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STANDING COMMITTEE ON ENERGY



REPORT ON THE INQUIRY INTO THE LPG EXPLOSION IN MRADI AREA
EMBAKASI, NAIROBI CITY COUNTY

PAPERS LAID	
DATE	08/08/2024
TABLED BY	Senate Majority Whip
COMMITTEE	Energy
CLERK AT THE TABLE	Carlyne Chene

Rt. Hon. Speaker

You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the Senate/secretary, PSC
Date: 07/08/24

Clerk's Chamber
The Senate
Parliament Buildings
NAIROBI.

July, 2024

Mr. Hon. Speaker
You may appear for table
L.M. Nye (R-NV)
Chair of the Senate
Committee on Education

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LIST OF ABBREVIATIONS AND ACRONYMS

DCI	-	Directorate of Criminal Investigations
EDA	-	Energy Dealers Association
EIAL	-	Environmental Impact Assessment Licence
EPRA	-	Energy and Petroleum Regulatory Authority
EMCA	-	Environmental Management and Coordination Act
ESIA	-	Environmental Social Impact Assessment
ESIASR	-	Environmental and Social Impact Assessment Study Report
KEBS	-	Kenya Bureau of Standards
LPG	-	Liquefied Petroleum Gas
NEMA	-	National Environment Management Authority of Kenya
SEA	-	Strategic Environmental Assessment
PAPs	-	Project Affected persons
EPRs	-	Emergency Response Plans
NERA	-	Nyayo Embakasi Residents Association
PIEA	-	Petroleum Institute of East Africa

LIST OF ANNEXURES

1. *Annex 1:* Minutes of the Committee Sittings
2. *Annex 2:* Schedule of Committee Sittings
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PRELIMINARIES

A. Establishment and Mandate of the Standing Committee on Energy

The Standing Committee on Energy is established under standing order 228 (3) of the Senate Standing Orders and is mandated to consider all matters related to fossil fuels exploration, development, production, maintenance and regulation of energy.

B. Functions of the Committee

Pursuant to Standing Order 228(4), the Committee functions to –

1. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of its assigned ministries and departments;
2. Study the program and policy objectives of its assigned ministries and departments, and the effectiveness of the implementation thereof;
3. Study and review all legislation referred to it;
4. Study, assess and analyse the success of the ministries and departments assigned to it as measured by the results obtained as compared with their stated objectives;
5. Consider the Budget Policy Statement in line with Committee's mandate;
6. Report on all appointments where the Constitution or any law requires the Senate to approve;
7. Make reports and recommendations to the Senate as often as possible, including recommendations of proposed legislation;
8. Consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
9. Examine any statements raised by Senators on a matter within its mandate;
10. Follow up and report on the status of implementation of resolution within their mandate; and
11. Follow up and report on the status of commitments made by Cabinet Secretaries in their responses to questions understanding order 51(c).

C. Government Agencies and Departments

In exercising its mandate, the Committee oversees the County Governments, the Ministry of Energy and its various Semi-Autonomous Government Agencies (SAGAs).

1. Energy and Petroleum Regulatory Authority (EPRA)
2. Kenya Power & Lighting Company Limited (KPLC)
3. Kenya Electricity Generating Company Limited (Kengen)

4. Kenya Electricity Transmission Company Limited(KETRACO)
5. Rural Electrification and Renewable Energy Company (REREC)
6. Nuclear Power and Energy Agency (NUPEA)
7. Geothermal Development Company (GDC)
8. Kenya Pipeline Company (KPC)
9. Kenya Pipeline Refineries Limited (KPRL)

D. Membership of the Committee

The Committee is comprised of the following Members:

- | | | |
|--|---|-------------------------|
| 1. Sen. Wamatinga Wahome, MP | - | Chairperson |
| 2. Sen. William Kisang' Kipkemai, MP | - | Vice-Chairperson |
| 3. Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member |
| 4. Sen. Ledama Olekina, MP | - | Member |
| 5. Sen. (Dr.) Oburu Oginga, MGH, MP | - | Member |
| 6. Sen. James Lomenen Ekomwa, MP | - | Member |
| 7. Sen. Danson Buya Mungatana, MGH, MP | | Member |
| 8. Sen. Abass Sheikh Mohamed, MP | - | Member |
| 9. Sen. Edwine Watenya Sifuna, MP | - | Member |

E. Committee Secretariat

The Committee secretariat is composed of the following -

- | | | |
|-------------------------|---|-------------------------|
| 1. Mr. Crispus Njogu | - | Clerk Assistant |
| 2. Dr. Christine Sagini | - | Lead Clerk |
| 3. Ms. Mary Kule Waqo | - | Clerk Assistant |
| 4. Mr. Faith Cheruto | - | Legal Counsel |
| 5. Ms. Nancy Mulei | - | Research Officer |
| 6. Mr. Joseph Lekisima | - | Fiscal Analyst |
| 7. Eng. Nicholas Arusei | - | Audio Officer |
| 8. Ms. Violet Nalinya | - | Media Relations Officer |
| 9. Ms. Loice Wachuka | - | Accounts |

- 10. Mr. Kiptanui Kipchirchir - Procurement
- 11. Ms. Ronny Nyaga - Protocol Officer
- 12. Mr. John Lekampule - Sergeant-at-Arms

CHAIRPERSON'S FOREWORD

On Thursday, 1st February, 2024, an LPG explosion occurred in the Mradi Area of Embakasi, Nairobi County. The facility involved was an LPG plant used for storing and filling gas cylinders. The explosion claimed eleven (11) lives and left at least 280 other people injured. The explosion further resulted in a massive fire, which spread to nearby buildings, causing extensive damage to residential and commercial properties. Several homes and businesses were destroyed, and many residents were displaced.

Standing order 228(3) of the Senate Standing Orders mandates the Committee to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of its assigned ministries and departments.

A. Committee Proceedings

Accordingly, following the explosion, the Committee resolved to open an inquiry into the matter, with a view towards assessing industrial safety regulations and emergency preparedness in the Country. In its deliberations, the Committee noted that the key issues for determination centred around the following-

- a) Reasons why the LPG refilling facility was located close to a human settlement;
- b) Ownership details of the company that was running the facility and their beneficial owners;
- c) Compliance to the statutory and regulatory requirements of having an LPG refill and storage facility;
- d) Details of all LPG refill and storage facilities and their locations in the country, sorted per county; and
- e) Safeguards that the Government has put in place to avoid a recurrence of the same.

Accordingly, the Committee held six (6) meetings and met with key stakeholders including the Cabinet Secretary, Ministry of Energy and Petroleum, the Director-General, National Environment Management Agency (NEMA), the Director General, Energy and Petroleum Regulatory Authority (EPRA), Eng. Edward Kinyua, Director and Gas and Explosives Expert (EPRA), the Petroleum Institute of East Africa (PIEA) and the Energy Dealers Association. In addition, the Committee received written submissions from the Governor, Nairobi City County. Minutes of the Committee have been attached as **Annex 1**.

Further to the above, the Committee reviewed technical, non-partisan output from the Parliamentary Budget Office, the Senate Directorate of Legal Services and the Senate Research Services.

The aforementioned Committee proceedings were aimed at investigating the circumstances that led to gas explosion, as well as understanding the broader legal, policy, regulatory and structural issues surrounding the storage and filling of LPG gas cylinders.

B. Committee Observations

Key observations made by the Committee during the course of its inquiry included (but are not limited to) -

1. The legal framework governing the energy sector in Kenya is comprehensive and robust, encompassing constitutional provisions, the Energy Act, the Petroleum Act, and various other statutes and regulations. The laws collectively ensure the safe, efficient, and regulated management of energy resources, with specific emphasis on LPG handling and distribution.
2. However, the involvement of multiple legal regulatory bodies in the licensing process has created a complex web of responsibility, making it difficult to establish accountability where safety issues arise.
3. In light of the Mradi explosion, rigorous collaborative efforts for the enforcement of existing laws by responsible bodies such as EPRA, the Ministry of Interior and National Administration, the Inspector General, DCI, the judicial courts system, and County Governments are crucial to prevent future incidents and safeguard public safety.
4. Contrary to the provisions of Section 74 of the Petroleum Act, submissions made by EPRA indicated that the explosion site lacked an operating licence for LPG storage and filling. The proprietor, Mr. Derick Kimathi, had submitted three applications for construction permits on March 19, 2023, June 20, 2023, and July 31, 2023, but all were rejected.
5. Additionally, the LPG refilling plant was registered as a garage, rather than an LPG refilling facility. The Committee noted that the Nairobi County Government disclaimed responsibility for any licences issued in this regard.
6. The company in question obtained a valid EIA licence from NEMA (No. NEMA/EIA/PSL/23819) dated February 2, 2023, approving the installation of a 10 metric ton LPG storage and filling plant, associated facilities, and amenities at Plot No. 9042/146, located off North Airport Road, Nairobi County.

The Committee however noted that the issuance of an ESIA licence did not absolve the company from its obligations to acquire other applicable permits, licences, and approvals from relevant agencies before financing, commencing, and executing the proposed project.

7. As a result of the Mradi incident, EPRA suspended all operational licences issued to Maxxis Nanyuki Energy and Klear Mwiki gas suppliers. It further shut down 63 out of 140 licensed LPG storage and refilling plants located within a radius of 200 metres near residential areas due to a 'risky' or 'high risk' technical audit score. Following re-inspection, 39 of these facilities were reopened, with some implementing safety measures like firewalls, reducing the required distance from residential areas to 35 metres.

8. The Physical and Land Use Planning Act (Cap 303) mandates county governments to prepare and implement local physical and land use development plans, including zoning and infrastructure development.
9. Further, section 56 grants county governments the power to prohibit or control the use and development of land and buildings, consider and approve all development applications, grant development permissions, and ensure the proper execution and implementation of approved plans.
10. Rapid urban development has resulted in residential areas encroaching upon previously industrial zones. Current zoning regulations had not been updated to reflect these changes, leading to safety concerns. Therefore, there was a need for County Governments to review zoning by-laws to ensure proper zoning of urban and peri-urban areas to prevent future disasters, especially where mixed development approvals are granted. In light of this, a review of the Physical Planning Handbook is an urgent priority to ensure proper zoning guidance.
11. Affected victims had not been compensated through the National Disaster Management Unit whose main function is to administer a comprehensive emergency/disaster program in collaboration with EPRA with a view towards saving lives and protecting property.
12. The rapid proliferation of both unlicensed and licensed LPG storage and cylinder refilling sites engaging in illicit trade pose significant safety and security risks to the country

C. Committee Recommendations

Based on the foregoing, the Committee made the following recommendations -

1. That DCI investigates how Maxxis Nairobi Energy obtained an LPG Storage and Filling Plant licence and those found culpable to be charged in accordance with section 99 of the Petroleum Act (Cap 308) and any other applicable law.
2. In addition, the National Police Service and the Directorate of Criminal Investigations should fast track all pending criminal cases relating to non-compliance of LPG regulations to ensure timely submission of the investigative files to the Office of the Director of Public Prosecution (ODPP) for review.
3. The Ministry of Energy and Petroleum needs to expedite the approval of the reviewed the Petroleum (LPG) Regulations of 2019 which will include additional stringent measures necessary for the safe operation and handling of LPGs and submit the same to parliament for consideration and approval.
4. EPRA act to enhance LPG data verification from importation to the point of retail in order to improve accountability by sector players.
5. EPRA to strengthen its review process for licensing applications to ensure thorough evaluation and timely communication of deficiencies. Stiff administrative actions must be applied on all non-compliant LPG Storage and

Filling plants including conditional suspension of operating licences for those found in breach.

6. EPRA and County Governments should ensure strict adherence to the licensing requirements outlined in the Petroleum Act. A comprehensive review and regular updates of the licensing processes should be conducted to enhance transparency, efficiency, and compliance.
7. There is a need to strengthen enforcement of existing regulations through joint collaborative efforts between EPRA, the Ministry of Interior and National Administration, the Inspector General, County Governments, the Directorate of Criminal Investigations, and the Director of Public Prosecutions.
8. In collaboration with the Ministry of Interior and National Administration and County Governments, EPRA needs to step up surveillance and public awareness efforts with a view towards obtaining intelligence on all known and suspected illegal energy and petroleum businesses/sites within their jurisdiction for immediate enforcement action.
9. EPRA to establish a one-stop shop that simplifies obtaining licences by offering a central location (physical or online) where you can access information, submit applications, pay fees, and track status for various licences under one roof.
10. That all licensing authorities should enforce zoning boundaries prior to issuing any permits.
11. County Governments should ensure there are designated LPG tanker parking zones.
12. County Governments to review their zoning by-laws to ensure proper classification of urban and peri-urban areas, so as to avoid future disasters.
13. County Governments in collaboration with EPRA to review the physical planning handbook to ensure proper zoning guidelines as a matter of priority.
14. That NEMA in consultation with County Governments act to ensure that zonation maps guide the approval of licences. This check should ensure that residential areas do not expand into former industrial zones.
15. That EPRA to amend the Terms of Licences for already existing licences for LPG refilling plants depending on the legal framework and specific situation. Key considerations in amending the terms for existing licences should include -
 - a) Public Safety: Changes may be necessary to address new safety risks or emerging threats. For example, updating regulations for residential areas after a new safety hazard is identified.

- ii. Non-Compliance: If widespread non-compliance with existing terms is discovered, amendments may be introduced to strengthen regulations and ensure better adherence.
16. No new petroleum facilities should be approved or licensed in residential neighbourhoods with a view towards prioritising the safety and well-being of residents by separating homes from potential hazards associated with petroleum storage and activity.
 17. The roll-out of a public awareness programme on LPG safety designed to educate the community about important safety precautions. This program would aim to empower individuals with the knowledge and skills to prevent accidents and injuries in their daily lives.
 18. That the affected victims should be compensated through the National Disaster Management Unit whose main function is to administer a comprehensive emergency/disaster programme in collaboration with Stakeholders (EPRA) in order to save lives and protect property.

A comprehensive summary of the Committee's findings, observations and recommendations in relation to the inquiry has been included in the body of the report for reference.

Acknowledgements

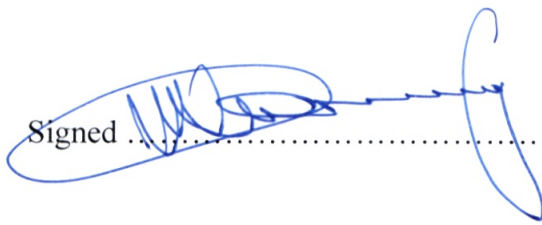
On behalf of the Committee, I wish to thank the various stakeholders who came before the Committee and submitted their views, including: the Cabinet Secretary, Ministry of Energy and Petroleum, the Director General, Energy and Petroleum Regulatory Authority (EPRA), the Director-General, National Environment Management Agency (NEMA), the Petroleum Institute of East Africa (PIEA), the Energy Dealers Association and the Governor, Nairobi City County Government.

I wish to also acknowledge the eleven (11) lives that were lost in the tragedy, and the many people who were injured and/or displaced, or who suffered loss due to damage to their homes and businesses. This devastating event left a profound impact on our country, and our hearts go out to all those affected.

As the Committee responsible, we have made a commitment to ensure that the relevant regulatory bodies implement stricter safety protocols to prevent future incidents. The Committee further commits to act to ensure that there is better urban planning and zoning of industrial areas to avoid human settlement in the designated industrial areas especially in densely populated urban areas.

Finally, I wish to thank the Offices of the Speaker and Clerk of the Senate for their support during the entire process of considering this matter.

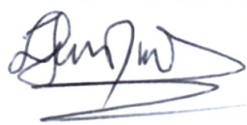
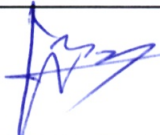
It is now my pleasant duty, pursuant to standing order 56(2)(b) of the Senate Standing Orders to present the Report of the Standing Committee on Energy on the inquiry into the Mradi Fire.

Signed  Date 4/7/24

SEN. WAMATINGA WAHOME, M.P.
CHAIRPERSON, STANDING COMMITTEE ON ENERGY

ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ENERGY ON THE INQUIRY INTO THE LPG EXPLOSION IN MRADI AREA EMBAKASI

We, the undersigned Members of the Senate Standing Committee on Energy, do hereby append our signatures to adopt this Report –

	Name	Designation	Signature
1.	Sen. Wamatinga Wahome, MP	Chairperson	
2.	Sen. William Kisang' Kipkemoi, MP	Vice-Chairperson	
3.	Sen. (Dr.) Boni Khalwale, CBS, MP	Member	
4.	Sen. Ledama Olekina, MP	Member	
5.	Sen. (Dr.) Oburu Oginga, MGH, MP	Member	
6.	Sen. James Lomenen Ekomwa, MP	Member	
7.	Sen. Danson Buya Mungatana, MGH, MP	Member	
8.	Sen. Abass Sheikh Mohamed, MP	Member	
9.	Sen. Edwine Watanya Sifuna, MP	Member	

CHAPTER ONE

INTRODUCTION

A. Background

1. On Thursday, 1st February, 2024, an LPG explosion occurred in the Mradi Area of Embakasi, Nairobi County. The facility involved was an LPG plant used for storing and filling gas cylinders. The explosion claimed eleven (11) lives and left at least 280 other people injured.
2. At its sitting held on Wednesday, 14th February, 2024, the Standing Committee on Energy deliberated on the circumstances that led to the explosion and resolved to open an inquiry into the matter.
3. In conducting the inquiry, the Committee noted that the key issues for determination centred around the following-
 - a) Explain why the LPG refilling facility was located close to human settlement;
 - b) Provide the name of the Company that was running the facility and their beneficial owners;
 - c) What are the requirements of having an LPG refill and storage facility;
 - d) What powers does the Energy and Petroleum Regulatory Authority and NEMA have in enforcing compliance of such facilities;
 - e) A list of all LPG refill and storage facilities and their locations in the country, sorted per county; and
 - f) What safeguards has the National and County Governments put in place to avoid a recurrence of the same.

B. Inquiry of the Standing Committee on Energy on the LPG Explosion in Mradi Area, Embakasi

4. Standing order 228(3) of the Senate Standing Orders mandates the Committee to *Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of its assigned ministries and departments.*
5. Accordingly, at sittings held on diverse dates, the Committee resolved to invite various stakeholders to make submissions in relation to the inquiry as follows -
 - a) The Cabinet Secretary, Ministry of Energy and Petroleum
 - b) The Governor, Nairobi City County
 - c) The Director General, Energy and Petroleum Regulatory Authority

- d) The Director General, National Environment Management Agency;
 - e) The Petroleum Institute of East Africa (PIEA) ; and
 - f) The Energy Dealers Association (EDA).
6. A schedule of the Committee's meetings in relation to the same has been annexed to this report as *Annex 2*.
 7. Further to the above, the Committee reviewed technical, non-partisan output from the Parliamentary Budget Office, the Senate Directorate of Legal Services and the Senate Research Services.
 8. The aforementioned Committee proceedings were aimed at investigating the circumstances that led to gas explosion, as well as understanding the broader legal, policy, regulatory and structural issues surrounding the storage and filling of LPG gas cylinders.

CHAPTER TWO

CONSTITUTIONAL, LEGAL AND REGULATORY CONSIDERATIONS

A. Constitutional, Legal and Regulatory Frameworks for the Energy Sector

9. The following legal provisions provide a comprehensive framework for regulating the energy sector and addressing the issues related to the LPG explosion in Embakasi area. This framework encompasses constitutional provisions, the Energy Act, the Petroleum Act, and various other statutes and regulations.

B. Constitution of Kenya

10. The Constitution provides for a two-tier structure of government, i.e. the National Government and County Governments. It distributes functions and powers between the two levels of Government as detailed in Chapter Eleven and the Fourth Schedule.
11. Specifically, in relation to the energy sector, Part 1 of the Fourth Schedule provides that the National Government shall be responsible for -
 - a) Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including water protection, securing sufficient residual water, hydraulic engineering, and the safety of dams;
 - b) Energy Policy, including electricity and gas reticulation and energy regulation; and
 - c) Public investment.
12. In relation to the County Governments, Part 2 of the Fourth Schedule provides that they shall be responsible for county planning and development, including electricity and gas reticulation.
13. These provisions ensure a clear demarcation of duties between the two levels of government, fostering collaboration and efficiency in managing the energy sector. Given that this issue involves county-level responsibilities, it falls within the mandate of the committee to investigate the matter.

C. Relevant Statutes

a) Petroleum Act, Cap. 308

14. The Petroleum Act provides detailed guidelines for ensuring safe and compliant operations in the petroleum industry.
15. Section 74 outlines the licensing requirements for petroleum businesses, and provides that a valid licence is required for refining, importation, export, selling in bulk, bulk storage, or transportation of petroleum crude or products. Additionally, a valid petroleum permit is required for vehicles transporting petroleum in bulk.
16. Section 86 specifies the requirements for obtaining construction permits for facilities related to petroleum products, and states that a permit is required before constructing pipelines, refineries, bulk storage facilities, retail dispensing sites, or centralised gas reticulation systems.

17. An application for a construction permit must include detailed plans, specifications, and an environmental and social impact assessment licence. Additionally, it states that in the case of a refinery, or bulk liquefied petroleum gas, or natural gas facility one should specify the location, type and capacity.
18. Section 99 defines offences and penalties for non-compliance with petroleum regulations, including failure to institute appropriate environmental, health, or safety control measures, and operating an unlicensed petroleum or gas storage, filling, or handling facility.

b) Energy Act, Cap. 314

19. The Energy Act consolidates the laws relating to energy and provides for: National and County Government functions in relation to energy; the establishment, powers and functions of energy sector entities; promotion of renewable energy; exploration, recovery and commercial utilisation of geothermal energy; regulation of midstream and downstream petroleum and coal activities; regulation, production, supply and use of electricity and other energy forms; and for connected purposes.
20. Section 9 of the Energy Act establishes the Energy and Petroleum Regulatory Authority (EPRA), while section 10 outlines its functions.
21. Section 10(a)(ii) states that EPRA is responsible for *regulating importation, refining, exportation, transportation, storage and sale of petroleum and petroleum products with the exception of crude oil*.
22. This section indicates EPRA's role in regulating the importation, refining, exportation, transportation, storage, and sale of petroleum products, which includes Liquefied Petroleum Gas (LPG), excluding the regulation of crude oil.
23. This highlights EPRA's responsibility in ensuring that the handling and distribution of LPG and other petroleum products are conducted safely, efficiently, and in accordance with the set standards and regulations.
24. Section 11 of the Energy Act further grants EPRA expansive powers to regulate and oversee the energy sector in Kenya. These powers include licensing control, tariff regulation, enforcement measures, inspection and investigation authority, regulation of upstream petroleum operations, collaboration with statutory authorities, and information sharing.

c) Environmental Management and Coordination Act (EMCA), Cap. 387

25. The EMCA stipulates stringent requirements for environmental protection, making it mandatory for any person or entity planning to undertake an LPG project to adhere to legal prerequisites before initiating any form of project activity.
26. The provisions under Cap. 387, specifically Section 58 which relates to the Application for an Environmental Impact Assessment (EIA) License, and its implication on projects listed under the Second Schedule, provide a robust framework that governs the execution of LPG projects among others deemed as medium risk to the environment.

27. The Second Schedule provides for projects requiring submission of an Environmental Impact Assessment study report. Paragraph 9 classifies LPG among the projects.
28. The classification underlines the potential risks associated with LPG filling plant projects and reinforces the necessity of a thorough environmental impact assessment to safeguard against potential environmental degradation, and ensure public health and safety.

d) Physical and Land Use Planning Act, Cap 303

29. This Act mandates County Governments to prepare and implement local physical and land use development plans, which include zoning and infrastructure development.
30. Key provisions include Section 46, which outlines the purpose of physical planning in zoning, urban renewal or redevelopment, guiding and coordinating infrastructure development, and regulating land use and development.
31. Additionally, Section 56 grants County Governments the power to prohibit or control the use and development of land and buildings, consider and approve all development applications, grant development permissions, and ensure the proper execution and implementation of approved plans.

D) The Petroleum (Liquefied Petroleum Gas) Regulations, 2019

32. The Petroleum (Liquefied Petroleum Gas) Regulations specifically outline the standards and procedures for the safe handling and storage of LPG.
33. Regulation 4 mandates that a person must have a valid licence to undertake an LPG business.
34. Regulation 9 requires a construction permit for bulk LPG storage facilities or gas reticulation systems, with applications specifying the location, capacity, and scope of the project.
35. Regulation 11 imposes obligations on operators of bulk LPG storage facilities to ensure that transport vehicles are certified and licensed.
36. Regulation 14 prohibits refilling of a cylinder directly from a bulk liquefied petroleum gas road transport vehicle.
37. As demonstrated above, the legal framework governing the energy sector in Kenya is comprehensive and robust, encompassing constitutional provisions, the Energy Act, the Petroleum Act, and various other statutes and regulations.
38. These laws collectively ensure the safe, efficient, and regulated management of energy resources, with specific emphasis on LPG handling and distribution. In light of the Mradi explosion, rigorous enforcement of these laws and active oversight by regulatory bodies such as EPRA, NEMA and Nairobi City County are crucial to prevent future incidents and safeguard public safety.

CHAPTER THREE

COMMITTEE PROCEEDINGS

39. In conducting the inquiry, at sittings held on diverse dates between 14th February, 2024, and 26th June, 2024, the Committee held meetings with the Cabinet Secretary, Ministry of Energy and Petroleum, the Director General (EPRA), the Director-General, National Environment Management Agency (NEMA), the Petroleum Institute of East Africa (PIEA) and Energy Dealers Association (EDA). In addition, the Committee received written submissions from the Governor, Nairobi City County Government.

A. Submissions by the Ministry of Energy and Petroleum and EPRA

40. The Committee met with the Cabinet Secretary, Ministry of Energy and Petroleum, and EPRA, at its sitting held on Thursday, 29th February, 2024. Highlights of their submissions have been provided below.

41. The Director-General, EPRA, Mr. Daniel Kiptoo made the following submissions-

- a) The explosion site lacked an operating licence for LPG storage and filling. The proprietor submitted three applications for construction permits on 19th March, 2023, 20th June, 2023, and 31st July, 2023, but all were rejected.
- b) The lease for the plot where the explosion occurred, Plot No. L.R No.9042/146 was registered under Mr. Derick Kimathi who was the owner of Maxxis Nairobi Energy.
- c) Mr. Derick Kimathi also owned Maxxis Nanyuki Energy which was until the time of the incident, licenced by EPRA for transportation of petroleum products (except LPG) by road under Licence No. EPRA/PET/8456 issued on 12th October, 2023 and expiring on 1th October, 2024.
- d) Initial investigations indicated that the explosion was caused by the uncontrolled release of LPG from a road tanker with registration number KBJ 185X ZD2234. The vehicle belonged to Mr. Abraham Mwangi Nguyo, who operated under the business name "Klear Mwiki Gas Suppliers". This company held a valid EPRA licence (No. EPRA/LPG/10342) for transporting bulk LPG by road.
- e) A copy of CR12 dated 1st February 2023 indicating the directors/shareholders of Derdols Petroleum Limited as Derick Kimathi (99 ordinary shares) and Derdols Tech Services Limited (1 ordinary share) and CR12 dated 19th February, 2023 indicating the director/shareholder of Derdols Tech Services Limited as Derick Kimathi (1000 ordinary shares) was submitted and is attached to this report.

42. Section 86 of the Petroleum Act 2019 (the Petroleum Act) requires a person intending to construct a petroleum pipeline, refinery, bulk storage facility, retails dispensing site, centralised gas reticulation system or designated parking place for petroleum tankers apply in writing for construction permit from EPRA before commencing such construction.

43. The application for permit should be accompanied by, among others, a copy of detailed layout plans and specifications prepared by a professional engineer in

addition to an Environmental Impact Assessment Licence (EIA) issued by the National Environment Management Authority (NEMA).

44. Section 87 of the Petroleum Act requires EPRA to consider all relevant factors before issuing a construction permit. Key among the factors is compliance with the relevant Kenya Standard or in absence of such a standard, any other standard recommended by EPRA in consultation with the Kenya Bureau of Standard. Further, EPRA is required to consider any other matter which in its opinion may be affected by granting or refusal of the permit being sought.

45. An application by Maxxis Nairobi Energy for a Liquefied Petroleum Gas (LPG) storage and filling plant, was received on 19th March, 2023. The following documents were attached-

- a) A certificate of registration certifying Dardols Petroleum Limited as carrying on the business under the business name Maxxis Nairobi Energy.
- b) A CR12 dated 1st February, 2023 indicating the director/shareholders of Dardols Petroleum Limited as Derick Kimathi (99 ordinary shares) and Dardols Tech Services Limited (1 ordinary share)
- c) A CR12 dated 19th February, 2023 indicating the director/shareholder of Dardols Tech Services Limited as Derick Kimathi (1000 ordinary shares)
- d) A copy of Identification for Derick Kimathi ID No.11400410
- e) A copy of a valid EIA licence from NEMA No. NEMA/EIA/PSL/23819 dated 2nd February 2023 approving installing of a 10 metric tons LPG storage and filling plant, associated facilities and amenities at plot No.9042/146 located off North Airport Road, Nairobi County.
- f) A copy of EIA comprehensive project report dated 14th February 2022 for a proposed LPG Airport Road, Nairobi County, GPS coordinates: 1°31'62.68" S, 36°91'17.66" E. The report was prepared by Kenyanito Tsekou Toure of Reg.No.0547 as the lead expert. The associate experts were Jonathan Katana Yeri Reg.No.7890 and Anthony Eshamwata of Reg.No.9054.
- g) A copy of Notification of approval of development permission from the Nairobi Metropolitan Services Land and Physical Planning Department dated 6th October 2022 for a proposed LPG plant at Plot No.LR.9042/146 with Coordinates - 1.3147,36.9103 located off Airport North Road in Embakasi East sub-county.
- h) Mechanical Plan Tank details prepared by Onstream Technologies Limited and approved on 15th February, 2023 by Eng. Derick Kimathi of Engineer's Board Registration No. A2096.
- i) A copy of Civil Engineering Plan and Drawings prepared by Onstream Technologies Limited and approved by Eng. Nicholas Chelimo Kandie of Engineer's Board Registration No. A2316.
- j) A copy of Fire Prevention and Management Plan prepared by Evans Otieno Omuony of DOSHS Reg.No.APV 120 and approved by Erick Njeru of Reg.No. DOSHS OSH/FSA 011.

- k) A land lease for LR.No.9042/146 between Austine Lilechi Lungano and Maxxis Nairobi Energy for a period of 5 years (renewable) from 1st May, 2020 and registered at the Central Registry, Lands Department on 16th September, 2020.

46. Once constructed an applicant is required to apply to EPRA for an operational licence. The requirements for licence are-

- a) Certificate of Incorporation/ Business Registration Certificate
- b) CR12 from the Registrar of Companies (should not be older than 1 year) at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs.
- c) Legible Copies of Identification Documents (IDs/Passports for all the directors)
- d) Valid Work Permits Class "G" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document.
- e) A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority.
- f) A valid Single Business Permit for the premises of operation from the respective County Government.
- g) Proof of ownership of the storage facility (title deed or a registered lease in the name of applicant).
- h) Proof of ownership of at least 5,000 cylinders of either 0.5kg, 1kg, 3kg, 6kg or 13kg or a written authority for filling of a particular brand from a licensed LPG cylinder brand owner.
- i) Proof or registration of the LPG cylinder brand by the body responsible for brand registration in Kenya.
- j) A Valid Environmental Impact Assessment licence from NEMA for the project.
- k) A valid Fire Clearance Certificate for the facility from the respective County Government.
- l) A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard.
- m) Certificate of Compliance with the Physical Planning Act 2019 (PPA5 or PPA2).
- n) A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services.
- o) A valid certificate of weighing scale calibration from the Department of Weights and Measures.
- p) A valid certificate or report on examination for each LPG storage tank at the Facility (from an inspector certified by the Directorate of Occupational Safety and Health Services)

- q) A valid calibration certificate for each LPG storage tank at the facility
 - r) Proof of access to a calibrated weighbridge by submitting a scan of either:
 - i) Proof of ownership of a calibrated weighbridge; or
 - ii) Long term agreement (minimum 5 years) for use of a calibrated weighbridge.
 - s) A summary Emergency Response Plan from the applicant
 - t) Proof of training of a minimum of four employees in the safe handling of LPG from a National Industrial Training Authority approved personnel
 - u) Proof of installation of an ATEX (Atmosphere Explosible) rated non-obscured Closed- Circuit Television (CCTV) camera at the LPG cylinder filling area accessible to EPRA via a web-based portal.
47. Contrary to the provisions of section 74 of the Petroleum Act, as per submissions made by EPRA, the explosion site lacked an operating licence for LPG storage and filling. The proprietor, (Mr. Derick Kimathi) had submitted three applications for construction permits on 19th March, 2023, 20th June, 2023, and 31st July, 2023, but all were rejected.
48. He further noted that the mandate of EPRA in enforcing compliance of LPG facilities is drawn from the Energy Act, 2019, (the Act) is the principal Act of Parliament which provides powers to EPRA with regard to compliance and enforcement. EPRA has powers to-
- a) Make and enforce directions to ensure compliance with the Act and with the conditions of licences issued under the Act.
 - b) Issue order in writing requiring acts or things to be performed or done, prohibiting acts or things from being performed or done, and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled
 - c) Enter, inspect and search and premises where an offence is being committed or is suspected to have been committed.
 - d) Issue orders or directions to ensure compliance with the Act.
 - e) Impose such sanctions and fines not exceeding one hundred thousand shillings per violation per day for a maximum of thirty days.
 - f) Enter, inspect and search any premises at which any undertaking relating to petroleum operations is carried out or an offence is being committed or is suspected to have been committed.
 - g) Issue order either requiring act or things to be performed or done, prohibiting acts or things from being performed or done and may prescribe period or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled in furtherance of its powers under the law relating to petroleum.

- h) The enforcement actions EPRA may take include; Penalties, demand notices and Prosecution of offenders.

49. Some of the safeguards that EPRA had put in place to avoid a recurrence of the same were -

- a) Suspension of all operational licences issued to Maxxis Nanyuki Energy and Klear Mwiki gas suppliers. However, it was worth noting that Maxxis Nanyuki Energy had already served EPRA with a stay order dated 16th February, 2024 from the High Court at Milimani terming the revocation of licences as illegal and unlawful.
- b) Shutdown all LPG facilities that are: -
 - i. Located within a radius of 200 metres from residential areas.
 - ii. Whose technical audit score was rated as 'Risky' and 'High Risk' i.e. facilities whose technical audit score was less than 50%.
- c) Enhancement of public awareness campaigns on safety through the print and electronic media.
- d) Fast tracking pending criminal cases through the National Police Service and the Directorate of Criminal Investigations to ensure timely submission of the investigative files to the Office of the Director of Public Prosecution (ODPP) for review.
- e) Engagement of the Ministry of Interior and National Administration in conjunction with County Governments to provide intelligence on all known and suspected illegal energy and petroleum businesses/sites within their jurisdiction for EPRA's immediate enforcement action.
- f) Stiff administrative actions to all non-compliant LPG Storage and Filling plants including suspension of operating licences for a minimum of six months for those found in breach.
- g) Engagement of the ODPP on appointment of EPRA's legal officers and a prosecutor.
- h) Engagement with the Ministry of Interior and National Administration and the Inspector General to have the Energy Police Unit or a dedicated police unit embedded within EPRA to provide support on enforcement.
- i) Collaboration with the State Department for Petroleum in organising a National LPG Stakeholders workshop aimed at ensuring full regulatory reforms for the sector.
- j) Engagement with Kenya Railways Corporation or any other Government agency with suitable land to be used as a parking yard to store enforcement items currently held at the Upper Hill yard.

50. EPRA had put in place the following strategies in the medium and long term including a robust public campaign aimed at increasing public awareness on -

- a) The role of EPRA in ensuring safe distribution and use of petroleum and LPG.

- b) Safe use of LPG and what to do in case of an accidental release.
- c) How to report suspected illegal petroleum and LPG businesses.

51. EPRA would institute and implement the following preventative measures:

- a) Enhancement of LPG data verification from importation to the point of retail in order to improve on accountability by the sector players.
- b) Support counties in the development and operationalization of their Energy Plans including County Master Plans.
- c) Drafting and operationalization of an Intelligence Policy to guide collection and analysis of sector wide information through heightened surveillance.

52. EPRA would continuously follow up on criminal cases to ensure successful prosecution with maximum sentences imposed. EPRA would also follow up for the appointment of in-house prosecutors by the ODPP for speedy prosecution.

53. In addition, EPRA had made a commitment to -

- a) Follow upon the request for attachment of DCI officers to all regional office for criminal intelligence gathering
- b) Co-opting of National Intelligence liaison officer to assist in provision of actionable intelligence to guide surveillance and enforcement.
- c) Co-opting of Regional Managers into County Security Committees to enable issuance of energy related Requests for information (RFI)
- d) Establishing a platform for collaboration with County leadership for information sharing.

54. Continued collaboration with the National Youth Service in demolition of illegal sites as guided by the Memorandum of Understanding between the two institutions.

