



MEMO

To : **The Speaker**
Thro': The Clerk
From: Director Committee Services
Date : 17th February, 2016

*Hon. Speaker
You may approve
for tabling.
18/02/16*

SUBJECT: REPORT ON THE FACT FINDING VISIT BY THE SENATE STANDING COMMITTEE ON ENERGY REGARDING KENYA PIPELINE COMPANY OIL SPILLAGE INTO RIVER THANGE, KIBWEZI, MAKUENI COUNTY.

Mr. Speaker Sir, the Standing Committee on Energy conducted a fact finding visit to river Thange in Kibwezi, Makueni County on 19th November, 2015 regarding the Kenya Pipeline Company oil spillage into the river. This was pursuant to a resolution of the Plenary Session of the Senate held on 3rd November, 2015 following a statement sought by Sen. Mutula Kilonzo Jnr. on 21st October, 2015. The Committee has since compiled and adopted its report.

Mr. Speaker Sir, this is to forward, for your information and seek your approval for tabling of the report pursuant to Standing Order 203.

S.N Njuguna

Clerk

Approves
[Signature]
23/2/16



REPUBLIC OF KENYA



PARLIAMENT
THE SENATE

Rt. Hon. Speaker
You may approve
for tabling.
[Signature]
18/02/16

ELEVENTH PARLIAMENT – FOURTH SESSION

STANDING COMMITTEE ON ENERGY

REPORT OF THE FACT- FINDING VISIT TO KIBWEZI, MAKUENI COUNTY ON
THE MATTER OF STATEMENT SOUGHT ON THE KENYA PIPELINE
COMPANY OIL SPILLAGE INTO RIVER THANGE ON 19TH NOVEMBER, 2015

Clerks Chambers
Parliament Buildings
Nairobi

February, 2016

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ACRONYMS

ERO	: Environmental Restoration Order
KIRDI	: Kenya Industrial Research and Development Institute
KPC	: Kenya Pipeline Company
LDS	: Leak Detection System
NEMA	: National Environmental Management Authority
SGS	: Societe Generale de Surveillance
WARMA	: Water Resource Management Authority

PREFACE

Mr. Speaker Sir,

On behalf of the Members of the Standing Committee on Energy, I hereby present to this House a report of the fact finding visit to river Thange in Kibwezi East Sub- County, Makueni County that was undertaken on 19th November, 2015.

Mr. Speaker Sir,

The Standing Committee on Energy is established pursuant to Standing Order No. 208 and is mandated under the Second Schedule of the Senate Standing Orders, to consider all matters related to fossil fuels exploration, development, production, maintenance and regulation of energy.

In executing its mandate, the Committee oversees the Ministry of Energy and Petroleum.

Mr. Speaker Sir,

The Committee on Energy was constituted by the House on Thursday 13th March, 2014 during the Second Session of the Eleventh (11th) Parliament and as currently constituted, comprises the following Members:

- | | |
|--------------------------------|------------------------|
| 1. Sen. Gideon K. Moi, MP | -Chairman |
| 2. Sen. Danson Mwazo, MP | -Vice- Chairman |
| 3. Sen. Kiraitu Murungi, MP | - Member |
| 4. Sen. Abu Chiaba, MP | - Member |
| 5. Sen. David Musila, MP | - Member |
| 6. Sen. Elizabeth Ongoro, MP | - Member |
| 7. Sen. Kimani Wamantangi, MP | - Member |
| 8. Sen. John Munyes, MP | - Member |
| 9. Sen. Kipchumba Murkomen, MP | - Member |

The visit was pursuant to a resolution of the Plenary Session of the Senate held on 3rd November, 2015 following a statement requested by Sen. Mutula Kilonzo Junior, regarding Kenya Pipeline Company oil spillage into river Thange.

The following Senators comprised the delegation that undertook the fact-finding visit to river Thange.

- | | |
|-------------------------------|---|
| 1. Sen. Gideon Moi, MP | -Chairman and Leader of Delegation |
| 2. Sen. David Musila, MP | -Member |
| 3. Sen. Kimani Wamantangi, MP | -Member |

The Committee was accompanied by Sen. Mutula Kilonzo Junior, MP, Senator for Makueni County.

SUMMARY OF THE FINDINGS

The Committee assessed the extent of the oil spillage along river Thange and further inspected school farms, boreholes, wells and the school water pump.

