

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (NOISE AND EXCESSIVE VIBRATION POLLUTION) (CONTROL) REGULATIONS, 2009

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LEGAL NOTICE NO. 61

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
ACT (No 8 OF 1999)

IN EXERCISE of the powers conferred by section 147 of the Environmental Management and Coordination Act, the Minister for Environment and Mineral Resources makes the following Regulations-

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (NOISE AND EXCESSIVE
VIBRATION POLLUTION) (CONTROL) REGULATIONS, 2009

Citation.

PART I- PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2009.

Interpretation. 2. In these Regulations, unless the context otherwise requires-

“action plan” means a plan designed for the purpose of managing noise or excessive vibrations and their effects, including reduction of noise or excessive vibrations;

“Authority” means the National Environment Management Authority established under Section 7 of the Act;

“Commercial zone” means any place where goods and services are exchanged, bought or sold;

“construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, mowing, land-clearing, earth-moving, landscaping, grading, excavating, laying of pipes and conduits whether above or below ground level, road, railway and highway building, concreting, installation and alteration of equipment, and the structural installation of construction components and materials in any form or for any purpose that includes any work in connection with the construction;

“dB(A)” means decibels of noise, measured with an A-weighted filter;

“decibe” means a dimensionless unit used in comparison of the magnitude of sound pressure or power;

“intermittent noise” means a noise whose level suddenly drops to several times the level of the background noise;

“intrusive noise” means external noise, or noise from another part of the building, which penetrates the structural defences of a room or building;

“lead agency” means any Government ministry, department, parastatal, state corporation or local authority, in which any law vests functions of control or management of any element of the environment or natural resources;

“mapping” means the presentation of data on an existing or predicted noise or excessive vibration situation, indicating breaches of any relevant limit value in force, the number of people affected in a certain area or the number of dwellings exposed to certain values of noise or excessive vibration limit in a certain area;

“mapping-body” means a noise-mapping or excessive vibration- mapping body as designated in Regulation 22 of these Regulations;

“noise” means any undesirable sound that is intrinsically objectionable or that may cause adverse effects

on human health or the environment.

“noise pollution” means the emission of uncontrolled noise that is likely to cause danger to human health or damage to the environment.

“place of entertainment” means premises or any other place where activities including amusement, enjoyment, playing of music, dancing, performing of shows take place;

“property boundary” means the surveyed line at ground surface which separates the facility owned, rented or leased by one or more persons from any other such facilities.

“silent zone” means designated area that includes health facilities, educational and research institutions, courts, and any other area declared as such by the Authority;

“sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium.

“sound source” means any person or thing from which sound is emitted

“Tribunal” means the National Environment Tribunal established under section 125 of the Act;

“vibration” means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

‘excessive vibration’ means the presence of vibration which-

(a) is of such intensity, duration, frequency or character as to annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or to damages or tend to damage personal or real property; and,

(b) exceeds 0.5 centimetres per second beyond any source property boundary or 30 metres from any moving source.

General Prohibitions. PART II - GENERAL PROHIBITIONS

3.(1) Except as otherwise provided in these Regulations, no person shall make or cause to be made any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment.

(2). In determining whether noise is loud, unreasonable, unnecessary or unusual, the following factors may be considered-

(a) time of the day;

(b) proximity to residential area;

- (c) whether the noise is recurrent, intermittent or constant;
- (d) the level and intensity of the noise;
- (e) whether the noise has been enhanced in level or range by any type of electronic or mechanical means; and,
- (f) whether the noise can be controlled without much effort or expense to the person making the noise.

(3). Any person who contravenes the provisions of this Regulation commits an offence.

Excessive vibrations. 4.(1) Except as otherwise provided in these Regulations, no person shall-

(a) make or cause to be made excessive vibrations which annoy, disturb, injure or endanger the comfort, repose, health or safety of others and the environment; or

(b) cause to be made excessive vibrations which exceed 0.5 centimetres per second beyond any source property boundary or 30 metres from any moving source;

(2). Any person who contravenes the provisions of this Regulation commits an offence.