B. Submission by a Gas and Explosive Expert from EPRA

55. The Committee also met with Eng. Edward Kinyua, Director, Gas and Explosives Expert, EPRA, at its sitting held on Friday, 29th June, 2024. The highlights of the expert's submissions is as follows;

56. On zoning considerations in the location of LPG refill and storage facilities in residential areas, he noted that section 10 of the Energy Act No. 1 of 2019 provides that the functions of the EPRA shall inter alia be to: —

- a) *work with the relevant statutory authorities to formulate, enforce and review environmental, health, safety and quality standards for the upstream petroleum sector;*
- b) *develop guidelines, in consultation with other statutory authorities, in relation to the implementation of treaties, conventions or protocols affecting the upstream petroleum sector that have been ratified by Kenya.*

57. EPRA had formed collaborations with other state agencies on safety and operational standards and guidelines for the petroleum sector, including, the Kenya Bureau of Standards (KEBS), National Environmental Management Authority (NEMA), the Directorate of Occupational Safety and Health Services and the Physical Planning Departments of respective Counties.
58. He further enumerated the following standards that had been developed to guide on of LPG storage and filling facilities:
- a) KS EAS 924-1: 2018 for the handling, storage, and distribution of Liquefied Petroleum Gas (LPG) not exceeding 150 litres in domestic, commercial, and industrial installations;
 - b) KS EAS 924-2: 2020 for the handling, storage, and distribution of Liquefied Petroleum Gas (LPG) exceeding 150 litres and combined water capacity not exceeding 9000 litres per installation in domestic, commercial, and industrial installations; and
 - c) KS EAS 924-3: 2020 for the handling, storage, and distribution of Liquefied Petroleum Gas (LPG) involving storage vessels of individual water capacity exceeding 9000 L in domestic, commercial, and industrial installations.
59. Prior to the approval for grant of a construction permit for an LPG bulk storage and refilling facility as per Section 86 of the Petroleum Act No. 2 of 2019, EPRA needed to satisfy itself that the applicant had obtained -
- a) an Environment and Social Impact Assessment (ESIA) licence from the National Environment Management Authority (NEMA);
 - b) approval for development from the respective County Government as per the County and Physical Planning/zoning laws; and
 - c) the requisite technical designs in line with the minimum safety distances stipulated in the Standards.
60. With regard to already existing LPG refill and storage facilities in areas marked for industrial purposes that have since evolved into residential areas, he noted that -
- a) EPRA had in the last 2 months re-audited all existing LPG bulk storage and refilling plants with a view towards determining conformity to the standards. Out of the 140 licensed plants, 63 were initially shut down for failure to meet the stipulated requirements.
 - b) Non-conforming plants had been progressively re-opened following compliance by operators on all the safety considerations as prescribed. So far 39 plants had been re-opened after further re-inspection.
 - c) EPRA would continue re-auditing the existing LPG bulk storage and refilling plants with the view of ensuring continued conformity.
61. Proposed regulations and safety standards in response to the frequent gas explosions were provided as summarised below -

- a) Review of the Petroleum (Liquefied Petroleum Gas) Regulations of 2019 to include additional stringent measures to ensure the continued safe operation of the LPG sub-sector;
 - b) Review of zoning by-laws by County Governments in order to ensure proper zoning classification of urban and peri-urban areas so as to avoid future disasters especially where mixed development approvals are granted; and
 - c) Review of the Physical Planning handbook as an urgent priority to ensure proper zoning guidance.
62. He further noted that public education and awareness on safe handling and use of LPG and Petroleum products was crucial to the realisation of EPRA's mandate. In line with section 9(hh) of the Energy Act 2019 which mandates the Authority to protect consumers, investors and stakeholders, he noted that EPRA intended to rollout proactive public sensitization programmes on safety, quality standards, compliance requirements, reporting of malpractices and energy and petroleum laws targeting various stakeholder groups.
63. Low awareness levels about compliance and safety requirements on LPG and Petroleum products was a causative factor of many LPG explosions and tanker accidents leading to the loss of lives and destruction of property as seen in the Embakasi Mradi area incident in February 2024. Continuous public education and advocacy initiatives therefore needed to be sustained at both National and County levels.
64. To ensure public safety, EPRA had rolled out a robust public awareness campaign aimed at ensuring that the public understands -
- a) The role of EPRA in ensuring safe distribution and use of petroleum and LPG and where collaboration can be forged with Community Based Organizations and members of the public at large to enhance the dispensation of EPRA's mandate.
 - b) Safe use of LPG and what to do in case of an accidental release.
 - c) The safety precautions to take in case of an accident or emergency involving a bulk petroleum or LPG transport vehicle.
 - d) How to report suspected illegal petroleum and LPG businesses.
65. As part of enhancing public education on LPG safety, EPRA had undertaken the following:
- a) Introduction of a Department of Public Education and Advocacy dedicated to enhancing awareness programmes country wide. EPRA had already sensitised LPG dealers across the country, security committees and prosecutors from the Office of the Director of Public Prosecution.
 - b) Establishment of strategic partnerships and collaborations with Counties through the Council of Governors, and the security and justice system.
66. Further, EPRA planned for the following additional interventions:

- a) Development of a public education and advocacy policy to guide public awareness approach.
- b) Countrywide sensitization of National Government Administration Officers (NGAOs) and County Security and Intelligence Committees on compliance requirements.
- c) Advocacy through vernacular radio stations targeting grassroots stakeholders and consumers, sensitization of industry players and LPG dealers
- d) Advocacy on clean cooking energy to position LPG growth policy by influencing adoption and access levels among diverse beneficiaries and Civil Society and Community-led dialogues to raise a safety conscious Kenyan Society.
- e) Development and evaluation of feasibility, efficiency and quality of Information Education and Communication (IEC) materials.

C. Submissions by the National Environment Management Authority

The National Environment Management Authority made the following submissions-

- 67. In their submissions, NEMA noted that it used various environmental assessment tools namely Strategic Environmental Assessment (SEA), Environmental and Social Impact Assessment (ESIA) and Environmental Audit (EA) to process various development applications requests as applicable. The developmental applications to NEMA were processed in line with the provisions of EMCA, 1999 and Environmental (Impact Assessment and Audit) Regulations 2003.
- 68. Section 58 (I) of the Environmental Management and Coordination Act (EMCA), Cap 387 mandates property developers to submit a Project Report to the Authority in the prescribed form prior to undertaking any projects.
- 69. Regulation 4 (2) of the Environmental (Impact Assessment and Audit), Regulations, 2003, provides that no licensing Authority under any law in force in Kenya shall issue a licence for any project for which an EIA is required under the Act unless the applicant produces to the licensing Authority a licence EIA issued by the Authority under these Regulations.
- 70. Based on the foregoing, ESIA processes preceded the issuance of relevant government permits, licences and approval documents from various mandated Agencies.
- 71. ESIA was a pre-authorization tool focusing on the environmental suitability of a proposed project site subject to the authorization and clearance from other lead agencies such as Energy and Petroleum Regulatory Authority (EPRA), Nairobi City County, Directorate of Occupational Health and Safety Services, Kenya Bureau of Standards (KEBS) among others.
- 72. The issuance of an ESIA licence to a proponent did not absolve the project proponent from their obligations to acquire other applicable permits, licences and approvals from relevant Agencies before financing, commencing and execution of the proposed project.

73. NEMA's response on why the LPG refilling facility was located close to human settlement was that land use/zonation was one among several key aspects that were evaluated during the processing of an ESIA application.
74. The ESIA application by Maxxis Nairobi Energy Ref: NEMA/NRB/PR/5/1/17074 (PSR 31337) for the proposed LPG storage and filling plant was to be located on Plot LR. No. 9042/146 off North Airport Road. Special condition No. 5 of the provided Land title registration documents in support for the application indicated that the land and the buildings would only be used for inoffensive industrial purposes with ancillary offices and stores.
75. Planning for land use had been and continued to be one of the most challenging aspects of the nexus between environment and planning. To ensure sustainability, the need to restrict incompatible developments within the various sectors such as industrial/residential (human settlement), agricultural/mining/forestry/water resources among others needed to be more economically efficient, aesthetically pleasing and socially and environmentally sustainable.
76. The ESIA process recognized the need for institutional and public recognition of government lead agencies and other stakeholders including the project affected persons through public consultations as provided for in Regulations 9 (2) of the Environmental Impact Assessment and Audit Regulations, 2003.
77. Noting the above, public participation in form of a meeting between the proponent and the Project Affected persons (PAPs) was held on 28th February, 2021, duly filled questionnaires and a letter of no objection of the Nyayo Embakasi Residents Association (NERA) were provided as evidence of the same.
78. To guarantee sustainability of the project, the licence condition 1.4 required the proponent to implement and maintain an environmental management system, organisational structure and allocate resources that were sufficient to achieve compliance with the requirements and the conditions of this licence.
79. On the mandate of NEMA in enforcing compliance by facilities, NEMA drew its power to enforce from Environmental Management and Coordination Act, Cap 387 in case of breach of the ESIA licence conditions. The various enforcement actions to remedy environmental offences as outlined below;
- a) Issuance of Improvement Notices: Issued to require the owner or operator of facility to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery, if necessary, within such reasonable time as the Director-General may determine;
 - b) Issuance of Restoration Orders: Issued to require the person on whom it was served to restore the environment as near as it may be to the state in which it was before the taking of the action which is the subject of the order; or prevent the person on whom it is served from taking any action which would or is reasonably likely to cause harm to the environment;
 - c) Issuance of Closure Orders: Issued to order the immediate closure of any manufacturing plant or other establishment or undertaking which pollutes or is

likely to pollute the environment contrary to the provisions of EMCA and to require the owner or operator of such establishment or undertaking to implement any remedial measures that the environmental inspector may direct; and

- d) Prosecution: The Authority through its inspectors, with an arrest warrant and the assistance of a police officer, is allowed to arrest and prosecute any person whom it reasonably believes has committed an offence under EMCA.

D. Submissions by the Nairobi City County

80. The County Government informed the Committee that it did not have any knowledge of an LPG refilling activity taking place on the referenced site. The known activity on the said parcel was that it was operating as a garage. In accordance with the 1976 City Master Plan it designated the area for development of inoffensive light industries.
81. Additionally, in regards to the identity of the individuals operating the said refilling plant, the County submitted that they were not in a position to provide the name of the Company that was running the facility and its beneficial owners given that the law designates the Registrar of Companies (Business Registration Service) as the legal repository of such information.
82. The Nairobi County Government submitted that it was reliant on statutory agencies that were independent and entrusted with that mandate nationally. They noted that the Energy Act 2019, squarely vests the mandate of licensing, regulating and revoking licences related to LPG refill, storage and trade on EPRA. It therefore followed that EPRA was the appropriate entity to indicate the pre-requisite requirements that inform the approval of an LPG refill and storage facility.
83. The National Environmental Management Authority (NEMA) was equally mandated under the Environmental Management and Coordination Act (EMCA) to carry out Environmental Impact Assessment based on which they would issue the relevant licence.
84. EPRA had the full and exclusive mandate in law, in respect to the aspect of regulation and enforcement of compliance by the facilities they had licensed. The legal and regulatory framework did not envisage a sharing of the mandate given to EPRA and as such any overreach would invariably be clearly not backed by law.
85. Overstretch by the County Government would invariably lead to a case/s being filed in court of which the county would have a very slim chance of success if any based on the doctrine of overreach that would render any such actions *ultra vires*.
86. The law exclusively empowered and mandated EPRA to licence and regulate such facilities, being the issuer of such licences and being the regulator within Nairobi City County and indeed the entire Country, they were the repository of the true and actual information of all the LPG refill and storage facilities in the County.
87. EPRA was also able to easily avail the location of such facilities as the information was available to them at the time of licensing.
88. Further, EPRA was expected to undertake continuous supervision of the licensed facilities. EPRA also had the sole mandate to also ensure that they identify, root out and discourage any illegal facilities or businesses operating without being licensed

and thus illegal. In this regard, they would also be in the best position of identifying any such facilities that may be operating illegally and thus act on them.

89. Nairobi City County had put the following safeguards to avoid the same recurrence-

- a) The County Government had directed the immediate closure of all LPG facilities in Nairobi County located within a 200m radius of human settlements.
- b) The County had held consultative meetings and collaborative forums with the relevant legal regulatory entities, that is, EPRA and NEMA, to implore upon them the need to strictly execute their mandate and assure them of the County's cooperation on any aspect if needed.
- c) As a long-term solution, the County Government had concluded the preparation of two land use planning regulatory policies namely, Nairobi City Land Use Policy and the Nairobi City Development Control Policy. These two policies commenced in the year 2021 and were currently due for approval by the Nairobi City County Assembly after which they would be implemented.

90. Nairobi City County noted that the change and appraisal of the regulatory framework was long overdue noting that the Nairobi City Metropolitan Growth Strategy of 1976 lapsed in the year 2006. Further, upon implementation, the by-laws were expected to promote development that took into account harmony and safety while taking account of the current challenges.

91. The County Government further, recommended the implementation of the following measures by the relevant entities vested with the mandate to licence and regulate gas filling plants-

- a) Deployment of fire prevention and safety officers to all the 17 sub counties.
- b) Site selection and layout: For any plant to operate within the city, the location for the LPG refill plant must comply with safety regulations and be located away from residential areas, high traffic zones, and potential sources of ignition. The layout would facilitate easy access for emergency vehicles.
- c) Safety equipment: Ensuring LPG premises install fire detection and suppression systems such as smoke detectors, heat detectors, fire alarms, and automatic sprinkler systems and have fire extinguishers strategically placed throughout the facility, and ensure that they are regularly inspected and maintained.
- d) Emergency Response Plan: LPG plants should be prepared to implement an emergency response in the event of an incident that includes procedures for evacuating personnel, contacting emergency services, and containing fires. Further, there was a need to conduct regular drills to ensure all employees are familiar with the protocol.
- e) Training and Awareness: Training all personnel and the community on fire safety protocols, including how to use fire extinguishers and evacuate the premises safely in case of an emergency. Emphasise the importance of proper handling and storage of LPG to minimise fire risks.

- f) Proper Ventilation: Ensuring adequate ventilation systems are in place to prevent the build-up of LPG vapours, which can increase the risk of fire or explosion.
- g) Compliance with Regulations: Ensuring the site strictly adheres to all relevant safety regulations and standards set forth by local authorities and regulatory bodies. Regular inspection of equipment and facilities to ensure compliance and address any potential hazards promptly.
- h) Secure Storage: ensure that all LPG cylinders and tanks are stored in designated areas that are secure and properly ventilated. Implement measures to prevent unauthorised access and ensure proper handling procedures are followed during storage and transportation.
- i) Maintenance and Inspection: Regular inspection and maintenance of all equipment, including valves, pipelines, and storage tanks, to detect and address any leaks or malfunctions promptly. Implement a preventive maintenance schedule to minimise the risk of equipment failure.
- j) Communication and Coordination: the premises should maintain open communication channels with local emergency services, neighbouring businesses, and the community to facilitate coordination in the event of a fire or other emergency situation.
- k) Inspection and Clearance by the relevant bodies of Petrol Tankers, Petrol Stations, Filling Stations, and Petroleum Depots.
- l) Inspection and Clearance of LPG filling facilities and LPG transporters by the relevant entities.
- m) Full and meaningful public participation in the event of development of LPG and Petrol related facilities.
- n) Availability, accessibility and promulgation of dedicated easy user-friendly channels that the public can use to either complain or make verification on whether any facility has been licensed.
- o) Enforcement of Compliance on Petroleum Fire Safety on all Petroleum dealers.
- p) Stoppage of approval and licensing of Petroleum facilities within residential areas.
- q) Public awareness programme on safety.

E. Submissions by Petroleum Institute of East Africa (PIEA), General Manager, Ms. Wanjiku-

92. The operations of the facility at Mradi area was unlicensed, rendering them illegal. Additionally, the Energy and Petroleum Regulatory Authority (EPRA) had not issued a construction permit for the facility due to its inappropriate location in a residential area. The facility was situated between homes and had failed to adhere to the required minimum distances between the facility and the residences.

93. Applications for EPRA construction permits for all petroleum facilities, including LPG storage and cylinder refilling plants, must be accompanied by an Environmental and Social Impact Assessment License (ESIAL) issued by the National Environment Management Authority (NEMA). This license is granted upon NEMA's approval of the applicant's Environmental and Social Impact Assessment Study Report (ESIASR).
94. Before approving the Environmental and Social Impact Assessment Study Report (ESIASR), NEMA was required to subject it to an extensive public stakeholder review and engagement process. Additionally, NEMA was required to share the report with sector lead agencies, including EPRA in this case, for their review and feedback. This input was expected to inform NEMA's decision on the issuance of the Environmental and Social Impact Assessment License (ESIAL).
95. Nevertheless, the mandatory requirement for siting of such facilities needed to put utmost consideration to the proximity to other habitations and activities, including but not limited to safety distances and emergency response preparedness. In this case, NEMA had the capacity to establish that this facility was entirely incompatible with the existing demographic, which is predominantly residential rather than industrial.
96. Following the explosion incident, the NEMA Board and Management disengaged from those responsible for issuing the unlicensed Miradi LPG facility permits, and they were charged in court for irregularly issuing the related ESIAL. It remains unclear whether NEMA had submitted the ESIASR to EPRA and if EPRA had provided a response before NEMA's decision to issue the ESIAL.
97. Impunity, unwillingness to enforce the law and corruption were key reasons why the said unlicensed facility was operating in a residential area.
98. Despite being denied the requisite permits and licenses by EPRA three times, the facility owner proceeded with the operations. It was concerning that no monitoring or surveillance was carried out to ensure compliance with the application rejections.
99. The unlicensed site in Mradi was the location of a criminal case instituted against the proprietor of the facility and some of his clients on 9th November, 2020, under criminal case number E3776/2020 at Milimani Law Courts in Nairobi. All the accused persons were found guilty and convicted, with the sentence issued on 18th May, 2023.
100. Despite guidance from the High Court on the mandatory minimum sentence of 5 years in prison or a penalty of Kshs 10,000,000 (Ten million), the Magistrate of Court Number 11 imposed significantly lesser penalties. The proprietor (first accused) received a total fine of Kshs 500,000 or one year of imprisonment, instead of the mandated Kshs 20,000,000 or 5 years. The second accused was fined Kshs 50,000 instead of the required Kshs 10,000,000 or 5 years.
101. The Magistrate also released all motor vehicles, including two LPG tankers, along with the confiscated LPG bulk storage with a net weight of 4,660 kgs, despite the law mandating forfeiture. One of the LPG tankers that was improperly released by the courts was registration number ZC 1286, which was involved in the incident.
102. Despite the aforementioned convictions and actions, the proprietor persisted in operating the illegal storage and refilling facility without adhering to even the basic safety standards and employing qualified LPG personnel as required by law. This

negligence led to the unfortunate catastrophe, which could have been prevented if both the letter and spirit of the law had been followed.

103. The LN 100, as it currently stands, was adequate to enforce high safety standards for both LPG installations and LPG cylinders. In cases of non-compliance proven in lower courts, the penalties outlined in LN 100, as affirmed by Justice Nzioka in the High Court in August 2022, were applicable. In 2023, the City Court applied the full force of LN penalties to individuals who illegally filled LPG cylinders belonging to other brand owners. EPRA possessed all the necessary authority to prosecute offenders and ensure compliance with these regulations.
104. The rapid proliferation of both unlicensed and licensed LPG storage and cylinder refilling sites engaging in illicit trade posed significant safety and security risks to the country. This situation primarily stemmed from the unwillingness to permanently close illegal sites and the deliberate omission of due diligence in vetting applicants, especially those in the hospitality sector who allow the use of their storage and filling plants by owners of cylinders from other brands.
105. To illustrate this, EPRA's mandate included licensing LPG cylinder refilling plants, with licences contingent upon plants purchasing a minimum of 5,000 cylinders initially.
106. These cylinder purchases were required to increase annually in accordance with the licence renewal cycle, and proof of this growth needed to be provided to the regulator as per LN 100 regulations.
107. However, there was a loophole in licensing refilling plants that provided hospitality services as EPRA allowed multiple facility owners to acquire hospitality license from the same cylinder brand owner, who must own a minimum of 5,000 cylinders.
108. The loophole had enabled brand owners to donate hospitality rights to an unlimited number of refilling plants, regardless of their low cylinder count. Consequently, the practice had resulted in the licensing of numerous refilling plants that did not own any cylinders but rather engaged in the illegal refilling of cylinders belonging to companies that had invested significantly in LPG cylinders.
109. The situation had exposed Kenyans to incidents like the Mradi explosion due to the lack of attention to safety at refilling plants and the lack of guarantee on the cylinder integrity through proper safety checks before refilling.
110. Furthermore, consumers were deceived into believing the gas was cheaper, as they often did not receive receipts containing essential information such as the date of purchase, name and contact details of the retailer, LPG brand name, and cylinder serial number.
111. Moreover, this illicit trade undermined brand owners' ability to engage authorised wholesalers and retailers for nationwide distribution of their safe cylinders. This ultimately deprived Kenyans of opportunities to participate as entrepreneurs in a robust LPG value chain.
112. The significant profits from illegal LPG cylinder refilling operations unfortunately did not contribute to investment in safe LPG cylinders of their own brand. Instead,

these profits were often laundered in unrelated sectors, particularly in the construction of malls and apartments.

113. Another loophole existed within the transporters, wholesalers, and retailers involved in the LPG cylinder trade: Many of these entities operated without proper licensing and played a key role in facilitating illegal LPG trade.

114. They engaged in activities such as stealing or diverting cylinders from authorised distribution channels and delivering them to illegal refilling plants. The cylinders were then illegally refilled and redistributed into the market, bypassing the rightful brand owners. This practice continued until the cylinders were due for revalidation, which occurs every eight years.

115. EPRA should maintain and strengthen ongoing enforcement efforts to eradicate illegal refilling of cylinders belonging to other brand owners. Additionally, EPRA should actively use its authority to suspend or revoke licenses of facilities found to be in violation of LN 100 or the conditions of their licenses. These actions are crucial for upholding safety standards, protecting consumer interests, and ensuring compliance within the LPG sector.

116. EPRA could easily clean up the LPG sector by applying the following simple measures -

- a) Revocation of LPG refilling plants operating under “hospitality” arrangement where the brand owner does not have sufficient cylinders.
- b) Monitoring of Bulk LPG purchases to all refilling plants and matching it to the cylinders they own.
- c) EPRA obtains live feeds from all refilling plants to monitor all activities.
- d) Ensuring all refilling plants have E-Tims to issue invoices and ETR’s for all purchases.
- e) Recording of serial numbers of all cylinders refilled at all refilling plants.
- f) Monitoring of all 136 refilling plants countrywide to ensure they only refill authorised cylinders.
- g) Enforcement by EPRA of the data submission on LPG imports and sales as well as on gradual cylinder purchases by all licensed refilling plants. This would promptly weed out illicit traders as the import quantity (also referred to as bulk) must match the customers, be they commercial consumers (hotels, schools etc) and/or household consumers who are supplied through LPG cylinders that should be owned by the importer.
- h) Basic enforcement of Know Your Customer (KYC) by the government, including vetting of owners of refilling plants, source of funds and tax compliance.
- i) Arrest of all transport vehicles without proper licences and letters of authority.

- j) Ensure that all LPG wholesalers/Retailers obtain licences, letters of authority, e-tims and that they issue proper receipts to customers capturing the serial numbers of cylinders while issuing ETR's.
 - k) Ensure that all cases are successfully prosecuted, and magistrates issue proper sentences.
 - l) Maintain an accurate and verifiable database of all LPG traders.
 - m) Amend the regulation on the minimum number of brand owners initial cylinder investment using the scientific cylinder rotation calculation for both economic sense of the business which is tied to the national safe cylinder population that is required for conversion of homes that use firewood, charcoal and kerosene to LPG by 2028.
117. There was a significant gap in consumer awareness and public safety concerning LPG cylinders. Legitimate brand owners adhered to safety requirements by affixing safety messages on cylinders, which were intended to be renewed with each refill. However, illegal refilling operations often rendered these safety messages illegible.
118. Eliminating illegal LPG refilling operations was crucial not only for consumer safety but also for enhancing awareness. Brand owners should regularly use social media and radio platforms to remind consumers about safety practices, such as always obtaining a receipt for every LPG purchase. These receipts, as mandated by law, should include the date of purchase, name and contacts of the retailer, LPG brand name, and cylinder serial number.
119. Collaboration between the Ministry of Petroleum and Energy and EPRA was essential for running targeted LPG safety awareness campaigns through effective communication channels like social media and radio. These efforts can empower consumers to make informed choices and contribute to a safer LPG environment.

F. Submissions by the Energy Dealers Association (EDA)

120. The Committee met with Mr. Kepha Odongo, Secretary General, EDA, at its sitting held on Friday, 28th June, 2024. Highlights of their submissions have been provided below.
121. Energy Dealers Association (EDA) in their submissions brought to the attention of the Committee urgent issues facing two of their members; Green Energy and Crescent Energy Limited.
122. The companies, initially established in areas designated for industrial purposes, had found themselves surrounded by residential developments due to rapid urban expansion. This situation had led to significant safety concerns and financial losses for the two members
123. EPRA had recently imposed a 200 metre safety distance regulation without consultation or legal backing, following the unfortunate Mradi fire incident.
124. Despite numerous visits and communications with EPRA, EDA's efforts had not yielded any positive outcomes. Its members had implemented all mitigation measures

as stipulated in the Kenya Bureau of Standards (KEBS) safety standards. However, the imposed regulation continues to impact their operations adversely.

125. EDA sought the intervention of the Senate Standing Committee on Energy to address the issues facing their members.
126. On current zoning policies, LPG refill and storage facilities were ideally located in industrial zones to minimise risk to residential populations and buffer zones were typically required to ensure a safe distance between LPG facilities and residential areas.
127. Challenges included rapid urban development which had resulted in residential areas encroaching upon previously industrial zones and also current zoning regulations had not been updated to reflect these changes, leading to safety concerns.
128. With regards to zoning considerations, EDA recommended the following-
 - a) Implementing stricter zoning regulations to enforce the separation of LPG facilities from residential areas.
 - b) Regularly updating zoning maps to reflect current urban developments.
 - c) Establishing mandatory buffer zones around LPG facilities, with specific distance requirements based on the storage capacity and associated risks.
129. With regards to existing LPG Refill and Storage Facilities in evolved residential areas, EDA submitted that currently, Green Energy and Crescent Gas were members of EDA whose facilities were surrounded by residential developments despite being initially zoned in industrial areas.
130. EPRA reacted by imposing a 200-meter safety distance without consultation, following the Mradi fire incident. This action was not supported by existing law. To note, both Green Energy and Crescent Gas had implemented mitigation measures as outlined in the Kenya Bureau of Standards (KEBS) safety standards.
131. EDA provided the following recommendations on existing LPG Refill and Storage Facilities in residential areas-
 - a) Relocate high-risk LPG facilities to designated industrial zones with appropriate support from the government.
 - b) Provide financial and logistical support for the relocation of these facilities.
 - c) For facilities that cannot be relocated, enhance safety measures such as advanced leak detection systems, fire suppression systems, and regular safety drills.
 - d) Engage in constructive dialogue with EPRA to find mutually acceptable solutions that adhere to KEBS standards.
132. The existing regulations were outdated or insufficient to address the scale of LPG usage and storage today. They recommended the following-
 - a) Update safety regulations to include modern best practices and technologies.

- b) Mandate regular safety audits and compliance checks for all LPG facilities.
 - c) Enforce strict penalties for non-compliance with safety standards.
 - d) Introduce a certification program for LPG handling and storage personnel to ensure they are adequately trained.
133. On the current public awareness efforts, EDA submitted that public awareness regarding LPG safety was often limited, leading to improper handling and storage practices.
134. Regarding interventions for public awareness and safety EDA proposed the following recommendations:
- a) Launch comprehensive public awareness campaigns focusing on LPG safety practices.
 - b) Develop educational programs and materials, including brochures, workshops, and online resources, to inform the public about safe LPG usage and emergency procedures.
 - c) Collaborate with local community organisations and media to disseminate safety information widely.
135. They further provided the following additional recommendations-
- a) Community Engagement: Establish a community liaison program to facilitate communication between LPG facility operators and local residents and encourage community involvement in safety planning and emergency response drills.
 - b) Technological Advancements: Invest in research and development of safer LPG storage and handling technologies and encourage the adoption of smart monitoring systems for real-time detection of leaks and other hazards.
136. Legislative support sought by EDA included advocating for laws that promote the safe operation of LPG facilities and protect residential areas from associated risks, as well as lobbying for government incentives to facilitate the adoption of enhanced safety measures and the relocation of high-risk LPG facilities.
137. In conclusion, EDA urged the Committee to intervene and address the challenges faced by Green Energy and Crescent Gas due to unplanned residential encroachment.
138. They highlighted the adverse impact of EPRA's imposition of a 200-meter safety distance regulation without legal consultation, resulting in significant financial losses for these companies.
139. EDA noted that by implementing their recommendations, updating regulations, and enhancing public awareness, safe and sustainable operation of LPG facilities could be ensured while safeguarding residential communities from risks.

CHAPTER FOUR

COMPARATIVE ANALYSIS OF LIQUEFIED PETROLEUM GAS (LPG) DISTRIBUTION SYSTEMS

140. Liquefied Petroleum Gas (LPG) systems are integral to modern energy distribution, providing a versatile and efficient fuel source for various applications. Consisting mainly of propane and butane, LPG is stored in pressurised containers and transported as a liquid before being converted to gas for use in homes, businesses, and industries worldwide. Its flexibility, cleanliness, and portability make LPG systems essential for heating, cooking, and powering various appliances, offering a reliable energy solution in urban and rural settings.

A. LPG Distribution in Kenya

141. The government of Kenya set a long-term goal of having 42 per cent of households to adopt clean cooking fuels. The goal was embedded in Kenya's Vision 2030 Second Medium-Term Plan (2013–17). Liquefied petroleum gas (LPG) was to contribute 35 per cent, biofuels 5 per cent and electricity 2 per cent.

142. A strategy was developed to reduce the LPG cost and expand its use among lower-income Kenyans. The government converted the 35 per cent goal into a benchmarked per capita consumption target of 15 kilograms of LPG per year by 2030. (GOK Vision 2030)[2].

143. In Africa, the average consumption of LPG stands at 3 kilograms per capita annually. South Africa, whose economy is comparable in size to Kenya's, consumes a notably higher amount at approximately 6 kilograms per capita per year as of 2015. Despite having economies smaller than Kenya's, Senegal and Ghana have achieved consumption rates ranging from 5 to 10 kilograms per capita per year, attributed largely to effective government interventions promoting LPG usage.

144. LPG distribution in Kenya occurs through a dual approach bulk distribution here large companies distribute LPG for commercial and industrial purposes. They import the gas, store it in sizable depots in major towns like Mombasa, Nairobi, and Kisumu, and subsequently transport it to businesses using specialised trucks.

145. Household Distribution: This depends on a network of distributors who receive LPG in cylinders from bulk facilities. These distributors subsequently retail the filled cylinders to households through diverse channels:

- a) Depots: Major companies like (Total Energies) may have their own depots where households can purchase refills or exchange empty cylinders for full ones.
- b) Retailers: Smaller shops and supermarkets may stock LPG cylinders for household purchases.
- c) Delivery Services: Some distributors offer a fee for home delivery of LPG cylinders.

B. Jurisdictional Comparison

i) LPG Distribution in USA

146. LPG (liquefied petroleum gas) plays a vital role across various sectors in the United States, including -
- a) Heating: Millions of homes and businesses rely on LPG as their primary heat source, especially crucial during winter.
 - b) Industrial Use: LPG supports industrial processes like chemical and plastics manufacturing.
 - c) Agriculture: It is used for activities such as grain drying and providing winter heating for livestock and greenhouses.
 - d) Other Uses: LPG is also utilized for cooking, power generation, and transportation.
147. The LPG supply chain is complex and involves the production of LPG as a by-product of crude oil refining. It is then shipped from petroleum refineries to LPG storage terminals in consuming markets via pipelines, railcars, and trucks.
148. During storage and distribution, LPG is stored at terminals before being transported to smaller storage facilities (propane depots or bulk plants) via pressurized tanker trucks. Distribution is done using trucks which deliver LPG to individual homes and businesses, either through pipelines or directly to customer storage tanks.
149. In addition to deliveries by road, some distributor storage facilities can also be refilled directly through pipelines and trains.

ii) LPG Distribution in South Africa

150. In South Africa, the distribution chain for LPG involves several key stages and stakeholders:
151. Refineries/Producers extract crude oil and produce LPG as a by-product during the refining process. Some may also be involved in natural gas processing, where LPG is another output.
152. Acting as intermediaries, wholesalers purchase LPG in bulk from producers. They may import LPG if domestic production is insufficient and transport it to storage facilities or directly sell it to distributors.
153. Distribution is conducted by regional players responsible for handling the movement and storage of LPG within specific areas. They receive LPG from wholesalers and may operate their own storage facilities.
154. Large industrial or commercial consumers that require substantial quantities of LPG, have it delivered by specialised trucks directly from distributors.
155. Retailers and dealers sell filled LPG cylinders to households and small businesses. They may operate depots for cylinder exchange or offer home delivery services for a fee.

U.S. Census. 2021: American Community Survey 5-Year Estimates. B25040HOUSE HEATING FUEL

¹ Petroleum & Other Liquids. Supply and Disposition. Propane. Annual 2021.
https://www.eia.gov/dnav/pet/pet_sum_snd_a_EPLLP_a_mbbldpd_a_cur.htm

¹ South African National Standard (SANS) 10087-1:2013

156. South Africa has introduced significant reforms in its LPG distribution system, including -

- a) Implementing centralised storage to ensure no cylinders are stored in kitchens thus enhancing safety.
- b) Introducing a network of safe piping for LPG distribution, with individual metering for consumers, improving efficiency and safety through a centralised distribution system.

157. These initiatives aim to modernise the LPG supply chain in South Africa, enhancing safety standards and operational efficiency across the board.

iii) LPG Distribution in South Korea

158. In North Korea, LPG is stored differently depending on the scale of use:

- a) For homes and smaller applications, LPG is typically stored in cylindrical or spherical metal tanks. These tanks are pressurised to maintain LPG in its liquid form, ensuring efficient storage and distribution.
- b) In industrial or commercial settings, the use of underground caverns for bulk LPG storage is employed. These caverns are large chambers excavated deep underground specifically for storing LPG.

159. LPG distribution in South Korea enjoys key advantages, including -

- a) Security: Being buried deep underground provides a natural layer of protection against external threats such as fire or impact, enhancing safety.
- b) Land Use Efficiency: Unlike sprawling above-ground tanks, caverns maximise storage capacity while minimising the land footprint. This efficiency is particularly valuable in areas with limited space.
- c) Temperature Control: The earth's natural insulation helps maintain a cool and stable environment for LPG storage. This reduces the risk of pressure fluctuations and potential leaks, ensuring the integrity of stored LPG.

These advantages make underground caverns a preferred choice for large-scale LPG storage in North Korea, balancing safety, efficiency, and environmental considerations.

160. As outlined above, the comparative analysis of Kenya's LPG distribution system reveals a critical weakness in the regulatory framework governing storage and refilling processes. Strengthening regulatory oversight is essential to ensure safety and efficiency throughout the LPG supply chain.

Korea LPG Association. <https://www.klpg.or.kr>

CHAPTER FIVE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

A. Committee Observations

161. The Committee made the following observations -

A) Licensing and Compliance

- a) The Petroleum Act (Cap 308) outlines licensing and compliance requirements. Specifically, Section 74 mandates that any person intending to undertake bulk storage of petroleum products must possess a valid licence issued by EPRA. Additionally, Section 74(2) requires individuals seeking to operate retail dispensing stations or distribute gas through a centralised reticulation system to obtain a licence from the County Government.
- b) Furthermore, Section 86 stipulates that individuals planning to construct petroleum pipelines, refineries, bulk storage facilities, retail dispensing sites, centralised gas reticulation systems, or designated parking places for petroleum tankers must first apply for a construction permit from EPRA before commencing such projects.
- c) The rapid proliferation of both unlicensed and licensed LPG storage and cylinder refilling sites engaging in illicit trade pose significant safety and security risks to the country.
- d) The lease for the plot where the explosion occurred, Plot No. L.R No.9042/146 was registered under a Mr. Derick Kimathi who was the owner of Maxxis Nairobi Energy.
- e) EPRA indicated that the explosion was caused by the uncontrolled release of LPG from a road tanker with registration number KBJ 185X ZD2234. The vehicle belonged to a Mr. Abraham Mwangi Nguyo, who operated under the business name "Klear Mwiki Gas Suppliers". The company held a valid EPRA licence (No. EPRA/LPG/10342) for transporting bulk LPG by road.
- f) Contrary to the provisions of section 74 of the Petroleum Act, as per submissions made by EPRA, the explosion site lacked an operating licence from EPRA for LPG storage and filling. The proprietor, (Mr. Derick Kimathi) submitted three applications for construction permits to EPRA on 19th March, 2023, 20th June, 2023, and 31st July, 2023, but all were rejected due to its inappropriate location in a residential area. However, despite being denied the requisite permits and licences by EPRA three times, the facility owner proceeded with the operations.
- g) To note, the company obtained a valid EIA licence from NEMA No. NEMA/EIA/PSI/23819 dated 2nd February 2023 approving installing of a 10 metric tons LPG storage and filling plant, associated facilities and amenities at Plot No.9042/146 located off North Airport Road, Nairobi County. However, the issuance of an ESIA licence did not absolve the company from its obligations to acquire other applicable permits, licences and approvals from relevant Agencies before financing, commencing and execution of the proposed project.