It was established that:

- 1) Huge quantities of petroleum oil product spilled into river Thange following oil leakage from Kenya Pipeline Company on 12th May, 2015;
- 2) Large amounts of petroleum products soaked into the ground leading to accumulation in the underground soil. Consequently, the waters of the river including community borehole had doses of oil indicated by shiny layers, choking fumes and pink colour of petrol;
- 3) There were complaints from residents of pneumonia, skin irritation and stomach pains which are associated with polluted water. The Ministry of Health, Makueni County was conducting tests on samples for ascertaining chances and possibility of lead poisoning;
- 4) The oil spillage was an environmental disaster which required attention of County and National Governments.

SUMMARY OF THE RECOMMENDATIONS

From the findings of the visit, the Committee recommends as follows: That;

- 1) The National Environmental Management Authority (NEMA) issues Environmental Restoration Order within one(1) week of the visit, to Kenya Pipeline Company to restore the environment to the original hydrological characteristics;
- 2) Ministry of Health carries out free and accessible medical screening and healthcare and undertake comprehensive testing for all residents and students for possible lead poisoning;
- 3) The Senate engages an independent expert besides those engaged by KPC to evaluate the extent of the pollution and to carry out an environmental, social and economic impact assessment of the oil spill, and
- 4) Kenya Pipeline Company compensates residents for the loss of their livelihoods and their environment and to further ensure reliable supply of water to the residents and the affected schools.

ACKNOWLEDGEMENTS

The Committee wishes to sincerely thank the offices of the Speaker and the Clerk of the Senate for the logistical and technical support accorded to it. Special thanks to the Ministry of Energy and Petroleum, Kenya Pipeline Company (KPC), National Environmental Management Authority (NEMA), Water Resource Management Authority (WARMA), Deputy County Commissioner, Kibwezi East sub-County and the residents of Thange for presenting their views during the sessions.

I also thank Members of the Standing Committee on Energy for their patience, endurance and hard work in their endeavor to address the concerns raised in the statement on the oil spillage.

Mr. Speaker, Sir,

On behalf of the Committee, I now have the honour and pleasure to present the report and its recommendations to the House for adoption.

Thank You,

Signed



CHAIRPERSON

(SEN. GIDEON K. MOI, MP,)

Date:

16th February, 2016

INTRODUCTION AND BACKGROUND

Mr. Speaker, Sir,

Standing Order 45 (2) (b) of the Senate provides that a Senator may request for a statement from a Committee Chairperson relating to matters under the mandate of the Committee. Pursuant to this provision, at the sitting of the Senate held on Wednesday, 21st October, 2015, Sen. Mutula Kilonzo Junior, M.P, requested for a statement from the Chairperson of the Senate Standing Committee on Energy regarding Kenya Pipeline oil spillage into river Thange in Makueni County.

In the statement, the Senator sought the following information:

- a) State the date the leakage commenced;
- b) explain the cause of the spillage;
- c) state the reason why the said leakage has not been stopped/ repaired;
- d) state whether the National Environment Authority was notified of the incidence;
- e) state whether an environmental impact assessment has been conducted on underground water by the National Environment Authority;
- f) explain the remedial actions taken to address the leakage;
- g) whether there is any mechanism the Kenya Pipeline Company has set up to deal with oil leakage and emergencies that arise out of such leakage in Makueni County, particularly along the pipeline; and,
- h) State the remedial action taken on the underground water and the cleaning of the river.

On 19th November, 2015, the Standing Committee on Energy undertook a fact finding visit to river Thange, following a resolution of the Plenary of the Senate Session held on 3rd November, 2015.

The purpose of the visit was to establish the extent of the spillage and assess its impact and the measures to restore the environment. The Committee received presentations from stakeholders and the Community as follows;

PRESENTATION MADE BY STAKEHOLDERS AND MEMBERS OF THE COMMUNITY DURING THE VISIT

Thange Community

Mr. John Mukai on behalf of Thange Community informed the Committee that;

- i. The oil spillage into the river Thange occurred at Kenya Pipeline Company's oil pipeline,

where the pipeline crosses River Thange Kinyambu Township in Kibwezi East, Makueni County.

- ii. The first spillage was noticed by residents and reported on 15th May, 2015 at 6.00pm.
- iii. The second spill was noticed and reported by residents of Thange on Friday, 12th June, 2015 and occurred about 500 metres from the spill point.
- iv. There were concerns by the community that the river water that they normally use for domestic and irrigation purposes was heavily contaminated with oil.
- v. Upon scooping some sand from the river bank, the residents noticed that oil rather than water collected and filled the scooped hole. They then immediately informed the area chief who initiated a security build-up at the scene and informed KPC (Kenya pipeline Company Limited) of the occurrence.

