste Management Act, 2022, and all applicable regulations.

	(2) Where the County Government is the project proponent, it shall ensure that the required environmental assessment is undertaken and the necessary approvals obtained before commencing the relevant project or activity. (3) Where a private person or entity is the project proponent, that person or entity shall be responsible for obtaining the applicable environmental approvals, without prejudice to the County Government's lawful planning, public health, land-use and service-delivery functions. (4) A county license, permit, designation or approval shall not replace or be construed as satisfying a license, permit or approval required from the National Environment Management Authority or another competent authority under written law. (5) Every person or entity undertaking a project or activity subject to environmental assessment or approval under written law shall comply with the applicable assessment conditions, license conditions, environmental audit requirements and other statutory obligations.
Environmental Audits for material recovery facilities	**24**. The County Government and any private person or enterprise or Producer Responsibility Organization operating a Material Recovery Facility shall carry out annual Environmental Audits and submit the same to the Authority in accordance with the provisions of the Environmental Management and Co-ordination Act (No. 8 of 1999) and regulations made thereunder.
Obligation to channel waste through Material Recovery Facilities	**25.** All waste service providers and Producer Responsibility Organizations operating within the County shall ensure that all waste collected, transported and/or handled by them after collection, other than hazardous waste, is first channeled through a Material Recovery Facility before final processing and/or disposal.
Access to materials	**26.** Any person may obtain recyclable, re-usable or compostable materials from a Material Recovery Facility at the prevailing market price or upon such terms or conditions as may be prescribed by any regulations made under this Act or any other written law.
Compliance with Act	**27.** The County Government and/or any private person or enterprise or Producer Responsibility Organization licensed to establish and/or operate a Material Recovery Facility shall ensure that all activities related to such establishment or operation comply with the provisions of this Act and any other written law.

License to establish or operate recycling or composting plants	**28.** (1) No person or entity shall establish or operate a waste recycling or composting plant or facility within the County without a license issued by the County Government in accordance with this Act. (2) The County Government shall not issue a license under subsection (1) unless the applicant has obtained the environmental licenses and approvals required under section 23 and other applicable written law.
Environmental Audits for waste recycling and composting plants	**29.** Every person or entity operating a waste recycling or composting plant or facility shall carry out annual Environmental Audits and submit the same to the Authority in accordance with the provisions of the Environmental Management and Co-ordination Act (No. 8 of 1999, Laws of Kenya) and regulations made thereunder.
PART VII – WASTE DISPOSAL	
Prohibition of waste disposal in non-designated places	30. No person shall dispose of any solid waste in any public or private place except in a designated waste receptacle or disposal facility.
Obligations to deliver waste to designated disposal facilities	31. (1) The County Government and each licensed or contracted waste service provider shall deliver collected waste to a designated and authorized facility appropriate for the relevant waste stream, in accordance with this Act, national law, license conditions and applicable regulations. (2) A person who fails to handle or manage waste in accordance with this Act or applicable regulations commits an offence and is liable to the penalty expressly prescribed by this Act or other applicable written law; where no specific penalty is prescribed, section 40 applies, subject to legal review of that provision.
Obligation of County Government to provide waste disposal facilities	32. (1) The County Government shall plan for authorized waste treatment and disposal facilities that are reasonably accessible across the County, including arrangements serving each sub-county, subject to technical feasibility, land-use planning, public participation, environmental assessment, budget availability and all approvals required by law. (2) Waste shall be delivered only to the designated facility authorized to receive the relevant waste stream. The County Government shall publish the location, operating hours, access conditions, applicable fees approved by law and waste streams accepted at each facility. (3) The County Government may, in accordance with applicable law— (a) stablish, operate or designate a county facility; (b) ontract or enter into a lawful public-private arrangement for the establishment or operation of a facility; or (c) uthorise a competent private operator to provide a service, subject to all required county and national approvals. (4) County regulations may prescribe procedures for the use of designated sub-county disposal facilities, including access control, weighing or recording, tipping procedures,