- h) Nairobi County Government's submissions indicated that the LPG refilling plant in question was registered as a garage, rather than as an LPG refilling facility. The Committee further noted that Nairobi County Government disclaimed responsibility for any licences issued into the facility.
- i) As a result of the Mradi incident, EPRA suspended all operational licences issued to Maxxis Nanyuki Energy and Klear Mwiki gas suppliers. It further shut down 63 out of 140 licensed LPG storage and refilling plants located within a radius of 200 metres near residential areas owing to a 'risky' or 'high risk' technical audit score. Following re-inspection, 39 of these facilities were reopened, with some implementing safety measures like firewalls, reducing the required distance from residential areas to 35 meters.
- j) The Committee noted that Section 58 of the Environmental Management and Coordination Act (EMCA), Cap 387 places the environmental and social impact assessment (ESIA) processes at the bottom of the hierarchy of project planning tools.
- k) The Committee also emphasised that a project proponent's responsibility towards the environment extends beyond obtaining an ESIA licence, as compliance monitoring continues through the conditions stipulated in the ESIA licence, ensuring ongoing oversight and enforcement actions by relevant authorities.
- l) The Committee observed that already existing laws regulating the sector collectively ensure the safe, efficient, and regulated management of energy resources, with specific emphasis on LPG handling and distribution. In light of the Mradi explosion, rigorous enforcement of these laws and active oversight by regulatory bodies such as EPRA, NEMA and Nairobi City County are crucial to prevent future incidents and safeguard public safety.
- m) In addition, the involvement of multiple legal regulatory bodies in the licensing process creates a complex web of responsibility. This can make it difficult to identify who's accountable when safety issues arise.
- n) Accordingly, there is a need to establish a one-stop shop that simplifies obtaining licences by offering a central location (physical or online) where you can access information, submit applications, pay fees, and track status for various licences under one roof. A streamlined licensing process with a single point of oversight could improve accountability, and eliminate the finger-pointing that often hinders addressing safety concerns.

B) Zoning

- a) The Committee observed that the Physical and Land Use Planning Act (Cap 303) mandates county governments to prepare and implement local physical and land use development plans, which include zoning and infrastructure development.
- b) Further, that section 56 grants county governments the power to prohibit or control the use and development of land and buildings, consider and approve all development applications, grant development permissions, and ensure the proper execution and implementation of approved plans.

- c) Rapid urban development had resulted in residential areas encroaching upon previously industrial zones. In addition, current zoning regulations have not been updated to reflect these changes, leading to safety concerns.
- d) There was therefore a need to review zoning by-laws by County Governments in order to ensure proper zoning classification of urban and peri-urban areas so as to avoid future disasters especially where mixed development approvals are granted. In relation to this, a review of the Physical Planning handbook is an urgent priority to ensure proper zoning guidance.

C) Public Awareness and Safety

- a) The Committee observed that public awareness regarding LPG safety is limited, leading to improper handling and storage practices which increases the risk of accidents in the form of LPG explosions and tanker accidents which has in most cases led to loss of lives and destruction of property.
- b) Public education and awareness on safe handling and use of LPG and Petroleum products are crucial to the realisation of EPRA's mandate. In line with section 9(hh) of the Energy Act, 2019, which mandates the Authority to protect consumers, investors and stakeholders, there is a need for EPRA to rollout proactive public sensitization programmes on safety, quality standards, compliance requirements, reporting of malpractices and energy and petroleum laws targeting various stakeholder groups.
- c) The Committee observed that EPRA had established a Department of Public Education and Advocacy dedicated to enhance public awareness programmes country wide. The Department has been used to sensitise LPG dealers across the country, security committees and prosecutors from the Office of the Director of Public Prosecution.
- d) The Committee also noted that EPRA had already reviewed the Petroleum (LPG) Regulations of 2019 and the final draft is expected to be relayed to the Cabinet Secretary (CS) Ministry of Energy and Petroleum for approval. The revised regulations include additional stringent measures to ensure the continued safe operation of the LPG sub-sector and once approved by the CS shall be relayed to Parliament for scrutiny and approval.
- e) The Committee noted that, while the legitimate brand owners affix the safety requirements on the LPG cylinders as required, theft and subsequent illegal refilling of cylinders leaves these safety messages illegible as they are supposed to be fixed anew during every refill by the legitimate brand owner.
- f) The Committee noted the need to ensure involvement of communities, Community Based Organizations and members of the public at large to ensure that the public understands the mandate of EPRA in protecting consumers of petroleum products including LPG.
- g) The Committee noted that EPRA has established strategic partnerships and collaborations with Counties through the Council of Governors, Security and the Justice system.

D) Compensation of Victims

- a) The affected victims have not been compensated through the National Disaster Management Unit whose main function is to administer a comprehensive emergency/disaster programme in collaboration with Stakeholders (EPRA) in order to save lives and protect property.

B. Committee Recommendations

150. Based on the foregoing, the Committee made the following recommendations -

A. Licensing and Compliance

- a) EPRA and County Governments should ensure strict adherence to the licensing requirements outlined in the Petroleum Act. A comprehensive review and regular updates of the licensing processes should be conducted to enhance transparency, efficiency, and compliance.
- b) EPRA should act to enhance LPG data verification from importation to the point of retail in order to improve accountability by sector players.
- c) The Ministry of Energy and Petroleum needs to expedite the approval of the reviewed the Petroleum (LPG) Regulations of 2019 which will include additional stringent measures necessary for safe operation and handling of LPG and submit the same to parliament for consideration and approval.
- d) EPRA should strengthen its review process for licensing applications to ensure thorough evaluation and timely communication of deficiencies. Additionally, immediate corrective actions should be enforced for operations found to be non-compliant.
- e) Establish clear guidelines and accountability frameworks for licensing authorities to prevent misclassification of facilities. Improved interagency communication and coordination are essential to ensure proper registration and licensing.
- f) Implement a regular inspection and audit schedule for all LPG storage and refilling plants. Ensure that non-compliant facilities are brought up to standard before reopening, with continued monitoring to maintain safety measures.
- g) There is a need to strengthen enforcement of existing regulations through joint collaborative efforts between EPRA, the Ministry of Interior and National Administration, the Inspector General, County Governments, the Directorate of Criminal Investigations, and the Director of Public Prosecutions.
- h) In collaboration with the Ministry of Interior and National Administration and County Governments, EPRA needs to step up surveillance efforts with a view towards obtaining intelligence on all known and suspected illegal energy and petroleum businesses/sites within their jurisdiction for immediate enforcement action.
- i) Fast tracking all pending criminal cases through the National Police Service and the Directorate of Criminal Investigations to ensure timely submission of the

investigative files to the Office of the Director of Public Prosecution (ODPP) for review.

- j) There is a need for EPRA to institute stiff administrative actions on all non-compliant LPG Storage and Filling plants including conditional suspension of operating licences for those found in breach.
- k) Strengthen the ESIA process by ensuring comprehensive assessments and public consultations for all petroleum-related projects. Maintain continuous oversight and enforcement of ESIA conditions to safeguard environmental and social standards.
- l) Develop a one stop shop licensing office that integrates all regulatory bodies involved. This platform should streamline the licensing process, enhance accountability, and reduce bureaucratic complexities.

B. Zoning

- a) That all licensing authorities should enforce zoning boundaries prior to issuing any permits.
- b) That a physical inspection be carried out before issuing any licence and certification be issued to ensure that zoning laws are not breached.
- c) That NEMA in consultation with County Governments ensures zonation maps to guide the approval of licences. This check should ensure that residential areas do not expand into former industrial zones.
- d) That County Governments ensure there are designated LPG tanker parking zones.
- e) That County Governments review their zoning by laws to ensure proper zoning classification of urban and peri-urban areas so as to avoid future disasters.
- f) That County Governments review the physical planning handbook to ensure proper zoning guidelines.
- g) That EPRA amend the Terms of Licences for already existing licences for LPG refilling plants depending on the legal framework and specific situation. To understand how EPRA can amend licence terms, they may consider aspects like-
 - i. Public Safety: Changes may be necessary to address new safety risks or emerging threats. For example, updating regulations for residential areas after a new safety hazard is identified.
 - ii. Non-Compliance: If widespread non-compliance with existing terms is discovered, amendments may be introduced to strengthen regulations and ensure better adherence.
- h) NEMA should do regular inspections on LPG filling plants with licences to ensure they comply with regulations by maintaining a database of licensed LPG refilling plants. This will allow them to identify facilities requiring inspections and track compliance history. NEMA may also prioritise spot checks based on public complaints alleging violations at specific institutions.

- i. That NEMA provides the Environmental and Social Impact Assessment Study Report (ESIASR) and was used for the approval of the Environmental and Social Impact Assessment Licence (ESIA)
 - ii. No new petroleum facilities should be approved or licensed in residential neighbourhoods with a view towards prioritising the safety and well-being of residents by separating homes from potential hazards associated with petroleum storage and activity.
- i) That EPRA needs to put up a Public Awareness programme on Safety initiative designed to educate the community about important safety precautions. This program would aim to empower individuals with the knowledge and skills to prevent accidents and injuries in their daily lives.
- i) That LPG gas facilities adopt smart monitoring systems for real time detection of leaks and other hazards.
 - ii) That EPRA gives a report within 6 months of tabling of this report on the reopening of the 29 closed LPG bulk storage and refilling plants that were initially shut down due to failure to meet the stipulated requirements.
 - iii) That the Ministry of Interior and National Administration, Inspector General and EPRA ensure that a dedicated police unit is embedded within EPRA to provide support on enforcement.
 - iv) EPRA maintains an accurate and verifiable database of LPG traders.
 - v) That EPRA formulates a plan on implementing a piped LPG distribution network for households and businesses. Piped gas offers inherent safety advantages due to its lower operating pressure than traditional bottled LPG.
 - vi) That the Justice system expedites the pending court cases.

C. Public Awareness and Safety

- a) EPRA to enhance comprehensive public awareness campaigns focusing on LPG safety practices and develop educational programs and materials, including brochures, workshops, and online resources, to inform the public about safe LPG usage and emergency procedures.
- b) To ensure public safety, brand owners should continually inform consumers of their obligation in ensuring their own safety through social media or radio messaging which include obtaining receipts for every purchase of their LPG requirement which should have details such as date of purchase, name and contacts of the retailer, LPG brand name and cylinder serial number.
- c) EPRA should enhance collaboration with local community organisations and media to widely disseminate safety information in handling LPG as well as establish a liaison program to facilitate communication between LPG facility operators and local residents.

- d) EPRA through the established partnerships should conduct country wide sensitization of National Government Administration Officers (NGAOs) and County Security and Intelligence Committees on LPG compliance requirements.

D. Compensation of Victims

- a) That the affected victims should be compensated through the National Disaster Management Unit whose main function is to administer a comprehensive emergency/disaster programme in collaboration with stakeholders (EPRA) in order to save lives and protect property.

The Committee therefore recommended that this report be dispatched to DCI, EPRA, NEMA, Council of Governors and the Nairobi City County for purposes of implementing its recommendations within a period of **(6) months from the date of tabling.**

ANNEX 1

MINUTES OF THE
COMMITTEE SITTINGS



**MINUTES OF THE SEVENTY-NINTH SITTING OF THE STANDING
COMMITTEE ON ENERGY HELD ON THURSDAY, 4TH JULY, 2024 AT 12.00
PM VIA THE ZOOM ONLINE PLATFORM**

PRESENT

- | | |
|--------------------------------------|---|
| 1. Sen. Wamatinga Wahome, MP | - Chairperson |
| 2. Sen. William Kisang' Kipkemoi, MP | - Vice- Chairperson (<i>Chairing</i>) |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. James Lomenen Ekomwa, MP | -Member |
| 5. Sen. Abass Sheikh Mohamed, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. Ledama Olekina, MP | - Member |
| 2. Sen. (Dr.) Boni Khalwale, CBS, MP | - Member |
| 3. Sen. Danson Buya Mungatana, MGH, MP | - Member |
| 4. Sen. Edwine Watanya Sifuna, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|-------------------------|---------------------------------|
| 1. Dr. Christine Sagini | - Clerk Assistant I/ Lead Clerk |
| 2. Ms. Mary Waqo | - Clerk Assistant III |
| 3. Ms. Faith Cherutoh | - Legal Counsel |
| 4. Ms. Nancy Mulei | - Researcher |
| 5. Mr. Joseph Lekisima | - Fiscal Analyst |
| 6. Ms. Violet Nalianya | - Media Relations Officer |
| 7. Mr. Rony Nyaga | - Public Communications Officer |
| 8. Mr. Nicholas Arusei | - Audio Officer |
| 9. Mr. John Lekampule | - Assistant Serjeant at Arms |

MIN/SEN/ENG/NO.533/2024

PRELIMINARIES

a) Prayer

The Chairperson called the meeting to order at 12.05 p.m. This was followed by a word of prayer.

b) Introductions

There was a round of introductions from the Hon Senators and members of the secretariat.

MIN/SEN/ENG/NO.534/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Wamatinga Wahome, MP and Seconded by Sen. Abass Sheikh Mohamed, MP as follows-

AGENDA

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the minutes;
4. Matters Arising from the previous minutes;
5. Adoption of the Committee Report on the Mradi Fire Incident;
6. Consideration of a Committee Brief On Last Mile Connectivity (*Committee Paper No 73*);
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN. SEN/ENG/NO.535/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

- a) Minutes of the 62nd sitting held on Friday, 3rd May, 2024 were deferred till the next meeting.
- b) Minutes of the 63rd sitting held on Friday, 3rd May, 2024 were deferred till the next meeting.

- c) Minutes of the 64th sitting held on Saturday, 4th May, 2024 were deferred till the next meeting.
- d) Minutes of the 65th sitting held on Saturday, 4th May, 2024 were deferred till the next meeting.
- e) Minutes of the 69th sitting held on Tuesday, 28th May, 2024 were deferred till the next meeting.
- f) Minutes of the 70th sitting held on Friday, 14th June, 2024 were deferred till the next meeting.
- g) Minutes of the 71st sitting held on Friday, 14th June, 2024 were deferred till the next meeting.
- h) Minutes of the 72nd sitting held on Saturday, 15th June, 2024 were deferred till the next meeting.
- i) Minutes of the 73rd sitting held on Saturday, 15th June, 2024 were deferred till the next meeting.
- j) Minutes of the 74th sitting held on Friday, 28th June, 2024 were deferred till the next meeting.
- k) Minutes of the 75th sitting held on Friday, 28th June, 2024 were deferred till the next meeting.
- l) Minutes of the 76th sitting held on Saturday, 29th June, 2024 were deferred till the next meeting.
- m) Minutes of the 77th sitting held on Saturday, 29th June, 2024 were deferred till the next meeting.
- n) Minutes of the 78th sitting held on Tuesday, 2nd July, 2024 were deferred till the next meeting.

MIN. SEN/ENG/NO.536/2024

MATTERS ARISING FROM THE MINUTES

There were no issues deliberated on under matters arising.

MIN. SEN/ENG/NO.537 /2024

ADOPTION OF THE COMMITTEE
REPORT ON THE MRADI FIRE
INCIDENT

- a) The report on the inquiry into the LPG explosion in Mradi area Embakasi, Nairobi City County was adopted by the committee having been proposed by Sen. Abass Sheikh Mohamed, MP and seconded Sen. William Kisang' Kipkemoi, MP.

MIN. SEN/ENG/NO.538 /2024

CONSIDERATION OF A
COMMITTEE BRIEF ON LAST
MILE CONNECTIVITY
(COMMITTEE PAPER NO 73)

- a) The Committee deferred this agenda due to the scheduled Kamukunji meeting that members needed to attend; and
b) The Committee resolved to consider the brief during the next Committee meeting;

MIN. SEN/ENG/NO.539/2024

ANY OTHER BUSINESS

There were no issues was deliberated under Any Other Business-

MIN. SEN/ENG/NO.540/2024

ADJOURNMENT

The meeting was adjourned at 12.40 p.m. The date of the next meeting was to be communicated by notice.

SIGNED.....

DATE.....

SEN. WAMATINGA WAHOME, MP.
CHAIRPERSON.



MINUTES OF THE FIFTY-SECOND (52ND) SITTING OF THE STANDING COMMITTEE ON ENERGY HELD ON THURSDAY, 29TH FEBRUARY, 2024 AT 10.00 AM AT SENATE CHAMBER, PARLIAMENT BUILDINGS.

PRESENT

- | | |
|--------------------------------------|---------------------|
| 1. Sen. Wamatinga Wahome, MP | - Chairperson |
| 2. Sen. William Kisang' Kipkemoi, MP | - Vice- Chairperson |
| 3. Sen. Ledama Olekina, MP | - Member |
| 4. Sen. James Lomenen Ekomwa, MP | -Member |
| 5. Sen. Edwine Watanya Sifuna, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. (Dr.) Boni Khalwale, CBS, MP | - Member |
| 2. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 3. Sen. Danson Buya Mungatana, MGH, MP | - Member |
| 4. Sen. Abass Sheikh Mohamed, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|------------------------------|---------------------------------|
| 1. Mr. Crispus Njogu | - Clerk Assistant I/ Lead Clerk |
| 2. Ms. Mary Waqo | - Clerk Assistant III |
| 3. Ms. Faith Cherutoh Rotich | - Legal Counsel II |
| 4. Ms. Nancy Mulei | - Research Officer III |
| 5. Mr. Victor Kimani | - Audio Officer III |
| 6. Mr. Joseph Lekisima | - Fiscal Analyst III |
| 7. Ms. Julia Gachoki | - Assistant Sergeant at Arms |

IN ATTENDANCE

1. HON. Davis Chirchir, EGH
2. Mr. Mohamed Liban
3. Mr. Daniel Kiptoo Bargarora
4. Ms. Joyce Lutomia
5. Ms. Abigail Mwangi
6. Mr. Augustine Ouma
7. Eng Edward Kinyua
8. Mr. Brian Mureithi
9. Mr. Norman Mudibo
10. Mr. Emmanuel K. Tendwah
11. Mr. Kingloiwa Onsogo

MINISTRY OF ENERGY AND PETROLEUM

CS Ministry of Energy and Petroleum
PS State Department of Petroleum
DG EPRA
Comms, State Department of Petroleum
Petroleum Advisor
Deputy Director Environment & Assessment
Director Petroleum and Gas EPRA
Manager Communication EPRA
Communication Advisor
Communication State Department of Energy
Cabinet Secretary Communication

MIN/SEN/ENG/NO.348/2023

PRELIMINARIES

a) Prayer

The Chairperson called the meeting to order at 10.25 am. This was followed by a word of prayer.

b) Introductions

There was a round of introductions from the Hon Senators, members of the secretariat and officials from Ministry of Energy and Petroleum.

MIN/SEN/ENG/NO.349/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. James Lomenen Ekomwa, MP and Seconded by Sen. William Kisang' Kipkemoi, MP as follows-

AGENDA

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the minutes;
4. Matters Arising from the previous minutes;
5. Meeting with the Cabinet Secretary, Ministry of Energy and Petroleum, Hon. Davis Chirchir, EGH (*Committee Paper No 54*);

6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN. SEN/ENG/NO.350/2023

**CONFIRMATION OF MINUTES OF THE
PREVIOUS SITTINGS**

- a) Minutes of the 46th sitting held on 5th December 2023 were confirmed as the true record of the proceedings after being proposed by, Sen. James Lomenen Ekomwa, MP and Seconded by Sen. William Kisang' Kipkemoi, MP
- b) Minutes of the 47th, 48th, 49th, 50th and 51st sittings were deferred for consideration in the next meeting.

MIN. SEN/ENG/NO.343/2023

**MATTERS ARISING FROM THE
MINUTES**

Under ex- min. sen/eng/no.316/2023

**Consideration of the Public Works Act
1969 (Committee Paper No. 53)**

The Committee resolved to write to the Registrar of Companies to find out the directors and the beneficial owners of Harley Berry Ltd.

MIN. SEN/ENG/NO.345/2023

**MEETING WITH THE CABINET
SECRETARY, MINISTRY OF ENERGY
AND PETROLEUM, (COMMITTEE
PAPER NO 54).**

1. The Committee Vide a Letter Ref SEN/DSEC/ENERGY/CORR/2024/117 dated 15th February 2024 invited the Cabinet Secretary, Ministry of Energy and Petroleum to respond to the below questions-
 - a) Explain why the LPG refiling facility was located close to human settlement;
 - b) Provide the name of the company that was running the facility and their beneficial owners;
 - c) What are the requirements of having an LPG refill and storage facility;
 - d) What powers does Energy and Petroleum Regulatory Authority have in enforcing compliance of such facilities;

- e) A list of all LPG refill and storage facilities and their locations in the Country sorted by county; and
 - f) What safeguards has the Government put in place to avoid a recurrence of the same.
2. The Committee was informed that Vide a Letter Ref No. ME/CONF/1/43 dated 22nd February 2024, the Cabinet Secretary, Ministry of Energy and Petroleum requested to meet the Committee on Thursday 29th February, 2024 at 10.00am and apologized for failing to appear for the meeting scheduled for 22nd February 2024.
 3. The Committee resolved to vacate the earlier issued summons following the appearance of the Cabinet Secretary before the Committee.

4. Submissions by the Ministry of Energy and Petroleum;

The Committee was informed that-

- a) The Site of the explosion was not licensed by EPRA for storage and filling of LPG and Mr. Derick Kimathi had made three previous applications which were all rejected due to its closeness to residential areas.
- b) The explosion was caused by uncontrolled release of LPG from a road tanker registration number KBJ 185X registered to Mr. Mwangi Nguyo.
- c) The lease for the plot LR NO 9042/146 is registered to Mr. Derick Kimathi.
- d) The licenses for Maxxis Nanyuki Energy and Klear Mwiki Gas Supplies have been suspended to pave way for investigations.
- e) Section 86 of the Petroleum Act 2019 requires a person intending to construct a petroleum pipeline, refinery, bulk storage facility, retail dispensing site, centralized gas reticulation system for petroleum tankers to apply in writing for a construction permit from EPRA before commencing construction.
- f) An application by Maxxis Nairobi Energy for a Liquefied Petroleum Gas storage and filling plant was received on 19th March 2023, the application was rejected by EPRA on 21st April 2023 due to lack of a detailed qualitative risk assessment with well modelled radiation blast profiles.
- g) Two other attempts for a construction permit were done on 20th June 2023 and on 31st July 2023 which were both rejected. EPRA also noted that there is a church and a residential neighborhood close to the proposed construction site.
- h) After construction, applicants are required to apply to EPRA for an operationalization license.
- i) The enforcement actions EPRA may take include penalties, demand notices and prosecution of offenders.

- j) That the National Disaster Fund is domiciled in the office of the Deputy President.
- k) EPRA has with immediate effect-
 - i. Suspended operational licenses issued to Maxxis Nanyuki Energy and Klear Mwiki Suppliers. EPRA has however been served with a stay order dated 16th February 2024 from High Court of Milimani terming the revocation of licenses as illegal and unlawful.
 - ii. Shutdown all LPG facilities within a radius of 200M from residential areas.
 - iii. Since the operation begun, 49 facilities have been shut down by EPRA.
 - iv. Started engagements with the ODPP on appointment of EPRA's legal officers as prosecutors.
 - v. Engagements with the Ministry of Interior and National Administration and the Inspector General to have Energy Police Unit or a dedicated police unit embedded within EPRA to provide support on enforcement.

3. Deliberations by the Committee;

- a) The meeting noted that there were no annexures attached to the submission given by EPRA on paragraph 19.
- b) The Committee noted the National Government is yet to compensate victims of the gas explosion a month after the accident.
- c) The Committee noted that EPRA needs to improve on its public campaigns for Kenyans to be aware if the gas they are purchasing is safe and the sellers licensed by EPRA.
- d) The Committee noted that the Emergency Call No provided by EPRA is not a toll free number and the same should be provided for the public.
- e) The Committee raised concern over the numerous petrol stations called Mini Markets that are coming up very close to residential areas.
- f) The Committee noted that from the submissions, the EPRA license comes after the licenses by NEMA and the County Government. The Committee however noted that the EPRA license ought to come first.
- g) The meeting resolved that the Cabinet Secretary Energy and Petroleum submits the following-
 - i. A status update on the compensations of the victims;
 - ii. A copy of a valid EIA license number from NEMA;

- iii. A copy of the EIA comprehensive project report dated 14th February 2022 for Proposed LPG storage and filling plant at L.R No. 042/146 Nairobi Embakasi, off North Airport Road, Nairobi County;
- iv. A copy of notification of approval of development permission from the Nairobi Metropolitan Services land and physical planning department dated 6th October 2022 for a proposed LPG Plant on LR. 9042/146;
- v. Mechanical plan tank details prepared by On-stream technologies limited and approved on 15th February 2023 by Eng. Derick Kimathi of Engineers Board Registration No. A2096; and
- vi. The annexures missing from Paragraph 19 of the submissions by EPRA be submitted to the committee.

MIN. SEN/ENG/NO.346/2023

ANY OTHER BUSINESS

There were no issues deliberated under Any Other Business-

MIN. SEN/ENG/NO.347/2023

ADJOURNMENT

The meeting was adjourned at 12.57 PM. The date of the next meeting was to be communicated by notice.

SIGNED.....

DATE.....

07/03/2024

**SEN. WAMATINGA WAHOME, MP.
CHAIRPERSON.**



**MINUTES OF THE SEVENTY-FIRST SITTING OF THE STANDING
COMMITTEE ON ENERGY HELD ON FRIDAY, 14TH JUNE, 2024 AT PRIDE
INN SPA AND PARADISE MOMBASA AT 2.00 PM**

PRESENT

- | | |
|--|---------------------|
| 1. Sen. Wamatinga Wahome, MP | - Chairperson |
| 2. Sen. William Kisang' Kipkemai, MP | - Vice- Chairperson |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Danson Buya Mungatana, MGH, MP | - Member |
| 5. Sen. (Dr.) Boni Khalwale, CBS, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-----------------------------------|----------|
| 1. Sen. Ledama Olekina, MP | - Member |
| 2. Sen. Abass Sheikh Mohamed, MP | - Member |
| 3. Sen. James Lomenen Ekomwa, MP | - Member |
| 4. Sen. Edwine Watenya Sifuna, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|-------------------------|---------------------------------|
| 1. Mr. Stephen Gikonyo | - Principal Clerk II |
| 2. Dr. Christine Sagini | - Clerk Assistant I/ Lead Clerk |
| 3. Mr. Crispus Njogu | - Clerk assistant I |
| 4. Ms. Mary Waqo | - Clerk Assistant III |
| 5. Ms. Faith Cherutoh | - Legal Counsel |
| 6. Ms. Nancy Mulei | - Researcher |
| 7. Mr. Joseph Lekisima | - Fiscal Analyst |
| 8. Mr. Nicholas Arusei | - Audio Officer |
| 9. Mr. John Lekampule | - Assistant Serjeant at Arms |

MIN/SEN/ENG/NO.482/2024

PRELIMINARIES

a) Prayer

The Chairperson called the meeting to order at 2.10 p.m. This was followed by a word of prayer.

b) Introductions

There was a round of introductions from the Hon Senators and members of the secretariat.

MIN/SEN/ENG/NO.483/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Danson Buya Mungatana, MGH, MP and Seconded by Sen. William Kisang' Kipkemoi, MP as follows-

AGENDA

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the minutes;
4. Matters Arising from the previous minutes;
5. Consideration of the draft report on the Mradi Fire Incident;
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN. SEN/ENG/NO.484/2024

**CONFIRMATION OF MINUTES OF THE
PREVIOUS SITTINGS**

- a) Minutes of the 69th sitting held on Tuesday, 28th May, 2024 were deferred till the next meeting.

MIN. SEN/ENG/NO.485/2024

MATTERS ARISING FROM THE MINUTES

There were no issues deliberated on under matters arising.

MIN. SEN/ENG/NO.486/2024

**CONSIDERATION OF THE DRAFT
REPORT ON THE MRADI FIRE
INCIDENT**

- a) The Committee was taken through the draft report on the Mradi Fire Incident;
- b) The Committee noted the written submissions received from Nairobi City County;
- c) The Committee noted that victims of the Mradi fire incident have not yet received compensation from the National Government;
- d) The Committee noted that the Compensation of the affected victims and the mechanisms of their compensation should be added to the observations and recommendations of the report;
- e) The Committee noted that further submissions from a blast expert are needed so as to enrich the report's recommendations on the safety standards;
- f) The Committee resolved to invite a gas and blast expert from Energy and Petroleum Regulatory Authority (EPRA) to respond to further questions on safety measures of LPG refilling facilities; and
- g) The Committee noted that areas previously marked as industrial zones have been converted to residential areas causing danger to residents, the Committee further noted the necessity to engage with County Governments on zoning boundaries.

MIN. SEN/ENG/NO.487/2024

ANY OTHER BUSINESS

The were no issues deliberated under Any Other Bossiness-

MIN. SEN/ENG/NO.488/2024

ADJOURNMENT

The meeting was adjourned at 4.36 p.m. The date of the next meeting was to be communicated by notice.

SIGNED.. 

DATE... 29/07/24

**SEN. WAMATINGA WAHOME, MP.
CHAIRPERSON.**



**MINUTES OF THE SEVENTY-FIFTH SITTING OF THE STANDING
COMMITTEE ON ENERGY HELD ON FRIDAY, 28TH JUNE, 2024 AT GLEE
HOTEL IN KIAMBU COUNTY AT 2.00 PM**

PRESENT

- | | |
|--------------------------------------|---------------------|
| 1. Sen. Wamatinga Wahome, MP | - Chairperson |
| 2. Sen. William Kisang' Kipkemoi, MP | - Vice- Chairperson |
| 3. Sen. Abass Sheikh Mohamed, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. Ledama Olekina, MP | - Member |
| 2. Sen. (Dr.) Boni Khalwale, CBS, MP | - Member |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Danson Buya Mungatana, MGH, MP | - Member |
| 5. Sen. James Lomenen Ekomwa, MP | -Member |
| 6. Sen. Edwine Watanya Sifuna, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|----------------------------|---------------------------------|
| 1. Mr. Boniface Lenairoshi | - DDSEC |
| 2. Dr. Christine Sagini | - Clerk Assistant I/ Lead Clerk |
| 3. Ms. Mary Waqo | - Clerk Assistant III |
| 4. Ms. Faith Cherutoh | - Legal Counsel |
| 5. Ms. Nancy Mulei | - Researcher |
| 6. Mr. Joseph Lekisima | - Fiscal Analyst |
| 7. Mr. Nicholas Arusei | - Audio Officer |
| 8. Mr. John Lekampule | - Assistant Serjeant at Arms |

IN ATTENDANCE

1. Ms. Wanjiku Manyara
2. Mr. Kepher Odongo
3. Mr. Edward Kinyua
4. Major (Rtd) Augustine Ouma

General Manager (PIEA)
Secretary General, Energy Dealers Association
Director, Gas and Petroleum, EPRA
Enforcement Manager EPRA

MIN/SEN/ENG/NO.503/2024

PRELIMINARIES

a) Prayer

The Chairperson called the meeting to order at 2.10 p.m. This was followed by a word of prayer.

b) Introductions

There was a round of introductions from the Hon Senators, members of the secretariat and officials from EPRA and EDA.

MIN/SEN/ENG/NO.504/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by William Kisang' Kipkemoi, MP and Seconded by Sen. Abass Sheikh Mohamed, MP as follows-

AGENDA

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the minutes;
4. Matters Arising from the previous minutes;
5. Submissions from Energy and Petroleum Regulatory Authority(EPRA) and Energy Dealers Association (EDA); and
7. Date of the Next Meeting and Adjournment.

MIN. SEN/ENG/NO.505/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

- a) Minutes of the 69th sitting held on Tuesday, 28th May, 2024 were deferred till the next meeting.
- b) Minutes of the 70th sitting held on Friday, 14th June, 2024 were deferred till the next meeting.

- c) Minutes of the 71st sitting held on Friday, 14th June, 2024 were deferred till the next meeting.
- d) Minutes of the 72nd sitting held on Saturday, 15th June, 2024 were deferred till the next meeting.
- e) Minutes of the 73rd sitting held on Saturday, 15th June, 2024 were deferred till the next meeting.

MIN. SEN/ENG/NO.506/2024

MATTERS ARISING FROM THE MINUTES

There were no issues deliberated on under matters arising.

MIN. SEN/ENG/NO.507 /2024

**SUBMISSIONS FROM ENERGY
DEALERS ASSOCIATION (EDA)**

The Committee was informed that-

- a) LPG refill and storage facilities are ideally located in industrial zones to minimize risk to residential populations;
- b) Stricter zoning regulations to enforce the separation of LPG facilities from residential areas ought to be implemented;
- c) Regular update of zoning maps to reflect current urban developments and the establishment of mandatory buffer zones around LPG facilities, with specific distance requirements based on the storage capacity and associated risks;
- d) The Energy and Petroleum Regulatory Authority (EPRA) imposed a 200-meter safety distance without consultation, following the MRADI fire incident. This regulation is not supported by existing law;
- e) Relocation of high-risk LPG facilities to designated industrial zones with appropriate support from the government;
- f) Existing regulations may be outdated or insufficient to address the scale of LPG usage and storage today;
- g) An Update on safety regulations to include modern best practices and technology required;
- h) Mandatory regular safety audits and compliance checks for all LPG facilities and enforcement of strict penalties for non-compliance with safety standards. Should be implemented;
- i) Introduction of a certification program for LPG handling and storage personnel to ensure they are adequately trained;

- j) Comprehensive public awareness campaigns focusing on LPG safety practices should be undertaken by stakeholders;
- k) Industry players need to invest in research and development of safer LPG storage and handling technologies and encourage the adoption of smart monitoring systems for real-time detection of leaks and other hazards; and
- l) The Energy Dealers Association urgently requests the intervention of Committee to address the challenges faced by Green Energy and Crescent Gas due to the unplanned encroachment of residential areas.

MIN. SEN/ENG/NO.508 /2024

**SUBMISSIONS FROM ENERGY
AND PETROLEUM REGULATORY
AUTHORITY (EPRA)**

The Committee was informed that-

- a) EPRA collaborates with other state agencies to come up with safety and operational standards and guidelines for the petroleum sector. The agencies include the Kenya Bureau of Standards (KEBS), National Environmental Management Authority (NEMA), the Directorate of Occupational Safety and Health Services and the Physical Planning Departments of respective Counties.
- b) The Standard provides that a minimum distance of 3 metres is to be observed between the boundaries of the LPG cylinder filling area.
- c) The Standard also provides for the distances to be observed between a cylinder storage point within the refilling plant and: - any bulk storage vessels; and any boundaries to the adjoining property
- d) Detailed operational guidelines for a refilling plant are also provided e.g. Access control, zoning, firefighting equipment requirements, safety signage, and inspection of cylinders before and after filling, filling procedure and storage requirements for cylinders.
- e) The Standard provides for the distances to be observed between the bulk LPG storage vessel(s) and: - any possible points of gas release, any buildings and property boundaries, any open flame equipment, any sealed or surface equipment and between adjoining LPG storage vessels.

- f) The Standard similarly provides that any filling point for the LPG bulk storage vessel(s) should be at least: 3 metres from the cylinder storage area, 5 metres from the cylinder filling area, 7.5 metres from premise boundaries, offices or sales room and 15 metres from open fires and potential hazard points such as schools, churches, hospitals and similar institutions.
- g) The Standard also provides for the fire prevention and firefighting requirements for such LPG storage facilities.
- h) Prior to the approval for grant of a construction permit for an LPG bulk storage and refilling facility as per Section 86 of the Petroleum Act No. 2 of 2019, EPRA must satisfy itself that the applicant has obtained an Environment and Social Impact Assessment (ESIA) licence from the National Environment Management Authority (NEMA), approval for development from the respective County Government as per the County and Physical Planning/zoning laws and that the requisite technical designs meet the minimum safety distances stipulated in the Standards.
- i) EPRA has in the last 2 months re-audited all existing LPG bulk storage and refilling plants with the view of determining conformity to the Standards. Out of the 140 licensed plants, 63 were initially shut down for failure to meet the stipulated requirements. However, the non-conforming plants have been progressively re-opened once the operators put in place all the safety considerations as per the Kenya Standards to the satisfaction of EPRA. So far 39 plants have been re-opened after further re-inspection.
- j) EPRA will continue re-auditing the existing LPG bulk storage and refilling plants with the view of ensuring continued conformity.
- k) EPRA has already reviewed the Petroleum (Liquefied Petroleum Gas) Regulations of 2019 and the final draft is expected to be relayed to the Cabinet Secretary (CS) Ministry of Energy and Petroleum for approval. The revised regulations include additional stringent measures to ensure the continued safe operation of the LPG sub-sector and once approved by the CS shall be relayed to Parliament for scrutiny and approval.
- l) It is equally important that zoning by-laws by County Governments are reviewed in order to ensure proper zoning classification of urban and peri-urban areas so as to avoid future disasters especially where mixed development approvals are granted.

