

RECORD OF THE SENATE

TUESDAY, DECEMBER 12, 2000

RESUMPTION OF THE SESSION

At 10:11 a.m., the session was resumed with the Senate President, Hon. Aquilino Q. Pimentel Jr., presiding.

The President. The session is resumed. The Majority Leader is recognized.

Senator Tatad. Mr. President, may I ask the Secretary to read the Second Additional Reference of Business.

The President. The Secretary will read the Second Additional Reference of Business.

SECOND ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

December 5, 2000

The Honorable
AQUILINO Q. PIMENTEL JR.
President of the Senate
GSIS Bldg. Financial Center
Pasay City 1308

Mr. President:

I have the honor to transmit herewith, a copy of Resolution No. 159, entitled

RESOLUTION STRONGLY URGING THE SENATE OF THE PHILIPPINES, PURSUANT TO THE CONSTITUTION AND INTER-CHAMBER COURTESY, TO CAUSE ANY AND ALL OF ITS COMMITTEES TO CEASE AND DESIST FROM FURTHER PROCEEDING IN ANY INVESTIGATION, IN AID OF LEGISLATION, INVOLVING THE CHARGES MADE BY SENATOR TEOFILO GUINGONA AND/OR ILOCO SUR GOVERNOR LUIS C. SINGSON AGAINST PRESIDENT JOSEPH EJERCITO ESTRADA ALLEGEDLY FOR IMPEACHABLE OFFENSES, IN VIEW OF THE FILING AND PENDENCY OF CASES OF IMPEACHMENT BEFORE THE HOUSE COMMITTEE ON JUSTICE INVOLVING THE SAME OFFICIAL AND ISSUES.

which was adopted by the House of Representatives on October 26, 2000.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. To the Archives

The Secretary.

November 21, 2000

The Honorable
AQUILINO Q. PIMENTEL JR.
President of the Senate
GSIS Bldg. Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the House of Representatives on November 20, 2000 agreed on Senate Bill No. 2197 as an amendment to House Bill No. 8191, entitled

AN ACT CONVERTING THE MUNICIPALITY OF BAYAWAN IN THE PROVINCE OF NEGROS ORIENTAL INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BAYAWAN.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. To the Archives

The Secretary.

November 29, 2000

The Honorable
AQUILINO Q. PIMENTEL JR.
President of the Senate
GSIS Bldg. Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the

SUSPENSION OF CONSIDERATION OF S. NO. 2208

At this point, there are no further interpellations. I move that we suspend consideration of Senate Bill No. 2208.

The President Pro Tempore. Is there any objection? *[Silence]*
There being none, the motion is approved.

CONFERENCE COMMITTEE REPORT ON
S. NO. 1595/H. NO. 10651
(Integrated Solid Waste Management Act of 2000)

Senator Tatad. Mr. President, the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1595 and House Bill No. 10651 on Solid Waste Management Act of 2000 has been distributed to the members of the Chamber.

I move that we now consider the same.

The President Pro Tempore. Is there any objection? *[Silence]*
There being none, the motion is approved.

Senator Tatad. For that purpose, I ask that Sen. Juan M. Flavie, member of the Senate panel on behalf of the chairperson, Sen. Loren B. Legarda-Leviste, be recognized to sponsor the report.

The President Pro Tempore. Senator Flavie is recognized.

REPORT OF SENATOR FLAVIE

Senator Flavie. Thank you, Mr. President.

On behalf of the Senate panel composed of Sen. Loren B. Legarda-Leviste, Sen. Gregorio B. Honasan, Sen. Robert S. Jaworski, Sen. Vicente C. Sotto III, Sen. Serge R. Osmeña III, and yours truly, I am pleased to make this report.

The bicameral report is one of the most comprehensive I have ever seen. It is composed of 75 items but since all of our members were provided a copy, I will just highlight the most important and salient features of the Joint Explanatory Statement of the Senate and the House.

The most important point is the fact that we reorganized the composition of the Waste Management Commission so that only those directly involved in solid waste management were included but made provisions for three from the private sectors, hopefully, one, from the NGOs whose principal purpose is to promote recycling; a second one, who is a representative from the recycling industry and a third representative from the manufacturing or packaging industry.

We also streamlined by combining the best features of the House and the Senate text so that the functions are more comprehensive and clear.

We also made a special effort to strengthen the visitorial powers of the department. Because we were informed that the implementation was constantly stifled by the refusal of those involved to be visited and evaluated, so we put a very strong provision for visitorial powers of the department.

We also made a very clear statement on the role of the local government units and made special mention of the fact that every province must have local management boards. This would enable us to make sure that there would be a strong implementation.