	fees lawfully approved, prohibited waste streams, inspection, record keeping and enforcement. No provision shall require delivery to a facility that is not authorized or suitable for the relevant waste stream. (5) Waste may be transported outside the County only in accordance with applicable national law and any lawful inter-county arrangement or approval required for that movement.
Incinerators	33. (1) The County Government may provide for or authorize the incineration of waste only at a facility that is duly authorized and operated in accordance with the Environmental Management and Co-ordination Act, the Sustainable Waste Management Act, applicable national regulations and any other written law. (2) A person shall not establish or operate a waste incineration facility without obtaining all required environmental approvals, licenses and permits from the competent authorities. (3) An incineration facility shall use appropriate technology and pollution-control systems, and shall be operated and maintained to prevent or minimise emissions, nuisance, risks to public health and contamination of air, land and water. (4) Waste shall not be incinerated in the open air or in an unauthorized facility. Hazardous, medical or other specially regulated waste shall be incinerated only where expressly permitted and in accordance with the applicable national standards and handling requirements. (5) The operator of an incineration facility shall maintain records of the types and quantities of waste received and incinerated, monitor emissions as required by law, safely manage and dispose of ash and other residues at an authorized facility, and submit such reports as may be required by the County Government or the Authority. (6) The County Government shall promote waste prevention, reuse, recycling and recovery before incineration, and incineration shall not be used to undermine source segregation or material recovery obligations under this Act. (7) Any person, company, organisation, partnership or other legal entity that operates an incinerator in contravention of the prescribed incineration or emission standards commits an offence and shall, upon conviction, be liable to a fine not exceeding four million Kenya shillings (KSh 4,000,000), imprisonment for a term not exceeding four (4) years, or both, in accordance with the applicable national law. (8) Where the offence is committed by a body corporate or partnership, the liability of the body corporate or partnership and any director, officer or partner shall be determined in accordance with the applicable written law.
Environmental Compliance for waste disposal facilities	34. (1) The County Government shall ensure that a waste-disposal facility established, operated or designated under this Act is located, developed and operated in accordance with applicable land-use planning requirements, environmental laws, public health standards and approvals issued by competent authorities. (2) A person or entity operating a waste-disposal facility shall comply with the conditions of all applicable licenses, permits and environmental approvals, and shall implement measures to prevent or minimise pollution, environmental degradation and risks to public health.

	(3) The County Government shall monitor compliance with this section within its lawful mandate and shall refer any matter falling within the jurisdiction of a competent national authority to that authority for appropriate action.
Environmental Audits for waste disposal facilities	35. The County Government and any private person or entity operating a waste disposal facility shall carry out annual Environmental Audits and submit the same to the Authority in accordance with the provisions of the Environmental Management and Co-ordination Act (No. 8 of 1999) and regulations made thereunder.
PART VIII – FINANCIAL PROVISIONS	
Fees, levies and charges, licenses	36. (1) The County Government may impose and collect fees or charges for waste-management services, licenses, permits or facilities only where authorized by written law and in accordance with the applicable County finance and revenue legislation. (2) Any proposed fee or charge shall be supported by a published schedule specifying the service or activity to which it relates, the person liable to pay, the applicable rate, the payment procedure and any applicable exemptions or relief. (3) A fee or charge shall not be imposed or varied except through the applicable lawful approval process, including approval by the County Assembly where required by law. (4) All revenue collected under this Act shall be receipted, accounted for and applied in accordance with the Public Finance Management Act and applicable County financial legislation. (5) Nothing in this section authorizes the imposition of a tax, levy or charge contrary to the Constitution or any other written law.
Incentives for waste management	37. The Executive Committee Member may, in consultation with the Executive Committee Member for the time being responsible for the County and relevant stakeholders, and with the approval of the County Assembly, introduce fiscal incentives— (a) for investment in sustainable waste management including waste collection, separation, treatment, processing, recovery and sanitary final disposal of waste; and (b) for adoption of locally produced and/or imported sustainable waste management equipment and materials including collection machines, equipment for recycling, composting, transporting and waste compacting.
PART IX – REGULATIONS	
Power to make Regulations	38. (1) The Executive Member may, in consultation with relevant stakeholders and subject to the approval of the County Assembly, make regulations for the administration and implementation of this Act. (2) Regulations may provide for:- (a) matters required to be prescribed under this Act; (b) county fees, levies or charges lawfully authorized for waste services; (c) segregation, storage and handling of waste at source; (d) collection points, schedules, routes and service zones;

