

Legal Notice No.....

THE ENERGY ACT (No. 1 of 2019)

IN EXERCISE of the powers conferred by Sections 75 and 208 of the Energy Act, 2019, the Cabinet Secretary makes the following regulations:—

THE ENERGY (BIOFUELS) REGULATIONS, 2025

PART I – PRELIMINARIES

Short title 1. These regulations may be cited as the Energy (Biofuels) Regulations, 2025.

Interpretation 2. In these regulations, unless the context otherwise requires —

No 1 of 2019 “Act” means the Energy Act.

“Authority” has the meaning assigned to it under the Act.

“biofuel” means bioethanol, biodiesel or biogas, produced through biological, and/or chemical conversion of organic matter for industrial heating applications, cooking, transport and electricity generation.

“blending” means the mixing of biofuels with a petroleum product.

“distribution” means the supply of biofuels through piped networks, tankers, barrels or such other authorised means from the producer to third parties or end consumers.

Cap 496 “Kenya Standard” means a specification or code of practice declared by the Council under the Standards Act.

“licensee” means the holder of a licence issued under these Regulations;

Application 3. These regulations shall apply to the production, importation, exportation, transportation, storage, packaging, blending, distribution and sale of biofuels.

4. The purpose of these regulations is to promote the adoption and use of biofuels by enforcing standards and ensuring fair business practice in the biofuels value chain.

PART II – CONSTRUCTION PERMIT FOR A BIOFUEL PRODUCTION FACILITY

Requirement for a Construction Permit

5. (1) A person shall not construct a biofuel production facility unless issued with a construction permit under these regulations.
- (2) Sub regulation (1) shall not apply to a person constructing a biogas plant that produces less than 12 m³ per day or a biodiesel plant that produces less than 100 litres per month.
- (3) A person who undertakes the construction of a biofuels production facility without a construction permit commits an offence.

Application for a construction permit for a Biofuels production facility.

6. (1) A person who intends to construct a biofuels production facility shall make an application for a construction permit to the Authority.
- (2) The application in sub regulation (1) shall be made in the format set out in the **First Schedule** and accompanied by proof of payment of the application fees set out in the **Second Schedule**.
- (3) The Authority shall process an application for a construction permit and communicate its decision in writing within forty five (45) days.
- (4) Where the Authority rejects an application for a construction permit, it will notify the applicant of the reasons thereof.

Form and validity of construction permit.

7. (1) A permit for construction of a biofuels production facility shall be in the form set out in the **Third Schedule**.
- (2) A permit issued under these regulations shall be valid for a period of two (2) years.
- (3) Upon expiry of the validity period, the permit holder may apply for extension as per the **First Schedule**.
- (4) The Authority shall process the application in sub regulation (3) and communicate its decision in writing within forty five (45) days.
- (5) A construction permit may be suspended or revoked by the Authority for non-compliance with any term or condition thereof within the prescribed period.

Requirements to comply with statutory obligations.

8. The permit holder shall comply with the provisions of the Act and all other applicable laws.

PART III – LICENSING OF BIOFUELS BUSINESSES

Requirement for Licensing

9. (1) A person shall not engage in the production, importation, exportation, transportation, storage, packaging, blending, distribution and sale of biofuels unless licensed by the Authority.
- (2) Sub regulation (1) shall not apply to a person dealing in a biogas plant that produces less than 12 m³ per day or a biodiesel plant that produces less than 100 litres per month for own use.
- (3) An applicant may apply for a licence under the following categories:-
- (a) Category D Licence which shall entitle the holder to engage in the production, importation, exportation,