Until the oil spillage, Thange location was one of the most agriculturally productive areas of Kibwezi East Sub-county, Makueni County. Residents grew maize, tomatoes, kale, pawpaw, sweet potatoes, cow peas and water melons under furrow irrigation using water from the river whose source is the nearby Chyulu Hills;

- vi. As a result, water has become acidic and the soils barren and the farmers are now destitute, appealing for relief food and water.
Some residents sought for alternative settlement area to pursue their livelihoods;

The Committee further heard that;

- i. The Ministry of Agriculture had advised local residents not to consume any of the yields produced using the contaminated water;
- ii. For the previous four months, residents had not taken any of their agricultural produce to the market and significantly impacted on their livelihoods have been affected;
- iii. Even though Kenya Pipeline Company is currently supplying 100,000 litres of water per week for use by residents and the schools, residents demand a sustainable source of water;
- iv. There were reported incidences of sicknesses due to the possibility of lead poisoning. Further, male residents were concerned with reports that the pollutant could cause possible cases of impotence as a result of the petroleum poisoning;
- v. Residents were considering pursuing legal action against KPC for the abnormally long period taken to repair the leaks and the pollution of both surface and groundwater.

Head Teacher, Thange Secondary School

The Head Teacher, St. Peter's Thange Secondary School, Mr. Simon Warui informed the Committee that;

- a) The school is a mixed Secondary school with a population of 200 students, 12 teachers and 10 support staff;
- b) River Thange passes through the school and is the main source of water for irrigating the school farm where Kales, spinach, dhaniah and tomatoes are grown for daily consumption by the school.
These agricultural activities support the school whenever fees payments by students from poor families become a challenge;
- c) The School has a borehole that also serves the nearby community as the sole source of water for domestic use. The borehole, which is the school's source of water was contaminated and declared unfit for consumption and has since been closed;
- d) The oil spillage was reported in August, 2015 but the students discovered traces of oil in the water that was being fetched in September, 2015 and immediately the relevant bodies were informed of the occurrence;
- e) Kenya Pipeline Company officers visited the school and conducted an assessment of the pollution and subsequently undertook to supply an alternative source of drinking water. Two tankers of water were supplied from KIMAWASCO;
- f) There have been consistent health complains such as chest and stomach pains, headache and dizziness, loss of appetite, irritation of the nose and throat by some teachers, students and support staff. The symptoms are associated with the pollutant.
- g) He appealed to both County and National governments respectively, for urgent medical examination and remedial measures on cases of lead poisoning and petroleum intoxication;

Kenya Pipeline Company

The acting Managing Director of the Kenya Pipeline Company (KPC) Mrs. Flora Okoth informed the Committee as follows; that;

1. Kenya Pipeline Company Limited receives, transports, stores and distributes refined petroleum products from coastal regions to the hinterland and neighboring countries. The products are transported via a cross country pipeline designed to international standards and traverse the countryside with various features;
2. On 12th May, 2015, it was reported that there was evidence of petroleum products leak along the Mombasa- Nairobi pipeline, near Thange River in Makueni County. This was reported to KPC's Nairobi Terminal Control Center;
3. Equipment was mobilized to the site to arrest the situation included two excavators, low loaders, two bridgers for collection of product, welding generators, a fire tender, portable pumps and tanks and gas testers. Pipeline repair materials including temporary clamps, leak defect repair metallic sleeves, welding rods and primers were moved to site.
4. Upon confirming the presence of petroleum products in the seasonal river Thange, KPC undertook steps to contain the oil using a boom which allowed for skimming out of the

oil. Oil free water was then pumped by KPC from lower levels for purposes of irrigating the crops nearby;

5. The leak point was identified at km 256 and the pipe section. It was further established that the spill was emanating from corrosion and a 2-inch crack on the pipeline. Over 324,000 litres of petroleum products had been spilled;
6. Upon commencement of rains in June 2015, water percolated underground and subsequently, traces of petroleum products were found in the environment due to the increased volume of surface water, because the density of petroleum is lower than that of water;
7. The recovery of petroleum products has continued from the first day of the spillage and the amount recovered on a daily basis has been steadily declining.