The Physical Planning handbook should also be reviewed as an urgent priority to ensure proper zoning guidance.

- m) Low awareness levels about compliance and safety requirements on LPG and Petroleum products is a causative factor to many accidents and incidents in form of LPG explosions and tanker accidents, which lead to loss of lives and destruction of property as seen in the Embakasi Mradi area incident in February 2024.
- n) As part of enhancing public education on LPG safety, EPRA has undertaken the following:
 - i. Introduction of a Department of Public Education and Advocacy dedicated to enhance awareness programmes country wide. Through the Department EPRA has already sensitized LPG dealers across the country, security committees and prosecutors from the Office of the Director of Public Prosecution.
 - ii. Establishment of strategic partnerships and collaborations with Counties through the Council of Governors, Security and the Justice system.

MIN. SEN/ENG/NO.509/2024

ANY OTHER BUSINESS

The were no issues deliberated under Any Other Business-

MIN. SEN/ENG/NO.510/2024

ADJOURNMENT

The meeting was adjourned at 4.23 p.m. The date of the next meeting was to be communicated by notice.

SIGNED.....

DATE.....

**SEN. WAMATINGA WAHOME, MP.
CHAIRPERSON.**



**OF THE SEVENTY-FOURTH SITTING OF THE STANDING
COMMITTEE ON ENERGY HELD ON FRIDAY, 28TH JUNE, 2024 IN GLEE
IN KIAMBU COUNTY AT 9.00 AM**

PRESENT

- | | |
|--------------------------------------|---------------------|
| 1. Sen. Wamatinga Wahome, MP | - Chairperson |
| 2. Sen. William Kisang' Kipkemoi, MP | - Vice- Chairperson |
| 3. Sen. Abass Sheikh Mohamed, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. Ledama Olekina, MP | - Member |
| 2. Sen. (Dr.) Boni Khalwale, CBS, MP | - Member |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Danson Buya Mungatana, MGH, MP | - Member |
| 5. Sen. James Lomenen Ekomwa, MP | -Member |
| 6. Sen. Edwine Watenya Sifuna, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|----------------------------|---------------------------------|
| 1. Mr. Boniface Lenairoshi | - DDSEC |
| 2. Dr. Christine Sagini | - Clerk Assistant I/ Lead Clerk |
| 3. Ms. Mary Waqo | - Clerk Assistant III |
| 4. Ms. Faith Cherutoh | - Legal Counsel |
| 5. Ms. Nancy Mulei | - Researcher |
| 6. Mr. Joseph Lekisima | - Fiscal Analyst |
| 7. Mr. Nicholas Arusei | - Audio Officer |
| 8. Mr. John Lekampule | - Assistant Serjeant at Arms |

IN ATTENDANCE

1. Ms. Wanjiku Manyara
2. Mr. Kepher Odongo
3. Mr. Edward Kinyua
4. Major (Rtd) Augustine Ouma

General Manager (PIEA)
Secretary General, Energy Deal
Director, Gas and Petroleum, EPK
Enforcement Manager EPRA

MIN/SEN/ENG/NO.503/2024

PRELIMINARIES

a) Prayer

The Chairperson called the meeting to order at 9.16 a.m. This was followed by a word of prayer.

b) Introductions

There was a round of introductions from the Hon Senators and members of the secretariat.

MIN/SEN/ENG/NO.504/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by William Kisang' Kipkemoi, MP and Seconded by Sen. Abass Sheikh Mohamed, MP as follows-

AGENDA

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the minutes;
4. Matters Arising from the previous minutes;
5. Submissions from Petroleum Institute of East Africa; and
7. Date of the Next Meeting and Adjournment.

MIN. SEN/ENG/NO.505/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

- a) Minutes of the 69th sitting held on Tuesday, 28th May, 2024 were deferred till the next meeting.
- b) Minutes of the 70th sitting held on Friday, 14th June, 2024 were deferred till the next meeting.

- c) Minutes of the 71st sitting held on Friday, 14th June, 2024 were deferred till the next meeting.
- d) Minutes of the 72nd sitting held on Saturday, 15th June, 2024 were deferred till the next meeting.
- e) Minutes of the 73rd sitting held on Saturday, 15th June, 2024 were deferred till the next meeting.

MIN. SEN/ENG/NO.499/2024

MATTERS ARISING FROM THE MINUTES

There were no issues deliberated on under matters arising.

MIN. SEN/ENG/NO.500/2024

**SUBMISSIONS FROM
PETROLEUM INSTITUTE OF
EAST AFRICA**

The Committee was informed that-

- a) The facility operations were unlicensed and as such illegal and evidently the licensing authority, Energy and Petroleum Regulatory Authority (EPRA), had also not issued a construction permit for this facility due to the obvious out of character siting-in a residential area and specifically in between homes where there was no compliance at all with the observance of the minimum distances between the facility and the residences.
- b) Applications for the EPRA construction permits for all petroleum facilities, including LPG storage and /or cylinder refilling plants, must be accompanied by an Environmental and Social Impact Assessment License (ESIAL) issued by National Environment Management Authority (NEMA) upon the latter's approval of the applicants Environmental and Social Impact Assessment Study Report (ESIASR).
- c) Post the explosion incident, the NEMA Board and Management disengaged with the persons who issued the unlicensed Mradi LPG facility, and they were charged in Court for irregularly issuing the related ESIAL. What is not clear is whether NEMA had submitted the ESIASR to EPRA and if the later had responded accordingly, prior to the NEMAs decision being made to issue the ESIAL.
- d) Upon application, the facility owner was on more than twice denied the request permits and licenses by EPRA hence curious that no monitoring and/or surveillance was carried out to ensure that there was compliance with the said application rejection.

- e) This same unlicensed site in Mradi, is where a criminal case was instituted against the proprietor of this facility and some of his clients on the 9th of November 2020 under criminal case number E3776/2020 at Milimani law courts in Nairobi. All the accused persons were found guilty and convicted with a sentence issued on 18th of May 2023. Despite guidance from the High Court on the mandatory minimum sentence of 5 years in prison or a penalty of Kshs 10,000,000 (Ten million), the learned Magistrate of Court Number 11 imposed total fines of Kshs. 500,000 or a one-year imprisonment instead of Kshs. 20,000,000 or 5 years for the proprietor (first accused) and a fine of Kshs. 50,000 for the second accused instead of a fine of Kshs. 10,000,000 or 5 years.
- f) The learned Magistrate released all motor vehicles including two LPG tankers together with the confiscated LPG bulk with a net weight of 4,660 kgs despite the law providing for mandatory forfeiture. One of the LPG Tankers procedurally released by the Courts was registration number ZC 1286 which is one of the tankers involved in this incident.
- g) The exponential mushrooming of unlicensed LPG storage and cylinder refilling sites as well as licensed LPG storage and cylinder refilling plants that carry out illicit trade that are the Country's high safety and security risks has primarily been due to in the first instance unwillingness to permanently shut down the illegal sites and secondly the deliberate omission on due diligence for applicants and in particular to those providing hospitality (use of their storage and filling plants by owners of other brands of cylinders).
- h) There is another loophole in the form of transporters, wholesalers and retailer of LPG in cylinders; most of the players in this band are not licensed and are the drivers of illegal LPG trade.
- i) EPRA can easily clean up the LPG sector by applying the following simple measures. Revocation of LPG refilling plants operating under "hospitality" arrangement where the brand owner does not have sufficient cylinders.
- j) Ensure that all cases are successfully prosecuted, and magistrates issue proper sentences.
- k) There is a big gap in consumer awareness and public safety and while the legitimate brand owners affix the safety requirements on the LPG cylinder as required, the theft and subsequent illegal refilling of these cylinders leaves these safety messages illegible as they are supposed to be fixed anew during every refill by the legitimate brand owner.

- l) Brand owners should continually in simple social media or radio messaging remind consumers of at least one obligation for their own safety which is to get a receipt for every purchase.
- m) The Ministry of Petroleum and Energy and EPRA should collaborate in running LPG specific safety awareness using effective communication platforms namely social media and radio.

MIN. SEN/ENG/NO.501/2024

ANY OTHER BUSINESS

The were no issues deliberated under Any Other Business-

MIN. SEN/ENG/NO.502/2024

ADJOURNMENT

The meeting was adjourned at 4.23 p.m. The date of the next meeting was to be communicated by notice.

SIGNED.....

DATE.....

**SEN. WAMATINGA WAHOME, MP.
CHAIRPERSON.**

ANNEX 2

SCHEDULE OF COMMITTEE
SITTINGS

REPUBLIC OF KENYA



PARLIAMENT OF KENYA

THE SENATE

Standing Committee on Energy

13th Parliament | Third Session

SCHEDULE OF COMMITTEE SITTINGS ON

THE INQUIRY INTO THE LPG EXPLOSION IN MRADI AREA EMBAKASI,
NAIROBI CITY COUNTY

No.	ACTIVITY	DESCRIPTION	PROPOSED TIMELINES
1.	<i>Meeting with -</i>	a) The Cabinet Secretary, Ministry of Energy and Petroleum	29 th February, 2024
		b) Petroleum Institute of East Africa	28 th June, 2024
		c) Energy and Petroleum Regulatory Authority(EPRA	28 th June, 2024
		d) Energy Dealers Association (EDA)	28 th June, 2024
2.	<i>Consideration of-</i>	e) The draft Committee Report	14 th June,2024
3.	<i>Adoption of -</i>	f) The Committee Report	4th July, 2024

ANNEX 3

SUBMISSIONS FROM
MINISTRY OF ENERGY
AND PETROLEUM

REPUBLIC OF KENYA



Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke

PARLIAMENT

OFFICE OF THE CLERK OF THE SENATE



The Senate
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -00100
NAIROBI, Kenya

REF: SEN/DSEC/ENERGY/CORR/2024/206

20th June, 2024

Mr. Daniel Kiptoo Bargoria,
Director General,
Energy & Petroleum Regulatory Authority,
P.O. Box 42681-00100,
NAIROBI

Dear Sir,

RE: **INVITATION BY THE SENATE STANDING COMMITTEE ON ENERGY**

The Senate Standing Committee on Energy is established under standing order 228 (3) of the Senate Standing Orders and is mandated to consider all matters related to fossil fuels exploration, development, production, maintenance and regulation of energy.

The Committee is presently considering its report on the LPG explosion that occurred in Mradi, Embakasi. At its sitting held on Friday, 14th June, 2024, the Committee resolved to invite a blast and explosive gas expert from your institution to advise on the safety and security requirements associated with LPG facilities, specifically-

1. Zoning considerations in the location of LPG refill and storage facilities and residential areas;
2. Proposed recommendations with regard to already existing LPG refill and storage facilities in areas marked for industrial purposes that have since evolved into residential areas;
3. Proposed regulations and safety standards in response to the frequent gas explosions;
4. Plans that the Energy & Petroleum Regulatory Authority (EPRA) has on educating the public better about gas safety; and
5. Any other recommendations as you may deem necessary.

The purpose of this letter is to invite you for a meeting with the Committee that is scheduled to be held on **Friday, 28th June, 2024 at 10.00 am.**

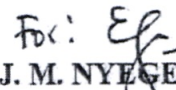
The meeting will be held in **Kiambu County** at a venue to be confirmed.

We request that you send your written response by email to clerk.senate@parliament.go.ke and energycommittee.senate@parliament.go.ke on or before 26th June, 2024.

In addition, the Committee requests that you deliver fifteen (15) hard copies of your written responses on the issues raised, along with all relevant supporting documents, within the specified timeline.

Dr. Christine Sagini, Clerk Assistant I (Cell Number: 0725-052269, Email christine.sagini@parliament.go.ke) is the Clerk to the Committee and is responsible for all arrangements relating to this matter.

Yours faithfully,

For: 
J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.



**BRIEF TO THE SENATE STANDING COMMITTEE ON THE SAFETY
AND SECURITY REQUIREMENTS ASSOCIATED WITH LIQUEFIED
PETROLEUM GAS (LPG) FACILITIES**

28TH JUNE 2024

SAFETY AND SECURITY REQUIREMENTS ASSOCIATED WITH LPG FACILITIES

A. Background

1. The Senate Standing Committee on Energy in a letter to the Energy and Petroleum Regulatory Authority (EPRA) Ref.SEN/DSEC/ENERGY/CORR/2024/206 dated 20th June 2024 requested for clarification on the safety and security requirements for Liquefied Petroleum Gas (LPG) facilities. Specifically, the Committee requested for the following:
 - a. The zoning considerations in the location of LPG refill and storage facilities and residential areas.
 - b. Proposed recommendations with regard to already existing LPG refill and storage facilities in areas marked for industrial purposes that have since evolved into residential areas.
 - c. Proposed regulations and safety standards in response to the frequent gas explosions.
 - d. Plans that EPRA has on educating the public better on gas safety.
 - e. Any other recommendations that EPRA may deem necessary.

B. Zoning Considerations in the location of LPG refill and storage facilities and residential areas

2. Section 10 of the Energy Act No. 1 of 2019 provides that the functions of the EPRA shall inter alia be to: —
 - (q) *work with the relevant statutory authorities to formulate, enforce and review environmental, health, safety and quality standards for the upstream petroleum sector;*

(r) develop guidelines, in consultation with other statutory authorities, in relation to the implementation of treaties, conventions or protocols affecting the upstream petroleum sector that have been ratified by Kenya;

3. EPRA therefore collaborates with other state agencies to come up with safety and operational standards and guidelines for the petroleum sector. The agencies include the Kenya Bureau of Standards (KEBS), National Environmental Management Authority (NEMA), the Directorate of Occupational Safety and Health Services and the Physical Planning Departments of respective Counties.
4. The following Standards have therefore been developed to guide on the siting of LPG storage and filling facilities:
 - i. **KS EAS 924-1: 2018 (*Handling, storage, and distribution of Liquefied Petroleum Gas (LPG) in domestic, commercial, and industrial installations – Code of practice*) - Part 1: Storage and filling sites for refillable LPG containers of capacity not exceeding 150 litres.**
 - a) The Standard provides that a minimum distance of 3 metres is to be observed between the boundary of the LPG cylinder filling area and: - any boundary of the premises where the filling area is located; any vehicle roadway or parking area; any drain or depression that could convey and release LPG beyond the boundary of the premises; and any pit, any opening to a basement or to underground equipment and any door that can be opened.
 - b) The Standard also provides for the distances to be observed between a cylinder storage point within the refilling plant and: - any bulk storage vessels; and any boundaries to the adjoining property.

- c) Detailed operational guidelines for a refilling plant are also provided e.g. access control, zoning, firefighting equipment requirements, safety signage, inspection of cylinders before and after filling, filling procedure and storage requirements for cylinders.

ii. KS EAS 924-2: 2020 (*Handling, storage, and distribution of Liquefied Petroleum Gas (LPG) in domestic, commercial, and industrial installations – Code of practice*) -Part 2: LPG installations involving gas storage vessels of individual water capacity exceeding 150 L and combined water capacity not exceeding 9000 litres per installation.

- a) The Standard provides for the distances to be observed between the bulk LPG storage vessel(s) and: - any possible points of gas release, any buildings and property boundaries, any open flame equipment, any sealed or surface equipment and between adjoining LPG storage vessels. The recommended safety distances range from 3 to 7.5 metres based on the water capacity of the storage vessel.
- b) The Standard similarly provides that the any filling point for the LPG bulk storage vessel(s) should be at least: 3 metres from the cylinder storage area, 5 metres from the cylinder filling area, 7.5 metres from premise boundaries, offices or sales room and 15 metres from open fires and potential hazard points such as schools, churches, hospitals and similar institutions.
- c) The Standard also provides for the fire prevention and firefighting requirements for such LPG storage facilities.

iii. KS EAS 924-3: 2020 (*Handling, storage, and distribution of Liquefied Petroleum Gas (LPG) in domestic, commercial, and industrial installations – Code of*

practice) -Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 9000 L.

- a) The Standard provides for the distances to be observed between the bulk LPG storage vessel and: - any possible points of gas release, any buildings and property boundaries, any open flame equipment, any sealed or surface equipment, between adjoining LPG storage vessels and any public through fare/path/sidewalk. The recommended safety distances range from 3 to 30 metres based on the water capacity of the storage vessel.
 - b) The Standard similarly provides that the any filling point for the LPG bulk storage vessel(s) should be at least: 3 metres from the cylinder storage area, 5 metres from the cylinder filling area, 7.5 metres from premise boundaries, offices or sales room, 75 metres from open fires and potential hazard points such as schools, churches, hospitals and similar institutions and between 3 to 9 metres between itself and the LPG bulk storage vessel.
 - c) The Standard also provides for the fire prevention and firefighting requirements for such LPG storage facilities.
5. Prior to the approval for grant of a construction permit for an LPG bulk storage and refilling facility as per Section 86 of the Petroleum Act No. 2 of 2019, EPRA must satisfy itself that the applicant has obtained an Environment and Social Impact Assessment (ESIA) licence from the National Environment Management Authority (NEMA), approval for development from the respective County Government as per the County and Physical Planning/zoning laws and that the

requisite technical designs meet the minimum safety distances stipulated in the Standards.

C. Proposed recommendations with regard to already existing LPG refill and storage facilities in areas marked for industrial purposes that have since evolved into residential areas

6. EPRA has in the last 2 months re-audited all existing LPG bulk storage and refilling plants with the view of determining conformity to the Standards. Out of the 140 licensed plants, 63 were initially shut down for failure to meet the stipulated requirements. However, the non-conforming plants have been progressively re-opened once the operators put in place all the safety considerations as per the Kenya Standards to the satisfaction of EPRA. So far 39 plants have been re-opened after further re-inspection.
7. EPRA will continue re-auditing the existing LPG bulk storage and refilling plants with the view of ensuring continued conformity.

D. Proposed regulations and safety standards in response to the frequent gas explosions

8. EPRA has already reviewed the Petroleum (Liquefied Petroleum Gas) Regulations of 2019 and the final draft is expected to be relayed to the Cabinet Secretary (CS) Ministry of Energy and Petroleum for approval. The revised regulations include additional stringent measures to ensure the continued safe operation of the LPG sub-sector and once approved by the CS shall be relayed to Parliament for scrutiny and approval.
9. It is equally important that zoning by-laws by County Governments are reviewed in order to ensure proper zoning classification of urban and peri-urban areas so as to avoid future disasters especially where mixed development approvals are

granted. The Physical Planning handbook should also be reviewed as an urgent priority to ensure proper zoning guidance.

E. Measures put in place by the Authority in ensuring public education

10. Public education and awareness on safe handling and use of LPG and Petroleum products is crucial to the realization of EPRA's mandate. Section 9(hh) of the Energy act 2019 mandates the Authority to protect consumers, investors and stakeholders. One way of achieving this mandate is through proactive public sensitization programmes on safety, quality standards, compliance requirements, reporting of malpractices and energy and petroleum laws targeting various stakeholder groups.
11. Low awareness levels about compliance and safety requirements on LPG and Petroleum products is a causative factor to many accidents and incidents in form of LPG explosions and tanker accidents, which lead to loss of lives and destruction of property as seen in the Embakasi Mradi area incident in February 2024. Continuous public education and advocacy initiatives will therefore need to be sustained both at the National and County levels of Government.
12. To ensure public safety, EPRA rolled out a robust public awareness campaign aimed at ensuring that the public understands:
 - i. The role of EPRA in ensuring safe distribution and use of petroleum and LPG and where collaboration can be forged with Community Based Organizations and members of public at large to enhance the dispensation of EPRA's mandate.
 - ii. Safe use of LPG and what to do in case of an accidental release.
 - iii. The safety precautions to take in case of an accident or emergency involving a bulk petroleum or LPG transport vehicle.
 - iv. How to report suspected illegal petroleum and LPG businesses.

13. As part of enhancing public education on LPG safety, EPRA has undertaken the following:
 - i. Introduction of a Department of Public Education and Advocacy dedicated to enhance awareness programmes country wide. Through the Department EPRA has already sensitized LPG dealers across the country, security committees and prosecutors from the Office of the Director of Public Prosecution.
 - ii. Establishment of strategic partnerships and collaborations with Counties through the Council of Governors, Security and the Justice system.
14. Further, EPRA plans for the following additional interventions:
 - i. Development of a public education and advocacy policy to guide public awareness approach.
 - ii. Country wide sensitization of National Government Administration Officers (NGAOs) and County Security and Intelligence Committees on compliance requirement.
 - iii. Advocacy through vernacular radio stations targeting grassroots stakeholders and consumers, Sensitization of industry players and LPG dealers
 - iv. Advocacy on clean cooking energy to position LPG growth policy by influencing adoption and access levels among diverse beneficiaries and Civil Society and Community-led dialogues to raise a safety conscious Kenyan Society.
 - v. Development and evaluation of feasibility, efficiency and quality of Information Education and Communication (IEC) materials.

Daniel Kiptoo Bargoria, MBS, OGW

Director General

28th June 2024.

REPUBLIC OF KENYA

Telegraphic Address:

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail: clerk.senate@parliament.go.ke



PARLIAMENT

OFFICE OF THE CLERK OF THE SENATE

The Senate

Clerk's Chamber

Parliament Buildings

P. O. Box 41342 - 00100

NAIROBI, Kenya

Ref. SEN/DSEC/ENERGY/CORR/2024/117

15th February, 2024

Mr. Daniel Kiptoo Bargarua,
Director General,
Energy & Petroleum Regulatory Authority,
P.O. Box 42681-00100,
NAIROBI.



Dear Sir,

RE: INVITATION BY THE SENATE STANDING COMMITTEE ON ENERGY

The Senate Standing Committee on Energy is established under standing order 228 (3) of the Senate Standing Orders and is mandated to consider all matters related to fossil fuels exploration, development, production, maintenance and regulation of energy.

Reference is made to the tragic incident that occurred on 1st February, 2024 in Embakasi, Nairobi City County, where a liquid petroleum gas refilling facility exploded, causing death injury and destruction of property.

At its sitting held on Wednesday, 14th February, 2024 the Committee resolved to invite you for a meeting to deliberate on the above matter and respond to the following issues of concern-

1. Explain why the LPG refilling facility was located close to human settlement;
2. Provide the name of the company that was running the facility and their beneficial owners;
3. What are the requirements of having an LPG refill and storage facility;
4. What powers does the Energy and Petroleum Regulatory Authority have in enforcing compliance of such facilities;
5. A list of all LPG refill and storage facilities and their locations in the country, sorted per county; and
6. What safeguards has the Government put in place to avoid a recurrence of the same.

The purpose of this letter is to invite you for a meeting with the Committee that is scheduled to be held on Thursday, 22nd February, 2024 at the Senate Chamber at 9.00am.

We request that you submit twelve (12) hard copy written responses on the issues raised above and a soft copy by email on the address [clerk@senate@parliament.go.ke](mailto:clerk@senate.parliament.go.ke) and copied to crispus.njogu@parliament.go.ke on or before 20th February 2024.

Mr. Crispus Njogu, Clerk Assistant (Cell Number - 0701073131, Email crispus.njogu@parliament.go.ke), is the Clerk to the Committee and is responsible for all arrangements relating to this matter.

Yours faithfully,

For: 
J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Copy: Mr. Mohamed Liban,
Principal Secretary,
State Department for Petroleum,
Ministry of Energy and Petroleum,
P.O. Box 30009-00100,
NAIROBI.



P

**REPORT TO THE SENATE STANDING
COMMITTEE ON ENERGY ON THE
LIQUEFIED PETROLEUM GAS
EXPLOSION INCIDENT AT EMBAKASI,
NAIROBI.**

29TH FEBRUARY 2024

A. INTRODUCTION

1. The Senate Standing Committee on Energy through letter Ref. SEN/DSEC/ENERGY/CORR/2024/117 dated 15th February 2024 invited the Director General of the Energy and Petroleum Regulatory Authority (EPRA) to appraise the Committee on the following with regard to the Liquefied Petroleum Gas (LPG) explosion incident at Mradi, Embakasi that occurred on 1st February 2024:

- i. Explain why the LPG refilling facility was located close to human settlement.
- ii. Provide the name of the company that was running the facility and their beneficial owners.
- iii. What are the requirements of having an LPG refilling and storage facility.
- iv. What powers does the Energy and Petroleum Regulatory Authority have in enforcing compliance of such facilities.
- v. A list of all LPG refilling and storage facilities and their locations in the country sorted per county; and
- vi. What safeguards has the Government put in place to avoid a recurrence of the same.

B. EXPLAIN WHY THE LPG REFILLING FACILITY WAS LOCATED CLOSE TO HUMAN SETTLEMENT

2. At approximately 11.30pm on Thursday 1st February 2024, a Liquefied Petroleum Gas explosion occurred at Mradi area in Embakasi, Nairobi County.
3. The site of the explosion was not licensed by EPRA for storage and filling of LPG and the proprietor (*Mr. Derick Kimathi*) had made 3 applications for construction permits on 19th March 2023, 20th June 2023 and 31st July 2023 which were all rejected.
4. On assessment of the proposed site, EPRA's technical team noted that the site was a residential area with high population density and a church too. The proponent

was requested to provide a Qualitative Risk Assessment clearly indicating the radiation blast profiles in case of an explosion.

5. The proponent never provided the requested Qualitative Risk Assessment and hence EPRA did not issue a construction permit and thus the proposed project was never progressed to licensing.
6. EPRA visited the site on the night of explosion and collaborated with the investigative agencies in restoring order after the occurrence.
7. Preliminary investigations indicate that the explosion was caused by the uncontrolled release of LPG from a road tanker registration number KBJ 185X ZD2234 registered to Mr. Abraham Mwangi Nguyo. At the time of the incident, Mr. Mwangi operating under the business name Klear Mwiki Gas Suppliers, was licensed by EPRA to transport LPG in bulk by road under Licence No. EPRA/LPG/10342.
8. The site is currently an active crime scene under the control of the Directorate of Criminal Investigations (DCI). Once investigations by DCI are completed, EPRA plans to constitute a multi-agency investigation team that includes industry experts to undertake detailed investigations and analysis with the view of identifying the lapses in procedure that resulted into the unfortunate incident.

C. PROVIDE THE NAME OF THE COMPANY THAT WAS RUNNING THE FACILITY AND THEIR BENEFICIAL OWNERS

9. The lease for the plot where the explosion occurred, Plot No. L.R. No. 9042/146, (*copy attached*) is registered to Mr. Derick Kimathi who is the proprietor of Maxxis Nairobi Energy.
10. Attached herewith is a copy of the certificate of registration certifying Derdols Petroleum Limited as carrying on the business under the business name Maxxis Nairobi Energy.
11. Further, a copy of CR12 dated 1st February 2023 indicating the directors/shareholders of Derdols Petroleum Limited as Derick Kimathi (99 *ordinary shares*) and Derdols Tech Services Limited (1 *ordinary share*) is hereby

attached. A CR12 dated 19th February 2023 indicating the director/shareholder of Derdols Tech Services Limited as Derick Kimathi (*1,000 ordinary shares*) is similarly attached.

12. Mr. Kimathi also owns Maxxis Nanyuki Energy which was until the time of the incident licensed by EPRA for transportation of petroleum products (except LPG) by road under Licence No. EPRA/PET/8456 issued on 12th October 2023 and expiring on 11th October 2024, transportation of LPG in bulk by road under Licence No. EPRA/LPG/9954 issued on 29th May 2023 and expiring on 28th May 2024 and storage and filling of LPG in cylinders (Kendy branded cylinders only) at Nanyuki under Licence No. EPRA/LPG/9780 issued on 30th April 2023 and expiring on 29th April 2024.
13. Maxxis Nanyuki Energy has 5 petroleum vehicles registered for transportation of bulk petroleum i.e. KCC 038K – ZD1108; KCL 188A – ZE2663; KBW 469D – ZE0571; KCK 084F – ZD1384 and KCG 992N – ZD1383.
14. Further, Maxxis Nanyuki Energy has 6 vehicles registered for the transportation of bulk LPG i.e. KCX 374Z-ZC5925; KCX 232B-ZE9470; KBM 872F – ZE0458; KBU 467H-ZE0459; KBU 541H – ZD9591 and KCX 375Z –ZD9589.
15. The licences for Maxxis Nanyuki Energy and Klear Mwiki Gas Suppliers have since been suspended to pave way for investigations.

D. REQUIREMENTS OF HAVING AN LPG REFILLING AND STORAGE FACILITY

I. CONSTRUCTION PERMIT

16. Section 86 of the Petroleum Act 2019 (the Petroleum Act) requires a person intending to construct a petroleum pipeline, refinery, bulk storage facility, retail dispensing site, centralized gas reticulation system or designated parking place for petroleum tankers to apply in writing for a construction permit from EPRA before commencing such construction.
17. The application for permit shall be accompanied by among others a copy of detailed layout plans and specifications prepared by a professional engineer plus

an Environmental Impact Assessment licence (EIA) issued by the National Environment Management Authority (NEMA).

18. Section 87 of the Petroleum Act requires EPRA to consider all relevant factors before issuing a construction permit. Key among the factors is compliance to the relevant Kenya Standard or in absence of such a standard, any other standard recommended by EPRA in consultation with the Kenya Bureau of Standards. Further, EPRA is required to consider any other matter which in its opinion may be affected by the granting or refusal of the permit being sought.
19. An application by Maxxis Nairobi Energy for a Liquefied Petroleum Gas (LPG) storage and filling plant, was received on 19th March 2023. The following documents whose copies are annexed herein were attached:
- i. A certificate of registration certifying Dardols Petroleum Limited as carrying on the business under the business name Maxxis Nairobi Energy.
 - ii. A CR12 dated 1st February 2023 indicating the directors/shareholders of Dardols Petroleum Limited as Derick Kimathi (99 ordinary shares) and Dardols Tech Services Limited (1 ordinary share).
 - iii. A CR12 dated 19th February 2023 indicating the director/shareholder of Dardols Tech Services Limited as Derick Kimathi (1,000 ordinary shares).
 - iv. A copy of Identification for Derick Kimathi ID No. 11400410.
 - v. A copy of a valid EIA licence from NEMA No. NEMA/EIA/PSL/23819 dated 2nd February 2023 approving installation of a 10 metric tons LPG storage and filling plant, associated facilities and amenities at plot No. 9042/146 located off North Airport Road, Nairobi County.
 - vi. A copy of EIA comprehensive project report dated 14th February 2022 for a proposed LPG storage and filling plant at L.R. No. 9042/146 Nairobi Embakasi, off North Airport Road, Nairobi County, GPS coordinates: 1°31'62.68"S, 36°91'17.66"E. The report was prepared by Kenyanito Tsekou Toure of Reg. No. 0547 as the lead expert. The associate experts

were Jonathan Katana Yeri of Reg. No. 7890 and Anthony Eshamwata of Reg. No. 9054.

- vii. A copy of Notification of approval of development permission from the Nairobi Metropolitan Services Land and Physical Planning Department dated 6th October 2022 for a proposed LPG plant at Plot No. LR. 9042/146 with coordinates -1.3147,36.9103 located off Airport North Road in Embakasi East sub-county.
 - viii. Mechanical Plan Tank details prepared by Onstream Technologies Limited and approved on 15th February 2023 by Eng. Derick Kimathi of Engineer's Board Registration No. A2096.
 - ix. A copy of Civil Engineering Plan and Drawings prepared by Onstream Technologies Limited and approved by Eng. Nicholas Chelimo Kandie of Engineer's Board Registration No. A2316.
 - x. A copy of Fire Prevention and Management Plan prepared by Evans Otieno Omuony of DOSHS Reg. No. APV 120 and approved by Erick Njeru of Reg. No. DOSHS OSH/FSA 011.
 - xi. A land lease for LR. No. 9042/146 between Austine Lilechi Lugano and Maxxis Nairobi Energy for a period of 5 years (renewable) from 1st May 2020 and registered at the Central Registry, Lands Department on 16th September 2020.
20. EPRA considered the application on 21st April 2023 and rejected it. The construction permit processing notes indicate the rejection was made due to the need by the applicant to provide a detailed Qualitative Risk Assessment with well modelled radiation blast profiles.
21. The second attempt for a construction permit was made on 20th June 2023 but the application was referred back on 22nd June 2023 with request for more information since a detailed Qualitative Risk Assessment as earlier requested by EPRA had not been attached. The rejection notes noted that the proposed area was located in a

highly populated area and as such the applicant was required to provide a detailed Qualitative Risk Assessment with well modelled radiation blast profiles.

22. The third attempt for a construction permit was made on 31st July 2023 but the application was referred on 23rd August 2023 with request for more information since a detailed Qualitative Risk Assessment had not been attached. EPRA noted the presence of a church and residential neighborhood.

II. LICENSING OF LPG FACILITIES

23. Once constructed, the next process involves licensing where the applicant is required to apply to EPRA for an operational licence. The requirements for licence are:

- i. Certificate of Incorporation / Business Registration Certificate;
- ii. CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
- iii. Legible Copies of Identification Documents (IDs/Passports for all the directors);
- iv. Valid Work Permits Class "G" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
- v. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
- vi. A valid Single Business Permit for the premises of operation from the respective County Government;
- vii. Proof of ownership of the storage facility (title deed or a registered lease in the name of applicant);

- viii. Proof of ownership of at least 5,000 cylinders of either 0.5,1,3,6 or 13kg or a written authority for filling of a particular brand from a licensed LPG cylinder brand owner;
- ix. Proof of registration of the LPG cylinder brand by the body responsible for brand registration in Kenya;
- x. A valid Environmental Impact Assessment license from NEMA for the project;
- xi. A valid Fire Clearance Certificate for the facility from the respective County Government;
- xii. A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard;
- xiii. Certificate of Compliance with the Physical Planning Act 2019 (PPA5 or PPA2);
- xiv. A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services;
- xv. A valid certificate of weighing scale calibration from the Department of Weights and Measures;
- xvi. A valid certificate of report on examination for each LPG storage tank at the facility (from an inspector certified by the Directorate of Occupational Safety and Health Services);
- xvii. A valid calibration certificate for each LPG Storage tank at the facility;
- xviii. Proof of access to a calibrated weighbridge by submitting a scan of either:
 - a) Proof of ownership of a calibrated weighbridge; or
 - b) Long term agreement (minimum 5 years) for use of a calibrated weighbridge.
- xix. A summary Emergency Response Plan from the applicant;

- xx. Proof of training of a minimum of four employees in the safe handling of LPG from a National Industrial Training Authority approved personnel; and
 - xxi. Proof of installation of an ATEX (ATmosphere EXplosible) rated non-obscured Closed-Circuit Television (CCTV) camera at the LPG cylinder filling area accessible to EPRA via a web-based portal.
24. A list of all LPG facilities in the country is attached as annex I.

E. POWERS OF THE ENERGY AND PETROLEUM REGULATORY AUTHORITY IN ENFORCING COMPLIANCE OF SUCH FACILITIES

25. The Energy Act, 2019 (the Act) is the principal Act of Parliament which provides powers to EPRA with regard to compliance and enforcement. EPRA has powers to:
- a. Make and enforce directions to ensure compliance with the Act and with the conditions of licences issued under the Act.
 - b. Issue orders in writing requiring acts or things to be performed or done, prohibiting acts or things from being performed or done, and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled;
 - c. Enter, inspect and search any premises where an offence is being committed or is suspected to have been committed.
 - d. Issue orders or directions to ensure compliance with the Act.
 - e. Impose such sanctions and fines not exceeding one hundred thousand shillings per violation per day for a maximum of thirty days.
 - f. Enter, inspect and search any premises at which any undertaking relating to petroleum operations is carried out or an offence is being committed or is suspected to have been committed.
 - g. Issue orders either requiring acts or things to be performed or done, prohibiting acts or things from being performed or done, and may

prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled in furtherance of its powers under the law relating to petroleum.

- h. The enforcement actions EPRA may take include; Penalties, demand notices; and Prosecution of offenders.

F. SAFEGUARDS THAT THE GOVERNMENT PUT IN PLACE TO AVOID A RECURRENCE OF THE SAME

26. In order to deter the recurrence of such incidents, EPRA has with immediate effect taken the following actions: -

- a) Suspension of all operational licences issued to Maxxis Nanyuki Energy and Klear Mwiki gas Suppliers. However, it's worth noting that Maxxis Nanyuki Energy has already served EPRA with a stay order dated 16th February 2024 from the High Court at Milimani terming the revocation of licences as illegal and unlawful.
- b) Shutdown all LPG facilities: -
 - i. located within a radius of 200meters from residential areas.
 - ii. whose technical audit score was rated as "Risky" and "High Risk" i.e. facilities whose technical audit score was less than 50%.
- c) Enhancement of public awareness campaigns on safety through the print and electronic media.
- d) Fast tracking pending criminal cases through the National Police Service and the Directorate of Criminal Investigations to ensure timely submission of the investigative files to the Office of the Director of Public Prosecution (ODPP) for review.
- e) Engagement of the Ministry of Interior and National Administration in conjunction with County Governments to provide intelligence on all

known and suspected illegal energy and petroleum businesses/sites within their jurisdiction for EPRA's immediate enforcement action.