		transportation, storage, packaging, blending, distribution or sale of biodiesel.
		(b) Category E Licence which shall entitle the holder to engage in the production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of bioethanol.
		(c) Category G Licence, which shall entitle the holder to engage in the production, transportation, storage, packaging, distribution or sale of biogas.
Application for Licences	10.	<p>(1) A person who wishes to be licensed as per regulation 9 shall make an application to the Authority.</p> <p>(2) An application for a licence under these Regulations shall be made in the form set out in the Fourth Schedule, with proof of payment of the application fees set out in the Second Schedule.</p> <p>(3) The Authority shall process an application for a licence and communicate its decision in writing within thirty (30) days.</p> <p>(4) Where the Authority rejects an application for a licence, it will notify the applicant of the reasons thereof.</p> <p>(5) Where the applicant satisfies the requirements under these regulations, the Authority shall issue the applicant with a licence in the form set out in the Fifth Schedule</p>
Validity of License	11.	A licence issued under these Regulations shall be valid for a maximum period of three years.
License Renewal	12.	<p>(1) An application for renewal of a licence shall be made in the form set out in the Fifth Schedule, at least thirty (30) days before its expiry.</p> <p>(2) The application shall be accompanied by the documentation set out in the Fourth Schedule and proof of payment of annual fees specified in the Second Schedule.</p> <p>(3) The Authority shall renew the licence where the application is materially complete and the licensee has continually operated in accordance with the licensing conditions.</p> <p>(4) A licensee who makes a renewal application after the expiry date shall pay the annual fees for the period for which the license was not renewed.</p>
Modification of a licence	13.	<p>(1) A licensee who wishes to change the scope of the licence, shall apply to the Authority for modification of the licence.</p> <p>(2) The application in sub regulation (1) shall be made in the form set out in the Fourth Schedule.</p>
Transfer of Licence	14.	A licensee shall not transfer or otherwise divest any rights, powers or obligations conferred or imposed upon them by the licence without the consent of the Authority.
Suspension or Revocation of a Licence	15.	(1) The Authority may suspend or revoke any licence issued under these regulations where the licensee has breached the provisions of these regulations or any conditions attached to the licence

	<p>(2) The Authority shall give a notice of fourteen (14) days to the Licensee requiring them to show cause as to why the Licence should not be suspended or revoked.</p> <p>(3) The notice to show cause issued in sub regulation (2) shall contain information to enable the licensee know the specific incidence(s) of non-compliance.</p> <p>(4) The Authority shall determine the matter within thirty (30) days from the expiry of the notice.</p> <p>(5) A suspension or revocation of the licence shall not indemnify the licensee of any penalties for which such person may have become liable under these regulations.</p>
General Provisions for Biofuels	<p>16. A licensee shall comply with the Act and all other applicable laws</p> <p>PART IV – GENERAL PROVISIONS FOR BIOFUELS</p> <p>17. The design, construction, operation, maintenance and waste management at biogas production facilities and the distribution of biogas shall comply with the Kenya Standard and be in accordance to the provisions set out in the Sixth Schedule.</p> <p>18. The design, construction, distribution, maintenance, packaging, blending, branding and labelling of biodiesel shall comply with the Kenya Standard and be in accordance to the provisions set out in the Seventh Schedule.</p> <p>19. The design, construction, distribution, maintenance, packaging, safety requirements, labelling of bioethanol shall comply to the Kenya Standard and be in accordance to the provisions set out in the Eighth Schedule.</p>
Blending of Biofuels	<p>20. (1) Licensees may blend bioethanol with premium motor spirit to produce gasohol.</p> <p>(2) The gasohol shall meet the requirements specified in the Kenya Standard KS 515.</p> <p>(3) Blending shall only be carried out at facilities licensed by the Authority in accordance with these regulations.</p> <p>21. (1) Licensees may blend biodiesel with automotive gas oil</p> <p>(2) Pure biodiesel to be blended into automotive gasoil fuel shall meet specifications provided in Kenya Standard KS 2227.</p> <p>(3) The derivatives of the blended diesel shall have properties specified in the relevant Kenya Standard.</p> <p>(4) Blending shall only be carried out at facilities licensed by the Authority in accordance with these regulations.</p>
Import of Bioethanol	<p>22. A licensed person who wishes to import bioethanol shall submit an application for an import permit to the Authority.</p> <p>23. The importation of bioethanol shall be subject to shortfalls in local production.</p>
Register of Licensees Provision of Data	<p>PART V – REGISTER OF LICENCES, PROVISION OF DATA AND REPORTING OF ACCIDENTS</p> <p>24. The Authority shall publish and maintain on its website a register of all licensees under these Regulations.</p> <p>25. (1) A licensee shall submit data on biofuels to the Authority. The data shall include the following: -</p> <p>(a) Quantities of biofuels produced, imported, exported or sold</p>