Engagement with the Local Community

8. A few days after the spillage was discovered, the local community officially complained in form of a letter through a community representative Mr. John Mikai;
The letter stated details on how the livelihoods of the residents had been affected. This triggered regular engagements with the community in resolving their concerns;
9. On 6th November, 2015 , a taskforce consisting of the local Community, Kenya Pipeline Company, Deputy County Commissioner , the County Government and the office of the Member of Parliament, Kibwezi East Constituency was formed with a mandate of evaluating the nature and level of the spillage and come up with mitigation action plan;
10. Several meetings have been held between KPC, the task force, Thange community and leaders during which residents made presentations on the adverse impact of the oil spillage to human, livestock and aquatic life;
11. The basis of these engagements was to determine sustainable solutions to address the spillage and minimize adverse impact to the local community.

Role of Authorities and External Agencies

12. KPC has collaborated with NEMA in the Environmental remediation assessment of affected areas including the tracking of the pace of degradation of the hydrocarbons informed of the product pipeline leakage and subsequent remedial action taken to date. NEMA's terms of reference entail:
 - i) Establishing the point where and when the pipeline was leaking; containing the leak and subsequent repair of the pipeline.
 - ii) Mitigating any effects to persons and environment that may have been caused by the spillage.
 - iii) Carrying out environmental remediation on the affected soils and water.

13. KPC had contracted Societe Generale de Surveillance (SGS) an internationally renowned independent inspector, to conduct appraisal of the affected area for purposes of informed and conclusive bio-remediation work to restore the environment.
14. Preliminary results received SGS indicate levels of hydrocarbon in the borehole water ranging from 4.33 mg/l to 29.19mg/l. More testing of the water was ongoing establish the strategy for clean up or alternative water supply options, and
15. KPC is also in discussion Davis and Shirtliff to carry out preliminary site investigations for an alternative bore hole to provide the locals with alternative sources of water for domestic use and for irrigation of crops.

The Managing Director further informed the Committee of the following remedial actions taken to address the leakage:

- (a) KPC isolated the water that has petroleum product from the main river flow in order to provide water that is free from product to the local community for crop irrigation and for livestock use. This was done by skimming petroleum product floating on the river, and pumping over the lower levels of water that are petroleum free;
- (b) KPC has provided alternative clean water to two schools and the community affected. Kenya Pipeline Company is currently supplying 100,000 litres of water per week for use by residents and the schools;
- (c) Following completion of the repair works to the line, KPC embarked on Bio-remediation work on the area immediately next to the pipeline and is continuing to restore the soil plus underground and surface water impacted by the petroleum product;
- (d) Removal of product from the shallow water wells in the area is ongoing. Quantities being recovered have considerably reduced on a daily basis, thereby giving indication that this is a finite amount of product that found its way underground. The nature of the porous rock below the top soil facilitated the movement of the product underground;
- (e) KPC has contracted Societe Generate de. Surveillance (SGS), a NEMA approved company providing inspection, verification, testing and certification services to map out the extent of petroleum spread to form the basis of a comprehensive cleanup and restoration exercise;
- (f) KPC has a Leak Detection System (LDS) for all its pipelines for detection of leaks based on the threshold leakage rate. A modern LDS will be installed with the new line for better accuracy in detection.

Way Forward for Kenya Pipeline Company

The Managing Director assured the Committee and the Community that;

1. KPC will undertake environmental restoration through bioremediation processes to clean the soils and the exercise is being done in consultation with National Environmental Management Authority (NEMA).

2. KPC will provide clean water to the affected schools and the community pending restoration of the water to the pre-petroleum products spillage status.
3. The company will review additional requests made by the local community including conducting medical tests and provide a feedback;
4. On issues of compensation to the community, an insurance loss adjuster/investigator had visited the site in order to prepare a report. The local were requested to facilitate proper documentation of those that were affected and the resultant impact.
5. KPC will carry out continuous maintenance of the pipeline pending its replacement by the end of the year 2016. This will ensure continued security of supply while mitigating further petroleum products spillages and the resultant environmental impact.