- f) Stiff administrative actions to all non-compliant LPG Storage and Filling plants. This includes suspension of operating licences for a minimum of six months for those found in breach.
- g) Engagement of the ODPP on appointment of EPRA's legal officers as prosecutors.
- h) Engagement of the Ministry of Interior and National Administration and the Inspector General to have the Energy Police Unit or a dedicated police unit embedded within EPRA to provide support on enforcement.
- i) Collaboration with the State Department for Petroleum in organizing a National LPG Stakeholders workshop aimed at ensuring full regulatory reforms for the sector.
- j) Engagement with Kenya Railways Corporation or any other Government agency with suitable land to be used as a parking yard to store enforcement items currently held at upper hill yard.

27. EPRA has put in place the following strategies in the medium and long term:

a. Public Awareness

28. A robust public awareness campaign will be rolled out to ensure the public understands:

- i. The role of EPRA in ensuring safe distribution and use of petroleum and LPG.
- ii. Safe use of LPG and what to do in case of an accidental release.
- iii. How to report suspected illegal petroleum and LPG businesses.

b. Prevention

29. EPRA shall institute and implement the following preventative measures:

- i. Enhancement of LPG data verification from importation to the point of retail in order to improve on accountability by the sector players.

- ii. Support Counties in development and operationalization of their Energy Plans including County Master Plans.
- iii. Drafting and operationalization of an Intelligence Policy to guide collection and analysis of sector wide information through heightened surveillance.

c. Deterrence

30. EPRA shall continuously follow up on criminal cases to ensure successful prosecution with maximum sentences imposed. EPRA shall also follow up for the appointment of in-house prosecutors by the ODPP for speedy prosecution.

d. Detection

31. EPRA shall:

- i. Follow up on the request for attachment of DCI officers to all regional offices for criminal intelligence gathering.
- ii. Co-opting of National Intelligence liaison officer to assist in provision of actionable intelligence to guide surveillance and enforcement.
- iii. Co-opting of Regional Managers into County Security Committees to enable issuance of energy related Request for Information(RFI)
- iv. Establishing a platform for collaboration with County leadership for information sharing.

e. Disruption

32. Continued collaboration with the National Youth Service in demolition of illegal sites as guided by the Memorandum of Understanding between the two institutions.

Daniel Kiptoo Bargoria, MBS, OGW
DIRECTOR GENERAL
29th February 2024

ANNEX I: LIST OF ALL LPG PLANTS BY COUNTY

STORAGE AND FILLING OF LPG IN CYLINDERS REGISTER				
NO	LICENCE NUMBER	COMPANY NAME	County	EXPIRY DATE
1	EPRA/LPG/9480	MILELE GAS LIMITED	Bomet	18/12/2023
2	EPRA/LPG/1526	CHEV ENERGIES LIMITED	Bungoma	28/05/2024
3	EPRA/LPG/9235	TOPLINE TRADERS LTD	Bungoma	13/11/2023
4	EPRA/LPG/10361	CITY GAS LIMITED	Busia	18/11/2022
5	EPRA/LPG/10142	F-MATT GASES LIMITED	Busia	04/10/2024
6	EPRA/LPG/1643	GICOMU GAS LIMITED	Embu	10/07/2024
7	EPRA/LPG/9690	VIKI ENERGY LIMITED	Embu	05/03/2024
8	EPRA/LPG/9848	EXTRA GAS LIMITED	Garissa	19/05/2022
9	EPRA/LPG/9707	FIRIMBI ENERGY LIMITED	Garissa	17/07/2024
10	EPRA/LPG/11143	EASI COOKING GAS LIMITED	Isiolo	10/07/2024
11	EPRA/LPG/1227	GAS AND LUBRICANTS TRADING KENYA LIMITED	Kajiado	17/07/2024
12	EPRA/LPG/11103	JAVAGAS SUPPLIERS LIMITED	Kajiado	11/06/2024
13	EPRA/LPG/11271	TEZO ENERGY LIMITED	Kajiado	26/09/2024
14	EPRA/LPG/11129	NURU HAULIERS LIMITED	Kakamega	29/06/2024
15	EPRA/LPG/1528	AMEKEN MINEWEST COMPANY LIMITED	Kiambu	13/02/2023
16	EPRA/LPG/10735	CRESCENT ENERGY LIMITED	Kiambu	03/09/2024
17	EPRA/LPG/1101	CRESCENT ENERGY LIMITED	Kiambu	23/03/2024
18	EPRA/LPG/9775	GREAT LAKES COMMODITIES LIMITED	Kiambu	28/05/2024
19	EPRA/LPG/842	HUNKAR TRADING LIMITED	Kiambu	06/03/2024
20	EPRA/LPG/10446	INSTAGAS LIMITED	Kiambu	05/03/2024
21	EPRA/LPG/10427	JUJA ENERGY AND GAS LIMITED	Kiambu	03/01/2025
22	EPRA/LPG/1550	KENDAL ENERGY SOLUTIONS LIMITED	Kiambu	12/10/2024
23	EPRA/LPG/9903	KENTO ENERGY LTD	Kiambu	27/12/2024
24	EPRA/LPG/1408	MAX GAS AND PETROLEUM COMPANY LIMITED	Kiambu	29/06/2024
25	EPRA/LPG/9714	THREE SPOT HOLDINGS LIMITED	Kiambu	21/12/2024
26	EPRA/LPG/10884	UPTOWN STYLES LTD	Kiambu	08/02/2024
27	EPRA/LPG/1282	WANGAS KENYA ENTERPRISES LIMITED	Kiambu	29/09/2024
28	EPRA/LPG/11218	WIDAN ENERGY LTD	Kiambu	28/08/2024
29	EPRA/LPG/10436	GREEN ENERGY LIMITED	Kilifi	23/02/2024
30	EPRA/LPG/10814	MAX GAS AND PETROLEUM COMPANY LIMITED	Kilifi	26/11/2024
31	EPRA/LPG/10758	PROTO ENERGY LIMITED	Kilifi	13/10/2023
32	EPRA/LPG/1384	UNIGAS KENYA LIMITED	Kilifi	15/06/2024
33	EPRA/LPG/1277	DEPAR LIMITED	Kirinyaga	08/01/2025
34	EPRA/LPG/9290	MO GAS SUPPLIERS LIMITED	Kirinyaga	13/02/2025
35	EPRA/LPG/1841	CITY GAS LIMITED	Kisii	30/10/2024
36	EPRA/LPG/8445	DAIMA GAS LIMITED	Kisii	29/06/2024
37	EPRA/LPG/9145	LEO GAS LTD	Kisii	28/05/2024

STORAGE AND FILLING OF LPG IN CYLINDERS REGISTER				
NO	LICENCE NUMBER	COMPANY NAME	County	EXPIRY DATE
38	EPRA/LPG/10767	TOPLINE TRADERS LTD	Kisii	30/10/2024
39	EPRA/LPG/8429	JAGUAR PETROLEUM LIMITED	Kisumu	13/11/2024
40	EPRA/LPG/1076	MULTIENEGY LTD	Kisumu	03/09/2024
41	EPRA/LPG/11305	RUBIS ENERGY KENYA PLC	Kisumu	31/10/2024
42	EPRA/LPG/1756	CHEMIGAS LTD	Kitui	07/05/2024
43	EPRA/LPG/1444	EXCELLENT LOGISTICS LTD	Laikipia	23/03/2024
44	EPRA/LPG/9780	MAXXIS NANYUKI ENERGY LIMITED	Laikipia	29/04/2024
45	EPRA/LPG/1609	OXXENERGY LIMITED	Laikipia	10/12/2024
46	EPRA/LPG/8178	VIVO ENERGY KENYA LIMITED	Laikipia	17/05/2024
47	EPRA/LPG/3865	BARAKA GAS LTD	Machakos	12/02/2024
48	EPRA/LPG/10023	CONTINENTAL INN COMPANY LIMITED	Machakos	17/07/2024
49	EPRA/LPG/10688	COSMO GAS LIMITED	Machakos	03/09/2024
50	EPRA/LPG/11428	EASI COOKING GAS LIMITED	Machakos	08/01/2025
51	EPRA/LPG/1295	GREEN GAS COMPANY LIMITED	Machakos	23/03/2024
52	EPRA/LPG/9548	LUNGA LUNGA ENERGY LTD	Machakos	23/03/2024
53	EPRA/LPG/9841	LUWARIS SUPPLIERS	Machakos	28/08/2024
54	EPRA/LPG/1739	SWIFT ENERGY DISTRIBUTORS LIMITED	Machakos	19/06/2024
55	EPRA/LPG/10443	TANGA ENERGY SOLUTIONS LIMITED	Machakos	05/03/2024
56	EPRA/LPG/10843	TROPIX GAS LIMITED	Machakos	29/11/2023
57	EPRA/LPG/10369	OXXENERGY LIMITED	Marsabit	23/11/2022
58	EPRA/LPG/10439	CALIDAD ENERGY LIMITED	Meru	08/02/2024
59	EPRA/LPG/11124	VIKI ENERGY LIMITED	Meru	21/06/2024
60	EPRA/LPG/1406	AFRICAN GAS AND OIL COMPANY LIMITED	Mombasa	06/03/2024
61	EPRA/LPG/10926	AFRICAN GAS AND OIL COMPANY LIMITED	Mombasa	17/03/2024
62	EPRA/LPG/1524	FOSSIL SUPPLIES LIMITED	Mombasa	18/10/2024
63	EPRA/LPG/8505	HASHI ENERGY LIMITED	Mombasa	06/06/2022
64	EPRA/LPG/8704	KENYA PETROLEUM REFINERIES LIMITED	Mombasa	06/06/2024
65	EPRA/LPG/1752	OLA ENERGY KENYA LIMITED	Mombasa	17/07/2024
66	EPRA/LPG/1826	TOTAL KENYA LIMITED	Mombasa	23/03/2024
67	EPRA/LPG/2498	VISION ENERGY EAST AFRICA LIMITED	Mombasa	17/07/2024
68	EPRA/LPG/1922	VIVO ENERGY KENYA LIMITED	Mombasa	17/05/2024
69	EPRA/LPG/1357	PROTO ENERGY LIMITED	Muranga	29/09/2024
70	EPRA/LPG/2080	TANGA LOGISTICS LIMITED	Muranga	13/02/2025
71	EPRA/LPG/1191	VIJI FILLINGS LIMITED	Muranga	13/02/2024
72	EPRA/LPG/10738	AFKO GAS LIMITED	Nairobi	29/09/2024
73	EPRA/LPG/673	ALFA GAS LIMITED	Nairobi	09/02/2025
74	EPRA/LPG/2499	AVIAN GAS LIMITED	Nairobi	03/04/2024
75	EPRA/LPG/10381	BASH GAS LIMITED	Nairobi	27/01/2024

STORAGE AND FILLING OF LPG IN CYLINDERS REGISTER				
NO	LICENCE NUMBER	COMPANY NAME	County	EXPIRY DATE
76	EPRA/LPG/1286	BOC KENYA LIMITED	Nairobi	12/04/2024
77	EPRA/LPG/1183	CITY GAS LIMITED	Nairobi	17/05/2023
78	EPRA/LPG/9700	COUNTRY CHOICE GAS LIMITED	Nairobi	23/03/2024
79	EPRA/LPG/1510	DEPAR LIMITED	Nairobi	29/01/2025
80	EPRA/LPG/10088	EASI COOKING GAS LIMITED	Nairobi	13/11/2024
81	EPRA/LPG/1058	ECO-ENERGY EAST AFRICA LIMITED	Nairobi	26/07/2024
82	EPRA/LPG/11374	FAHARI GAS LIMITED	Nairobi	04/12/2024
83	EPRA/LPG/1222	FAST GAS LIMITED	Nairobi	18/10/2024
84	EPRA/LPG/10790	GARNET ENERGY LIMITED	Nairobi	10/12/2024
85	EPRA/LPG/10363	GEOGAS KENYA LIMITED	Nairobi	13/02/2024
86	EPRA/LPG/949	GREEN ENERGY LIMITED	Nairobi	08/02/2024
87	EPRA/LPG/1650	GREEN VALLEY GAS LIMITED	Nairobi	12/07/2022
88	EPRA/LPG/2497	GULF ENERGY HOLDINGS LIMITED	Nairobi	29/01/2025
89	EPRA/LPG/9476	HASS PETROLEUM KENYA LIMITED	Nairobi	16/01/2025
90	EPRA/LPG/9730	KAKA GAS LIMITED	Nairobi	17/07/2024
91	EPRA/LPG/7923	KERRY GAS LIMITED	Nairobi	12/04/2024
92	EPRA/LPG/8848	KOFUROW GAS LIMITED	Nairobi	27/11/2024
93	EPRA/LPG/1628	LAKE OIL LIMITED	Nairobi	30/10/2024
94	EPRA/LPG/1600	MAPKA INVESTMENT LIMITED	Nairobi	11/01/2025
95	EPRA/LPG/11372	MINO GAS LIMITED	Nairobi	28/11/2024
96	EPRA/LPG/1658	MORE GAS LIMITED	Nairobi	04/04/2024
97	EPRA/LPG/1542	MOTO GAS COMPANY LIMITED	Nairobi	13/11/2024
98	ERC/LPG/1305	NATIONAL OIL CORPORATION OF KENYA	Nairobi	20/11/2018
99	EPRA/LPG/1261	OCEAN GAS LIMITED	Nairobi	17/03/2024
100	EPRA/LPG/1165	OILCOM (K) LIMITED	Nairobi	04/12/2024
101	EPRA/LPG/1697	OLA ENERGY KENYA LIMITED	Nairobi	06/06/2024
102	EPRA/LPG/10402	OUTDOOR GAS LIMITED	Nairobi	29/01/2025
103	EPRA/LPG/11051	POINTS MERCHANTS LIMITED	Nairobi	17/05/2024
104	EPRA/LPG/1273	RIFT GAS LIMITED	Nairobi	02/01/2024
105	EPRA/LPG/1633	RIHAL ENERGY COMPANY LIMITED	Nairobi	17/03/2024
106	EPRA/LPG/1545	ROYAL GAS AND ENERGY LIMITED	Nairobi	13/11/2024
107	EPRA/LPG/1255	RUBIS ENERGY KENYA PLC	Nairobi	31/10/2023
108	EPRA/LPG/8355	SALAMA GAS LIMITED	Nairobi	29/09/2024
109	EPRA/LPG/10448	SISI GAS LIMITED	Nairobi	27/02/2024
110	EPRA/LPG/9232	SYZO INTERNATIONAL LIMITED	Nairobi	25/09/2024
111	EPRA/LPG/11114	TAJIRI GAS LIMITED	Nairobi	19/06/2024
112	EPRA/LPG/5703	TAYO GAS LIMITED	Nairobi	17/05/2024
113	EPRA/LPG/2502	THE FUSION EXPERIENCE KENYA LIMITED	Nairobi	01/05/2024

STORAGE AND FILLING OF LPG IN CYLINDERS REGISTER				
NO	LICENCE NUMBER	COMPANY NAME	County	EXPIRY DATE
114	EPRA/LPG/1675	TOTAL KENYA LIMITED	Nairobi	15/06/2024
115	EPRA/LPG/8179	VIVO ENERGY KENYA LIMITED	Nairobi	17/05/2024
116	EPRA/LPG/9233	AULTIA INVESTMENT COMPANY LIMITED	Nakuru	23/03/2024
117	EPRA/LPG/11373	MILELE GAS LIMITED	Nakuru	28/11/2024
118	EPRA/LPG/8849	MURIMI INVESTMENT COMPANY LIMITED	Nakuru	17/07/2024
119	EPRA/LPG/1323	NAKURU GASES LIMITED	Nakuru	23/10/2024
120	EPRA/LPG/8707	PROTO ENERGY LIMITED	Nakuru	04/10/2024
121	EPRA/LPG/1214	SMART GAS ENERGY LIMITED	Nakuru	18/09/2023
122	EPRA/LPG/1309	TOPLINE TRADERS LTD	Nakuru	17/03/2024
123	EPRA/LPG/6647	VIJI FILLINGS LIMITED	Nakuru	27/01/2024
124	EPRA/LPG/10697	CLIFTON GAS LIMITED	Nandi	18/10/2024
125	EPRA/LPG/11079	MO GAS SUPPLIERS LIMITED	Nyandarua	28/05/2024
126	EPRA/LPG/8917	DEPAR LIMITED	Nyeri	18/07/2024
127	EPRA/LPG/1639	GREATMOUNT LPG LIMITED	Nyeri	30/10/2024
128	EPRA/LPG/9901	TOPLINE TRADERS LIMITED	Nyeri	18/10/2024
129	EPRA/LPG/8621	TYDES GENERAL MERCHANTS	Nyeri	28/11/2024
130	EPRA/LPG/1603	ENERGY HORIZONS - Factory Street, Thika	Thika	17/03/2024
131	EPRA/LPG/1828	SERVANTHOOD AND LIGHT DEVELOPMENT FOUNDATION	Transnzoia	17/03/2024
132	EPRA/LPG/8471	HASHI ENERGY LIMITED	Uasin gishu	17/07/2023
133	EPRA/LPG/10918	HAZINA ENERGY SOLUTION LIMITED	Uasin gishu	09/03/2024
134	EPRA/LPG/1634	MILELE GAS LIMITED	Uasin gishu	23/03/2024
135	EPRA/LPG/8173	OLA ENERGY KENYA LIMITED	Uasin gishu	30/10/2024
136	EPRA/LPG/10526	TOPLINE TRADERS LIMITED	Uasin gishu	17/05/2024
137	EPRA/LPG/11437	ZEMU INVESTMENTS LIMITED	Uasin Gishu	16/01/2024
138	EPRA/LPG/10043	NEP ENERGY LIMITED	Wajir	18/07/2024

BUSINESS NO. **BN-JRCGALMM**



THE REGISTRATION OF BUSINESS NAMES ACT

(Cap, 499, Section 14)

CERTIFICATE OF REGISTRATION

I hereby **CERTIFY** that, **DERDOLS PETROLEUM LIMITED** carrying on business under the business name of

MAXXIS NAIROBI ENERGY

at **OFF THE ROAD N/A EMBAKASI OFF NORTH AIRPORT ROAD, OFF NORTH AIRPORT ROAD, NAIROBI EMBAKASI DISTRICT, EMBAKASI. P.O BOX 3751, 00506 - NYAYO STADIUM**, have/has been duly registered under Number **BN-JRCGALMM** pursuant to and in accordance with the provisions of the Registration of Business Names Act and Rule there under.

Given under my hand at **NAIROBI** on **29-4-2020**

A handwritten signature in dark ink, appearing to read 'J. K. Njoroge', is written over a faint circular official stamp.

Registrar

This is a system generated certificate. To validate this document send the word **BRS to 21546**



THE REPUBLIC OF KENYA

BUSINESS REGISTRATION SERVICE
P. O. BOX 30031
NAIROBI
19 FEB 2023

To
DERICK KIMATHI
P.O. Box 3751
00506 - NYAYO STADIUM

THE COMPANIES ACT, 2015

Records relating to the below company held by the Companies Registry as at 19 Feb 2023

COMPANY	DERDOLS TECH SERVICES LIMITED
COMPANY NUMBER	C.109432
NOMINAL SHARE CAPITAL	50,000.00
NUMBER AND TYPE OF SHARES (VALUE PER SHARE)	ORDINARY: 1000 (KES 50.00 EACH)
DATE OF REGISTRATION	23RD APR, 2004
REGISTERED OFFICE	P.O BOX 3751 NYAYO STADIUM TELEPHONE: +254722364941, EMAIL: INFO@DERDOLS.CO.KE COUNTY: NAIROBI, DISTRICT: LANGATA DISTRICT , LOCALITY: LANGATA STREET: DARESALAM ROAD, BUILDING: RAZAAQ BIULDING
POSTAL ADDRESS	P.O BOX 3751 NYAYO STADIUM
ENCUMBRANCES	

Name of Directors and Shareholders of the above company with their particular are as follows

NAME	DESCRIPTION	ADDRESS	NATIONALITY	SHARES
DERICK KIMATHI	DIRECTOR/SHAREHOLDER	P.O BOX 3751 NYAYO STADIUM	KENYAN	ORDINARY: 1000
TOTAL				1000

Yours Faithfully,
REGISTRAR OF COMPANIES



REF NO: OS-KZFDL9JL

DISCLAIMER: THIS IS A SYSTEM GENERATED CERTIFICATE AND DOES NOT REQUIRE A SIGNATURE



THE REPUBLIC OF KENYA

BUSINESS REGISTRATION SERVICE
P. O. BOX 30031
NAIROBI
19 FEB 2023

To
DERICK KIMATHI
P.O. Box 3751
00506 - NYAYO STADIUM

THE COMPANIES ACT, 2015

Records relating to the below company held by the Companies Registry as at 19 Feb 2023

COMPANY	DERDOLS PETROLEUM LIMITED
COMPANY NUMBER	C.125464
NOMINAL SHARE CAPITAL	2,000.00
NUMBER AND TYPE OF SHARES (VALUE PER SHARE)	ORDINARY: 100 (KES 20.00 EACH)
DATE OF REGISTRATION	17TH JUN, 2006
REGISTERED OFFICE	P.O BOX 3751 NYAYO STADIUM TELEPHONE: , EMAIL: NFO@DERDOLS.CO.KE COUNTY: NAIROBI, DISTRICT: NAIROBI EAST DISTRICT , LOCALITY: NAIROBI EAST STREET: DARESALAM ROAD, BUILDING: RAZAAQ BIULDING
POSTAL ADDRESS	P.O BOX 3751 NYAYO STADIUM
ENCUMBRANCES	

Name of Directors and Shareholders of the above company with their particular are as follows

NAME	DESCRIPTION	ADDRESS	NATIONALITY	SHARES
DERICK KIMATHI	DIRECTOR/SHAREHOLDER	P.O BOX 3751 NYAYO STADIUM	KENYAN	ORDINARY: 99
DERDOLS TECH SERVICES LIMITED	DIRECTOR/SHAREHOLDER	P.O BOX 3751 NYAYO STADIUM	KENYAN	ORDINARY: 1
TOTAL				100

Yours Faithfully,
REGISTRAR OF COMPANIES



REF NO: OS-8RF286EL

DISCLAIMER: THIS IS A SYSTEM GENERATED CERTIFICATE AND DOES NOT REQUIRE A SIGNATURE



REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT: NUMBER L.R. 45001

ANNUAL RENT: Shs.16,400/-

TERM: 99 Years from 1.10.1986

(REVISABLE)

SD 263

11/7

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of Shillings Eighty-two thousand (Shs.82,000/-) by way of and premium paid on or before the execution hereof THE PRESIDENT OF THE REPUBLIC OF KENYA hereby GRANTS unto JOHN KIRING'U KARIUKI AND LUCY WATENT KARIUKI of NAIROBI (Post Office Box Number 32124)

(hereinafter called "the Grantee(s)"), ALL that piece of land situate in the VICE OF NAIROBI in the NAIROBI Area District containing by measurement bought decimal four hundred eight eight (0.4888) of a hectare/acre or thereabouts that is to say L.R. No. 3042/146

which said piece of land with the dimensions, abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 1342/88 deposited in the Survey Records Office at Nairobi

TO HOLD

for the term of Ninety-nine (99) years from the First day of October One thousand nine hundred and Eighty-six

SUBJECT to (a) the payment in advance on the first day of January in each year of the annual rent of Shillings sixteen thousand four hundred (Shs.16,400/-) (Revisable) (b) the provisions of the Government Lands Act (Chapter 280) and (c) the following Special Conditions (namely):

P.T.O.

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the proposals are such as to develop the land adequately and satisfactorily.
2. The Grantee^s shall within six calendar months of the actual registration of the Grant submit in triplicate to the Local Authority and the Commissioner of Lands plans (including block plans showing the positions of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of buildings the Grantee^s proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the Commissioner PROVIDED that notwithstanding anything to the contrary contained in or implied by the Government Lands Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee^s shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Grantee^s give notice in writing to the Commissioner of Lands that they are unable to complete the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's expense) accept a surrender of the land comprised herein:
 - (i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee^s 50 per centum of the stand premium paid in respect of the land, or
 - (ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee^s 25 per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive industrial purposes with ancillary offices and stores.
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 1000 ^{square feet} ~~square feet~~ may be provided for a caretaker or night watchman on such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee^s shall not subdivide the land without the prior consent in writing of the Commissioner of Lands.
10. The Grantee^s shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
11. The Grantee^s shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and the proportionate cost for the supply of both the water and the electric power to the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.
12. The Grantee^s shall from time to time pay to the Commissioner of Lands on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the Commissioner may assess.
13. Should the Commissioner of Lands at any time require the said roads to be constructed to a higher standard the Grantee^s shall pay to the Commissioner on demand such proportion of such construction as the Commissioner may assess.
14. The Grantee^s shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or Local Authority upon the land or the buildings erected thereon including any contribution or other sum paid by the President in lieu thereof.
15. The President or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water mains service pipes and drains telephone or telegraph wires and electric mains of all descriptions whether overhead or underground and the Grantee^s shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.
16. The Commissioner of Lands reserves the right to revise the annual ground rental payable hereunder after the expiration of the thirty-third and sixty-sixth year of the term hereby granted. Such rental will be at the rate of four per cent of the unimproved freehold value of land as assessed by the Commissioner of Lands.

THE HON. MR. JAMES WATSON MURPHY
the Commissioner of Lands have by Order of
the President herewith set by hand this

8th day of July
(one thousand five hundred and eighty-eight)
in the presence of:-

J. J. J.

Anders

REGISTER OF LANDS

LANDS OFFICE, HONOLULU, HAWAII
REGISTRATION OF DEEDS
RECORDED on 11th July 1950
11-50 HRS



SLF
B. 9/6

ENDORSEMENT OF EXTENSION OF BUILDING PERIOD

KNOW ALL MEN BY THESE PRESENTS that at the request of
JOHN MIRINGU KARIUKI and LUCY WAMBUI KARIUKI the within named
Grantees the PRESIDENT OF THE REPUBLIC OF KENYA HEREBY DECLARES
that notwithstanding SPECIAL CONDITION Number (2) of the within-
written Grant:-

"The Grantees shall complete ready for occupation the erection of
buildings and the construction of the drainage system as specified
in the said Special Condition Number two (2) by the FIRST day of
JUNE One thousand Nine hundred and Ninety-three
SAVE as herein modified the within-written Grant remains in
full force and effect.

IN WITNESS whereof the Commissioner of Lands by Order of the
President has set his hand this 8TH day of JUNE
One thousand nine hundred and Ninety two

SIGNED by WILSON KARIUKI
the Commissioner of Lands in
the presence of:-

[Signature]

[Signature]

REGISTERAR OF TITLES

DRAWN BY:

SARAH MWENDA
REGISTERAR OF TITLES
NAIROBI

LAND TITLE REGISTRY - NAIROBI, KENYA
REGISTRATION OF TITLES ACT

REGISTERED AS No. 12. 45001/2

Subscribed 9th June 1992

Time 15.32 hrs. *[Signature]*

Registrar of Titles

(2)

4

⑤⑥

6.



1891 20-7-2009

Deed of indemnity signed
in vol. 51 Folio 38
on 27-2-2012

LEASE AGREEMENT

DATED THIS 1st..... DAY OF MAY 2020

AUSTINE LILECHI LUGANO

TO

MAXXIS NAIROBI ENERGY

DRAWN BY:
JUMBA & CO ADVOCATES
MAENDELEO HOUSE, 8TH FLOOR, SUITE 808
MONROVIA STREET
P.O BOX 24418-00100
NAIROBI

KSH 25240/=

LEASE AGREEMENT



ADP/200
D2A
pen-2-60
12/9/2020

THIS LEASE AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into this 16th day of MAY, 2020 by and between;

- (1) AUSTINE LILECHI LUGANO ("the Landlord") of National Identification Card Number 23644678 and of P.O. Box 78355-00507, Nairobi; and
- (2) MAXXIS NAIROBI ENERGY ("the Tenant") Registered under Number BN-JRCGALMM and of P.O. Box 3751-00506, Nairobi.



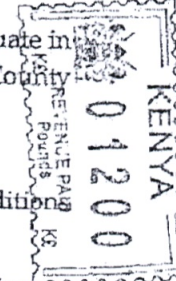
WITNESSETH:

WHEREAS, Landlord is the owner of certain real property being, LR NO. 9042/146, situate in Nairobi Embakasi District, Off North Airport Road, Embakasi, within Nairobi City County (hereinafter referred to as the "Premises").

WHEREAS, Landlord desires to lease the Premises to Tenant upon the terms and conditions as contained herein; and

NOW, THEREFORE, and in consideration of the covenants and obligations contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. **TERM.** Landlord leases to Tenant and Tenant leases from Landlord the above described Premises (0.5 acres) together with any and all appurtenances thereto, for a term of five (5) years, (renewable), such term beginning on 1st may 2020, and ending on 30th April 2025.
2. **RENT.** The rent for the term hereof is the sum of Kenya Shillings One Hundred Thousand (KSHS 100,000) per month payable in advance clear of all deductions. All such payments shall be made in cash directly to the landlord before the 5th of every subsequent month.
3. That the amount above is inclusive of VAT, which is 16%.
 - i) Late payment of rent shall attract 10% penalty for rent paid after the 5th of the month.
4. **SECURITY DEPOSIT.** The tenant shall pay deposit of a sum equivalent of one month's rent (inclusive of VAT), amounting to Kenya Shillings One Hundred Thousand (KSHS 100,000), which is to be held as collateral security and applied on any rent or unpaid utility bill that may remain due and owing at the expiration of this Lease, any extension thereof or holding over period, or applied to any damages to the premises in excess of ordinary wear and tear caused by the Tenant or other damages and expenses suffered by Landlord as a result of a breach of any covenant or provision of this Lease. Tenant



[Handwritten signature]

by Landlord as a result of a breach of any covenant or provision of this Lease. Tenant may not utilize the security deposit as rent, and Tenant must not apply the same as the last month's rent.

If any such breaches are suffered by the Landlord, the Deposit shall be utilized and if there is a balance, forwarded to the Tenant.

5. **USE OF PREMISES.** The Premises shall be used for the installation and operation of LPG bulk storage and filling plant. The Tenant shall not dump any waste materials or discard residue from the plant. The tenant shall take precautions to ensure that flammable material are well stored. This information will also be relied to the Landlord. Tenant shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises.
6. **CONDITION OF PREMISES.** Tenant stipulates, represents and warrants that Tenant has examined the Premises, and that they are at the time of this Lease in good order, repair, and in a safe, clean and tenantable condition.
7. **ASSIGNMENT AND SUB-LETTING.** Tenant shall not assign this Agreement, or sub-let or grant any license to use the Premises or any part thereof without the prior written consent of Landlord. An assignment, sub-letting or license without the prior written consent of Landlord or an assignment or sub-letting by operation of law shall be absolutely null and void and shall, at Landlord's option, terminate this Agreement.
8. **ALTERATIONS AND IMPROVEMENTS.** Tenant shall make no alterations or improvements on the Premises or construct any building or make any other improvements on the Premises without the prior written consent of Landlord. Any and all alterations, changes, and/or improvements built, constructed or placed on the Premises by Tenant shall, unless otherwise provided by written agreement between Landlord and Tenant, be and become the property of Landlord and remain on the Premises at the expiration or earlier termination of this Agreement.
9. **HAZARDOUS MATERIALS.** Tenant shall not keep on the Premises any item of a dangerous, flammable or explosive character that might unreasonably increase the danger of fire or explosion on the Premises or that might be considered hazardous.
10. **UTILITIES.** Tenant shall be responsible for arranging for and paying for all utility services (water, electricity and etc) required on the premises, together with getting all the necessary licenses for operating the Tenants business. Further, the Tenant shall be response for paying for its own insurance to cover the premises.
11. **INSPECTION OF PREMISES.** Landlord and Landlord's agents shall have the right at all reasonable times during the term of this Agreement and any renewal thereof to enter the Premises for the purpose of inspecting the Premises and all buildings and

A handwritten signature in dark ink, appearing to be 'D. J. [unclear]', is written across the bottom of the page. The signature is stylized and somewhat illegible.

alterations as may be deemed appropriate by Landlord for the preservation of the Premises or the building.

12. **SURRENDER OF PREMISES.** Upon the expiration of the term hereof, Tenant shall surrender the Premises in as good a state and condition as they were at the commencement of this agreement.
13. **QUIET ENJOYMENT.** Tenant, upon payment of all of the sums referred to herein as being payable by Tenant and Tenant's performance of all Tenant's agreements contained herein and Tenant's observance of all rules and regulations, shall and may peacefully and quietly have, hold and enjoy said Premises for the term hereof.
14. **DEFAULT.** If Tenant fails to comply with any of the material provisions of this Agreement, other than the covenant to pay rent, or of any present rules and regulations or any that may be hereafter prescribed by the Landlord, or materially fails to comply with any duties imposed on Tenant by statute, within seven (7) days after delivery of written notice by Landlord specifying the non-compliance and indicating the intention of Landlord to terminate the Lease by reason thereof, Landlord may terminate this Agreement. If Tenant fails to pay rent when due and the default continues for seven (7) days thereafter, Landlord may, declare the entire balance of rent payable hereunder to be immediately due and payable and may exercise any and all rights and remedies available to the Landlord as by law envisaged or in equity or may immediately terminate this Agreement.
15. **GOVERNING LAW.** This Agreement shall be governed, construed and interpreted by, through and under the Laws of Kenya.
16. **TERMINATION NOTICE.** Any Termination notice shall be in writing and give a two month notice.
17. **IN WITNESS WHEREOF** the Landlord and the Tenant have duly executed this agreement.

Signed by
AUSTINE LILECHI LUGANO

Commissioner of Oaths & Notary Public
P.O. Box 24418 - 00100,
NAIROBI

Signed by
MAXXIS NAIROBI ENERGY

Commissioner of Oaths & Notary Public
P.O. Box 24418 - 00100,
NAIROBI

(Landlord's signature)

(Tenant's signature & Stamp)

MAXXIS NAIROBI ENERGY
P.O. Box 3751 - 00506,
NAIROBI

DRAWN BY:
JUMBA & CO ADVOCATES
MAENDELEO HOUSE, 8TH FLOOR, SUITE 808
MONROVIA STREET
P.O BOX 24418-00100
NAIROBI

REPUBLIC OF KENYA REGISTRY OF DOCUMENTS NAIROBI			
Registered at 1030/16/9.20.70			
Presentation No	Volume	Folio	File
1715	DI	150	MMX
Registrar			

M. C. Chepkemai 349*

[Handwritten signature]

Our Ref: EPRA/ECP/SE/1/CO/dm

7th February, 2024

Mr. Amin Mohammed Ibrahim
Director
Directorate of Criminal Investigations
Mazingira Complex, Kiambu Road
P O Box 30036
NAIROBI

Dear *Mr. Amin*

**RE: REQUEST FOR DIRECTORATE OF CRIMINAL INVESTIGATIONS(DCI)
OFFICERS**

Reference is made to the above subject matter.

The Energy and Petroleum Regulatory Authority (The Authority) is established under the Energy Act No. 1 of 2019 as the energy and petroleum sector regulatory authority with the responsibility of economic and technical regulation of electric power, renewable energy, upstream, midstream and downstream petroleum sub sectors. One of its core mandate is to ensure strict adherence of energy and petroleum laws, rules, regulations in the country. Consequently, the Authority is involved in enforcement activities that often lead to offenders being charged in a court of law for criminal offences.

The Authority has faced challenges with regards to various malpractices such as illegal refilling of LPG in cylinders, illegal handling of petroleum products, sale of adulterated and export fuel, mushrooming of illegal petrol stations, malpractices in electricity infrastructure among them illegal connections, vandalism and unauthorized wiring.

Taking cognizance of the crucial role the DCI undertakes in collecting, providing criminal intelligence and undertaking investigations on crimes, we hereby request your esteemed office to assign Directorate of Criminal Investigation Officers to be attached to our main office and all the eight regional offices.

The presence of your officers will greatly aid EPRA in surveillance and enforcement hence ensuring a safer and more compliant energy and petroleum sector sector.



ISO 9001:2015 Certified

We await your feedback and look forward to establishing a fruitful partnership for the greater good of Kenya.

Yours

Sincerely,


Daniel Kiptoo Bargoria, MBS, OGW
DIRECTOR GENERAL

Our Ref: EPRA/ECP/SE/1/CO/dm

6th February 2024

Office of the Director of Public Prosecution
ODPP House
Ragati Road, Upper hill
P O Box 30701- 00100
NAIROBI



Dear

Mr. Ingonga,

RE: APPOINTMENT OF PUBLIC PROSECUTORS

Reference is made to the above subject matter and the Authority's letter dated 15th February 2022 and 14th September 2023. (Attached herein for ease of reference)

The Authority acknowledges the Office of the Director of Public Prosecution's core mandate as enshrined under Article 157 of the Constitution to undertake state powers of prosecution and *inter alia* to institute and undertake criminal proceedings against any person before any court in respect of any offence alleged to have been committed.

The Authority has a mandate to ensure strict compliance with energy and petroleum laws, rules and regulations. Consequently, the Authority has on numerous occasions conducted various enforcement activities on illegal activities in energy and petroleum subsectors in collaboration with National Police Service and the Directorate of Criminal Investigation leading to arrest of suspects and detention of exhibits such as equipment and motor vehicles.

Regrettably, the investigations conducted by our team have faced undue delays in the prosecution phase, leading to suspects obtaining court orders for the release of exhibits and other evidences. Recognizing the importance of a timely and efficient legal process, we are reaching out to seek a collaborative and productive working relationship with your esteemed office.