	(b) List of biofuel dispensing outlets where applicable
	(c) Details of biofuel product origin, destination or use
	(2) The Authority shall prescribe the format and time durations in which the data required under this part shall be provided.
	(3) A licensee shall maintain the records required under this part for a period of at least five years.
	(4) A licensee who provides, authorises or permits to provide misleading or false information to the Authority commits an offense and shall, upon conviction, be liable in accordance with the provision of Section 210 of the Act.
Reporting of Accidents and incidents	26. A licensee under these Regulations shall report to the Authority accidents and incidents pursuant to the provisions of Section 214 of the Act.
Powers of Inspection	PART VI – POWERS OF INSPECTION AND PENALTIES FOR CONTRAVENTION 27. The Authority or its agent may carry out inspection, in relation to the compliance with these regulations and in accordance with the provisions of Section 11 of the Act.
Compliance Orders	28. (1) Where the Authority finds that any provisions of these regulations have been contravened by a licensee or that a condition has arisen which may lead to the contravention of these regulations, the Authority may issue a compliance order. (2) An order issued under sub regulation 1 shall state: - (a) the specific provision(s) which has/have been or are likely to be contravened; (b) the measures which should be taken to rectify the contravention; (c) the potential consequences for non-compliance; and (d) the period within which the order shall be complied with.
Local Content Requirements	PART VII – LOCAL CONTENT REQUIREMENTS 29. A Licensee under these regulations shall comply with local content requirements in accordance with the provisions of Section 206 of the Act.
Practising without a Licence or Permit	PART VIII – OFFENCES, FINES AND PENALTIES 30. A person who, without a permit or licence issued by the Authority, undertakes the construction of a biofuel facility, production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of biofuels, commits an offence and shall, upon conviction, be liable to a fine as prescribed under Section 221 of the Act.
Handling of Complaints and Disputes Appeals	PART IX - COMPLAINTS, DISPUTES AND APPEALS 31. Any complaints or disputes between parties under these regulations shall be referred to the Authority for resolution in accordance with the applicable regulations on complaints and disputes resolution. 32. Any person aggrieved by a decision or order of the Authority may appeal to the Energy and Petroleum Tribunal
Transition	PART X - TRANSITION 33. Persons engaged in biofuels businesses before the publication of these regulations shall have one year to comply

FIRST SCHEDULE (r. 6(2), 7(3))

APPLICATION FORM FOR CONSTRUCTION PERMIT

The Director General
Energy and Petroleum Regulatory Authority
P.O. Box 42681, 00100 GPO
NAIROBI

I/We

.....
hereby apply for a construction permit in accordance with the Energy (Biofuels) Regulations 2025 for the production of;

- ☐ Biogas
☐ Biodiesel
☐ Bioethanol

(Please tick (✓) as appropriate)

I/ We commit to carry out the business in accordance with the Energy (Biofuels) Regulation 2025 applicable standards, guidelines and any rules and by-laws for the time being in force thereunder.

Purpose of application

New Application ☐ Extension ☐ (Please tick (✓) as appropriate)

1. Name of Applicant
2. Details of applicant:
 - a) Income Tax Personal Identification Number:
 - b) Postal Address:
 - c) Email Address:
 - d) Telephone number(s):
 - e) LR/ Plot No.....Building Name.....
 - f) Street/:
 - g) Town/County:
3. Location of business premise(s)
 - a)
 - b)
 - c).....

(Insert additional lines as appropriate)

4. Give full details of proprietors or partners owning business or directors/shareholders of the company, as applicable.

Name

Nationality

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

(Insert additional lines as appropriate)

5. State if you are or any of your partners/directors is adjudged bankrupt. (If so, indicate the names).

- a)
b)
c).....