Permissible noise levels. 5. No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set in the First Schedule to these Regulations, unless such noise is reasonably necessary to the preservation of life, health, safety or property.

Measurement and control. 6. (1) No person shall cause noise from any source which exceeds any sound level as set out in the applicable column in the First Schedule to these Regulations.

(2) Measurements shall be taken by the relevant lead agency.

(3) In any cases where there is no relevant lead agency to take the measurements, or where the lead agency has failed to take action after being given reasonable notice by the Authority, the measurement shall be taken by a person duly authorized by the Authority, who is knowledgeable in the proper use of the measuring equipment.

(4) The Authority in consultation with the relevant lead agency may issue guidelines for the measurement of noise and excessive vibration.

(5) Any person who makes noise in excess of the prescribed levels commits an offence.

Exemptions. 7. These Regulations shall not apply to-

(a) the emission of noise for the purpose of alerting persons to the existence of an emergency;

(b) the emission of noise in the performance of emergency response;

(c) the emission of noise in connection with the protection of the health and safety of residents or their property during emergency conditions;

(d) warning devices necessary for the protection of public safety, such as police, fire and ambulance sirens, and train horns; or

(e) Parades and national celebrations.

Radio, TV, other sound amplifying devices PART III- PROVISIONS RELATING TO NOISE FROM CERTAIN SOURCES

8 (1) No person shall use or operate any radio or receiving set, musical instrument, phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that the, noise from the device-

(a) interferes with the comfort, repose, health or safety of members of the public;

(b) creates a risk thereof, within any building or, outside of a building, at a distance of 30 meters or more from the source of such sound; or

(c) interferes with the conversation of members of the public who are 30 meters or more from the source of such sound.

(2) Any person who contravenes this Regulation commits an offence.

(3) For the purposes of this Regulation, “ person” includes -

(a) in the case of an offence that occurs on any public property where permission was obtained to use that public property, the person or persons who obtained permission to utilize that property for that event.

(b) in the case of an offence that occurs on private property, any adult person or persons who live in or on the property that is involved in the offence; and

(c) in the case of an offence that occurs after granting of a license pursuant to this Regulation, the person or persons who are listed on the license.

Parties and social events. 9 (1). Any person in charge of a party or other social event which occurs on any private or public property shall ensure that the party or event does not produce noise in a loud, annoying or offensive manner such that noise from the party interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, or recklessly creates the risk thereof, at a distance of 30 meters or more from the source of such sound.

(2) Any person who contravenes this Regulation commits an offence.

(3) For the purposes of this Regulation, a "person in charge of a party or other social event"-

(a) that occurs on any public property shall include the person or persons who obtained permission to utilize that property for that event;

(b) that occurs on private property shall include the person who owns the premises involved and any adult

person who lives in or on the premises involved in such party or social event;

(c) shall include the person who is listed on a permit issued by the Commissioner of Police, Local Authority or Provincial Administration with respect to such event.

Hawkers, peddlers, touts street preachers. 10 (1) No person shall-

(a) preach, tout, advertise, promote or sell any goods; or

(b) engage in any commercial activity,

in such manner as to emit noise by shouting within the Central Business District of any town, a residential area, a silent zone, or any other area declared as a silent zone by the Authority,

Provided that the provisions of this Regulation shall not be construed to prohibit the selling by shouting of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

(2) Any person who contravenes this Regulation commits an offence.

Machinery. 11 (1) Any person wishing to-

(a) operate or repair any machinery, motor vehicle, construction equipment or other equipment, pump, fan, air-conditioning apparatus or similar mechanical device; or

(b) engage in any commercial or industrial activity,

which is likely to emit noise or excessive vibrations shall carry out the activity or activities within the relevant levels prescribed in the First Schedule to these Regulations.

(2) Any person who contravenes this Regulation commits an offence.

Noise from motor vehicles.

Sub. Leg. 12 (1) No person shall operate a motor vehicle which-

(a) produces any loud and unusual sound; and

(b) exceeds 84 dB(A) when accelerating.

(2) No person shall at any time sound the horn or other warning device of a vehicle except when necessary to prevent an accident or an incident.