In accordance with Section 220 of the Energy Act 2019, Section 106 of the Petroleum Act 2019, and Section 29 of the Office of the Director of Public Prosecutions Act, 2013, the Authority respectfully requests the appointment of the following officers as public prosecutors dedicated to handling offences within the energy and petroleum subsectors:



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No.	Name	Practice Number
1.	Cecilia Jerop Chebon	P.105/5547/04
2.	Castro Kevin Ogutu	P.105/11931/16
3.	Kenneth Kipkorir Bullut	P.105/15403/18
4.	Winny Chepngetich Rop	P.105/15447/18
5.	Winny Cheptoo	P.105/15985/19

The Authority undertakes to partner with your office in order to train and equip the aforementioned officers to prosecute offences in the energy and petroleum subsectors. Their appointment as dedicated public prosecutors for cases within our sector would significantly contribute to expediting the legal process, thereby enhancing the effectiveness of our joint efforts in upholding the rule of law.

It is noteworthy that the rise of accidents related to liquefied petroleum gas (LPG) further underscores the urgency of a proactive and collaborative approach in addressing legal matters within the energy and petroleum subsectors.

The Authority considers that a coordinated and collaborative approach between the Authority and your esteemed office will foster a more efficient and timely prosecution of cases related to energy and petroleum offences.

We look forward to your positive consideration into this matter.

Yours

Sincerely,



Daniel Kiptoo Bargoria, MBS, OGW
DIRECTOR GENERAL

checked
8/02/24
MSE [initials]

Our Ref: EPRA/PG/1/JO/an

8th January 2020

H.E Wycliffe Oparanya, EGH
Chairman
Council of Governors
P.O. Box 40401-00100
Delta House, Waiyaki Way
NAIROBI

Dear Sir

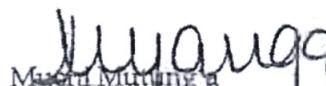
**REF: ENFORCEMENT OF PETROLEUM ACT NO.2 OF 2019 - PROVISION OF
PETROLEUM TANKER PARKING AREA**

The Energy and Petroleum Regulatory Authority (EPRA) is established under Section 9 of the Energy Act No.1 of 2019 with the mandate to regulate, among others, the transportation of petroleum and petroleum products.

EPRA would like to bring to your attention the requirement under Section 98 of the Petroleum Act No. 2 of 2019. The Petroleum Act require the County Governments to provide designated parking exclusively reserved for petroleum road tankers. EPRA is willing to make a presentation to your forum on the requirements for such a designated tanker parking.

We look forward to your cooperation on this matter so as to enhance the required safety in the course of transportation of petroleum products by road through the counties under your watch.

Yours faithfully


Mutua Mutunga
FOR: DIRECTOR GENERAL



ISO 9001:2015 Certified

Our Ref: EPRA/PG/1/153/JEO/rb

28th August 2020

Eng. Daniel O. Okia
Chief Officer- Energy & Industrialization
The County Government of Kisumu
Prosperity House (Former Nyanza Provincial Headquarters Building) 8th Floor
P.O. Box 2738 – 40100
KISUMU

Dear Eng. Okia

RE: PETROLEUM TANKER PARKING

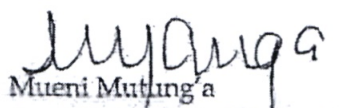
Reference is made to your letter Ref: CGK/E&I/P&E/2020/VOL.1 dated 14th July, 2020 requesting for design of a petroleum tanker parking and the guidelines for implementation.

Section 98 of the Petroleum Act 2019 mandates every County Government to designate or provide a place or places exclusively reserved for parking of petroleum road tankers. The role of the Energy and Petroleum Regulatory Authority (EPRA) in the creation of a petroleum road tanker parking can only therefore be advisory.

In this regard, EPRA advises that the proposed design for tanker parking should include the following:

1. Proper access control in and out of the parking;
2. An impervious surface for the entire parking yard;
3. A proper drainage system consisting of an oil water separator whose valve shall remain closed except where controlled discharge of storm water is being undertaken;
4. Adequate firefighting equipment;
5. Clearly demarcated parking areas per product being transported e.g. LPG, Premium Motor Spirit and Automotive Gasoil parking;
6. Clearly displayed parking instructions including reverse parking, placement of wheel chocks and engagement of engine cut outs for stationary tankers;
7. A dedicated fire assembly point;
8. Proper safety signage e.g. no smoking; and
9. A minimum of two emergency exits.

Yours sincerely



Mueni Mutunga
Ag. DIRECTOR GENERAL



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Our Ref: EPRA/PG/1/JEO/an

16th December, 2020

H.E. Ali Hassan Joho
The Governor
Mombasa County Government
Hatimy Talyani Road
P.O. Box 81599-80100
MOMBASA

Dear

H. E Joho,

RE: PROVISION OF A DESIGNATED PARKING FOR PETROLEUM ROAD TANKERS

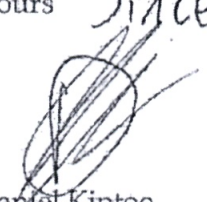
The Energy and Petroleum Regulatory Authority (EPRA) is established under Section 9 of the Energy Act No.1 of 2019 with the mandate to regulate, among others, the transportation of petroleum and petroleum products.

EPRA would like to draw your attention to Section 98 of the Petroleum Act No. 2 of 2019 which requires County Governments to provide designated parkings exclusively reserved for petroleum road tankers. The objective of the designated tanker parking is to enhance Safety, Emergency Response and Order during petroleum road transport operations.

Mombasa County does not currently have such a designated parking and it would be prudent to establish one in order to increase the level of safety during petroleum transport operations. EPRA looks forward to your cooperation in the establishment of such a parking.

Yours

Sincerely,


Daniel Kiptoo

Ag. DIRECTOR GENERAL



ISO 9001:2015 Certified

Our Ref: EPRA/PG/1/JEO/an

16th December, 2020

Maj. Gen. Mohammed Badi
Director General
Nairobi Metropolitan Services
Ambank House, 20th Floor University Way
P.O. Box 30119-00100
NAIROBI

Dear *Maj. Gen. Badi,*

RE: PROVISION OF A DESIGNATED PARKING YARD FOR PETROLEUM ROAD TANKERS

The Energy and Petroleum Regulatory Authority (EPRA) is established under Section 9 of the Energy Act No.1 of 2019 with the mandate to regulate, among others, the transportation of petroleum and petroleum products.

EPRA would like to draw your attention to Section 98 of the Petroleum Act No. 2 of 2019 which requires County Governments to provide designated parkings exclusively reserved for petroleum road tankers. The objective of the designated tanker parking is to enhance safety, Emergency Response and Order during petroleum road transport operations.

The Nairobi Metropolitan area does not currently have such a designated parking and it would be prudent to establish one in order to increase the level of safety during petroleum transport operations. EPRA looks forward to your cooperation in the establishment of such a parking.

Yours

Sincerely,


Daniel Kiptoo

Ag. DIRECTOR GENERAL



checked
[Signature]
16/12/2020
ISO 9001:2015 Certified

Our Ref: EPRA/PG/1/JEO/an

15th July 2021

H.E Martin Nyaga Wambora
Chairman
Council of Governors
Delta Corner, 2nd Floor, Opp PWC Chiromo Road, Off Waiyaki Way
P.O. Box 40401-00100
NAIROBI

Dear *Governor Wambora,*

**REF: ENFORCEMENT OF PETROLEUM ACT NO.2 OF 2019 ON THE
PROVISION OF PETROLEUM TANKER PARKING YARD**

The Petroleum Act No.2 of 2019 ("the Petroleum Act") provides the legal framework upon which the Energy and Petroleum Regulatory Authority (EPRA) regulates the petroleum subsector in Kenya. To enhance the level of safety during transportation of petroleum products, Section 98 of the Petroleum Act requires County Governments to provide designated parkings exclusively reserved for petroleum road tankers.

EPRA has in the past reached out to the Governors of Counties along the main petroleum transport corridors to establish the aforementioned parking but without success. The Counties are Mombasa, Taita Taveta, Makueni, Machakos, Nairobi, Nakuru, Uasin Gishu, Kisumu and Busia.

In order to assure continued safety during road transportation of petroleum products, EPRA requests the Council of Governors to take up this matter. EPRA is amenable for a meeting to further deliberate on the matter at your convenience.

Yours

Sincerely,


Daniel Kiptoo Bargoria
DIRECTOR GENERAL



ISO 9001:2015 Certified

Our Ref: EPRA/PG/1/JEO/rb

15th December, 2022

H.E. Hon. Abdullswamad Shariff Nassir
Governor
Mombasa County Government
Hatimy Talyani Road
P.O. Box 81599 - 80100
MOMBASA

Dear

Governor Nassir,

RE: PROVISION OF A DESIGNATED PARKING FOR PETROLEUM ROAD
TANKERS

The Energy and Petroleum Regulatory Authority (EPRA) is established under Section 9 of the Energy Act No.1 of 2019 with the mandate to regulate, among others, the transportation of petroleum and petroleum products.

EPRA would like to draw your attention to Section 98 of the Petroleum Act No. 2 of 2019 which requires County Governments to provide designated parkings exclusively reserved for petroleum road tankers. The objective of the designated tanker parking is to enhance Safety, Emergency Response and Order during petroleum road transport operations.

Mombasa County does not currently have such a designated parking and it would be prudent to establish one in order to increase the level of safety during petroleum transport operations. EPRA looks forward to your cooperation in the establishment of such a parking.

Yours

Faithfully,


Daniel Kiptoo Bargoria, OGW
DIRECTOR GENERAL



ISO 9001:2015 Certified

Our Ref: EPRA/ADM/3/1/JO/an

19th June 2023

Eng. Kung'u Ndung'u

Director General

Kenya National Highways Authority

Barabara Plaza, Block A&C, Jomo Kenyatta International Airport

Off Airport South Road, along Mazao Road, Opposite KCAA HQs

P.O. Box 49712 - 00100

NAIROBI

Dear

Eng. Kung'u

RE: REQUEST FOR PARTNERSHIP IN THE ESTABLISHMENT OF DESIGNATED
PETROLEUM TANKER PARKING YARDS ALONG THE NORTHERN
CORRIDOR AND CORRIDOR B.

The Energy and Petroleum Regulatory Authority (EPRA) implements the provisions of both the Energy Act No.1 of 2019 (the Energy Act) and the Petroleum Act No.2 of 2019 (the Petroleum Act) in conjunction with other Government Agencies.

Section 98(1) of the Petroleum Act mandates the County Government to designate or provide a place or places exclusively reserved for parking of petroleum tankers. In addition, Section 98(2) of the Petroleum Act makes it an offence for any person being in charge of or in control of any petroleum tanker and parks it outside a designated parking area for petroleum tankers. EPRA notes that the Kenya National Highways Authority (KENHA) has constructed parking yards for transit trucks along the major transport corridors in the country.

The purpose of this letter is to seek collaboration with KENHA and request that part of the already developed parking yards be designated exclusively for parking of petroleum tankers.

Yours

Sincerely,


Daniel Kiptoo Bargoria, OGW

DIRECTOR GENERAL



ISO 9001:2015 Certified

ANNEX 4

SUBMISSIONS FROM NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY (NEMA)



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

RESPONSE BY THE MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY TO THE SENATE STANDING COMMITTEE ON ENERGY ON EMBAKASI LPG TANKER EXPLOSION.

1.0 Introduction

The Senate Standing Committee on Energy has invited Hon. Soipan Tuyu, EGH, Cabinet Secretary, Ministry of Environment, Climate Change and Forestry to deliberate on the tragic incident that occurred on 1st February 2024 in Embakasi, Nairobi City County, where **liquid petroleum gas tanker exploded**.

The National Environment Management Authority uses various environmental assessment tools namely Strategic Environmental Assessment (SEA), Environmental and Social Impact Assessment (ESIA) and Environmental Audit (EA) to process various development applications requests as applicable. The developmental applications to NEMA are usually processed in line with the provisions of EMCA, 1999 and Environmental (Impact Assessment and Audit) Regulations 2003.

Section 58 (1) of the Environmental Management and Coordination Act (EMCA), 1999 state that ***"notwithstanding any approvals, permits or license granted under this Act or any other law in force in Kenya, any person, being a proponent of a project, shall, before financing, commencing, proceeding with, carried out, executing or conducting or causing to be financed, commenced, proceeded with, carried out, executed or conducted by any other person any undertaking specified in the 2nd schedule of this Act submit a Project Report to the Authority in the prescribed form, giving the prescribed information and which shall be accompanied by the prescribed fee."***

Regulation 4 (2) of the Environmental (Impact Assessment and Audit), Regulations, 2003 state that ***"No licensing Authority under any law in force in Kenya shall issue a license for any project for which an EIA is required under the Act unless the applicant produces to the licensing Authority a license of EIA issued by the Authority under these Regulations"***.

This means that the ESIA process **precedes the issuance** of relevant government permits, licenses and approval documents from various mandated Agencies. As such, **ESIA is a pre-authorization tool focusing on the environmental suitability** of a proposed project site **subject to the authorization and clearance from other lead agencies** such as Energy and Petroleum Regulatory Authority (EPRA), Nairobi City County, Directorate of Occupational Health and Safety Services, Kenya Bureau of Standards (KEBS) among others.

The issuance of an ESIA license to a proponent **does not absolve the project proponent** from their **obligations to acquire** other applicable permits, licenses and approvals from relevant Agencies before financing, commencing and execution of the proposed project. The ESIA process is kept alive by the ESIA license conditions, which form the basis on which the Authority and other lead agencies monitor the compliance by the proponent.

2.0 Response

2.1 Explain why the LPG refilling facility was located close to human settlement;

The land use/zonation is one among several key aspects that are evaluated during the processing of an ESIA application. The ESIA application by Maxxis Nairobi Energy Ref: NEMA/NRB/PR/5/1/17074 (PSR 31337) for the proposed LPG storage and filling plant was to be located on Plot L.R. No. 9042/146 off North Airport Road. Special condition no. 5 of the provided Land title registration documents in support for the application indicates that the land and the buildings shall only be used for inoffensive industrial purposes with ancillary offices and stores (Annex I).

This means that the area is zoned for industrial purposes and other related uses thus this could only mean that the human settlements in the vicinity of the proposed site had encroached into an industrial zone.

Planning for Land-uses has been and continues to be one of the most challenging aspects of the nexus between environment and planning. To ensure sustainability, the need to restrict incompatible developments within the various sectors such as industrial/residential (human settlement), agricultural/mining/forestry/water resources among others needs to be more economically efficient, aesthetically pleasing, socially and environmentally sustainable.

*It is worth noting that ESIA process is a **pre-authorization requirement** during the developmental approval processes that a proposed project proponent/investor is supposed to attain in this case for the setting up of such facilities. This means that the licensed proponent was required to obtain other developmental approval requirements such as construction and operational permit for an LPG facility from EPRA, requisite approvals from the Nairobi City County as outlined in the ESIA condition no. 2.1, 2.3, 2.4, 3.14. (Annex II)*

The ESIA process recognizes the need for institutional and public recognition of government lead agencies and other stakeholders including the project affected persons through public consultations as provided for in Regulations 9 (2) of the Environmental Impact Assessment and Audit Regulations, 2003.

Noting the above, public participation in form of a meeting between the proponent and the Project Affected persons (PAPs) was held on 28th Feb, 2021, dully filled questionnaires and

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail: clerk.senate@parliament.go.ke



PARLIAMENT

OFFICE OF THE CLERK OF THE SENATE

The Senate

Clerk's Chambers

Parliament Buildings

P. O. Box 41842 - 00100

NAIROBI, Kenya

Ref. SEN/DSEC/ENERGY/CORR/2024/122

7th March, 2024

Mr. Mamo Born Mamo, EBS

Chief Executive Officer,

National Environment Management Authority,

P.O. Box 67839-00200,

NAIROBI.

Dear 

RE: INVITATION BY THE SENATE STANDING COMMITTEE ON ENERGY

The Senate Standing Committee on Energy is established under standing order 228 (3) of the Senate Standing Orders and is mandated to consider all matters related to fossil fuels exploration, development, production, maintenance and regulation of energy.

Reference is made to the tragic incident that occurred on 1st February, 2024 in Embakasi, Nairobi City County, where a liquid petroleum gas at a refilling facility exploded, causing death, injury and destruction of property.

At its sitting held on Thursday, 7th March, 2024 the Committee resolved to invite you for a meeting to deliberate on the above matter and to respond to the following issues of concern-

1. Explain why the LPG refilling facility was located close to human settlement;
2. Provide the name of the company that was running the facility and their beneficial owners;
3. What are the requirements of having an LPG refill and storage facility;
4. What powers does the National Environment Management Authority have in enforcing compliance by such facilities;
5. A list of all LPG refill and storage facilities and their locations in the country, sorted per county; and
6. What safeguards have the National Environment Management Authority put in place to avoid a recurrence of the same.

The purpose of this letter is to invite you for a meeting with the Committee that is scheduled to be held on Thursday, 21st March, 2024 at the Senate Chamber, Parliament Buildings at 9.00am.

We request that you submit twelve (12) hard copies of the written responses on the issues raised above and a soft copy by email on the address clerk.senate@parliament.go.ke and copied to crispus.njogu@parliament.go.ke on or before 14th March 2024.

Mr. Crispus Njogu, Clerk Assistant (Cell Number - 0701073131, Email crispus.njogu@parliament.go.ke), is the Clerk to the Committee and is responsible for all arrangements relating to this matter.

Yours

Sincerely,

J.M. NYEGENYE
J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Copy:

Hon. Soipan Tuyu EGH,
Cabinet Secretary,
Ministry of Environment, Climate Change and Forestry,
NHIF Building,
NAIROBI.

a letter of no objection of the Nyayo Embakasi Association (NERA) were provided as evidence of the same (**Annex III**)

To guarantee Sustainability of the project, the license condition 1.4 requires the proponent to implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and the conditions of this license this is further emphasized on condition 3.15 which states that the proponent shall ensure environmental protection facilities or measures to prevent pollution and ecological deterioration such as functional waste management system ,functional oil and water interceptor ,installation of firefighting equipment ,installation of alarm devices, solid waste management systems , air quality management measures, traffic management plan, Emergency Response Plans (EPRs), Soil erosion prevention, ground water monitoring, informative warning sign, occupational safety and health plan, Solid waste management plan, oil leak and spill detection system are designed, constructed and employed simultaneously with the proposed project.

2.2 Provide the name of the company that was running the facility and their beneficial owners;

The Authority cannot confirm who was running the alleged facility and their beneficiaries. However, from our records, the Authority issued an ESIA license No. NEMA/EIA/PSL/23819 to Maxxis Nairobi Energy, represented by the Director Eng. Derick Kimathi of KRA PIN P051186903X P.O. Box 3751 – 00507 Nairobi, Mobile No. 0722364941 email: maxxisnairobi@derdols.co.ke. This was as per the submitted ESIA report and application form (**Annex IV**).

2.3 What are the requirements of having an LPG refill and storage facility;

The requirements for setting up an LPG filling and storage facility are given by EPRA which is the mandated regulatory body on petroleum products.

NEMA's role is to process the submitted ESIA's to ascertain the environmental suitability of a proposed site in consultation with the relevant lead agencies in this case EPRA which is the lead agency for permitting and licensing of LPG storage and filling facilities.

The ESIA license is a **pre-requisite** for obtaining approvals in the storage and filling of LPG in bulk from EPRA as per their set requirements. (**Annex V**).

2.4 What powers does the National Environment Management Authority have in enforcing compliance by such facilities;

The Authority draws its power to enforce from Environmental Management and Coordination Act, 1999 in case of breach of the ESIA license conditions.

The various enforcement actions to remedy environmental offenses as outlined below;

- i. **Issuance of Improvement Notices** – served by an Environmental Inspector requiring the owner or operator of facility to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery if necessary, within such reasonable time as the Director-General may determine.
- ii. **Issuance of Restoration Orders** – served by an Inspector of the Authority to require the person on whom it is served to restore the environment as near as it may be to the state in which it was before the taking of the action which is the subject of the order; or prevent the person on whom it is served from taking any action which would or is reasonably likely to cause harm to the environment.
- iii. **Issuance of closure orders** – Issued to order the immediate closure of any manufacturing plant or other establishment or undertaking which pollutes or is likely to pollute the environment contrary to the provisions of EMCA and to require the owner or operator of such establishment or undertaking to implement any remedial measures that the environmental inspector may direct.
- iv. **Prosecution** – The Authority through its inspectors, with an arrest warrant and the assistance of a police officer, is allowed to, arrest and prosecute any person whom it reasonably believes has committed an offence under EMCA.

The above powers were not invoked since the Authority was not aware of breach of any of the ESIA license conditions.

2.5 A list of all LPG refill and storage facilities and their locations in the country, sorted per county;

The Authority hereby attaches a list of ESIA applications received regarding LPG and storage facilities received so far. (Annex VI)

2.6 What safeguards have the National Environment Management Authority put in place to avoid a recurrence of the same

- i.) The Authority proposes that the land use planning/zonation laws are reviewed to do away with piece meals change of users that allows for the encroachment of incompatible land uses within a defined zone to avoid potential conflicts and avert possible disasters.
- ii.) The proposed new developments should be anchored to the approved County Spatial Plans.
- iii.) The Authority has introduced a requirement for the licensed proponent to notify NEMA in writing upon ground breaking for monitoring of the issued conditions.

Conclusion

Section 58 of EMCA, 1999 places the ESIA process at the bottom of the hierarchy of project planning tools and it serves the purpose of creating public awareness,

sensitization and consultation among the relevant lead agencies on their mandate based on the preliminary project designs as the foundation of public participation in the higher levels of project planning and implementation. This process therefore sets the Environmental and Social Safeguards in form of mandatory conditions that must be complied with for the project to be sustainable and within the tenets of sound environmental protection.

The responsibility of a project proponent towards the environment does not end with the issuance of an ESIA license. The ESIA process is kept alive through the ESIA license conditions and which form the premise on which the Authority and other lead agencies monitor the compliance by the proponent for appropriate corrective and/or enforcement action.

The Authority is committed in ensuring that appropriate environmental and social safeguards are put in place for a safe, clean, healthy and sustainable development of any project.



MAMO B. MAMO, EBS
DIRECTOR GENERAL





Licence Application Guide Storage of LPG in Bulk

New Licence Application Requirements

1. Certificate of Incorporation / Business Registration Certificate;
2. CR12 from the Registrar of companies (*should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs*);
3. Legible Copies of Identification Documents (IDs/Passports for all the directors);
4. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
5. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
6. A valid Single Business Permit for the premises of operation from the respective County Government;
7. Proof of ownership of the storage facility (*title deed or a registered lease in the name of applicant*);
8. A valid Environmental Impact Assessment licence from NEMA for the project;
9. A valid Fire Clearance Certificate for the facility from the respective County Government;
10. A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard;
11. Certificate of Compliance with the Physical Planning Act 2019 (PPA5 or PPA2);
12. A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services;
13. A valid certificate of report on examination for each LPG storage tank at the facility (*from an inspector certified by the Directorate of Occupational Safety and Health Services*);
14. A valid calibration certificate for each LPG Storage tank at the facility;
15. Proof of access to a calibrated weighbridge by submitting a scan of either:
 - a) Proof of ownership of a calibrated weighbridge; or
 - b) Long term agreement (*minimum 5 years*) for use of a calibrated weighbridge.
16. A valid certificate of weighing scale calibration (*for the weigh bridge*) from the Department of Weights and Measures;
17. A summary Emergency Response Plan from the applicant, and



Licence Application Guide

Storage of LPG in Bulk

18. Proof of training of a minimum of four employees in the safe handling of LPG from a National Industrial Training Authority approved personnel.

Licence Application Procedure

To apply, visit the Online Services Portal on the EPRA website and follow the following steps:

1. Click "Create Account";
2. Click on "License Management" then select "New Licence Application";
3. Select the preferred Category in this case – *Storage of LPG in Bulk*;
4. Read and accept the licence conditions provided and click on "Proceed with registration icon";
5. Follow the application process step by step by filling in the required information and click "Save";
6. Attach the required documents as per the licence category; and
7. Submit the application.

Licence Renewal Requirements

1. CR12 from the Registrar of companies (*should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs*);
2. Legible Copies of Identification Documents (*IDs/Passports for all the directors*);
3. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
4. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
5. A valid Single Business Permit for the premises of operation from the respective County Government;
6. Proof of ownership of the storage facility (*title deed or a registered lease in the name of applicant*);
7. An acknowledgement from NEMA of having submitted an annual Environmental Audit report for the facility (*the acknowledgement should not be older than 1 year at the time of submission of the application*);



Licence Application Guide

Storage of LPG in Bulk

8. A valid Fire Clearance Certificate for the facility from the respective County Government;
 9. A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services;
 10. A valid certificate of report on examination for each LPG storage tank at the facility (*from an inspector certified by the Directorate of Occupational Safety and Health Services*);
 11. A valid calibration certificate for each LPG Storage tank at the facility;
 12. Proof of access to a calibrated weighbridge by submitting a scan of either:
 - c) Proof of ownership of a calibrated weighbridge; or
 - d) Long term agreement (*minimum 5 years*) for use of a calibrated weighbridge.
 13. A valid certificate of weighing scale calibration (*for the weigh bridge*) from the Department of Weights and Measures;
 14. A summary Emergency Response Plan from the applicant; and
 15. Proof of training of a minimum of four employees in the safe handling of LPG from a National Industrial Training Authority approved personnel.
- a) **Licence processing period, duration and charges:**
1. Licence application requirements are evaluated within 30 calendar days from date of receipt.
 2. No fees are charged for Petroleum Business Licences issued by EPRA.
 3. To track the status of a licence applications, dial the short code *363# or send a short message with the word 'license' and the 'application reference number' to 40850 or log into the online licensing portal www.epra.go.ke/portal.

MAXXIS NAIROBI ENERGY

COMPREHENSIVE PROJECT REPORT

MAXXIS NAIROBI ENERGY
P.O BOX 3751-00506,
NAIROBI, KENYA

PROPOSED LPG STORAGE AND FILLING PLANT AT L.R
NO.9042/146 NAIROBI EMBAKASI, OFF NORTH AIRPORT ROAD,
NAIROBI COUNTY.

GPS COORDINATES: 1°31'62.68"S, 36°91'17.66"E,

ENVIRONMENTAL IMPACT ASSESSMENT COMPREHENSIVE
PROJECT REPORT



*This report has been prepared in accordance with the requirements of the Environmental
Impact (Assessment and Audit) (Amendments) 2019 Regulations*

@March 2022

MAXXIS NAIROBI ENERGY



MAXXIS NAIROBI ENERGY LTD
P.O BOX 3751-00506,
NAIROBI, KENYA

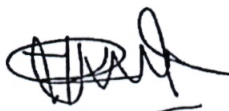
PROPOSED LPG STORAGE AND FILLING PLANT AT L.R NO.9042/146 NAIROBI
EMBAKASI, OFF NORTH AIRPORT ROAD, NAIROBI COUNTY.

ENVIRONMENTAL IMPACT ASSESSMENT COMPREHENSIVE PROJECT REPORT

COMPILED BY:-



Kenyanito Tsekou Toure
Lead Expert Reg. No. 0547



Jonnathan Katana Yeri
Associate Expert Reg. No. 7890



Antony Eshamwata
Associate Expert Reg. No. 9054

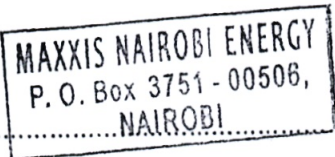
CERTIFICATION BY PROPONENT

This Comprehensive Project Report (CPR) has been done under my authority and I shall undertake to implement further instructions as NEMA may deem appropriate in relation to the findings and from time to time as inspections may inform

For:

MAXXIS NAIROBI ENERGY

Name Eng. DERICK KIMATHI Designation DIRECTOR

Signature /Stamp  Date 14/02/2022



**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
ENVIRONMENTAL IMPACT ASSESSMENT LICENSE**

License No: **NEMA/EIA/PSL/23819**

Application Reference No: **NEMA/EIA/PSR/31337**

This is to certify that the Environmental Impact Assessment Project Report received from
Maxxis Nairobi Energy.

P.O. Box 3751-00506, Nairobi.

submitted to the National Environment Management Authority in accordance with the
Environmental Impact Assessment & Audit Regulations, 2003 regarding the
Proposed LPG Storage and Filling Plant

whose objective is to carry on
Installation of 10 Metric Ton liquified petroleum gas storage and filling plant,
associated facilities and amenities
located at

Plot LR. No. 9042/146 off North Airport Road, Nairobi County.

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

Issue date: **02 February, 2023**

Signature

(seal)

**Director-General
The National Environment
Management Authority.**

P.T.O.



1.0 General Conditions

- 1.1 This project is for the installation of 10Metric Ton liquefied petroleum gas storage and filling Plant comprising office, LPG tanker offloading bay, cylinder loading and offloading bay, associated facilities and amenities on Plot L.R. No. 9042/146 off North Airport Road in Nairobi County.
- 1.2 The license shall be valid for 24 months (time within which the project shall commence) from the date hereof.
- 1.3 The Director General shall be notified of any transfer, variation or surrender of this license.
- 1.4 Without prejudice to the other conditions of this license, the proponent shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.
- 1.5 The Authority shall take appropriate action against the proponent in the event of breach of any of the conditions stated herein or any contravention to the Environmental Management and Coordination Act, 1999 and regulations therein.
- 1.6 This license shall not be taken as statutory defence against charges of environmental degradation or pollution in respect of any manner of degradation/pollution not specified herein.
- 1.7 The proponent shall ensure that records on conditions of licenses/approval and project monitoring and evaluation shall be kept on the project site for inspection by NEMA's Environmental Inspectors.
- 1.8 The proponent shall submit an Environmental Audit report in the first year of occupation/operations/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.9 The proponent shall comply with NEMA's improvement orders throughout the project cycle.

2.0 Construction Conditions

- 2.1 The proponent shall obtain the requisite approvals from the County Government of Nairobi and all other relevant Authorities prior to commencement of works.
- 2.2 The proponent shall put up a project signboard as per the Ministry of Transport and Infrastructure standards showing the NEMA EIA license number among other details.
- 2.3 The proponent shall submit a site layout plan/designs to Energy and Petroleum Regulatory Authority that meet the safety distances as per the provisions of KS 1938 -3:2012.
- 2.4 The proponent shall obtain a construction permit before commencement of construction of the facility from the Energy and Petroleum Regulatory Authority (EPRA) in accordance with section 86 of the Petroleum Act of 2019.
- 2.5 The proponent shall ensure that adequate and appropriate sanitary facilities are provided for the workers during construction phase and that proper decommissioning of the facilities is carried out once construction is complete.
- 2.6 The proponent shall ensure that the cooling systems fitted have zero controlled ozone depleting substances as per the Environmental Management and Coordination (Controlled Substances) Regulations of 2007.
- 2.7 In the event that the project site borders a river or a stream, the proponent, pursuant to Regulation 6 (c) of the Water Quality Regulations of 2006, shall protect the riparian reserve by ensuring that NO development activity is undertaken within the full width of the river or stream to a minimum of six (6) meters and a maximum of 30 meters on either side, based on the highest recorded flood level.

- 2.27 The proponent shall ensure that construction activities are undertaken during the day (and not at night) - between 08.00 hrs and 18.00 hrs; and on Saturdays between 0800 hrs to 1300 hrs. No work shall be undertaken on Sundays; and that transportation of construction materials to and from site is undertaken during weekdays and Saturdays only during the hours specified herein.
- 2.28 The proponent shall ensure that the development adheres to zoning specifications issued for development of such a project within the jurisdiction of the County Government of Garissa, with emphasis on approved land use for the area.
- 2.29 The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle.
- 2.30 The proponent shall ensure strict adherence to the provisions of Environmental Management and coordination (Air Quality) regulations of 2014.

3.0 Operational Conditions

- 3.1 The proponent shall obtain an effluent discharge license from NEMA (for the proposed oil interceptor) within the first year of operation.
- 3.2 The proponent shall provide above ground storage fire water tank guided by the KS 1938:2012.
- 3.3 The proponent shall ensure that there is fire-fighting preparedness, emergency response plan and easy access to effective fire-fighting equipment.
- 3.4 The proponent shall ensure proper measures are documented to manage risks and incidents that may arise during operation.
- 3.5 The proponent shall undertake an analysis of the Total Petroleum Hydrocarbons (TPH) content of the site soil and submit the test results to NEMA before commencement of operations of the station.
- 3.6 The proponent shall ensure compliance with the provisions of the Energy (Solar Water Heating) Regulations of 2012.
- 3.7 The proponent shall ensure that all waste water and contaminated run-off water is disposed as per the standards set out in the Environmental Management and Coordination (Water Quality) Regulations of 2006.
- 3.8 The proponent shall ensure that rain water harvesting facilities are provided to supplement surface water.
- 3.9 The proponent shall ensure that all drainage facilities are fitted with adequate functional grease/oil water separators and silt traps.
- 3.10 The proponent shall ensure that appropriate and functional efficient air pollution control mechanisms are installed in the facility to control all air emissions.
- 3.11 The proponent shall ensure that all equipment used are well maintained in accordance with the Environmental Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations of 2009.
- 3.12 The proponent shall ensure that all solid waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 3.13 The proponent shall ensure that all workers are well protected and trained as per the Occupational Safety and Health Act (OSHA) of 2007.
- 

3.14 The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a project within the jurisdiction of the Nairobi County Government, Ministry of Energy and Petroleum, Energy and Petroleum Regulatory Authority, Ministry of Health, Directorate of Occupational Safety and Health Services, National Construction Authority, Ministry of Land, Housing and Urban Development, Kenya Rural Roads Authority, Water Resources Authority and other relevant Authorities.

3.15 The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as functional waste water treatment system, functional oil and water interceptor, installation of firefighting equipment, installation of alarm devices, solid waste management systems, air quality management measures, traffic management plan, Emergency Response Plans (ERPs), soil erosion prevention, ground water monitoring, informative warning signs, occupational safety and health plan, solid waste management plan, oil leak and spill detection system are designed, constructed and employed simultaneously with the proposed project.

4.0 Notification Conditions

- 4.1 The proponent shall notify Energy and Petroleum Regulatory Authority of any accidents and incidents within the LPG storage and filling facility.
- 4.2 The proponent shall ensure that the proposed mitigation measures are implemented during both construction and operation of the project.
- 4.3 The proponent shall seek written approval from the Authority for any operational changes under this license.
- 4.4 The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hours on the NEMA hotline No. 0741101100/0736101100 and mitigation measures put in place.
- 4.5 The proponent shall keep records of all pollution incidences and notify the Authority within 24 hours.
- 4.6 The proponent shall notify the Authority in writing of its intent to decommission the facility three (3) months in advance.

5.0 Decommissioning Conditions

- 5.1 The proponent shall ensure that a decommissioning plan is submitted to the Authority for approval at least three (3) months prior to decommissioning.
- 5.2 The proponent shall ensure that all pollutants and polluted material are removed and disposed in accordance to waste water management regulations and adequate mitigation measures provided during the phase.

The above conditions will ensure environmentally sustainable development and must be complied with.