The National Environmental Management Authority (NEMA)

The Compliance and Enforcement Officer, NEMA explained that;

- 1) NEMA had issued an inspection notice to KPC indicating that there was pollution on the underground water and required KPC to give NEMA detailed information on the spillage;
- 2) The spillage was from a government facility which was protected and NEMA could only get official information from KPC on when the spillage actually began.
- 3) Before the process of bioremediation on the soils around the pipeline, the first action was to prevent further leakage. However, full environmental clean-up efforts could only be done once repair of the pipeline was completed;
- 4) NEMA's roles included environmental remediation assessment of affected areas and tracking of the pace of degradation of the hydrocarbons;
- 5) The Committee was further informed that NEMA was committed to examine the following areas to assess the extent of environmental remediation:;
 - (a) Underground water;
 - (b) Soils along the banks and the bed of the surface river and any other soils impacted by petroleum products;
 - (c) Surface river water (this is a seasonal river, which had dried up at the time of writing this report), and ;
 - (d) NEMA was notified of the incident on 19th June 2016 and preliminary its findings entailed the following:
 - i. Establishing the point where the pipeline was leaking; containing the leak and subsequent undertaking environmental restoration measures;

- ii. Mitigating any effects to persons and environment that may have been caused by the spillage,
- iii. Carrying out environmental remediation on the affected soils.

Water Resource Management Authority (WARMA)

The County Director WARMA informed the Committee that;

- 1) WARMA is a state agency mandated with management and regulation of water resources in Kenya, established under section 7 of Water Act 2002 and whose powers and functions are stipulated in Section 8 of the Water Act;
- 2) According to Water Resources Management Rules 2007, Section 3 (2) provides for the owner of spilled substance to take immediate and adequate measures to prevent the accidental spillage;
- 3) Following an investigation exercise on the oil spill carried out on 30th September 2015, it was observed and established that both surface water and groundwater resources were contaminated with oil;
- 4) The point source pollution was also identified to be Kenya Pipeline Company pipeline leakage at the position it crosses Thange River channel;
- 5) Water samples collected and analyzed for oil and grease, at Kenya Industrial Research and Development Institute (KIRDI) laboratories in Nairobi, the results confirmed both surface water and groundwater resources collected were contaminated with oil.

COMMITTEE OBSERVATIONS AND FINDINGS

The Committee visited river Thange including school farms, boreholes and water pumps and established that:

- 1) On 12th May, 2015 oil leakage was reported along the Mombasa-Nairobi pipeline and the leakage point was confirmed to be 256.9 KM from Mombasa;
- 2) KPC has dredged a two (2) meters deep section across Thange River at the point where the oil pipe crosses the river to allow collection and recovery of the petroleum product;
- 3) The section where KPC oil pipeline crosses Thange River had been dredged to enable identification of the leakage point(s);
- 4) There was evidence of oil oozing from underground on the dredged site where the oil pipe crosses Thange River. The River, the water was highly contaminated with the petroleum product. The atmospheric air was highly odorous with petroleum product fumes;
- 5) On 15th May, 2015 and 12th June, 2015 residents reported that there were traces of petroleum products in river Thange;

- 6) Kenya Pipeline reported the oil spillage to NEMA on 19th June, 2015 and the environmental restoration efforts to clean up the affected soil began immediately;
- 7) Significant amounts of petroleum products were released into the ground leading to accumulation in the underground soil. The waters of river Thange had doses of oil indicated by shiny layers, choking fumes pink colour of petrol;
- 8) Kenya Pipeline Company loss of 324,000 cubic meters of the oil product into the shallow wells that were a source of water for agriculture and domestic use by the community and the neighboring schools;
6. KPC could not provide provisional figures of households or persons affected by the spill as investigations were ongoing.
7. However, there were reported incidences of sicknesses due to the possibility of lead poisoning which the Ministry of Health is in the process of ascertaining the extent of lead poisoning. Residents complained of pneumonia, skin irritation and stomach pains, associated with polluted water. Some had been treated for lead poisoning since the incident occurred;
- 9) the oil spillage was an environmental disaster and made the following recommendations;

Concerns Raised by the Committee;

Members of the Committee noted the following concerns;

- i. The role of NEMA was questionable in the release of the Environmental Restoration Order (ERO). NEMA should have acted swiftly within the six months of the spill to avert further environmental disaster,
- ii. The Ministry of Health had only used a small sample of the population in carrying out tests to determine lead poisoning. The sample used was not representative and more efforts should have been done to target the entire population. The tests carried out were mainly on Liver and Kidney functioning, blood hemoglobin and two elements of the petroleum product; lead and Benzene. There was no comprehensive testing of other elements of lead poisoning;
- iii. There was lack of public participation in the activities of the task force that had been established to look into the impact of the spillage, and;
- iv. There were high and shocking levels of contamination of water sources;
- v. KPC had taken long period to repair the leaks and the pollution of both surface and groundwater since the spillage occurred in May, 2015

COMMITTEE RECOMMENDATIONS

The committee visited six villages and also toured river Thange as well as the schools in Thange location in Kibwezi East, Makueni County.

