



# GREEN HUMMINGBIRD CLIMATE ACTION INITIATIVE

## PETITION

31st January 2025

To:

1. Office of the Governor

Nairobi City County

Nairobi City Hall

City Hall Way

P.O Box 30075-00100

NAIROBI

2. The Speaker

Nairobi City County Assembly

P.O. Box: 45844 – 00100

City Hall, City Hall Way

NAIROBI

3. Department Of Public Health and Environment

Nairobi City County

Nairobi City Hall

City Hall Way

P.O Box 30075-00100

NAIROBI

4. The Chairperson

Nairobi River Commission

Weight & Measures Building, Block B, South C, Off Popo Road

P.O.BOX 15291-00100

NAIROBI







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RE: PETITION TO PRIORITISE TREE PLANTING ALONG THE RUAI SEWERLINE TO BOOST PUBLIC HEALTH AND REDUCE ADVERSE EFFECTS OF METHANE GAS EMISSION

## Introduction

The Green Humming Bird initiative is committed to addressing climate change through policy advocacy, conservation projects, renewable energy initiatives. As part of our mandate we are running various sustainability initiatives across the country and engage various stakeholders on climate policies at both local and international level all aimed at increasing awareness, accelerating implementation of policies and driving climate action.

At the core of our values and vision is environmental policy, sustainable development, climate action and believe Children inclusion in climate change and environmental programmes beneficial and key in driving the climate change agenda.

Some of our partners include the Kenya Scouts Association and the National Environmental Management Authority.

## Brief Background:

Article 42 of the Constitution of Kenya, 2010, guarantees every person the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69 of the Constitution of Kenya, 2010, and to have obligations relating to the environment fulfilled under Article 70 of the Constitution of Kenya, 2010.

To this end, under Article 186 of the Constitution of Kenya 2010, the functions and powers of the County Governments are as set out in part II fourth schedule to the Constitution, which include in paragraph 2, county health services including refuse removal, refuse dumps and solid waste disposal, in paragraph 3 control of air pollution, noise pollution, other public nuisances and outdoor advertising, and in paragraph 10, implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation.

There are, therefore, clear duties with respect to environmental protection which were imposed on the Nairobi City County Government and its predecessor.

## About the Ruai Sewage Plant:

The Ruai Sewage Plant, also known as the Dandora Estate Sewerage Treatment Plant, ("the Sewage Plant") began its operation in the year 1978 and sits on a five-thousand (5, 000.00) acre property in Nairobi. The Sewage Plant is responsible for managing the wastewater in the County of Nairobi.

Over the years, there have been concerns about the massive pollution problem posed by the Sewage Plant. The Sewage Plant has been responsible for the release of harmful gases including carbon dioxide, carbon monoxide, volatile organic compounds, and hydrogen sulfide, which have caused immense trouble and suffering for the residents due to the horrid smell.





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There, also, have been reports of adverse effects on the residents' health with reports of respiratory illnesses such as respiratory acidosis, asthma, bronchitis, high blood pressure, chest pains, and neurological and cognitive issues linked to the emissions from the Sewer Plant.

The reports of environmental pollution have been the subject of a report dated 28th September 2016 by the Sectoral Committee on Water and Sanitation of the Nairobi City County Assembly christened "The Ruai Report".

The Report concludes that there is a massive pollution problem posed by the Sewage Plant and makes sweeping recommendations which, sadly, have not seen the light of day.

## Challenges of gas released by dumpsites and sewer:

1. Dumpsite releases gas known as dioxins that causes respiratory diseases such as acidosis, asthma, bronchitis, high blood pressure, chest pains, and neurological and cognitive issues.
2. Dumpsites also releases Sulphur dioxide and hydrogen sulfide which when combined forms Sulfuric acid which then results to rust corrosion and irritates the nose and throat and cause breathing difficulties if inhaled. The corrosive nature of some of these gases has also caused damage to property, including corroding roofs and metallic surfaces.
3. Sulfuric acid has negative effects to the skin and can cause skin diseases.
4. Dumpsites also releases ammonia gas. When ammonia and methane gas is mixed up, it causes methane gas which causes unnecessary fires in the dumpsite, and its smoke causes climate change though global warming.
5. This smoke also forms clouds and when it rains, the water causes damage to the soil which is consumed by plants which are then consumed by human beings leading to diseases.
6. The gas also causes corrosion to the metallic objects, thus even huge infrastructure build using metals are at risk.
7. Kenya does not have sanitary dumpsites. This requires after every layer of dumping; the waste is covered with soil to avoid gas emissions.
8. Sewer plants releases methane gas freely. This methane gas has health effects and is hazardous. Can cause fire within the surrounding areas leading to losses.
9. Waste management is not being prioritized by county governments and political leadership because it does not have direct political capital benefits.





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## Proposed Solutions:

Article 69 of the Constitution of Kenya, 2010 embodies the shift that has occurred over the years in the regulation of the environment, from the reactive provision of remedies for environmental pollution to more proactive provisions of standards and preventative measures designed to reduce or eliminate the risk of environmental damage.

In particular, Article 69 of the Constitution of Kenya, 2010, embodies the principle of sustainable development which attempts to reconcile the conflicting demands of economic development and environmental protection so as to ensure that the benefit of any development outweighs its costs, including costs to the environment.

The diverse and complex nature of the environment, and of the causes and extent of its pollution and degradation requires a broad range of regulatory tools and mechanisms.

In this respect, the typical regulatory process involves the establishing the general policies on the environment, setting standards or specific policies in relation to the environmental issue concerned, applying these standards and policies to individual situations, normally through some licensing system, enforcing standards and permissions through administrative and criminal sanctions, providing information about the environment and the regulatory process itself, and using mechanisms to monitor and improve the regulatory system.

To this end, our proposals are as follows:

- Decomposing waste such as market produce should not be taken to dumpsites but rather it should be decomposed to make fertilizer which then can be used for farming. – action plan - Appeal to county government to make laws that require all market produce waste not to be taken to dumpsites.
- Food leftovers take part in gas emissions in the dumpsite. They should be recycled or consumed by animals such as pigs. – Action plan- to make laws that compel hotel owners not to dump food waste at the dumpsite.
- There should be minimal waste to be dumped at the dumpsite and it should only be limited to waste that cannot be recycled. Government has not shown keen interest in enforcing recycling laws because it collects money at the dumpsites. Action plan – There should be laws that enforce recycling to minimize dumping. There should also be materials sorting facilities which can be enforced through strict laws and guidelines.
- At the sewer plant, there should be an on-site waste management technology. This would involve coming up with a technology that stops sewer plants from releasing methane gas.
- The methane gas produced by sewer plants can be contained and captured to be used for home consumption, or otherwise, there should be developed a commercial system for producing electricity. – Action plan – there should be a policy/law that compels the county government to establish these systems and make them effective.





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- Solid and liquid waste management is a role under the county governments. Only 16 out of 47 counties have attempted to establish sewage systems. County funds should be prioritized in waste management to reduce on climate change through hazardous gas emissions.
- Counties should commit, through law, funds for sanitary dumping technology in the counties. The technologies are available in countries where Kenya's political leadership goes for waste management benchmarking.

SIGNED .....

JAMES GITUNDU

CHAIR - THE GREEN HUMMING BIRD INITIATIVE

SIGNED .....

ALICE WANJIRU MUBIA

THE GREEN HUMMING BIRD INITIATIVE

Witnessed by:

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M. REGINALD MWORIA

ADVOCATE OF THE HIGH COURT OF KENYA

Practice Number: LSK/2025/005446