3) The provisions of the Traffic Rules shall apply to this Regulation.

(4). Any person who contravenes the provisions of this Regulation commits an offence.

Construction at night. 13 (1) Except for the purposes specified in sub-Regulation (2) hereunder, no person shall operate construction equipment (including but not limited to any pile driver, steam shovel, pneumatic hammer, derrick or steam or electric hoist) or perform any outside construction or repair work so as to emit noise in excess of the permissible levels as set out in the Second Schedule to these Regulations.

(2). This Regulation shall not be deemed to prohibit-

(a) any work of an emergency nature;

(b) work of a domestic nature on buildings, structures or projects being undertaken by a person residing in such premises; or

(c) public utility construction, or, with respect to construction of public works, projects exclusively relating to roads, bridges, airports, public schools and sidewalks:

Provided that, if any domestic power tool, including but not limited to mechanically powered saws, sanders, grinders and lawn and garden tools used outdoors, is operated during the nighttime hours, no person shall operate such machinery so as to cause noise within a residential building or across a residential real property boundary where such noise interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, at 30 meters or more from the source of the sound.

Noise, excessive vibrations from construction, demolition, mining or quarrying sites. 14 (1) Where defined work of construction, demolition, mining or quarrying is to be carried out in an area, the Authority may impose requirements on how the work is to be carried out including but not limited to requirements regarding -

(a) machinery that may be used, and

(b) the permitted levels of noise as stipulated in the Second and Third Schedules to these Regulations.

(2) The relevant lead agency shall ensure that mines and quarries where explosives and machinery used are located in designated areas and not less than two kilometers away from human settlements.

(3) Any person carrying out construction, demolition, mining or quarrying work shall ensure that the vibration levels do not exceed 0.5 centimetres per second beyond any source property boundary or 30 metres from any moving source.

(4) Any person who contravenes sub-regulations (1) and (3) of this Regulation commits an offence.

Environmental Impact Assessment. 15. Any person intending to carry out construction, demolition, mining or quarrying work shall, during the Environmental Impact Assessment studies-

- (a) identify natural resources, land uses or activities which may be affected by noise or excessive vibrations from the construction, demolition, mining or quarrying;
- (b) determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction, demolition, mining or quarrying noise or vibration impacts; and
- (c) incorporate the needed abatement measures in the plans and specifications.

Licence. PART IV- PROVISIONS RELATING TO LICENSING PROCEDURES FOR CERTAIN ACTIVITIES

16. (1). Where a sound source is planned, installed or intended to be installed or modified by any person in such a manner that such source shall create or is likely to emit noise or excessive vibrations, or otherwise fail to comply with the provisions of these Regulations, such person shall apply for a licence to the Authority.

(2). No person shall use any sound-amplifying equipment in such a way that such equipment is or is likely to be heard outside of any building between 9:00 p.m. of any day and 7:30 a.m. of the next day, without a valid license.

(3). Where any person uses or plans to use a public-address system which is likely to emit sound outside of a building, such person shall secure a license under these Regulations.

(4). An application for the license shall provide the following information-

(a) the reasons for such usage, including a demonstration as to why it is desirable or necessary that the sound source involved be authorized by a licence pursuant to this Regulation;

(b) plans and specifications of the use;

(c) noise-abatement and control methods to be used with respect to the sound source involved;

(d) the period of time during which the license shall apply.

(e) the name of the person(s) who is responsible for ensuring that the activity complies with any license issued for it pursuant to this Regulation; and

(f) evidence that notification of the application for the license has been given to each person reasonably expected to be affected by the noise, the content of such notification and the manner in which such

notification has been given, if the event is not a community-wide or public event.

Provided that the notification shall state that any person objecting to the granting of such a license may contact the appropriate office to whom the application is being made to express his/her opposition to the granting of the license.

(5) Any licence granted shall state that the licence only applies to these Regulations.

Additional powers to the lead agencies. 17. In order to further the purposes of these Regulations and to facilitate compliance and enforcement, the relevant lead agencies shall have power to attach such other conditions in relation to these Regulations as they may deem necessary to a license or permit issued thereunder.