The Committee described the pollution in the area, including in farms and boreholes as a huge environmental disaster. From the findings of the visit, the Committee recommends as follows: That;

- 1) The National Environmental Authority (NEMA) issues Environmental Restoration Order within one(1) week of the visit, to Kenya Pipeline Company to restore the environment to the original hydrological characteristics;
- 2) Ministry of Health carries out free and accessible medical screening and healthcare and undertake comprehensive testing for all residents and students for possible lead poisoning;
- 3) The Senate engages an independent expert besides the SGS, to evaluate the extent of the pollution and to carry out an environmental, social and economic impact assessment of the oil spill, and
- 4) Kenya Pipeline Company compensates residents for the loss of their livelihoods and their environment and to further ensure reliable supply of water to the residents and the affected schools.



MINUTES OF THE 24TH SITTING OF THE STANDING COMMITTEE ON ENERGY HELD AT KICC SECOND FLOOR BOARDROOM ON THURSDAY 13TH NOVEMBER, 2015 AT 10.00 AM.

PRESENT

- | | |
|--------------------------|-------------------|
| 1. Sen. Gideon Moi, MP | - Chairman |
| 2. Sen. Abu Chiaba, MP | -Member |
| 3. Sen. David Musila, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------|------------------------|
| 1) Sen. Danson Mwazo, MP | - Vice-Chairman |
| 2) Sen. Kiraitu Murungi, MP | -Member |
| 3) Sen. Elizabeth Ongoro, MP | -Member |
| 4) Sen. Charles Keter, MP | - Member |
| 5) Sen. John Munyes, MP | -Member |
| 6) Sen. Kimani Wamatangi, MP | -Member |

SENATE SECRETARIAT

- | | |
|---------------------|------------------|
| 1) Mr. Peter Mulesi | -Clerk Assistant |
|---------------------|------------------|

MIN. NO.132/2015 : PRELIMINARIES

The Chairman called the meeting to order at 10.05 a.m. and there followed a word of prayer.

MIN. NO. 133/2015 : ADOPTION OF THE AGENDA.

The agenda of the meeting was adopted after it was proposed by Sen. David Musila, MP, and seconded by Sen. Abu Chiaba, MP, as follows;

1. Prayer
2. Adoption of the Agenda
3. Adoption of the 15th and 23rd Minutes of Committee Sittings
4. Consideration of Visit to river Thange
5. Pending Statements
6. Any Other Business
7. Adjournment

MIN. NO.134 /2015: CONSIDERATION AND ADOPTION OF MINUTES

Members considered and approved the minutes of the 23rd sitting after they were proposed by Sen. David Musila MP and Seconded by Sen. Abu Chiaba, MP.

MIN. NO.135 /2015: CONSIDERATION OF VISIT TO RIVER THANGE

Members were briefed that the Committee was to undertake a fact-finding visit to river Thange on the matter of a statement that had been requested by Sen. Mutula Kilonzo Junior regarding Kenya Pipeline Company oil spillage into the river. The visit will be undertaken on Thursday 19th November, 2015 at 10.am

It was resolved that Members would use helicopters to Kibwezi and return on the same day.

The committee further resolved that the media be facilitated to river Thange.

MIN.NO.136 /2015 : PENDING STATEMENTS

Members were informed that there was a statement that had been requested by Sen. Peter Mositet, MP (Kajiado), on “**the Proposed Survey of the Kenya Pipeline Company Security System**”.The Committee was briefed on the progress that had been made with the Ministry of Energy to get the response on time.

It was resolved that the Clerk to the Committee follows up on the matter with the Ministry to avail the response on time.

MIN. NO. 137/ 2015: ANY OTHER BUSINESS

A member raised concern over the high number of thermal plants in Kenya and their impact on the cost of power.

It was resolved that the Committee requests the Ministry of Energy to;

- i. Explain the owners of the thermal generators;**
- ii. Why the thermal generators have been on the increase even when geothermal output has also increased, and ;**

- iii. Whether the thermals can be phased out so that Kenya relies on renewable energy sources.