REPUBLIC OF KENYA

THE REGISTRATION OF TITLES ACT
(Chapter 281)

GRANT: NUMBER L.R. 45001

(REV

ANNUAL RENT: Ksh. 16,400/-

TERM: 99 Years from 1.10.1986

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of Ksh. 100,000/- (One Hundred Thousand Shillings) by way of stamp duty paid on and before the date of the execution of this instrument of title by GRANT to the said GRantee (hereinafter called "the Grantee") of the sum of Ksh. 100,000/- (One Hundred Thousand Shillings) (2100)

(hereinafter called "the Grantee") ALL that piece of land situate in the District of Nairobi containing by measurement four hundred and eighty six hectares/acres or thereabouts that is to say L.R. No. 9042/746

which said piece of land with the dimensions abutments and boundaries thereof is delineated on the hereto and more particularly on Land Survey Plan Number 734/88 deposited in the Office at Nairobi

TO HOLD

FORM 4 (*Inoffensive Industry*)

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made otherwise than in conformity with plans and specifications previously approved in writing by the Commissioner of Lands and the Local Authority. The Commissioner shall not give his approval unless he is satisfied that the plans and specifications are such as to develop the land adequately and satisfactorily.
2. The Grantee^s shall within six calendar months of the actual registration of the Grant submit to the Local Authority and the Commissioner of Lands plans (including block plans showing the position of the buildings and a system of drainage for disposing of sewage surface and sullage water) drawings elevations and specifications of the buildings the Grantee^s proposes to erect on the land and shall within 24 months of the actual registration of the Grant complete the erection of such buildings and the construction of the drainage system in conformity with the plans drawings elevations and specifications as amended (if such be the case) by the Commissioner of Lands. Notwithstanding anything to the contrary contained in or implied by the Government Lands Ordinance or any other law shall be made in the performance or observance of any of the requirements of this condition it shall be the duty of the Commissioner of Lands or any person authorized by him on behalf of the President to re-enter the land or any part thereof in the name of the whole and thereupon the term hereby created shall not be subject to any right of action or remedy of the President or the Commissioner of Lands in respect of any antecedent breach of any condition herein contained.
3. The Grantee^s shall maintain in good and substantial repair and condition all buildings at all times on the land.
4. Should the Grantee^s give notice in writing to the Commissioner of Lands that they wish to surrender the land comprising the buildings within the period aforesaid the Commissioner of Lands shall (at the Grantee's request) refund to the Grantee^s 50 per centum of the stand premium in respect of the land, or
(i) Provided further that if such notice as aforesaid shall be given within 12 months of the actual registration of the Grant the Commissioner of Lands shall refund to the Grantee^s 50 per centum of the stand premium in respect of the land, or
(ii) at any subsequent time prior to the expiration of the said building period the Commissioner of Lands shall refund to the Grantee^s 25 per centum of the said stand premium. In the event of notice of surrender after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for inoffensive industrial purposes
and for the purpose of
6. The buildings shall not cover more than 90 per centum of the area of the land or such lesser area as may be laid down by the Local Authority in its by-laws.
7. Accommodation not exceeding 1000 square metres may be provided for a caretaker or for such lesser area as may be laid down by the Local Authority in its by-laws.
8. The land shall not be used for any purpose which the Commissioner of Lands considers to be dangerous or offensive.
9. The Grantee^s shall not subdivide the land, without the prior consent in writing of the Commissioner of Lands.
10. The Grantee^s shall not sell transfer sublet charge or part with the possession of the land or any buildings thereon except with the prior consent in writing of the Commissioner of Lands. Such consent (except in respect of a loan required for building purposes) will be considered as having been given if condition No. 2 has been performed.
11. The Grantee^s shall pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and shall also pay the proportionate cost for the supply of both the water and the electric power to the land and shall also pay the proportionate cost of such construction and the ascertainment of the actual proportionate cost either pay (within 30 days of the date of the demand) the amount by which the actual proportionate cost exceeds or falls short of the amount so paid.
12. The Grantee^s shall from time to time pay to the Commissioner of Lands on demand such sum as the Commissioner of Lands may estimate to be the proportionate cost of maintaining all roads and drains serving or adjoining the land as the Commissioner of Lands may determine.



Friday, 19th August 2022

OUR REF: 115/2022-NERA
YOUR REF: NEMA/NRB/PR/5/1/17074

To:
Director General
National Environment Management Authority
P. O. Box 67839, 00200
Popo Road,
Nairobi, Kenya

Dear Sir/Madam,

**RE: ENVIROMENTAL IMPACT ASSESSMENT STUDY REPORT FOR THE
PROPOSED LPG STORAGE AND FILLING PLANT AT LR NO. 9042/146 NAIROBI
EMBAKASI, OFF NORTH AIRPORT ROAD, NAIROBI COUNTY**

Above subject matter refers;

THAT Maxxis Nairobi Energy Limited P.O.Box 3751-00506 have consulted with us on their proposed refilling plant.

We have no objection of the same as the distance between the plant our estate perimeter wall is well over 100 meters and well separated by a tarmac road. In addition the plant access gate is further located in another adjacent street.

Yours Faithfully,

Teddy Obiero



CHAIRMAN

Nyayo Embakasi Residents Association (NERA)
DL: +254 720 276 229

CC:- Maxxis Nairobi Energy Limited

1 UASIN GISHU COUNTY

PR(IDENTIFICATION ID)	PROPONENT NAME	PROJECT TITLE	LICENCE STATUS	COUNTY	LOCATION
NEMA/EIA/PSR/47852	<u>CHEV ENERGIES LIMITED</u>	Proposed LPG Filling Facility	Pending	Uasin Gishu	L.R. No. 8148, Eldoret municipality Block, 15/9, off Rivatex - Kipkaren road, Kipkaren , Turbo Sub County
NEMA/EIA/PSR/46637	<u>M-GAS LIMITED</u>	Construction of Retail/wholesale storage facility for 13Kg LPG cylinders	Issued	Uasin Gishu	Situated on Plot L.R No. Pioneer/Ngeria/15603 in Annex Area, Racecourse Location, Kesses Sub County
NEMA/EIA/PSR/36891	<u>ZEMU INVESTMENT LTD</u>	ENVIRONMENTAL IMPACT ASSESSMENT PROJECT REPORT FOR THE PROPOSED DEVELOPMENT OF A 50 MT LPG STORAGE AND REFILL PLANT	Pending	Uasin Gishu	ON PLOT LR NO.TURBO/6408/1 ALONG ELDORET- WEBUYE ROAD, JUA KALI AREA, TURBO SUBCOUNTY, UASIN GISHU COUNTY
NEMA/EIA/PSR/32174	<u>Stabex International Limited</u>	Proposed Liquefied Gas (LPG) refilling Plant	Issued	Uasin Gishu	L.R No. 11039/3 (Chemalal Farm)/165 (Old No. 108) within Baharini Trading Centre, Uasin Gishu County
NEMA/EIA/PSR/21282	HASS PETROLEUM (K) LTD	Proposed Installation of LPG Storage and Filling Plant	Issued	Uasin Gishu	Mali Nne, Uasin Gishu on PLOT LR NO. 20/391 AND ON GPS COORDINATES (0°34'20.368"N) (35°13'.57.024"E)

2 NAIROBI COUNTY

NEMA/EIA/PSR/47650	<u>WARSAME ENERGY LIMITED</u>	INSTALLATION 3MT LPG STORAGE AND DISPENSER PUMPS AT WARSAME PETROL STATION	Pending	Nairobi	JOGOO ROAD, NEAR CITY STADIUM AT WARSAME PETROL STATION
NEMA/EIA/PSR/21463	<u>JOSPHAT HOME KIGO trading as HOME KEY ENTERPRISE</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) FOR THE PROPOSED 10MT LPG STORAGE, FILLING PLANT AND OTHER ASSOCIATED AMENITIES ON PLOT EMBAKASI RANCHING COMPANY LTD SHARE CERTIFICATE NUMBER 4995, OFF EASTERN BYPASS, RUAI NAIROBI COUNTY.	Issued	Nairobi	plot number Embakasi Ranching Company LTD share Certificate number 4995, off Eastern bypass, Ruai, Nairobi County
NEMA/EIA/PSR/46755	<u>PARIS ECO ENERGY LTD</u>	Proposed Paris Eco Energy LPG Gas station Project	Pending	Nairobi	Kasarani-Mwiki road, Kasarani Sub-county
NEMA/EIA/PSR/45021	<u>LAKE OIL LIMITED</u>	Proposed Knockdown of the Existing Petrol Station and Installation of LPG Dispensing System for Motor Vehicles for Lake Oil Limited Petrol Station	Issued	Nairobi	Plot L.R. No. 209/9936 _along Lang'ata Road, Nairobi County.
NEMA/EIA/PSR/41280	<u>Fahari Gas Limited</u>	Proposed Liquefied Petroleum Gas (LPG) Storage and Filling Plant	Issued	Nairobi	Plot L.R. No.14723_ Off Airport North Road, Embakasi area, Embakasi Sub County, Nairobi City County

NEMA/EIA/PSR/41280	<u>Fahari Gas Limited</u>	Proposed Liquefied Petroleum Gas (LPG) Storage and Filling Plant	Issued	Nairobi	Plot L.R. No.14723_ Off Airport North Road, Embakasi area, Embakasi Sub County, Nairobi City County
NEMA/EIA/PSR/41216	<u>Ameken Minewest Company Limited</u>	Proposed 30MT LPG Storage, Filling Plant and Other Associated Amenities	Issued	Nairobi	Plot L.R. No. 8480/2765 _Mwitirithia area, Kasarani Sub-County, Nairobi City County
NEMA/EIA/PSR/40131	<u>Waymax Suppliers Limited</u>	Proposed 23 Metric Tones Liquefied Petroleum Gas (LPG) Refilling Plant	Issued	Nairobi	L.R. No.29123/679,680,681 & 682_ Off the Northern Bypass in Njathaini area, Kasarani Sub-County, Nairobi City County
NEMA/EIA/PSR/39714	<u>URBAN MINUTES ENERGY LIMITED</u>	Proposed 26MT Liquefied Petroleum Gas (LPG) Storage and Filling Plant and Other Associated Amenities	Issued	Nairobi	Plot L.R. No. 11478_ off Northern Bypass, Marurui area, Nairobi City County
NEMA/EIA/PSR/34622	<u>M-Gas Limited</u>	Proposed Retail/Wholesale Storage Facility for LPG in Cylinders on L.R. 8469/4/6 (Plot 10 and 11) in Mwiki Town	Issued	Nairobi	On L.R. 8469/4/6 (Plot 10 and 11) in Mwiki Town
NEMA/EIA/PSR/32304	<u>M-Gas Limited</u>	Proposed M-Gas Waithaka Retail/Wholesale Storage Facility for LPG in Cylinders	Issued	Nairobi	Plot No. Dagoretti/Riruta/ 6546 Waithaka Estate, Nairobi City County
NEMA/EIA/PSR/31338	<u>BONUS AUTOGAS SYSTEMS LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) FOR THE PROPOSED 4.5MT MOUNDED LPG STORAGE,	Issued	Nairobi	L.R 209/13924, KIJENGE ROAD, OFF LIKONI ROAD, NAIROBI COUNTY

			AUTOGAS STATION AND OTHER ASSOCIATED AMENITIES			
NEMA/EIA/PSR/31337	<u>MAXXIS NAIROBI ENERGY</u>		PROPOSED LPG STORAGE AND FILLING PLANT	Pending	Nairobi	O PLOT L.R.NO.9042/146 IN EMBAKASI ,OFF NORTH AIRPORT
NEMA/EIA/PSR/29632	<u>M-Gas Limited</u>		Proposed E.A. Aviation Retail/Wholesale Storage Facility for LPG in Cylinders	Pending	Nairobi	Plot LR 9042/569 Tassia
NEMA/EIA/PSR/29631	<u>M-Gas Limited</u>		Proposed Utawala Retail/Wholesale Storage Facility for LPG in Cylinders	Pending	Nairobi	Plot No. NAIROBI / BLOCK 105/5266, in Utawala Centre
NEMA/EIA/PSR/28325	<u>GASFIL LIMITED</u>		ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE PROPOSED FOUR AND A HALF MT MOUNDED LPG STORAGE AND AUTOGAS STATION	Pending	Nairobi	LAND REGISTRATION NUMBER 209/13083, MARIAKANI ROAD, NAIROBI COUNTY
NEMA/EIA/PSR/28324	<u>GASFIL LIMITED</u>		ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE PROPOSED FOUR AND A HALF MT MOUNDED LPG STORAGE AND AUTOGAS STATION	Pending	Nairobi	LAND REGISTRATION NUMBER 209/13083, MARIAKANI ROAD, NAIROBI COUNTY
NEMA/EIA/PSR/28323	<u>GASFIL LIMITED</u>		ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE PROPOSED FOUR AND A	Pending	Nairobi	LAND REGISTRATION NUMBER 209/13083, MARIAKANI ROAD, NAIROBI COUNTY

NEMA/EIA/PSR/21421	PROTO ENERGY LIMITED	HALF MT MOUNDED LPG STORAGE AND AUTOGAS STATION ENVIRONMENTAL IMPACT ASSESSMENT PROJECT REPORT FOR THE PROPOSED LIQUEFIED PETROLEUM GAS (LPG) AUTOGAS DISPENSING FACILITY ON A PORTION OF PLOT L.R NO. 209/136/258 ALONG KIRINYAGA ROAD, GLOBE CINEMA ROUNDABOUT AREA IN NAIROBI CBD, NAIROBI CITY COUNTY	Pending	Nairobi A PORTION OF PLOT L.R NO. 209/136/258 ALONG KIRINYAGA ROAD, GLOBE CINEMA ROUNDABOUT AREA IN NAIROBI CBD, NAIROBI CITY COUNTY
NEMA/EIA/PSR/28322	<u>GASFI</u> <u>LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE PROPOSED FOUR AND A HALF MT MOUNDED LPG STORAGE AND AUTOGAS STATION	Pending	Nairobi LAND REGISTRATION NUMBER 209/13083, MARIKANI ROAD, NAIROBI COUNTY
NEMA/EIA/PSR/28321	<u>GASFI</u> <u>LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE PROPOSED FOUR AND A HALF MT MOUNDED LPG STORAGE AND AUTOGAS STATION	Pending	Nairobi LAND REGISTRATION NUMBER 209 13083, MARIKANI ROAD, NAIROBI COUNTY

NEMA/EIA/PSR/28320	<u>GASFIL LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE PROPOSED FOUR AND A HALF MT MOUNDED LPG STORAGE AND AUTOGAS STATION	Pending	Nairobi	L.R 209/13083, MARIKANI ROAD, NAIROBI COUNTY
NEMA/EIA/PSR/26408	BIO FOOD PRODUCTS LIMITED	PROPOSED 4 TONS PER HOUR HFO/LPG GAS BOILER INSTALLATION	Issued	Nairobi	The project will be undertaken within Bio Food Products Limited's Factory situated at Go downs on L.R. No. 209/12857/4 located in Nairobi off Road C, Industrial Area, after Sameer Industrial Park, Nairobi County
NEMA/EIA/PSR/25495	GARNET ENERGY LTD	CPR FOR THE PROPOSED 50 MT LPG STORAGE, FILLING PLANT AND ASSOCIATED AMENITIES AT LAND REFERENCE NUMBER NAIROBI/BLOCK 105 /6623&NAIROBI BLOCK 105/6640, OFF EASTERN BYPASS, RUAI AREA, NAIROBI COUNTY.	Issued	Nairobi	NAIROBI
NEMA/EIA/PSR/28319	<u>GASFIL LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE PROPOSED FOUR AND A HALF MT MOUNDED LPG STORAGE AND AUTOGAS	Pending	Nairobi	L.R 209/13083, MARIKANI ROAD, NAIROBI COUNTY

		STATION			
NEMA/EIA/PSR/28318	<u>GASFIL LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) FOR THE PROPOSED 4.5MT MOUNDED LPG STORAGE AND AUTOGAS STATION	Issued	Nairobi	L.R 209/13083, MARIAKANI ROAD, NAIROBI COUNTY
NEMA/EIA/PSR/28317	<u>GASFIL LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) FOR THE PROPOSED 4.5MT MOUNDED LPG STORAGE, AUTOGAS STATION AND OTHER ASSOCIATED AMENITIES	Issued	Nairobi	L.R 209/13083, MARIAKANI ROAD, NAIROBI COUNTY
NEMA/EIA/PSR/23502	Kenya Industrial Research and Development Institute (KIRDI)	THE PROPOSED NANOTECHNOLOGY LABORATORY, WASTE WATER TREATMENT PLANT, INCINERATOR INSTALLATION, BOILER INSTALLATION, LPG BULK STORAGE AND UNDERGROUND FUEL STORAGE TANKS SEIA STUDY REPORT	Pending	Nairobi	KIRDI South B complex off Dunga Road
NEMA/EIA/PSR/22378	SISI GAS LTD	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) FOR THE PROPOSED 50MT LPG	Issued	Nairobi	NAIROBI

			STORAGE, FILLING PLANT AND OTHER ASSOCIATED AMENITIES ON 21,000 SQUARE FEET PLOT ON L.R 20268 NAIROBI COUNTY.				
NEMA/EIA/PSR/22326	M-Gas Limited	Proposed Retail/Wholesale Storage Facility for LPG in Cylinders	Issued	Nairobi	Plot No. Dagoretti/Kangemi/S.164 in Kangemi Westlands Sub-County		
NEMA/EIA/PSR/27345	<u>M-Gas Limited</u>	Proposed Kawangware Retail/Wholesale Storage Facility for LPG in Cylinders	Issued	Nairobi	Plot No. Dagoretti/Riruta/T.168, in Kawangware Estate, Westlands Sub-County - Nairobi City County		
NEMA/EIA/PSR/20628	LIZ FLY LIMITED	PROPOSED LPG STORAGE AND FILLING PLANT	Pending	Nairobi	PLOT L.R.NO. DAGORETTI/RUTHIMITU/203 ALONG KIKUYU ROAD IN RUTHIMITU AREA, DAGORETTI SUB-COUNTY, NAIROBI COUNTY		
NEMA/EIA/PSR/21117	AAR HSPITAL LIMITED	Proposed Installation of LPG Bulk Storage and Fuel Storage Tank at AAR Hospital Limited at the Kiambu Road and Muthaiga North Road Junction	Issued	Nairobi	At the Kiambu Road and Muthaiga North Road Junction , Nairobi County		

3: KIAMBU COUNTY

NEMA/EIA/PSR/46888	<u>GREENSPOON LIMITED</u>	INSTALLATION OF LIQUEFIED PETROLEUM GAS (LPG) FOR GREENSPOON LIMITED AT REGEN ALONG MAGANA ROAD, KIAMBU COUNTY	Pending	Kiambu	GREENSPOON LIMITED AT REGEN ALONG MAGANA ROAD, KIAMBU COUNTY
NEMA/EIA/PSR/46405	<u>KENBLEST LIMITED</u>	EIA for the Installation of LPG Tanks and LPG system Reticulation	Issued	Kiambu	Plot L.R No. Thika Mun/Block 13/305, Thika Sub County, Kiambu County
NEMA/EIA/PSR/46194	<u>TEZO ENERGY LIMITED</u>	EIA for the Proposed LPG Storage and refilling plant	Issued	Kiambu	Plot L.R No. Limuru/Redhil/1650, Limuru Sub County, Kiambu County
NEMA/EIA/PSR/45531	<u>Petrocity Enterprises Limited</u>	EIA for the Proposed LPG storage and Motor Vehicle Conversion Centre	Issued	Kiambu	Plot L.R NO: Thika Municipality, Block 8/181, Thika Sub-County, Kiambu County
NEMA/EIA/PSR/44524	<u>Straight Energy Limited</u>	PROPOSED 5 METRIC TONS AUTOMOTIVE LPG RETAIL OUTLET	Issued	Kiambu	ON PLOT LR NO. 76/764 ALONG KIAMBU ROAD
NEMA/EIA/PSR/44180	<u>Spotfine Limited</u>	EIA for the Proposed LPG Storage and Refilling Plant	Issued	Kiambu	Plot LR No. 27090/19, juja-Gatundu road.
NEMA/EIA/PSR/43045	<u>Charles Gicheha Njoroge</u>	ESIA COMPREHENSIVE PROJECT REPORT FOR THE PROPOSED 180	Issued	Kiambu	The proposed project site is situated on land reference number: 1428/8 (ORIGINAL NO 1428/4/2) accessible

		METRIC TONNES LPG STORAGE AND REFILLING PLANT PROJECT ON LAND REFERENCE NUMBER: 1428/8 (ORIGINAL NO 1428/4/2) IN NGOLIBA, THIKA EAST SUB - COUNTY, KIAMBU COUNTY			through the main Nairobi-Garissa road, Gatiiguru sub-location, within Ngoliba Ward.
NEMA/EIA/PSR/39259	<u>M-Gas Limited.</u>	EIA for the Proposed LPG Storage in Cylinders Storage Facility.	Issued	Kiambu	Plot L.RM No. Ruiru Kiu Block 6/478, Githurai area, Ruiru Sub County, Kiambu County.
NEMA/EIA/PSR/37803	<u>M-Gas Limited</u>	Proposed Thika Makongeni Retail/Wholesale Storage Facility for LPG in Cylinders	Pending	Kiambu	LR No. 4953/1213, Thika, Kiambu County
NEMA/EIA/PSR/34619	<u>M-Gas Limited</u>	Proposed M-Gas Juja Retail/Wholesale Storage Facility For LPG in Cylinders On Plot No. 20302/17. Juja, Kiambu County	Issued	Kiambu	On Plot No. 20302/17. Juja, Kiambu County
NEMA/EIA/PSR/32305	<u>M-Gas Limited</u>	Proposed Limuru Retail/Wholesale Storage Facility for LPG in Cylinders	Issued	Kiambu	Plot No. Limuru/Kamirithu/ 1275 Limuru, Kiambu County
NEMA/EIA/PSR/30643		Proposed Ruiru	Issued	Kiambu	Plot No. I/T.809 Ruiru East

	<u>M-Gas Limited</u>	Retail/Wholesale Storage Facility for LPG in Cylinders			Block, Kiambu County
NEMA/EIA/PSR/30202	<u>NOVA PIONEER TATU CITY PRIMARY SCHOOL PROPERTY LIMITED</u>	EIA PROJECT REPORT FOR THE PROPOSED EXTENSION OF THE CONSTRUCTION OF A CLASSROOM BLOCK, DINING PATIO, TEMPORARY CLASSROOM, LPG CAGE	Issued	Kiambu	PLOT LR NO 28867/1, ALONG RUIRU-KAMITI ROAD, TATU CITY
NEMA/EIA/PSR/29793	<u>Kento Energy Ltd</u>	Proposed 23MT LPG Storage and Filling Facility.	Issued	Kiambu	Plot LR NO. Thika Municipality Block 18/1986 in Kianjau Sublocation, Makongeni Location, Thika West Sub County in Kiambu County.
NEMA/EIA/PSR/19961	Tianlong Industry Limited	EIA for the ongoing LPG cylinders revalidation operations and proposed LPG cylinders manufacturing operations in parcel no L-3 49 at Tatu industrial park	Issued	Kiambu	Tatu industrial park

4: KAJIADO COUNTY

NEMA/EIA/PSR/46460	<u>LAKE OIL LIMITED</u>	PROPOSED KNOCKDOWN OF THE EXISTING PETROL STATION AND INSTALLATION OF LPG DISPENSING SYSTEM FOR MOTOR VEHICLES	Issued	Kajiado	LR. NO.NGONG/NGONG/36819 RONGAI IN KAJIADO COUNTY
NEMA/EIA/PSR/29575	<u>M-Gas Limited</u>	Proposed Kitengela Retail/Wholesale Storage Facility for LPG in Cylinders	Issued	Kajiado	Plot No Kajiado/Kaputei-North/369 and 370 Kitengela
NEMA/EIA/PSR/26531	M-Gas Limited	Proposed Ongata Rongai Retail/Wholesale Storage Facility for LPG in Cylinders	Issued	Kajiado	Plot No. B316 (Formerly 99/Business), Kajiado North Sub-County in Kajiado County
NEMA/EIA/PSR/36091	<u>JAVAGAS SUPPLIERS LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) REPORT FOR THE PROPOSED 50MT LPG STORAGE, FILLING PLANT AND OTHER ASSOCIATED AMENITIES	Pending	Kajiado	LAND REFERENCE KAJIADO/OLCHORO ONYORE/33 ON KISERIAN-ISINYA ROAD, KISERIAN AREA, KAJIADO COUNTY.
NEMA/EIA/PSR/35478	<u>M-Gas Limited</u>	Proposed M-Gas Ngong Retail/Wholesale	Pending	Kajiado	On Plot No. NGONG TOWNSHIP/BLOCK/2/691& 692, Kajiado County

		Storage Facility For LPG in Cylinders			
NEMA/EIA/PSR/35375	<u>Havana Gas Limited</u>	PROPOSED CONSTRUCTION OF A 30MT LPG STORAGE AND FILLING FACILITY	Pending	Kajiado	PLOT NO. KJD/KIPETO 'A'/6394, ISINYA, NGITO LOCATION, KAJIADO COUNTY
NEMA/EIA/PSR/34573	<u>KENTO ENERGY LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) REPORT FOR THE PROPOSED 23MT LPG STORAGE, FILLING PLANT AND OTHER ASSOCIATED AMENITIES	Issued	Kajiado	NGONG/NGONG/100231 ON GATAKA ROAD, KANDISI AREA, KAJIADO COUNTY.

5: MARSABIT COUNTY

NEMA/EIA/PSR/46181	<u>GAZBON ENERGY LIMITED</u>	PROPOSED 46MT LPG STORAGE & FILLING PLANT	Pending	Marsabit	QALALIVE SUB LOCATION, GOLBO WARD, MOYALE SUB COUNTY, MARSABIT COUNTY
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6: EMBU COUNTY

NEMA/EIA/PSR/46121	M-Gas <u>Limited</u>	PROPOSED EMBU WHOLESALE / RETAIL STORAGE FACILITY FOR LPG IN 13KG CYLINDERS	Issued	Embu	PLOTS L.R NO. GATURI/GITHIMU/2717 & GATURI/GITHIMU/2718, EMBU TOWN. EMBU WEST SUB COUNTY EMBU COUNTY
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7: MERU COUNTY

NEMA/EIA/PSR/46120	M-Gas <u>Limited</u>	Proposed Meru Wholesale/Retail Storage Facility for LPG in 13Kg Cylinders	Issued	Meru	L.R No. Nyaki/Kithoka/5038 IN Kanyira Village, Gakurine, Meru County
NEMA/EIA/PSR/38084	<u>Eureka</u> <u>Energy</u> <u>Limited</u>	Proposed 23MT LPG Storage and Filling Plant.	Issued	Meru	Imenti North Sub-County, Meru County

8: NYERI COUNTY

NEMA/EIA/PSR/44748	M-Gas <u>Limited</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED NYERI WHOLESALE/RETAIL STORAGE FACILITY FOR LPG IN 13KG	Issued	Nyeri	L.R NO. NYERI/MUNICIPALITY BLOCK 11/969 IN NYERI TOWN, NYERI COUNTY
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		CYLINDERS SITUATED ON L.R NO. NYERI/MUNICIPALITY BLOCK 11/969 IN NYERI TOWN, NYERI COUNTY			
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9: NAKURU COUNTY

NEMA/EIA/PSR/42740	<u>ISAAC KIPKEMBOL TOWETT</u>	PROPOSED LIQUEFIED PETROLEUM GAS (LPG) STORAGE AND REFILLING PLANT	Issued	Nakuru	PLOT L.R. NO. GILGIL/GILGIL BLOCK 1/59356, KIKOPEY AREA, GILGIL SUB - COUNTY, NAKURU COUNTY
NEMA/EIA/PSR/42068	<u>MILELE GAS LIMITED</u>	PROPOSED 30MT LPG STORAGE, FILLING PLANT	Issued	Nakuru	PLOT L.R NO. NAKURU/MUNICIPALITY BLOCK 8/20 AND IN INDUSTRIAL AREA NAKURU TOWN, NAKURU COUNTY
NEMA/EIA/PSR/40914	<u>M-GAS LIMITED</u>	PROPOSED RETAIL/WHOLESALE STORAGE FACILITY FOR LPG IN CYLINDERS.	Issued	Nakuru	PLOT LR NO. 10533, NAKURU WEST SUB-COUNTY, NAKURU COUNTY.
NEMA/EIA/PSR/40913	<u>M-GAS LIMITED</u>	PROPOSED RETAIL/WHOLESALE STORAGE FACILITY FOR LPG IN	Issued	Nakuru	ON NAIVASHA TOWNSHIP BLOCK 2/842 NAKURU COUNTY

		CYLINDERS				
NEMA/EIA/PSR/40912	M-GAS <u>LIMITED</u>	Proposed 23 Metric Tones Liquefied Petroleum Gas (LPG) Refilling Plant	Issued	Nakuru	Plot L.R. No.29123/679,680,681 & 682_ Off the Northern Bypass in Njathaini area, Kasarani Sub-County, Nairobi City County	
NEMA/EIA/PSR/14481	Viji Fillings Limited.	Proposed Liquefied Petroleum Gas (LPG) Storage Tank and Filling Point.	Issued	Nakuru	L.R No. Kijabe/Kijabe Block 1/20552, 1/20553, 1/20554, 1/20555 in Maai-Mahiu, Naivasha Sub County, Nakuru County.	
NEMA/EIA/PSR/10208	East Lake Invstments Company.	Proposed Development of Liquefied Petroleum Gas Storage Tank & Filling Point.	Issued	Nakuru	L.R.No.Naivasha/Mwichiringi ri Block 4/6462 in Naivasha,Nakuru County.	
NEMA/EIA/PSR/28629	Amron Holdings Ltd	COMPREHENSIVE PROJECT REPORT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED INSTALLATION OF A 30 METRIC TONES LIQUIDIFIED PETROLEUM GAS STORAGE AND FILLING PLANT IN MITI MINGI MBARUK	Issued	Nakuru	MITI MINGI MBARUK BLOCK 8 (KIANJOYA D) NAKURU COUNTY	

		BLOCK 8 (KIANJOYA D) NAKURU COUNTY			
NEMA/EIA/PSR/42740	ISAAC KIPKEMBOI TOWETT	PROPOSED LIQUEFIED PETROLEUM GAS (LPG) STORAGE AND REFILLING PLANT	Issued	Nakuru	L.R. NO. GILGIL/GILGIL BLOCK 1/59356, KIKOPEY AREA, GILGIL SUB - COUNTY, NAKURU COUNTY
NEMA/EIA/PSR/42571	SPICE GAS LIMITED	PROPOSED 30 MT LIQUEFIED PETROLEUM GAS STORAGE AND FILLING PLANT	Issued	Nakuru	L.R. NO. NAIVASHA/MWICHINGIRI BLOCK 4/4768, NAIVASHA SUB-COUNTY, NAKURU COUNTY
NEMA/EIA/PSR/42068	MILELE GAS LIMITED	PROPOSED 30MT LPG STORAGE, FILLING PLANT	Issued	Nakuru	L.R. NO. NAKURU/MUNICIPALITY BLOCK 8/20 AND IN INDUSTRIAL AREA NAKURU TOWN, NAKURU COUNTY
NEMA/EIA/PSR/44303	<u>GEOTRADE SOKO ENERGIES LTD</u>	PROPOSED LIQUEFIED PETROLEUM GAS STORAGE AND FILLING PLANT	Issued	Nakuru	L.R. NO. NAKURU MUNICIPALITY BLOCK 8/65, WITHIN INDUSTRIAL AREA, NAKURU TOWN, NAKURU COUNTY

10: KERICHO COUNTY

NEMA/EIA/PSR/42531	<u>Tolaita</u>	ENVIRONMENTAL	Issued	Kericho	KAPLELACH AREA ON LAND
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	<u>Enterprises Limited</u>	AND SOCIAL IMPACT ASSESSMENT CPR FOR THE PROPOSED 200 METRIC TONNES LPG STORAGE AND REFILLING PLANT PROJECT ON LAND TITLE NUMBERS: KERICHO/SOIN/KIPSIT ET BLOCK 1 (CHEBIRIR)/254 IN SIGOWET/SOIN SUB - COUNTY, KERICHO COUNTY			TITLE NUMBER: KERICHO/SOIN/KIPSIT ET BLOCK 1 (CHEBIRIR)/254
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11: NAROK COUNTY

NEMA/EIA/PSR/42139	<u>TANGA LOGISTICS LIMITED</u>	PROPOSED CONSTRUCTION OF A 30MT LPG STORAGE AND FILLING FACILITY	Issued	Narok	PLOT NO. CIS-MARA/NKOBEN/2906 IN NKOBEN AREA, OFF KAPLONG-NAROK HIGHWAY, NAROK COUNTY
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12: LAIKIPIA COUNTY

NEMA/EIA/PSR/39539	<u>MAXXIS</u> <u>NANYUKI</u> <u>ENERGY</u>	Proposed Mini LPG Storage and Filling Plant	Issued	Laikipia	LR No Nanyuki Marura Block III/9831
NEMA/EIA/PSR/36418	Kimuri <u>Energy</u> <u>Limited</u>	Proposed Construction of A 30 MT LPG Storage and Bottling Facility on Plot L.R. No. Nanyuki/Marura Block 4/3087	Issued	Laikipia	On Plot L.R. No. Nanyuki/Marura Block 4/3087 in Kimuri Village, Rugutu Sub Location, Mpala Location, Laikipia North Sub County
NEMA/EIA/PSR/35694	<u>EXCELLENT</u> <u>LOGISTICS</u> <u>LTD</u>	THE PROPOSED EXTENSION OF A WAREHOUSE TO EXISTING LPG FILLING PLANT	Issued	Laikipia	MAHIGA MERO

13: KIRINYAGA COUNTY

NEMA/EIA/PSR/37622	<u>RANDYJAY</u> <u>ENTERPRISE</u> <u>LIMITED</u>	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) REPORT FOR THE	Pending	Kirinyaga	LAND REFERENCE GICHUGU/SETTLEMENT/SC HEME/7382, KARUANGI AREA, MUGAMBA-CIURA
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			PROPOSED 23MT LPG STORAGE, FILLING PLANT AND OTHER ASSOCIATED AMENITIES		SUB-LOCATION, KIRINYAGA COUNTY.
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14: MACHAKOS COUNTY

NEMA/EIA/PSR/37272	<u>EASI</u> <u>COOKING</u> <u>GAS</u> <u>LIMITED</u>	PROPOSED 9MT LIQUIFIED PETROLEUM GAS (LPG) STORAGE AND REFILLING PLANT	Pending	Machakos	PLOT NO. 1062X IN KATEMBO AREA, MACHAKOS TOWN SUB- COUNTY, MACHAKOS COUNTY.
NEMA/EIA/PSR/29653	<u>Mr. Zubeida</u> <u>Rashid</u> <u>Ismael</u>	ENVIRONMENTAL IMPACT ASSESSMENT FOR PROPOSED CONSTRUCTION OF A 30MT LPG STORAGE AND FILLING FACILITY ON PLOT TITLE NO IR.221909, REFERENCE NUMBER 29811 SYOKIMAU- KATANI,MACHAKOS COUNTY	Issued	Machakos	SYOKIMAU- KATANI,MACHAKOS COUNTY ON PLOT TITLE NO IR.221909, REFERENCE NUMBER 29811

NEMA/EIA/PSR/25428	M-Gas Limited	Proposed Retail/Wholesale Storage Facility for LPG in Cylinders	Pending	Machakos	Plot No. 4A Jua Kali in Athi River Jua Kali area, Mavoko Sub-County
NEMA/EIA/PSR/24343	GAS AFRICA LIMITED	ENVIRONMENTAL IMPACT ASSESSMENT FOR A PROPOSED LPG CYLINDERS STORAGE IN AN EXISTING GODOWN ON PLOT NO. 209/12867/5 IN ATHI RIVER, MAVOKO SUB-COUNTY, MACHAKOS COUNTY ON COORDINATES 1°25'40.0" S 36°58'12.6"E	Issued	Machakos	PLOT NO. 209/12867/5 IN ATHI RIVER
NEMA/EIA/PSR/27343	M-Gas Limited	Proposed Mlolongo Retail/Wholesale Storage Facility for LPG in Cylinders	Pending	Machakos	Plot No. 28 Phase IIB Mavoko, in Mlolongo Estate, Mlolongo Sub-County - Machakos County
NEMA/EIA/PSR/26869	Serene Heights Investments LLP	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT CPR FOR THE PROPOSED LPG REFILLING PLANT PROJECT ON LAND REFERENCE NUMBERS: 12648/187	Issued	Machakos	Situated on the slopes of Lukenya Hill on LR NOS.: 12648/187 (ORIGINAL NUMBER: 12648/117/2) and 12648/116 (ORIGINAL NUMBER: 12648/106/11).at the Daystar Road Junction at approximately 2

		(ORIGINAL NUMBER: 12648/117/2) AND 12648/116 (ORIGINAL NUMBER: 12648/106/11) IN MAVOKO SUB - COUNTY, MACHAKOS COUNTY			kilometers.
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15: KAKAMEGA COUNTY

NEMA/EIA/PSR/36959	<u>ZUHUR GAS</u> <u>LIMITED</u>	Proposed 23MT Liquified Petroleum Gas (LPG) REFILLING PLANT	Pending	Kakamega	LR NO. ISUKHA/LUBAO/3358, ALONG KAKAMEGA- WEBUYE ROAD, SHINYALU SUB-COUNTY, KAKAMEGA COUNTY
NEMA/EIA/PSR/43418	M-Gas Limited	Proposed M-Gas Kakamega	Issued	Kakamega	Plot Isukha/Shirere/3093, Lurambi Sub County
NEMA/EIA/PSR/36959	ZUHUR GAS LIMITED	Proposed 23MT Liquified Petroleum Gas (LPG) REFILLING PLANT	Pending	Kakamega	LR NO. ISUKHA/LUBAO/3358, ALONG KAKAMEGA- WEBUYE ROAD, SHINYALU SUB-COUNTY, KAKAMEGA COUNTY

16: ISIOLO COUNTY

NEMA/EIA/PSR/36832	<u>KALOMA</u> <u>ENERGY</u> <u>LIMITED</u>	PROPOSED CONSTRUCTION OF 30MT LPG STORAGE TANK AND FILLING FACILITY	Pending	Isiolo	LOT LR NO. KAMBI GARBA/1711
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17: MOMBASA COUNTY

NEMA/EIA/PSR/33697	<u>Kenya</u> <u>Petroleum</u> <u>Refineries</u> <u>Limited</u>	Proposed LPG Loading Station	Issued	Mombasa	KPRL PS. 15
NEMA/EIA/PSR/30841	<u>AFRICAN</u> <u>GAS & OIL</u> <u>COMPANY</u> <u>LIMITED</u>	ENVIRONMENTAL IMPACT ASSESSMENT PROJECT REPORT FOR THE PROPOSED CONSTRUCTION OF 125 METRIC TONNES LPG CYLINDER FILLING AND DISTRIBUTION PLANT WITHIN AGOL	Issued	Mombasa	WITHIN AGOL TERMINAL ON PLOT LR NO. MN/VI/3892 IN MIRITINI AREA, MOMBASA COUNTY