Application to be made to the Authority. 18 (1). An application for a license shall be made to the Authority in the form prescribed in the Fourth Schedule to these Regulations and shall be accompanied by the prescribed fee.

(2) When determining if a licence should be issued, the factors the Authority shall consider shall include but shall not be limited to -

(a) the level of the noise or excessive vibrations;

(b) the proximity of the noise or excessive vibrations to accommodation or residential facilities;

(c) the time of the day or night the noise or excessive vibrations occur;

(d) the time duration of the noise or excessive vibrations;

(e) the impact of the noise on persons living or working in different places or premises who are affected by the noise or excessive vibrations;

(3) The Authority shall process the application for a licence within two (2) days from the date of receipt of the application, failure to which the applicant shall be free to proceed with the activity in respect of which the application is made.

(4) A license shall contain requirements relating to the manner in which the activities are to be carried out and may, in particular specify:-

(a) the equipment or material to be used;

(b) the hours during which the activities may be carried out;

(c) the level of noise or vibrations which may be emitted in excess of the permissible levels;

(d) the activities and the method by which they are to be carried out; and

(e) the steps proposed to be taken to minimize noise or excessive vibrations resulting from the activities.

(5) The Authority shall issue a license in the form prescribed in the Fifth Schedule to these Regulations.

(6) A license issued under this Regulation shall be valid for a period not exceeding seven (7) days.

Permits for fireworks, demolition, firing ranges and specific heavy duty industry.

19 (1).No person shall carry out activities relating to fireworks, demolitions, firing ranges or specific heavy industry without a valid permit issued by the Authority.

(2) An application for a permit shall be made to the Authority in the form prescribed in the Sixth Schedule to these Regulations and shall be accompanied by the prescribed fee.

(3) The Authority may, on receiving an application , issue the applicant with a permit to carry out fireworks, demolitions, firing ranges and specific heavy industrial work, in the form set out in the Seventh Schedule to these Regulations, on such terms and conditions as may be contained in the permit.

(4) A permit to carry out activities such as fireworks, demolitions, firing ranges and specific heavy industry shall be valid for a period not exceeding three months.

(5) Any person who contravenes the provisions of this Regulation commits an offence.

Noise from workplaces

L.N. 24/2005 20. The provisions of The Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005 shall apply mutatis mutandis to these Regulations.

Appeals to the Tribunal. 21. Any applicant who is aggrieved by the refusal of the Authority to grant a license or a permit may appeal to the Tribunal.

Noise and excessive vibrations mapping bodies. PART V-MAPPING OF NOISE AND EXCESSIVE VIBRATIONS

22.The following shall be the designated mapping bodies for the purpose of making and approving strategic noise or vibration maps:

- (a) the Ministry responsible for physical planning;
- (b) local authorities;

- (c) for railways, the Kenya Railways Corporation;
- (d) for airports, the Kenya Airports Authority;
- (e) for mines and quarries, the Mines and Geology Department;
- (f) for weather and instrumentation, the Meteorological Department;
- (g) the Kenya Bureau of Standards; and,
- (h) for major roads-
 - (i) where such roads are classified as national roads in accordance with the Kenya Roads Act, 2007, Highway Act, the Kenya Roads Board; and
 - (ii) for any other road, the relevant local authority;
- and
- (i) such other body or institution as the Minister may deem appropriate.

Strategic noise and excessive vibrations maps. 23. (1) Each mapping body shall make a strategic noise or vibration map for its area.

(2) Each mapping body shall review its strategic noise or vibration map every five years from the date on which the strategic noise or vibration map was made, or earlier where there is significant change in land use or noise or vibration level.

(3) A strategic noise or excessive vibration map shall satisfy the minimum requirements set out in the Eighth Schedule to these Regulations.

(4) Every mapping body shall take immediate action to mitigate any significant noise or excessive vibration that may cause damage to the environment or human beings.

Action plans. 24 (1) Each mapping body shall prepare an action plan relevant to its area.

(2) An action plan shall-

- (a) satisfy the minimum requirements set out in the Ninth Schedule to these regulations; and
- (b) aim to protect silent zones.