(Insert additional lines as appropriate)

6. All applications shall be accompanied by copies of the following documents:

- a) Copy of Business Name Registration Certificate or Certificate of Incorporation and Memorandum and Articles of Association in case of a company (whichever is applicable);
- b) Form CR12 from the registrar of companies not older than 12 calendar months from the date of issue;
- c) PIN certificate;
- d) Valid tax compliance certificate from the Kenya Revenue Authority;
- e) Copy of national identification document or passport for all directors;
- f) Certified copy of a valid Work Permit for foreign directors working in Kenya or notarized declaration of non-residence for foreign directors not residing in Kenya;
- g) Proof of occupancy of company's office;
- h) For the project site, provide proof of land ownership (copy of title deed in the name of company/director(s)) or In the case of long-term land lease, copy of duly executed lease agreement in the name of the Company;
- i) Physical planning approval from the county physical planning office;
- j) Environmental & Social Impact Assessment licence from NEMA specifically authorizing development of a Biofuels production facility;
- k) A Feasibility Study to demonstrate the technical viability of the project;
- l) Detailed Specifications and Layout Plans:
 - i) Mechanical engineer's materials & design specifications and associated drawings / facility's operation philosophy (product piping, above-ground tank(s), filling facility, water draw off fittings, high level alarm location, requirements for pump venting; etc)
 - ii) Civil engineer's drawings (all civil works including drainage, Oil Water Separator, bund walls, tank pad/foundation, hard standing surfaces, internal service roads, structures etc)

- iii) Fire suppression systems (firefighting water storage tanks and associated fittings, firewalls etc) which should be accompanied by calculations showing adequacy of the same.
- iv) Electrical and Instrumentation & Controls engineer's drawings (Hazardous area classification, distribution control systems (DCS), data logging systems, Piping and Instrument Diagrams (P &ID))
- m) Certified copies of Professional Registration Certificates for the engineers or professional firm(s) that have undertaken the designs in (l) and Feasibility Study in (k) above.

DECLARATION

I/We hereby, declare that the information I/we have provided in the application is true and accurate. I/We understand that it is an offence to give false information in an application for an approval.

Signature of Applicant Date

Signature of Applicant Date

Signature of Applicant Date

SECOND SCHEDULE (r. 6(2), 10(2), 12(2))

PERMIT AND LICENSE FEES

To obtain a construction permit for a biofuels production facility, the following fees shall apply

Facility	Application Fees (KShs)	Permit grant Fees (KShs)
Biogas	2,000	100 per cubic meter of per day production capacity
Biodiesel	5,000	1,000 per kl of per day production capacity
Bioethanol	5,000	1,000 per kl of per day production capacity

To be licensed as a biofuels business, the following fees shall apply:

Category of licence	Application Fees (KShs)	Annual Licence Fees (KShs)
G	5,000	2,000
D	5,000	10,000
E	5,000	10,000

THIRD SCHEDULE (r. 7(1))
FORM OF CONSTRUCTION PERMIT



THE ENERGY ACT, 2019
BIOFUELS FACILITY CONSTRUCTION PERMIT

PERMIT NO.

Construction Permit is hereby granted to _____ of ***P.O. Box***
_____ to construct the following biofuels Facility (s):

<i>Construction of Biofuel Production facility for:</i>
--

On premises situated at : _____
Plot No. : _____
Street/Market : _____
Town/County : _____
This Permit expires on : _____

Dated this: _____

Signature _____

Director General
Energy & Petroleum Regulatory Authority

Conditions:

1. The site shall be required to display the construction permit number conspicuously on the site;
2. engage only contractors who are licensed by the National Construction Authority for their class of work;
3. comply with the Environmental Impacts Mitigation Plan approved by the National Environment Management Authority;
4. comply with the Government policy on local content;
5.

FOURTH SCHEDULE (r. 10(2), 12(2), 13(2))

APPLICATION FORM FOR BIOFUELS BUSINESS LICENCE

The Director General
Energy and Petroleum Regulatory Authority
P.O. Box 42681, 00100 GPO
NAIROBI

I/We

.....
hereby apply for approval in accordance with the Energy (Biofuels) Regulations 2025 for a Biofuels licence of the following category;

☐ Category D Licence which shall entitle the holder to engage in the production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of biodiesel.

☐ Category E Licence which shall entitle the holder to engage in the production, importation, exportation, transportation, storage, packaging, blending, distribution or sale of bioethanol.

☐ Category G Licence, which shall entitle the holder to engage in the production, transportation, storage, packaging, distribution or sale of biogas.