		TERMINAL ON PLOT L.R NO. MN/VI/3892 IN MIRITINI AREA, MOMBASA COUNTY			
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18: NYANDARUA COUNTY

NEMA/EIA/PSR/31466	<u>MO GAS</u> <u>SUPPLIERS</u> <u>LTD</u>	PROPOSED CONSTRUCTION OF 20MT LPG STORAGE TANK AND FILLING FACILITY	Issued	Nyandarua	LR No. NYANDARUA/OL JORO OROK SALIENT/28085 at Kasuku town
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19: KISUMU

NEMA/EIA/PSR/31160	<u>WELLS OIL</u> <u>LIMITED</u>	PROPOSED 23MT LPG STORAGE AND FILLING PLANT	Issued	Kisumu	KISUMU/MUN/BLOCK 3/41 WITHIN INDUSTRIAL AREA
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20: KILIFI COUNTY

NEMA/EIA/PSR/25034	MAX GAS AND PETROLEUM COMPANY LIMITED	COMPREHENSIVE PROJECT SUMMARY REPORT FOR THE PROPOSED LPG STORAGE AREA ON PLOT NO KILIFI/MGUMOPATSA/MAZERAS/1318, MAZERAS, KILIFI COUNTY KILIFI COUNTY.	Issued	Kilifi	KILIFI/MGUMOPATSA/MAZERAS/1318
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21: KISII COUNTY

NEMA/EIA/PSR/22285	Topline traders limited	Proposed construction of LPG plant	Pending	Kisii	WANJARE LOCATION
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22: BUNGOMA COUNTY

NEMA/EIA/PSR/20661	Chev Energies Limited	The Proposed Installation of an Additional LPG Bullet Tank Within an	Issued	Bungoma	L.R.No. Ndivisi/Muchi/9853/9854, Off Eldoret-Bungoma Road, Sango Area, Webuye-East
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		Existing LPG Refilling Facility			Sub-County, Bungoma County
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23: KWALE COUNTY

NEMA/EIA/PSR/19622	ABYSSINIA IRON & STEEL LTD	ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED 10 TONS LPG STORAGE AND USE (AS CLEAN ALTERNATIVE TO FUEL FURNACE OIL) WITHIN ABYSSINIA IRON AND STEEL LIMITED FACTORY IN MANDA VILLAGE, MWAVUMBO LOCATION, KWALE COUNTY	Issued	Kwale	LR No. KWALE/MWAVUMBO/177
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24: BUSIA COUNTY

NEMA/EIA/PSR/16188	F-MAT GASES LTD	PROPOSED LPG FILLING AND STORAGE FACILITY	Issued	Busia	LR NO.BUKHAYO/BUGENGI 1644
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25: MANDERA COUNTY

NEMA/EIA/PSR/40818	GALLOOL ENERGY LIMITED	PROPOSED 20 METRIC TONNE L.P.G. STORAGE AND BOTTLING FACILITY IN NEBOI LOCATION, MANDERA EAST SUB COUNTY, MANDERA COUNTY	Issued	Mandera	NEBOI
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26: WAJIR COUNTY

NEMA/EIA/PSR/16181	NEP ENERGY LIMITED	CONSTRUCTION OF 30MT LPG STORAGE FACILITY	Issued	Wajir	Maalim
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27: THARAKA-NITHI COUNTY

NEMA/EIA/PSR/6188	Tony Njoka And Josphine Muthami	proposed moque	Pending	Tharaka-Nithi	Ndagani on plot number Karingani/Ndagani/1911, Meru south county in Tharaka nithi County
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LIQUIFIED PETROLEUM GAS (LPG) EIA FILES LICENSE STATUS**MOMBASA COUNTY**

No.	PROPONENT	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Focus Container Freight Station	NEMA/EIA/SR/2927	Proposed construction of a 15,000 MT common user LPG Terminal Plot L.R No. MN/Vi/3711, Changamwe Area, Mombasa County.	License Issued
2.	Kenya Pipeline Company Limited	NEMA/EIA/SR/2899	Proposed LPG import, storage and handling facility on Plot No. L.R. 12223 at Changamwe, Mombasa County.	Pending
3.	Fossil Supplies Limited	NEMA/EIA/SR/2840	Proposed construction of LPG common user facility by fossil supplies limited at Changamwe, Mombasa County.	Pending
4.	SeaScan Energy Limited	NEMA/EIA/SR/2191	Environmental and Social Impact Assessment for the proposed construction of a bulk LPG storage terminal and pipeline at Changamwe- Mombasa County.	License Issued
5.	OLA Energy Kenya Limited	EIA 1797	Proposed construction of a 14500 MT Marine LPG Terminal located along Kismayu Road off Makande Road in Shimanzi area, Mombasa County.	License Issued
6.	Aevitas Investment Company Limited	EIA 1765	Proposed construction of 30,000 Metric Tonnes (MT) liquefied petroleum gas (LPG) mounded storage depot located on Plot L.R No. MN/VI/4794, Chaani Location, Changamwe Sub County In Mombasa County.	License Issued
7.	Mansa East Africa Limited	EIA 1490	Proposed construction of a small Liquefied Petroleum Gas at Plot L.R. No. Block XLVII/173, within Cormaco Supply Base, Mombasa County.	License Issued
8.	Mombasa Gas Terminal	EIA 1432	Proposed construction of a Bulk LPG Storage Terminal at Plot L.R. No. Mombasa/Block XLVIII at Mbaraki, Ganjoni Division in Mombasa County.	License Issued

NAIROBI COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Kerry Gas Limited	NEMA/EIA/SR/1528	Proposed Liquefied Petroleum Gas (LPG) storage and filling plant located on Plot L.R. No. 14727, Off North Airport Road in Nairobi County.	Issued
2.	Avian Gas Limited	NEMA/EIA/SR/928	Proposed Avian Gas LPG refilling station located on Maasai road, Off Mombasa road, Nairobi County.	Pending

3.	Green Energy Limited	NEMA/EIA/SR/373	Proposed LPG storage and Bottling Facility, Kisumu County. Coordinates (Latitude-0 degree 05'38.42"S & Longitude-34 degree 43' 42.67")	Pending
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KWALE COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Ken Petrogas Limited	NEMA/EIA/SR/2831	Proposed LPG & LNG storage terminal & jetty located on Plot L.R. No. KWALE/SHIMONI ADJ/441, Kwale County.	Issued

UASIN GISHU COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Hass Petroleum (K) LTD	NEMA/EIA/SR/2171	Proposed installation of LPG storage and filling plant located on Plot No. LR. No. 20/391 on coordinates (0° 34' 20.368"N, 35° 13' .57.024"E) Maili Nne, Uasin Gishu County.	Pending

WAJIR COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	NEP Energy Limited	NEMA/EIA/SR/1754	Proposed construction of 30 MT LPG storage facility located on Maalim Salat, Wajir County.	Pending

KILIFI COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Vipingo Development Limited	NEMA/EIA/SR/1669	Proposed 22,000 MT Liquefied Petroleum Gas (LPG) located on Plot L.R. No. 4393/III/MN, Vipingo area, Kilifi County	Issued
2.	Taifa Gas Kenya Ltd	EIA 1513	Proposed 30,000MT Liquefied Petroleum Gas (LPG) Storage Plant at a 30 acre portion of land in Dongo Kundu Special Economic zone (SEZ) plot L.R. No. Mombasa/Mainland South/Block IV/247	Pending

KIRINYAGA COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	MO Gas Suppliers LTD	NEMA/EIA/SR/1656	Proposed bulk LPG storage tank and filling facility located 7km from Makutano Town, Rukanga sub-location and along the Sagana Nyeri Road within the Outskirts of Sagana Town, Kirinyaga County	Pending

MACHAKOS COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Lunga Lunga Energy	NEMA/EIA/SR/1563	Proposed 25 metric ton Liquefied Petroleum Gas (LPG) storage and filling plant located on Plot L.R. No. Mavoko/municipality block 6/3 at Athi River off Namanga Road, Mavoko Sub-County, Machakos County	Pending

NAKURU COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Viji Fillings Limited	NEMA/EIA/SR/1075	The proposed development of a LPG storage tank and filling point located 3 Km off the Naivasha -Narok road and approximately 4 km from Mahi Mahiu trading centre, Mai Mahiu location, Naivasha sub-county	Pending

MURANG'A COUNTY

No.	TITLE	APPLICATION ID	PROPOSED PROJECT TITLE	LICENSE STATUS
1.	Excellent Logistics LTD	NEMA/EIA/SR/1071	The proposed LPG cylinder production and Liquefied Petroleum Gas (LPG) refilling plant located on Makuyu Mihengo Sub location, on plot No. MAKUYU/MARIAINI/BLOCK.III/460, Murang'a County.	Pending

13. Creating a database for all aspects of the LPG industry to help track penetration and provide an opportunity for forecasting and policy intervention.

4.1.8 Government Enforcement Role, Resources and Responsibilities

Different MDAs have specific mandates in order to create an enabling environment for LPG business. These roles and responsibilities are expected to complement one another thereby providing effective LPG business management. The different government agencies and their responsibilities are as listed below:

1. Ministry of Energy and Petroleum (MOEP)

- In charge of policy formulation for the LPG industry.
- Oversees, coordinates and directs the LPG industry.

2. Energy and Petroleum Regulatory Authority (EPRA)

- Provides Licences and permits for operations,
- track & trace technology for cylinders,
- Price guidance,
- Ensuring compliance

3. Kenya Bureau of Standards (KEBS)

- Development of standards
- Certification of personnel and systems.
- Market surveillance.
- Testing and metrology
- Enforcement of standards.
- Training.

4. Directorate Of Occupational Safety and Health Services (DOSHS)

- Development of safety and health guidelines.
- Ensure safety and health compliance.
- Risk assessments and audits.

- Training.
- Process occupational injuries compensation.
- Certification.

5. Weights & Measures

- Ensure consumer protection in quantity.
- Type Approval of LPG scales and meters.
- Undertake annual calibration of LPG scales and meters.
- Enforcement of legal metrology.

6. National Environment Management Authority of Kenya (NEMA)

- Licensing of ESIA for LPG projects
- Annual environmental audits.
- Monitoring and inspection for conformity to ESIA.

7. National Transport and Safety Authority (NTSA)

- Issue road licenses for drivers.
- Inspection of LPG tankers
- Certification of training schools for transportation of dangerous goods.
- Ensuring compliance of traffic rules.

8. Kenya Revenue Authority (KRA)

- Facilitates custom requirements.
- Enforce and collect taxes related to LPG.

9. County Governments

- Enforcement of Physical Planning requirements
- Enforcement of Weights & Measures requirements
- Issuance of Single Business Permits.

10. National Police Service

- Enforcement of the laws related to LPG.

ANNEX 5

SUBMISSIONS FROM
NAIROBI CITY COUNTY



NAIROBI CITY COUNTY

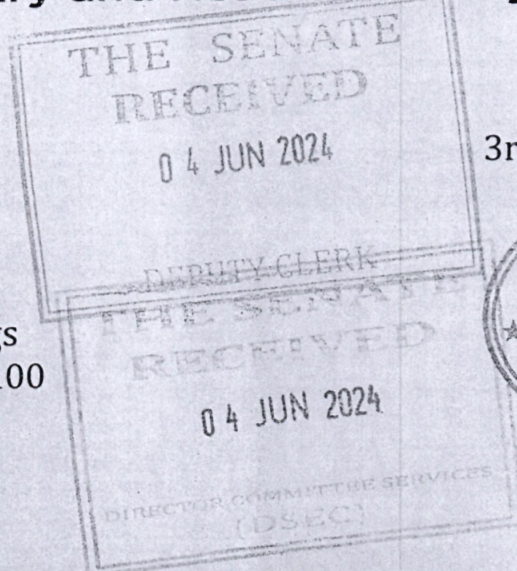
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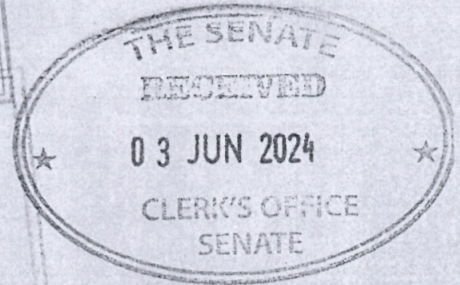
County Secretary and Head of County Public Service

NCC/CS/PAA/152

J. M Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
P.O Box 41842- 00100
NAIROBI



3rd JUNE 2024



Dear

RE: INVITATION BY THE SENATE STANDING COMMITTEE ON ENERGY

Reference is made to your letter Ref. SEN/DGAC/CPICSF/2024/259 dated 15th February 2024 on the above subject.

The following are our responses to the issues and questions raised by the Committee:

- 1. Explain why the LPG refilling was located close to human settlement:**

Response

The County did not have any knowledge of an LPG refilling activity taking place on the referenced site. The known activity on the said parcel was that it was operating as a garage. In accordance with the 1976 City Master plan which designated the area for development of inoffensive light industries. *(Attached hereto is a copy of the tittle deed in respect to the said property clearly indicating the above in the special conditions therein.)*

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2. Provide the name of the company that was running the facility and their beneficial owners:

Response

We are not in a position to provide the name of the Company that was running the facility and its beneficial owners given that the law designates the Registrar of companies (Business Registration Service as the legal repository of such information. *Ref to the (Companies Act, 2015 Laws of Kenya).*

3. What are the requirements of having an LPG refill and storage facility?

Response

The Energy Act 2019, squarely vests the mandate of licensing, regulating and revoking licenses related to LPG refill, storage and trade on the Energy Petroleum Regulatory Authority herein referred to as "EPRA". It therefore follows that EPRA is the appropriate entity to indicate the pre-requisite requirements that inform the approval of an LPG refill and storage facility.

The National Environmental Management Authority (NEMA) is equally mandated under the Environmental Management and Coordination Act (EMCA) to carry out Environmental Impact Assessment based on which they would issue the relevant license.

The Nairobi County Government just like all other county Governments is thus reliant on the statutory mandate of these entities that are independent and entrusted with that mandate Nationally.

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4. What powers does Nairobi City County have enforcing compliance of such facilities?

Response

EPRA has full and exclusive mandate in law, in respect to the aspect of regulation and enforcement of compliance by the facilities they have licensed.

The legal and regulatory framework does not envisage a sharing of the mandate given to EPRA and as such any overreach would invariably be clearly not backed by law.

It is indeed clear that where a County Government tries to overstretch, then the same would invariably lead to a case/s being filed in Court and the county will have a very slim chance of success if any based on the doctrine of overreach that would render any such actions ultra vires.

5. A list of all LPG refill and storage facilities and their locations in Nairobi City County.

Response

In response to this question, we reiterate that the law having exclusively empowered and mandated EPRA to license and regulate such facilities, being the issuer of such licenses and being the regulator within Nairobi City County and indeed the entire Country, they are the repository of the true and actual information of all the LPG refill and storage facilities in the County. They would also avail easily the location of such facilities as this information is availed to them at the time of licensing and indeed any changes are also so communicated.

Further to this, EPRA is to undertake continuous supervision of

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the licensed facilities and this is only possible if they have the particulars of the said licensed entities.

EPRA also have the sole mandate to also ensure that they identify, root out and discourage any illegal facilities or businesses operating without being licensed and thus illegal. In this regard, they would also be in the best position of also identifying any such facilities that may be operating illegally and thus take action on them.

The presumption to everyone is that a facility that is operating must have been licensed and approved by EPRA and as such it is only EPRA that can act on any such facilities if at all they are not licensed.

6. What safeguards has the Nairobi City County put in place to avoid a recurrence of the same?

Response

Having stated the mandate and role of EPRA and NEMA, the County Government still appreciates that the persons affected fire incident are residents of Nairobi and as such we are greatly concerned and perturbed by the very serious consequences and effects of the fire incident. These consequences are but are not limited to; loss of lives, serious burn injuries, loss of property, pain, distress, loss of homes / displacement and loss of sources of income and exposure to heavy and unexpected medical expenses. Due to this, the County Government has deeply and greatly interrogated and introspected on this issue leading to H.E the Governor directing the immediate closure of all LPG facilities in Nairobi County located within a 200m radius of Human settlements.

The County has also endeavored to have consultative meetings and collaborative forums with the relevant legal regulatory entities that is EPRA and NEMA to implore upon them the need

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to strictly execute their mandate and assure them of the County's cooperation on any aspect if needed.

As a long-term solution, the County Government has concluded the preparation of two land use planning regulatory policies namely, **Nairobi City Land Use Policy, The Nairobi City Development Control Policy**. It is worth noting that the preparation of these two policies commenced in the year 2021 and are currently due for approval by the Nairobi City County Assembly after which they will be implementation.

This change and appraisal of the regulatory framework is long overdue noting the Nairobi City Metropolitan Growth Strategy of 1976 lapsed in the year 2006 and upon implementation will promote developments that promotes harmony and safety while taking account of the current challenges.

In the interest of the Public, the County recommends implementation of the following measures by the relevant entities vested with the mandate to licence and regulate gas filling plants:

- a) Deployment of fire prevention and safety officers to all the 17 sub counties.
- b) Site Selection and Layout: for any plant to operate within the city, the location for the LPG refill plant must comply with safety regulations and is away from residential areas, high traffic zones, and potential sources of ignition. The layout should facilitate easy access for emergency vehicles.
- c) Safety Equipment: ensuring the premises has Installed fire detection and suppression systems such as smoke detectors, heat detectors, fire alarms, and automatic sprinkler systems. Have fire extinguishers strategically placed throughout the facility, and ensure they are regularly inspected and maintained.
- d) Emergency Response Plan: the plant should be prepared to implement an emergency response plan that includes procedures

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for evacuating personnel, contacting emergency services, and containing fires. Conducts regular drills to ensure all employees are familiar with the protocol.

e) Training and Awareness: Training all personnel and the community on fire safety protocols, including how to use fire extinguishers and evacuate the premises safely in case of an emergency. Emphasize the importance of proper handling and storage of LPG to minimize fire risks.

f) Proper Ventilation: Ensuring adequate ventilation systems are in place to prevent the buildup of LPG vapors, which can increase the risk of fire or explosion.

g) Compliance with Regulations: Ensuring the site strictly adheres to all relevant safety regulations and standards set forth by local authorities and regulatory bodies. Regular inspection of equipment and facilities to ensure compliance and address any potential hazards promptly.

h) Secure Storage: ensure that all LPG cylinders and tanks are stored in designated areas that are secure and properly ventilated. Implement measures to prevent unauthorized access and ensure proper handling procedures are followed during storage and transportation.

i) Maintenance and Inspection: Regular inspection and maintenance of all equipment, including valves, pipelines, and storage tanks, to detect and address any leaks or malfunctions promptly. Implement a preventive maintenance schedule to minimize the risk of equipment failure.

j) Communication and Coordination: the premises should maintain open communication channels with local emergency services, neighboring businesses, and the community to facilitate coordination in the event of a fire or other emergency situation.

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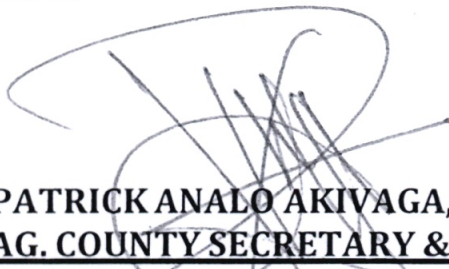
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- k) Inspection and Clearance by the relevant bodies of Petrol Tankers, Petrol Stations, Filling Stations, and Petroleum Depots.
- l) Inspection and Clearance of LPG filling facilities and LPG transporters by the relevant entities.
- m) Full and meaningful public participation in the event of development of LPG and Petrol related facilities.
- n) Availability, accessibility and promulgation of dedicated easy user friendly channels that the public can use to either complain or make verification on whether any facility has been licensed.
- o) Enforcement of Compliance on Petroleum Fire Safety on all Petroleum dealers.
- p) Stoppage of approval and licensing of Petroleum facilities within residential areas.
- q) Public Awareness programme on Safety.

Yours


PATRICK ANALO AKIVAGA, Regd Physical Planner
AG. COUNTY SECRETARY & HEAD OF COUNTY PUBLIC SERVICE

Cc H.E The Governor
Nairobi City County

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ANNEX 6

SUBMISSION FROM
PETROLEUM INSTITUTE
OF EAST AFRICA

**THE SENATE
RECEIVED**

28 JUN 2024

28 JUN 2024

PSC

**PETROLEUM INSTITUTE OF EAST AFRICA POSITION ON THE LPG EXPLOSION IN
MIRADI, EMBAKASI, NAIROBI COUNTY ON 1st FEBRUARY 2024.**

1. Zoning considerations in the location of LPG refill and storage facilities and residential areas.

- a) The facility operations were unlicensed and as such illegal and evidently the licensing authority, Energy and Petroleum Regulatory Authority (EPRA), had also not issued a construction permit for this facility due to the obvious out of character siting in a residential area and specifically in between homes where there was no compliance at all with the observance of the minimum distances between the facility and the residences.
 - b) Applications for the EPRA construction permits for all petroleum facilities, including LPG storage and /or cylinder refilling plants, must be accompanied by an Environmental and Social Impact Assessment License (ESIAL) issued by National Environment Management Authority (NEMA) upon the latter's approval of the applicants Environmental and Social Impact Assessment Study Report (ESIASR). Prior to approving the ESIASR NEMA is required to subject the same to extensive public stakeholders review engagement and further NEMA is required to share the said report with the sector lead agencies including and especially in this case EPRA, for their review and subsequent response which would be used to significantly inform the decision by NEMA on the issuance of the ESIAL. Nevertheless, the mandatory requirement for oil and gas facility proponents is to ensure that siting of such facilities is done with utmost consideration to the proximity of the same with other habitations and/or activities which include but not limited to safety distance, emergency response preparedness -in this case NEMA had the capacity to establish that this facility was indeed completely out of character with the existing demographic which is predominantly for residency and not industrial.
 - c) Post the explosion incident, the NEMA Board and Management disengaged with the persons who issued the unlicensed Miradi LPG facility, and they were charged in Court for irregularly issuing the related ESIAL. What is not clear is whether NEMA had submitted the ESIASR to EPRA and if the latter had responded accordingly, prior to the NEMA's decision being made to issue the ESIAL.
2. Reasons why the LPG refilling facility was located close to a human settlement.
- a) Impunity, unwillingness to enforce the law and corruption are the reasons why this unlicensed facility was operating in a residential area.
 - b) Upon application, the facility owner was more than twice denied the requisite permits and licenses by EPRA hence furious that no monitoring and/or surveillance was carried out to ensure that there was compliance with the said application rejection.
 - c) This same unlicensed site in Miradi, is where a criminal case was instituted against the proprietor of this facility and some of his clients on the 9th of November 2020 under criminal case number E3776/2020 at Milimani law courts in Nairobi. All the accused persons were found guilty and convicted with a sentence issued on 18th of May 2023.

① **AD SEC (BL)**
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② **Dr. Sugini**
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Despite guidance from the High Court on the mandatory minimum sentence of 5 years in prison or a penalty of KShs 10,000,000 (Ten million), the learned Magistrate of Court Number 11 imposed total fines of KShs. 500,000 or a one-year imprisonment instead of KShs. 20,000,000 or 5 years for the proprietor (first accused) and a fine of KShs. 50,000 for the second accused instead of a fine of KShs. 10,000,000 or 5 years. The learned Magistrate continued to release all motor vehicles including two LPG tankers together with the confiscated LPG bulk with a net weight of 4,660 kgs despite the law providing for mandatory forfeiture. One of the LPG Tankers that was unprocedurally released by the Courts was registration number ZC 1286 which is one of the tankers involved in this incident. Despite the above actions and convictions, the proprietor continued operating the illegal storage and refilling facility without even the bare minimum safety standards and qualified LPG personnel as required by law leading to this unfortunate catastrophe which could have been avoided should the letter and spirit of the law have been followed.

3. Proposed regulations and safety standards in response to the frequent gas explosions.
 - a) The LN 100 as it is currently is sufficient to ensure compliance with high safety standards for both LPG installation and LPG cylinders and where there is non-compliance and the same is proved in the lower Courts, the LN as upheld by Justice Nzioka in the High Court in August 2022 should apply as per the penalties provided for the offences therein-in 2023 a lower Court(City Court-James Omburah) meted the full force of LN penalties for persons who had illegally filled LPG cylinders belonging to other brand owners. EPRA has all the powers that are required to bring the culprits to book.
 - b) The exponential mushrooming of unlicensed LPG storage and cylinder refilling sites as well as licensed LPG storage and cylinder refilling plants that carry out illicit trade that are the Country's high safety and security risks has primarily been due to in the first instance unwillingness to permanently shut down the illegal sites and secondly the deliberate omission on due diligence for applicants and in particular to those providing hospitality(use of their storage and filling plants by owners of other brands of cylinders).To illustrate, it is the mandate of EPRA to license LPG cylinder refilling plants and these licenses are issued subject to a refilling plant purchasing a minimum of 5,000 cylinders in the first instant. The cylinders are to be increased annually in line with the license renewal cycle and proof of the cylinder growth must be proved to the regulator as per LN 100. There is however a loophole of licensing refilling plants that offer hospitality because EPRA allows multiple facility owners to acquire license for hospitality to the same cylinder brand owner who has a minimum of 5,000 cylinders- EPRA enables a brand owner do donate the "hospitality" to an unlimited number of refilling plants despite the low cylinder count and this has led to the licensing of a large number of refilling plants that do not own any cylinders but they steal and illegally refill cylinders belonging to companies that have invested in large numbers of LPG cylinders. This exposes Kenyans to incidences like the Miradi explosion as no attention is paid to the safety of the filling plan and the integrity of the cylinder is not guaranteed as it is not taken through the safety checks before being refilled. Additionally consumers are cheated that this gas is cheaper, they are not issued with a receipt that should as a minimum contain; date of purchase, name and contacts of the retailer, LPG brand name and cylinder serial number. Further ,this is illicit trade that denies the brand

owner an opportunity to engage authorized wholesalers and retailers for the countrywide distribution of their safe cylinders and ultimately denying Kenyans the opportunity to participate as entrepreneurs in a vibrant LPG value chain. The large amounts of money made by the illegal LPG cylinder refilling is unfortunately not used for the perpetrators investment in safe LPG cylinders of their own brand but is laundered in non-related sectors especially in construction of malls and apartments.

- c) There is another loophole in the form of transporters, wholesalers and retailer of LPG in cylinders; most of the players in this band are not licensed and are the drivers of illegal LPG trade. They are the ones who steal and/or mop out various brands of cylinders through unauthorized distributorship in the market and drive to refilling plants, refill and distribute the illegally refilled cylinders back to the market. They circumvent the cylinders from getting back to their rightful brand owners until when the cylinders are due for revalidation-which is after eight years.
- d) EPRA should uphold and sustain the enforcement that has now been embarked on to eliminate as much as possible the illegal refilling of other brand owners' cylinders.
- e) EPRA should exercise the power to suspend and/or revoke licenses of licensees who contravene the LN100 and/or conditions of their licenses.
- f) EPRA can easily clean up the LPG sector by applying the following simple measures.
 - i. Revocation of LPG refilling plants operating under "hospitality" arrangement where the brand owner does not have sufficient cylinders.
 - ii. Monitoring of Bulk LPG purchases to all refilling plants and matching it to the cylinders they own.
 - iii. EPRA obtains live feeds from all refilling plants to monitor all activities.
 - iv. Ensuring all refilling plants have E-Tims to issue invoices and ETR's for all purchases.
 - v. Recording of serial numbers of all cylinders refilled at all refilling plants.
 - vi. Monitoring of all 136 refilling plants country wide to ensure they only refill authorized cylinders.
 - vii. Enforcement by EPRA of the data submission on LPG imports and sales as well as on gradual cylinder purchases by all licensed refilling plants. This will promptly weed out illicit traders as the import quantity (also referred to as bulk) must match the customers-be they commercial consumers (hotels, schools etc) and/or household consumers who are supplied through LPG cylinders that should be owned by the importer.
 - viii. Basic enforcement of Know Your Customer (KYC) by the government, including vetting of owners of refilling plants, source of funds and tax compliance.
 - ix. Arrest of all transport vehicles without proper licenses and letters of authority.
 - x. Ensure that all LPG wholesalers/Retailers obtain licenses, letters or authority, e-tims and that they issue proper receipts to customers capturing the serial numbers of cylinders while issuing ETR's.
 - xi. Ensure that all cases are successfully prosecuted, and magistrates issue proper sentences.
 - xii. Maintain an accurate and verifiable database of all LPG traders.
 - xiii. Amend the regulation on the minimum number of brand owners initial cylinder investment using the scientific cylinder rotation calculation for both economic sense of the business which is tied to the national safe cylinder population that is

required for conversion of homes that use firewood, charcoal and kerosene to LPG by 2028.

4. Proposed interventions for public awareness and education on LPG safety.

- a) There is a big gap in consumer awareness and public safety and while the legitimate brand owners affix the safety requirements on the LPG cylinder as required, the theft and subsequent illegal refilling of these cylinders leaves these safety messages illegible as they are supposed to be fixed anew during every refill by the legitimate brand owner. Weeding out illegal LPG refilling will aid the continued consumer safety awareness
- b) Brand owners should continually in simple social media or radio messaging remind consumers of at least one obligation for their own safety which is to get a receipt for every purchase, even the one that's delivered to their homes, of their LPG requirement and the receipt should as per the law have as a minimum; date of purchase, name and contacts of the retailer, LPG brand name and cylinder serial number.
- c) The Ministry of Petroleum and Energy and EPRA should collaborate in running LPG specific safety awareness using effective communication platforms namely social media and radio.

1. The LPG governing regulations under the Petroleum Act 2019 legal Notice (LN) 100 require that the application of a for the construction of an LPG storage facility be accompanied by a raft of requirements (see regulation 9, section 11 & 5).

2. LN 100 the application for the EPRA construction permit for LPG storage facility to be accompanied by a detailed layout plan that complies with the Kerosin Standard (KS) which outlines in detail the various components comprising the total installation where these facilities must be installed at specific and predetermined minimum distances (safety distances) in relation to each other. See LAS 924 of 2018 on the handling, storage and distribution of LPG in domestic, commercial and industrial installations Part 1 Storage and filling sites for refilling LPG containers of capacity not exceeding 150l.



Wanjiku Manyara
General Manager

ANNEX 7

SUBMISSION FROM
ENERGY DEALERS
ASSOCIATION



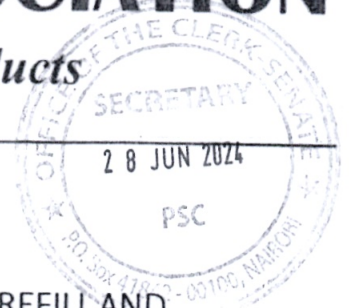
ENERGY DEALERS ASSOCIATION

Dealers in Gas & Petroleum Products

All correspondence through the General Secretary

TO: THE SENATE STANDING COMMITTEE ON ENERGY

SUBJECT: ADDRESSING ZONING AND SAFETY CONCERNS FOR LPG REFILL AND STORAGE FACILITIES



Dear Members of the Senate Standing Committee on Energy,

I am writing to you on behalf of the Energy Dealers Association (EDA) to bring to your attention the urgent issues facing two of our members, Green Energy and Crescent Energy Limited. These companies, initially established in areas designated for industrial purposes, have found themselves surrounded by residential developments due to rapid urban expansion. This situation has led to significant safety concerns and financial losses for our members.

① Dstc

Kindly deal.

28/06/2024

The Energy and Petroleum Regulatory Authority (EPRA) recently imposed a 200-meter safety distance regulation without prior consultation or legal backing, following the unfortunate MRADI fire incident. Despite numerous visits and communications with EPRA, our efforts have not yielded any positive outcomes. Our members have implemented all mitigation measures as stipulated in the Kenya Bureau of Standards (KEBS) safety standards. However, the imposed regulation continues to impact their operations adversely.

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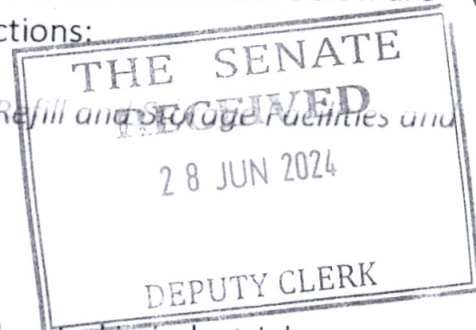
01/07/2024

We respectfully seek the intervention of the Senate Standing Committee on Energy to address these issues and provide relief to our members. Below are our detailed recommendations and proposed actions:

③ Dr. Sagini

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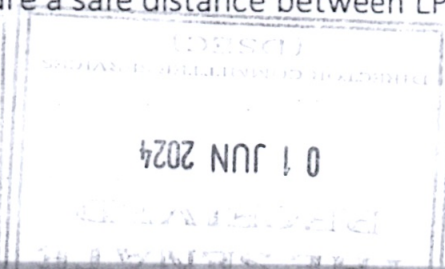
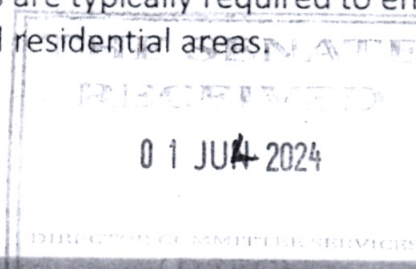
1. Zoning Considerations in the Location of LPG Refill and Storage Facilities and Residential Areas



Current Zoning Policies:

- LPG refill and storage facilities are ideally located in industrial zones to minimize risk to residential populations.
- Buffer zones are typically required to ensure a safe distance between LPG facilities and residential areas.

Challenges:



- Rapid urban development has resulted in residential areas encroaching upon previously industrial zones.
- Current zoning regulations have not been updated to reflect these changes, leading to safety concerns.

Recommendations:

- Implement stricter zoning regulations to enforce the separation of LPG facilities from residential areas.
- Regularly update zoning maps to reflect current urban developments.
- Establish mandatory buffer zones around LPG facilities, with specific distance requirements based on the storage capacity and associated risks.

2. recommendations for Existing LPG Reg. and Storage Facilities in Evolved Residential Areas

Current Situation:

- Green Energy and Crescent Gas are two members of the EDA whose facilities are now surrounded by residential developments despite being initially zoned in industrial areas.
- The Energy and Petroleum Regulatory Authority (EPRA) reacted by imposing a 200-meter safety distance without consultation, following the MRADI fire incident. This regulation is not supported by existing law.

Mitigation Factors:

- Both Green Energy and Crescent Gas have implemented mitigation measures as outlined in the Kenya Bureau of Standards (KEBS) safety standards.

Recommendations:

- Relocate high-risk LPG facilities to designated industrial zones with appropriate support from the government.
- Provide financial and logistical support for the relocation of these facilities.
- For facilities that cannot be relocated, enhance safety measures such as advanced leak detection systems, fire suppression systems, and regular safety drills.
- Engage in constructive dialogue with EPRA to find mutually acceptable solutions that adhere to KEBS standards.

3. Proposed Regulations and Safety Standards in Response to Frequent Gas Explosions

Current Safety Standards:

- Existing regulations may be outdated or insufficient to address the scale of LPG usage and storage today.

Recommendations:

- Update safety regulations to include modern best practices and technologies.
- Mandate regular safety audits and compliance checks for all LPG facilities.
- Enforce strict penalties for non-compliance with safety standards.
- Introduce a certification program for LPG handling and storage personnel to ensure they are adequately trained.

4. Proposed Interventions for Public Awareness and Safety

Current Public Awareness:

- Public awareness regarding LPG safety is often limited, leading to improper handling and storage practices.

Recommendations:

- Launch comprehensive public awareness campaigns focusing on LPG safety practices.
- Develop educational programs and materials, including brochures, workshops, and online resources, to inform the public about safe LPG usage and emergency procedures.
- Collaborate with local community organizations and media to disseminate safety information widely.

5. Additional Recommendations

Community Engagement:

- Establish a community liaison program to facilitate communication between LPG facility operators and local residents.
- Encourage community involvement in safety planning and emergency response drills.

Technological Advancements:

- Invest in research and development of safer LPG storage and handling technologies.
- Encourage the adoption of smart monitoring systems for real-time detection of leaks and other hazards.

Legislative Support:

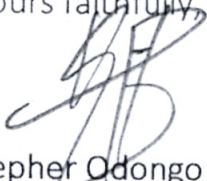
- Advocate for the enactment of laws that support the safe operation of LPG facilities and protect residential areas from associated risks.
- Lobby for government incentives to support the adoption of enhanced safety measures and the relocation of high-risk facilities.

CONCLUSION

The Energy Dealers Association urgently requests the intervention of the Senate Standing Committee on Energy to address the challenges faced by Green Energy and Crescent Gas due to the unplanned encroachment of residential areas. The imposition of a 200-meter safety distance by EPRA, without legal support or consultation, has resulted in significant financial losses for these companies. By implementing the proposed recommendations, updating regulations, and enhancing public awareness, we can ensure the safe and sustainable operation of LPG facilities while protecting residential communities.

We appreciate your attention to this critical matter and look forward to your support and intervention.

Yours faithfully,



Kepher Odongo
Secretary General
Energy Dealers Association