MIN.NO.138 /2015 : ADJOURNMENT AND DATE OF NEXT MEETING

Having exhausted all issues set out in the agenda, the meeting was adjourned at 11.am.

Signed 

(CHAIRPERSON: (Sen. Gideon K. Moi, MP)

Date: 

MINUTES OF THE 25TH SITTING OF THE STANDING COMMITTEE ON ENERGY HELD AT KICC SECOND FLOOR BOARDROOM ON THURSDAY 3TH DECEMBER, 2015 AT 10.00 AM.

PRESENT

- | | |
|------------------------------|-------------------|
| 1. Sen. Gideon Moi, MP | - Chairman |
| 2. Sen. Abu Chiaba, MP | -Member |
| 3. Sen. Kimani Wamatangi, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------|------------------------|
| 1) Sen. Danson Mwazo, MP | - Vice-Chairman |
| 2) Sen. Kiraitu Murungi, MP | -Member |
| 3) Sen. Elizabeth Ongoro, MP | -Member |
| 4) Sen. Charles Keter, MP | - Member |
| 5) Sen. John Munyes, MP | -Member |
| 6) Sen. David Musila, MP | -Member |

SENATE SECRETARIAT

- | | |
|---------------------------|--------------------|
| 1) Mr. Peter Mulesi | -Clerk Assistant |
| 2) Mr. Wellington Namenge | - Research Officer |

MIN. NO.139/2015 : PRELIMINARIES

The meeting was called to order at 10:25 a.m. and there followed a word of prayer.

MIN. NO. 140/2015 : ADOPTION OF THE AGENDA.

The agenda of the meeting was adopted after it was proposed by Sen. Abu Chiaba, MP, and seconded by Sen. Kimani Wamatangi, MP, as follows;

1. Prayer
2. Adoption of the Agenda
3. Consideration of Draft report on the visit to river Thange
4. Pending Statements
5. Any Other Business
6. Adjournment

MIN. NO.141 /2015: CONSIDERATION OF THE DRAFT REPORT ON THE VISIT TO RIVER THANGE

Members were briefed that on Thursday 19th November, 2015, the Committee had undertaken a successful fact-finding visit to river Thange on the matter of a statement that had been requested by Sen. Mutula Kilonzo Junior, MP, regarding the oil spillage into river Thange in Kibwezi, Makueni County.

The Committee assessed the extent of the oil spillage through inspection of river Thange, school farms, boreholes, wells and interaction with community and other stakeholders.

It was established that:

- 1) Huge quantities of petroleum oil product spilled into river Thange following an oil spill from Kenya Pipeline Company on 12th May, 2015;
- 2) Large amounts of petroleum products soaked into the ground leading to accumulation in the underground soil. Consequently, the waters of the river including the community borehole had doses of oil indicated by shiny layers, choking fumes and pink colour of petrol;
- 3) There were complaints from residents of pneumonia, skin irritation and stomach pains which are associated with polluted water. The Ministry of Health, Makueni County was conducting tests on samples for ascertaining chances and possibility of lead poisoning;
- 4) The oil spillage was an environmental disaster which required attention of County and National Governments.

From the findings of the visit, the Committee recommends as follows: That;

- 1) The National Environmental Authority (NEMA) issues Environmental Restoration Order within one(1) week of the

visit, to Kenya Pipeline Company to restore the environment to the original hydrological characteristics;

- 2) Ministry of Health provides free and accessible medical screening and healthcare for all residents and students for possible lead poisoning;
- 3) The Senate engages an independent expert besides those engaged by KPC to evaluate the extent of the pollution and to carry out an environmental, social and economic impact assessment of the oil spill, and
- 4) Kenya Pipeline Company compensates residents for the loss of their livelihoods and their environment and to further ensure reliable supply of water to the residents and the affected schools.

It was resolved that the report be finalized for Committee adoption and subsequent tabling to the House.

MIN.NO.142 /2015 : PENDING STATEMENTS

Members were informed that there was a statement that had been requested by Sen. Peter Mositet, MP (Kajiado), on “the Proposed Survey of the Kenya Pipeline Company Security System”.

The Committee was further informed that the Ministry of Energy and Petroleum had submitted a response to the statement and was ready for presentation to the House.

The Committee commended the Ministry of Energy and Petroleum for the prompt response and resolved that the response be given priority in the subsequent House sitting.