I/We intend to carry out the following line(s) of business

- ☐ Production
- ☐ Importation
- ☐ Exportation
- ☐ Transportation
- ☐ Storage
- ☐ Packaging
- ☐ Blending
- ☐ Distribution and Sale

(Please tick (✓) as appropriate)

I/ We commit to carry out the business in accordance with the Energy (Biofuels) Regulation 2025 applicable standards, guidelines and any rules and by-laws for the time being in force thereunder.

Purpose of application

New Application ☐ Renewal ☐ Modification ☐ (Please tick (✓) as appropriate)

1. Name of Applicant
2. Details of applicant:
 - a) Income Tax Personal Identification Number:
 - b) Postal Address:
 - c) Email Address:
 - d) Telephone number(s):
 - e) LR/ Plot No.....Building Name.....
 - f) Street/:
 - g) Town/County:

3. Location of business premise(s)

- a)
- b)
- c).....

(Insert additional lines as appropriate)

4. Give full details of proprietors or partners owning business or directors/shareholders of the company, as applicable.

Name	Nationality
.....
.....
.....

(Insert additional lines as appropriate)

5. State if you are or any of your partners/directors is an un-discharged bankrupt. (If so, indicate the names).

- a)
- b)
- c).....

(Insert additional lines as appropriate)

6. All applications shall be accompanied by copies of the following documents:

- a) Copy of Business Name Registration Certificate or Certificate of Incorporation and Memorandum and Articles of Association in case of a company (whichever is applicable);
- b) Form CR12 from the registrar of companies not older than 12 calendar months from the date of issue;
- c) PIN certificate;
- d) Valid tax compliance certificate from the Kenya Revenue Authority;

- e) Copy of national identification document or passport for all directors;
- f) Certified copy of a valid Work Permit for foreign directors working in Kenya or notarized declaration of non-residence for foreign directors not residing in Kenya;
- g) Proof of occupancy of company's office;

7. The following documents shall be provided for the specific line(s) of business:

Production

- i) Feasibility study report
- ii) Physical Planning Approval issued by the respective county government
- iii) Proof of land ownership/lease agreement for the proposed production site
- iv) A valid Environmental and Social Impact Assessment licence issued by the National Environment Management Authority for the facility
- v) Layout Drawings of the facility
- vi) A letter from the Kenya Bureau of Standards as proof of conformity assessment of the product against the applicable Kenya Standard

Importation and Exportation

- i) A letter from the Kenya Bureau of Standards as proof of conformity assessment of the product against the applicable Kenya Standard
- ii) Proof of availability of storage infrastructure for imported products
- iii) Proof of membership to Oil Spill Mutual Aid Group (OSMAG) for category D licenses

Transportation

- i) A valid Motor Vehicle Inspection Certificate for each prime mover and trailer where applicable
- ii) A copy of the Logbook for each prime mover and trailer (Attach a valid lease agreement if vehicle not in the name of the applicant)
- iii) A list of vehicles; paired prime movers and trailers where applicable
- iv) A valid calibration certificate issued by the Department of Weights and Measures for the tank mounted on each trailer where applicable
- v) A Highway Emergency Response Plan
- vi) Fire Clearance Certificate for the vehicle(s) issued by the respective County Fire Department

Storage

- i) Fire Clearance Certificate for the facility issued by the respective County Fire Department
- ii) A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against KS EAS 976 for category D licenses.
- iii) A valid copy of certificate of registration of work place issued by Department of Occupational Safety and Health Services
- iv) A report by a Professional Mechanical Engineer on the designs and suitability of the material of the storage equipment, pipeline, metering system and dispensing equipment used
- v) Valid certificate(s) of calibration of the tank(s) and metering system issued by the Department of Weights and Measures

- vi) An Emergency Response Plan
- vii) Proof of training of at least one (1) employee in the safe handling of flammable fuels from a National Industrial Training Authority approved institution
- viii) A valid Environmental Impact Assessment licence issued by the National Environment Management Authority for the facility