(3) A mapping body shall ensure that-

- (a) the public is consulted on proposals for each action plan;
- (b) the public is given early and effective opportunities to participate and review action plans;
- (c) a time limit not exceeding sixty (60) days is given for the submission of written comments by the public;
- (d) the results of public participation are taken into account in finalizing action plans or review of action

plans;

(e) the public is informed of the decision taken in relation to action plans;

(f) reasonable time frames are adopted to allow sufficient time for each stage of public participation.

(4) An action plan shall be reviewed every five years after the date on which it was made or last reviewed, provided that an action plan may be reviewed earlier in the event of a material change in land use or noise or vibration level in the area concerned.

Improvement notice. 25 (1) Where an Environmental Inspector has reasonable cause to believe that any person is emitting or is likely to emit noise or excessive vibration in any area in excess of the maximum permissible levels, or is causing or is likely to cause annoyance, the Environmental Inspector may, with the approval of the Director-General, in consultation with the relevant lead agency, serve an improvement notice on that person in the form prescribed in the Tenth Schedule, directing all or any or all of the following:-

(a) the cessation of the noise or excessive vibration, or prevention or discontinuance of any annoyance, or prohibiting or restricting its occurrence or reoccurrence;

(b) compliance with the permissible noise or excessive vibration levels;

(c) the reduction of the level of noise or excessive vibration emanating from the premises to a level specified in the notice;

(d) requiring the carrying out of an environmental audit;

(e) compelling a lead agency to take measures to prevent, discontinue or stop the emission of the noise or excessive vibration;

(f) the prevention of any subsequent increase in the level of noise or excessive vibration emanating from the premises or area;

(g) issue such directions intended to contribute to the reduction of emission of noise or excessive vibration from or within the vicinity of a specified area;

(h) the execution of such works, and the taking of such steps, as may be specified in the notice; or

(i) carrying out of any other order as may be issued.

(2) Any person who fails or refuses to not comply with the conditions in an improvement notice commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding more than twenty four months, or to both.

Closure Notice. 26. Where there is continuous emission of noise or excessive vibration after the Environmental Inspector has issued an improvement notice, the Environmental Inspector may, with the approval of the Director General, and in consultation with the relevant lead agency, order the closure of an establishment or undertaking emitting such noise or excessive vibration.

Existing activities.

27. Any person carrying out activities that emit noise or excessive vibration immediately before the coming into force of these Regulations shall, within six months from the coming into force thereof, these Regulations, take all necessary measures to ensure full compliance with these Regulations.

General penalty. 28. Any person who contravenes any of the provisions of these Regulations, for which no penalty is stipulated, commits an offence and is liable, upon conviction, to a fine not exceeding more than three hundred and fifty thousand shillings or to imprisonment for a term not exceeding eighteen months or to both.

FIRST SCHEDULE (Regulation 5, 6 (1), 11 (1))

MAXIMUM PERMISSIBLE NOISE LEVELS

Zone Sound Level Limits dB(A)
(Leq,14 h) Noise Rating Level (NR)
(Leq,14 h)

Day Night Day Night

A. Silent Zone

40 35 30 25

B Places of worship

40 35 30 25

C. Residential : Indoor

Outdoor

45

50 35

35 35

40 25

25

D. Mixed residential (with some commercial and places of entertainment)

55 35 50 25

E. Commercial

60 35 55 25

Time Frame

Day: 6.01 a.m. – 8.00 p.m. (Leq, 14 h)

Night: 8.01 p.m. – 6.00 a.m. (Leq, 10h)

SECOND SCHEDULE(R. 13 (1), 14 (1) (b))

MAXIMUM PERMISSIBLE NOISE LEVELS FOR CONSTRUCTION SITES
(Measurement taken within the facility)

Facility Maximum Noise Level Permitted (Leq) in dB(A)

Day Night

(i) Health facilities, educational institutions, homes for disabled etc. 60 35

(ii) Residential 60 35

(iii) Areas other than those prescribed in (i) and (ii) 75 65

Time Frame:

Day: 6.01 a.m. – 6.00 p.m. (Leq, 14 h)

Night: 6.01 p.m. – 6.00 a.m. (Leq, 14 h)

THIRD SCHEDULE(R. 14 (1) (b))

MAXIMUM PERMISSIBLE NOISE LEVELS FOR MINES AND QUARRIES
(Measurement taken within the facility)

Facility Limit Value in dB (C) Max

1. For any building used as a health facilities, educational institutions, convalescent home, old age home or residential building

109 dB (C)

2. For any building in an areas used for residential and one or more of the following purposes: commerce, small-scale production, entertainment, or any residential apartment in an area that is used for purposes of industry, commerce or small-scale production, or any building used for the purpose of industry, commerce or small-scale production. 114 dB (C)

FOURTH SCHEDULE(R 18 (1))

APPLICATION FOR A LICENSE TO EMIT NOISE/ VIBRATIONS IN EXCESS OF PERMISSIBLE LEVELS

1. Name of Applicant:.....

Address:.....

ID No. / Passport No.....

Tel.:.....Mobile:.....

Fax.....E-mail:

2. Physical Address of Premises or facility where Noise/Excessive vibrations will be produced:

.....

.....

(Sub-location, Location, Division, District, Street, House Number)

3. Source of noise.....

Activity/Purpose.....

Predicted levels:

4. Describe the neighborhood within a radius of 2 kms (describe whether industrial, residential, commercial and whether it is near a school, hospital or residential area):

.....

.....

.....

.....

.....

5. State the measures intended to be used in controlling the noise/excessive vibrations (may attach separate sheet):

.....
.....
.....
.....

6. Intended time of noise/ excessive vibrations emission (indicate time of day):

.....
.....

Date: Signature of Applicant:

FOR OFFICIAL USE ONLY

Date received

Fees paid

Approved / Not Approved

Comments

.....
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.....
.....

Officer Sign Date

Countersigned Date

FIFTH SCHEDULE (R. 18 (5))

LICENSE TO EMIT NOISE/ VIBRATIONS IN EXCESS OF PERMISSIBLE LEVELS

License No. NEMA/LNC/ (NAME).....

of

(Address)

Is hereby licensed to cause emission or emit noise/excessive vibrations in excess of the permissible noise levels at.....

.....
(Location, Street, District)

Activity:

This License is valid from:/...../20..... to/...../20..... from the hours of to of each day.

This License is granted subject to the following conditions:-

1.

.....
.....

2.

.....
.....

3.

.....
.....

Date:Signature:

(Seal)

.....

DIRECTOR GENERAL

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

SIXTH SCHEDULE(R 19 (2))

APPLICATION FOR A PERMIT TO CARRY OUT ACTIVITIES

☐ FIREWORKS

☐ DEMOLITIONS

☐ FIRING RANGES

☐ SPECIFIC HEAVY INDUSTRIES

OTHER (SPECIFY)

1. Name of Applicant:

.....

Address:

ID No. / Passport No.....

Tel:Mobile:

Fax.....E-mail:.....

Personal Identification No. (PIN):.....

2. Physical Address of Premises or facility where Noise will be produced:

.....
.....

(Sub-location, Location, Division, District, Street, House Number)

3. Source of noise.....

Activity/ Purpose

Predicted levels.....

.....

4. Describe the neighborhood within a radius of 2 kms (describe whether industrial, residential, commercial and whether it is near a school, hospital or residential area):

.....
.....
.....

5. State the measures intended to be used in controlling the noise (may attach separate sheet):

.....
.....
.....
.....

6. Intended time of noise emission (indicate time of day):

.....
.....

Date: Signature of Applicant:

FOR OFFICIAL USE ONLY

Date received.....

Fees paid.....

Approved/ Not Approved.....

Comments

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.....

Officer Sign Date

Countersigned.....Date

SEVENTH SCHEDULE(R.19 (3))

PERMIT TO EMIT NOISE IN EXCESS FOR THE FOLLOWING ACTIVITIES

☐ FIREWORKS

☐ DEMOLITIONS

☐ FIRING RANGES

☐ SPECIFIC HEAVY INDUSTRIES

OTHER (SPECIFY).....