MIN. NO. 143/ 2015: ANY OTHER BUSINESS

Members were briefed of an invitation to the Senate Standing Committee by the Petroleum Institute of East Africa (PIEA) for a workshop on sensitization on the Energy Bill, 2015 and the Petroleum (Exploration, Production and Development) Bill, 2015.

The workshop will be held on 28th- 30th January, 2016 at Serena Beach and Resort, Mombasa County.

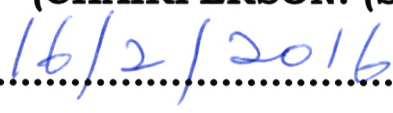
It was resolved that the Clerk follows up on the matter to enable the Committee to participate in the event and to table the workshop programme for discussion and adoption during the next meeting.

MIN.NO.144/2015 : ADJOURNMENT AND DATE OF NEXT MEETING

Having exhausted all issues set out in the agenda, the meeting was adjourned at 11.15am.

Signed 

(CHAIRPERSON: (Sen. Gideon K. Moi, MP)

Date: 

**MINUTES OF THE 27TH SITTING OF THE STANDING COMMITTEE
ON ENERGY HELD AT KICC FIRST FLOOR BOARDROOM ON
THURSDAY 11TH FEBRUARY, 2016 AT 10.00 AM.**

PRESENT

1. Sen. David Musila, MP -Member (**Chairing**)
2. Sen. Abu Chiaba, MP -Member
3. Sen. Kimani Wamatangi, MP -Member

ABSENT WITH APOLOGY

- 1) Sen. Gideon Moi, MP - **Chairman**
- 2) Sen. Danson Mwazo, MP -**Vice-Chairman**
- 3) Sen. Kiraitu Murungi, MP -Member
- 4) Sen. Elizabeth Ongoro, MP -Member
- 5) Sen. John Munyes, MP -Member

SENATE SECRETARIAT

- 1) Mr. Peter Mulesi -Clerk Assistant
- 2) Mr. Peter Muchira - Clerk Assistant
- 3) Mr. Wellington Namenge - Research Officer

MIN. NO.151/2016 : PRELIMINARIES

The meeting was called to order at 10:28 a.m. and there followed a word of prayer.

MIN. NO. 152/2016 : ADOPTION OF THE AGENDA.

The agenda of the meeting was adopted after it was proposed by Sen. Abu Chiaba, MP, and seconded by Sen. David Musila, MP, as follows;

1. Prayer
2. Adoption of the Agenda
3. Planning for Committee business
4. Updates Committee Activities(Letter to Cabinet Secretary Ministry of Energy and Petroleum and the PIEA workshop
5. Any Other Business
6. Adjournment

MIN.NO.153 /2016 : PLANNING FOR COMMITTEE BUSINESS

It was resolved that the agenda be differed to the next meeting and requested the secretariat to submit a schedule of county/ foreign

visits to be undertaken by the Committee during the current session.

MIN. NO.154 /2016: UPDATES COMMITTEE ACTIVITIES

Members were informed that the Committee had written a letter to the Cabinet Secretary, Ministry of Energy and Petroleum dated 21st January, 2016 requesting for information with regard to the following;

a) Thermal Power Generators

- i. Explain the contribution of the thermal generators to the national grid and the owners of these generators;
- ii. Why thermal generators have been on the increase even when geothermal output has also increased, and ;
- iii. If the Ministry could consider phasing out thermal power generation so that Kenya relies on renewable energy sources.

b) The State of Tree Farming for Electricity Poles

- i. Explain the increasing utilization of concrete electricity poles by Kenya Power , their manufacturers and suppliers;
- ii. How many concrete poles were used in 2015 compared to wooden poles over the same period, and
- iii. Whether there is market for the wooden electricity poles for tree farmers in Kenya

c) Eurobond Money Allocated to the Ministry of Energy and Petroleum

Explain whether the Ministry of Energy received from the National Treasury, proceeds from the Eurobond and enumerate the energy projects that were implemented by these funds, if any.

d)International Crude Oil Prices

Explain the impact of falling international crude oil prices on local pump prices and the measures the Ministry is undertaking to ensure that the benefits of the oil slump are felt by consumers.

It was resolved that the secretariat follows-up on the matter and schedule a meeting of the Committee with the Cabinet Secretary to interrogate the concerns raised in the Letter.

MIN. NO. 155/ 2016: ANY OTHER BUSINESS

- i. Members were informed that the Committee had participated in a workshop organized by the Petroleum Institute of East Africa (PIEA)