	(e) transport, loading, transfer and documentation of segregated waste streams; (f) registration or county authorization of service providers, only to the extent permitted by national law; (g) establishment and operation of MRFs, recycling and composting facilities; (h) designated disposal facilities, access rules, tipping procedures and records; (i) PPE, tools, training and occupational safety requirements, without derogating from national law; (j) designated collection and take-back arrangements for empty agrochemical containers and other special waste streams; (k) data management, monitoring, public reporting and grievance redress; and (l) any other matter within the County Government's lawful competence necessary to implement this Act. (3) Nothing in regulations made under this section shall amend, displace or duplicate a national license, permit, standard or enforcement power established by written law.
PART X – OFFENCES AND PENALTIES	
Offences where penalty is prescribed	39. Any person who contravenes any provision of this Act or regulations made thereunder commits an offence and shall, upon conviction by a court of law, be liable to such fine or term of imprisonment as is prescribed by the relevant section of the Act or regulations.
General penalty	40. (1) A person who commits an offence under this Act for which no specific penalty is provided commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both. (2) Where a specific penalty is prescribed for an offence under this Act, that specific penalty shall apply. Nothing in this section limits any additional civil, administrative or other liability lawfully arising under applicable written law.

Liability for offences	41. (1) Where an offence is committed against the provisions this Act or regulations made thereunder by a body corporate, the body corporate and every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act or regulations made thereunder, shall be guilty of an offence (2) Where an offence is committed against the provisions this Act or regulations made thereunder by a partnership, every partner or officer of the partnership who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act or regulations made thereunder, commits an offence. (3) A person shall be personally liable for an offence against this Act or regulations made thereunder, whether committed by him on his own account or as an agent or servant of another person. (4) An employer or principal shall be liable for an offence committed by an employee or agent against the provisions of this Act or regulations made thereunder, unless the employer or principal proves that the offence was committed against his express or standing directions.
PART XI – MISCELLANEOUS PROVISIONS	
Public Participation	42. Any decision or action requiring public participation under this Act shall be made or conducted in accordance with the principles set out in the Second Schedule of the Sustainable Waste Management Act (No. 31 of 2022, Laws of Kenya)
Access to information	43. (1) The department shall maintain records relating to waste management in the County and shall protect personal, commercially confidential and otherwise restricted information in accordance with the Constitution and applicable access-to-information and data-protection laws. (2) Subject to subsection (1), any person may request access to county waste-management records in accordance with the law on access to information. (3) The department shall establish and publicise accessible channels for complaints and grievances relating to waste-management services, including in-person, telephone and electronic channels where practicable. (4) The department shall maintain a grievance register recording the date, issue, referral, action taken, response and closure status; acknowledge and address complaints within prescribed or published timelines; and refer matters falling within another authority's mandate to that authority. (5) The grievance mechanism shall not limit a person's right to approach, another competent authority, a court or tribunal, or any other lawful dispute-resolution mechanism.

Conflict of Interest	44. (1) A County Government officer or member of a County entity shall not use that office or position to obtain an improper private benefit in connection with a waste-management transaction or decision. (2) A person participating in a meeting or decision under this Act shall, as soon as reasonably practicable, disclose any direct or indirect personal interest in the matter under consideration and shall not participate in deliberation or decision-making on that matter except as permitted by law. (3) A declaration of interest shall be recorded in the minutes or other official record of the meeting or decision. (4) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both. This is without prejudice to any disciplinary, civil or other liability arising under any other applicable written law.
Dispute resolution	45. The department shall, in consultation with relevant stakeholders, publish administrative guidelines for accessible alternative dispute resolution of disputes arising from waste-management services under this Act.