Permit No. NEMA/PNC/ (NAME).....

of (Address)

Is hereby permitted to cause emission or emit noise in excess of the permissible noise levels

at.....

.....

(Location, Street, District)

Activity: Fireworks/ Demolition/ Firing range/ Heavy industry*(specify)

This Permit is valid from:/...../20..... to/...../20.....from the
hours of to of each day.

This Permit is granted subject to the following conditions:-

1. This Permit shall be for the period provided in the validity clause above.

2.....

.....

3.....

.....

Date.....Signature:

(Seal)

.....

DIRECTOR GENERAL

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

EIGHTH SCHEDULE Regulation 23 (3)

MINIMUM REQUIREMENTS FOR STRATEGIC NOISE AND EXCESSIVE VIBRATIONS MAPPING

1. A strategic noise or excessive vibration map is the presentation of data on the following aspects-
 - (a) an existing, previous or predicted noise or excessive vibration situation in terms of a noise or vibration level;
 - (b) the exceeding of a limit value;
 - (c) the estimated number of buildings, educational institutions and health facilities in a certain area that are exposed to specific noise or excessive vibration levels;
 - (d) the estimated number of people located in an area exposed to noise or excessive vibration.
 - (e) The mitigation measures for minimizing the noise or excessive vibration.
2. strategic noise or excessive vibration maps may be presented to the public as-
 - (a) graphical plots
 - (b) numerical data in tables, or
 - (c) numerical data in electronic form

NINTHSCHEDULE (R 24 (2) (a))

MINIMUM REQUIREMENTS FOR ACTION PLANS

1. An action plan shall indicate the following elements-
 - (a) A description of the local authority, the major road, the railway or airport and other noise or excessive vibrations sources taken into account;
 - (b) The responsible lead agency;
 - (c) The legal context;
 - (d) Any statutory limit values in place;
 - (e) a summary of the results of the noise or excessive vibration mapping
 - (f) a record of the public consultations organized
 - (g) any noise or excessive vibration reduction measures already in force and any projects in preparation;
 - (h) actions which the mapping body intends to take in the next five years, including any measures to preserve silent areas;
 - (i) long-term strategy

2. The actions which the mapping body intends to take in the field within its competence may include-

- (a) traffic planning;
- (b) land- use planning;
- (c) technical measures at noise or excessive vibration sources;
- (d) selection of quieter sources;
- (e) reduction of sound transmission;
- (f) regulatory or economic measures or incentives;
- (g) Procedure for carrying out an activity.

TENTH SCHEDULE(R. 25 (1))

IMPROVEMENT NOTICE

Form NEMA/NC

To:
.....

TAKE NOTICE that on the of 20 an Environmental Inspector carried out an inspection of your establishment/facility located in
.....
.....(physical address) where it was found that you or your agents were generating or producing noise/ excessive vibration in excess of the permissible levels in contravention of the Environmental Management and Co-ordination (Noise and Excessive Vibration Pollution Control) Regulation, 2008.

The Environmental Inspector particularly found the following:

- 1.....
.....
 - 2.....
.....
 - 3.....
.....
 - 4.....
.....
- (attach more paper if necessary)

You ARE HEREBY DIRECTED to reduce the noise/ excessive vibration levels to the permissible levels in the above mentioned facility/establishment within a period ofhours/ days from the date of this Notice.

You ARE NOTIFIED THAT in accordance with Sections 137 and 140 of the Environmental Management and Coordination Act, 1999, failure to comply with this Notice shall result in criminal prosecution being instituted against you and/or your agent or both.

Name:

Signature:

ENVIRONMENTAL INSPECTOR

c.c.

ELEVENTH SCHEDULE (R 18 (1) 19 (2))

FEES

Application for a license.....	Kshs. 200
License.....	Kshs.2,000
Application for a permit	Kshs. 500
Permit.....	Kshs.5,000

DATED ON THE 2009

JOHN N. MICHUKI

Minister for Environment and Mineral Resources.