Distribution and Sale

- i) Fire Clearance Certificate for the facility from the respective County Fire Department;
- ii) A valid copy of certificate of registration of work place issued by the Department of Occupational Safety and Health Services;
- iii) A valid certificate of calibration for the storage tank(s) and metering equipment issued by the Department of Weights and Measures;
- iv) A valid certificate of calibration of the biofuel dispensing units' meters from the Department of Weights and Measures;
- v) A pressure test report approved by the Department of Occupational Safety and Health Services for the biodiesel tanks and pipelines at the facility; (not older than 60 months);
- vi) A letter from the Kenya Bureau of Standards as proof of conformity assessment of the product against the applicable Kenya Standard;
- vii) Copy of Applicant's customer complaint handling procedures;

DECLARATION

I/We hereby, declare that the information I/we have provided in the application is true and accurate. I/We understand that it is an offence to give false information in an application for an approval.

Signature of Applicant Date

Signature of Applicant Date

Signature of Applicant Date

FIFTH SCHEDULE (r. 10(5))
BIOFUELS BUSINESS LICENCE

LICENCE

THE ENERGY (BIOFUELS) REGULATION 2025
BIOFUELS BUSINESS LICENSE CATAGORY (.....)

License Number:

This is to Certify that
(NAME OF LICENSEE)

of
Tel/Mobile:

P.O.Box

Code

Town

*Having duly complied with all the requirements of the above
Regulations is hereby licensed to*

(Scope of licence)

Issue and Expiry
Date..... ..

Date

Signature

Director General
Energy and Petroleum Regulatory Authority

Terms & Conditions

GENERAL CONDITIONS

The license is valid for calendar years as provided on the licence issued.

1. Application for licence renewal shall be made at least thirty (30) days before the license expiry date.
2. The licensee shall not transfer or otherwise divest any rights, powers or obligations conferred or imposed on him by the license without permission from the Energy and Petroleum Regulatory Authority.
3. The licensee, manufacturer or importer of consumer devices shall provide the Authority with information on
4. The licensee shall not carry out any work unless the license is valid.

SIXTH SCHEDULE (r. 17)

GENERAL PROVISIONS REGARDING BIOGAS BUSINESSES

1. Design and Construction.

- a. In determining the size of a bio-digester the design shall take into account the available feedstock, the existing and any projected future biogas demand.
- b. The amount of biogas consumption for basic applications shall be as specified in KS 2566-1.
- c. Site selection for domestic and commercial biogas plants shall be determined by the criteria specified in KS 2566-1 and KS 2951 respectively.
- d. The materials used in the construction of biogas plants should withstand the chemical conditions of the feedstock and effluent, weather conditions, corrosion and the weight of the structures.
- e. The design of biogas plants shall take into account cost optimization and safety consideration. The design considerations for domestic and commercial systems are specified in KS 2566-1 and KS 2951 respectively.
- f. The project proponent shall undertake a risk assessment and an evaluation based on occupational health and technical aspects of the biogas project, as required by KS 2566-1 and KS 2951, prior to the construction of a biogas plant.
- g. A biogas plant supplier shall avail to the system owner documentation regarding:
 - i) Overall description of the plant
 - ii) Applicable construction and technical drawings
 - iii) Operation manual for each component of the biogas plant
 - iv) Manual for whole plant operation including action for unplanned situations
 - v) Safety documents
 - vi) Operation guidelines
 - vii) Start up/normal operation/shut-down
- h. The sizing and layout of biogas plant components such as; inlet tank, piping, digester, gas chamber, outlet tank, fitting and accessories shall be as specified in KS 2566-1, KS 2566-2, KS 2566-3 and KS 2951.
- i. The design, construction and installation of biogas plants shall be undertaken by suitably qualified personnel as per the requirements provided in KS 2566-1, KS 2566-2, KS 2566-3 and KS 2951.
- j. At the end of the construction of domestic and commercial biogas plants, testing, commissioning, operation and maintenance shall be undertaken as per by KS 2566-1 and KS 2951 respectively.
- k. The biogas installer shall provide a workmanship guarantee of at least one (1) year and after sales services. The guarantee for the biogas components shall be as per the manufacturers' specifications.