A provision for incentive programs, cash or otherwise, which shall encourage the participation of concerned sectors shall likewise be included in the plan which the Local Government Waste Management will have to devise.

We also had a feature on the Solid Waste Diversion. Let me just annotate that because the word "diversion" has to be explained. This refers to the fact that within five years after the effectivity of this Act, the LGU shall divert at least 25% of solid waste from waste disposal facilities meaning, the 25% of solid waste shall be reused, recycled, and composted so that there is resource recovery. And this, I think, is a very important feature.

Of course, we also made a restatement of the need to mark the collected solid waste so they will be under compostable, nonrecyclable, recyclable, or special waste and the classification is clear and made clear by the commission.

There is also an important provision that we agreed upon on the transfer station. Because of the fact that experience has shown that most disposals are not done directly but have a stopover point, there is a very important guideline for transfer station.

Another important innovation is the strong emphasis on markets. Because we feel that the emphasis on the ability to sell will encourage recycling, so we have a reclamation program and a buy-back center for recyclables and toxic materials.

Also, we made a special provision on the prohibition on the use of nonenvironmentally acceptable packaging. And this will be done on a program basis.

There is also a very important prohibition against the use of open dumps for solid waste from the time of this effectivity. But those that are already in existence have to be phased out within three years.

An important feature is the establishment of common waste treatment and disposal facilities which will be done on a vertical basis, meaning, it will include, among others, the provincial, the municipal, and where feasible, even the regional.

We also provided for a solid waste management fund. This creation will be in the National Treasury, but it is a special solid waste management fund to be administered by the commission so that it has the ability to be able to implement the contents of this important enactment.

Also we collapsed many of the penalties and made them more realistic and we thought equitable.

In the implementing rules and regulations, we made sure that the preparation is participated in by representatives of the leagues of provinces, cities and municipalities, barangay councils and the MMDA to make sure that it is reflective of the needs of the area.

Finally, Mr. President, we retitled the Senate version, as amended, and adopted it to read as follows:

AN ACT PROVIDING FOR AN ECOLOGICAL
SOLID WASTE MANAGEMENT PROGRAM,
CREATING THE NECESSARY INSTITUTIONAL
MECHANISMS AND INCENTIVES, DECLARING
CERTAIN ACTS PROHIBITED AND PROVIDING
PENALTIES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

This Bicameral Conference Committee Report was submitted by Senator Legarda-Leviste, the chairman of the House panel, Cong. Augusto Baculio, and the members. May I request that this report be approved by the Senate, Mr. President.

Thank you.

Senator Tatad. Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 1595/H. NO. 10651

Senator Tatad. I move for the adoption of the report.

The President Pro Tempore. Is there any objection? [Silence]
There being none, the motion is approved.

The following is the whole text of the Conference Committee Report:

JOINT EXPLANATORY STATEMENT

The Conference Committee on the disagreeing provisions of Senate Bill No. 1595 and House Bill No. 10651, after having met and fully discussed the subject matter, hereby report to their respective Houses the following, that:

1. The House version was adopted as the working draft;
2. In Section 1 (Short Title), the Senate version was adopted with the deletion of the word "Integrated;"
3. Section 2 of the House and Senate versions were consolidated, amended and adopted as Section 2 (Declaration of Policies) of the final version;
4. In Section 3 (Definition of Terms), the sub-paragraphs of the Senate and House versions were consolidated;
5. In the same section, sub-paragraph (g) of the Senate version was amended by replacing the phrase "disposable product" with the phrase "ENVIRONMENTALLY ACCEPTABLE" which became sub-paragraph (m) of the reconciled version, to read:

"m) Environmentally acceptable shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;"

6. Sections 4 and 35 of the Senate and House versions, respectively, were consolidated, modified and adopted as Section 4 (National Solid Waste Management Commission) of the reconciled version, to read as follows:

"Sec. 4. *National Solid Waste Management Commission.* - There is hereby established a National Solid Waste Management Commission, hereinafter referred to as the Commission, under the Office of the President. The Commission shall be composed of fourteen (14) members from the government sector and three (3) members from the private sector. The government sector shall be represented by the heads of the following agencies in their ex officio capacity:

- 1) Department of Environment and Natural Resources (DENR);
- 2) Department of the Interior and Local Government (DILG);
- 3) Department of Science and Technology (DOST);

- 4) Department of Public Works and Highways (DPWH);
- 5) Department of Health (DOH);
- 6) Department of Trade and Industry (DTI);
- 7) Department of Agriculture (DA);
- 8) Metro Manila Development Authority (MMDA);
- 9) League of provincial governors;
- 10) League of city mayors;
- 11) League of municipal mayors;
- 12) Association of barangay councils;
- 13) Technical Education and Skills Development Authority (TESDA); and
- 14) Philippine Information Agency.