2. Distribution

- a. A biogas reticulation system shall conform to the provisions of the relevant Kenya Standard and be operated in accordance with these guidelines.
- b. The operator of a biogas reticulation system shall obtain, maintain and safeguard wayleaves or rights of way where the pipeline and incidental installation will be located.
- c. A design for a biogas reticulation system shall incorporate environmental, health and safety standards, and shall be certified by a Professional Mechanical Engineer.
- d. Each consumer outlet shall have a separate and functional metering system approved by the Department of Weights and Measures.
- e. The unit of sale of biogas to consumers in a biogas reticulation system shall be in cubic metres.
- f. The biogas shall consist of at least 60% methane and at most 1% hydrogen sulphide by volume.
- g. The operator of a biogas reticulation system shall maintain an accidents and complaints register.
- h. A notification of an accident or incident shall be submitted to the Authority within 48 hours of its occurrence. The respective investigation reports shall be submitted to the Authority within 14 days.
- i. The operator of a biogas reticulation system shall enter into a service contract with each biogas consumer. The service contract shall include the following details:-
 - (a) name, address and telephone number of the operator and the biogas consumer;
 - (b) rights and obligations of the parties;
 - (c) emergency response plan;
 - (d) billing period and the mode of payment;
 - (e) charge per cubic metre and the cost breakdown thereof; and
 - (f) dispute and complaints handling procedures.
- j. The operator of a biogas reticulation system shall maintain records of volume, in cubic metres, of all the biogas supplied.

3. Waste Management

The management of waste and emissions from domestic and commercial biogas plants shall be carried out as specified in KS 2566-1 and KS 2951, respectively and as per environmental laws and regulations.

SEVENTH SCHEDULE (r. 18)

GENERAL PROVISIONS REGARDING BIODIESEL BUSINESSES

1. Packaging

Except when transported in bulk, the biodiesel shall be packed in sound, clean, dry drums not affected by the biodiesel. The drums shall be so closed that leakage and contamination of the biodiesel is prevented during normal handling and transport.

2. Blending requirements for biodiesel:

Pure biodiesel to be blended into automotive gasoil fuel shall meet specifications provided in Kenya Standard KS 2227.

The derivatives of the blended diesel shall have properties specified in the relevant Kenya Standard.

3. Branding and Labeling

Pumps and dispensing equipment used for sale of biodiesel shall be clearly marked and labeled to distinguish them from pumps dispensing pure diesel.

For labeling purposes, the following information shall appear in prominent, legible and indelible marking:

- a. The manufacturers'/suppliers' name;
- b. Brand name of the product;
- c. A description of the product;
- d. Batch identification; and
- e. Quantity of the contents

The aforementioned information shall be indicated on each drum. In the case of biodiesel filled in bulk storage tanks or bulk carriers, the information shall be indicated on the storage and consignment documents of each bulk carrier.

EIGHTH SCHEDULE (r. 19)

GENERAL PROVISIONS REGARDING BIOETHANOL BUSINESSES

1. Safety Requirements

The supplier of bioethanol fuel and appliance shall provide end-user training, written instructions and warnings on; safe use, assembly, maintenance and operation, as applicable.

These instructions and warnings shall be in English or Kiswahili with sufficient pictograms for comprehension.

2. Blending

The derivatives of the blended gasohol shall have properties specified in the relevant Kenya Standard.

3. Appliances for cooking and heating

Ethanol fueled cooking appliances shall meet the requirements specified in KS 2759.

4. Labeling

Bioethanol fuel

Labeling of bioethanol fuel shall be in accordance with the requirements given in KS 2838. The label shall include the following;

- a. Name of product
- b. Name and address of manufacturer
- c. Net contents
- d. Name(s) of denaturant
- e. Batch/lot number
- f. Minimum ethyl alcohol content
- g. Year of manufacture
- h. Country of origin
- i. The words “highly poisonous” and “highly flammable”

Bioethanol Appliances

Each bioethanol appliance shall contain the following information, legibly and indelibly marked, in an easily identifiable position;

- a. The name or trademark of the manufacturer and the country of origin;
- b. The manufacturer’s model name and type number;
- c. The manufacturer’s batch number;
- d. The words “USE ETHANOL GEL ONLY” or USE LIQUID ETHANOL ONLY” and;
- e. On and off marking

The information shall either be imprinted directly on the appliance surface, on an acceptable nameplate or on a heat-resistant sticker attached to the surface.