The private sector shall be represented by the following:

- a) A representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality;
- b) A representative from the recycling industry; and
- c) A representative from the manufacturing or packaging industry;

The Commission may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be nominated through a process designed by themselves and shall be appointed by the President for a term of three (3) years.

Provided, further, That the Secretaries of the member agencies of the Commission shall formulate action plans for their respective agencies to complement the National Solid Waste Management Framework.

The Department Secretary and a private sector representative of the Commission shall serve as

Chairman and Vice-Chairman, respectively. The private sector representatives of the commission shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished themselves in environmental and resource management. The members of the Commission shall serve and continue to hold office until their successors shall have been appointed and qualified. Should a member of the Commission fail to complete his/her term, the successor shall be appointed by the President of the Philippines but only for the unexpired portion of the term. Finally, the members shall be entitled to reasonable traveling expenses and honoraria.

The Department, through the Environmental Management Bureau, shall provide secretariat support to the Commission. The Secretariat shall be headed by an Executive Director who shall be nominated by the members of the Commission and appointed by the Chairman."

7. Sections 35 and 5 of the House and Senate versions, respectively, were merged, modified and adopted as Section 5 (Powers and Functions of the Commission) of the reconciled version;

8. In Section 6 (Meetings), the Senate version was amended and adopted, to read as follows:

"Meetings. - The Commission shall meet at least once a month. The presence of at least a majority of the members shall constitute a quorum. The chairman, or in his absence the vice-chairman, shall be the presiding officer. In the absence of the heads of the agencies mentioned in Sec. 4 of this Act, they may designate permanent representatives to attend the meetings."

9. In Section 7 (National Ecology Center), the Senate version was refined and adopted;

10. Section 34 of the House version was refined and adopted as Section 8 (Role of the Department) of the reconciled version;

11. Section 8 of the House version was amended and adopted as Section 9 (Visitorial Powers of the Department) of the consolidated version, to read as follows:

"Sec. 9. Visitorial Powers of the Department. - The Department or its duly authorized representative shall have access to, and the right to copy therefrom,

the records required to be maintained pursuant to the provisions of this Act. The Secretary or the duly authorized representative shall likewise have the right to enter the premises of any generator, recycler or manufacturer, or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations. This Section shall not apply to private dwelling places unless the visitatorial power is otherwise judicially authorized."

12. In Section 10 (Role of LGUs in Solid Waste Management), Section 31 of the House version was amended and adopted, to read as follows:

"Sec. 10. *Role of LGUs in Solid Waste Management.*
- Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions.

Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes. *Provided,* That the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city."

13. In Section 11 (Provincial Solid Waste Management Board), the first paragraph of Section 36 of the House version was consolidated with Section 9 of the Senate version, to read as follows:

"Sec. 11. *Provincial Solid Waste Management Board* - A Provincial Solid Waste Management Board shall be established in every province, to be chaired by the Governor. Its members shall include:

- (a) All the mayors of its component cities and municipalities;
- (b) One (1) representative from the *Sangguniang Panlalawigan* to be represented by the Chairperson of either the Committees on Environment or Health or their equivalent committees, to be nominated by the Presiding Officer;
- (c) The provincial health and/or general services officers, whichever may be recommended by the governor;

(d) The provincial environment and natural resources officers;

(e) The provincial engineer;

(f) Congressional representative/s from each congressional district within the province;

(g) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;

(h) A representative from the recycling industry;

(i) A representative from the manufacturing or packaging industry; and

(j) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The Provincial Solid Waste Management Board may, from time to time, call on any other concerned agencies or sectors as it may deem necessary."

14. In the same section, the succeeding paragraphs of Section 36 of the House version and Section 7 of the Senate version were consolidated and adopted as the reconciled version;

15. In Section 12 (City and Municipal Waste Management Board), Section 37 of the House version was adopted with minor modifications;

16. In Section 13 (Establishment of a Multipurpose Environment Cooperatives or Associations in Every LGU), Section 29 of the Senate version was adopted;

17. In Section 14 (National Solid Waste Management Report), the first paragraph of Section 4 of the House version was amended to read as follows:

"Sec. 14. *National Solid Waste Management Status Report.* - The Department, in coordination with the DOH and other concerned agencies, shall within six (6) months after the effectivity of this Act, prepare a National Solid Waste Management Status Report which shall be used as a basis in formulating the National Solid Waste Management Framework provided in Sec. 15 of this Act. The concerned agencies shall submit to the Department relevant data necessary for the completion of the said report within three (3) months following the effectivity of this Act. The said report shall include, but shall not be limited to, the following:"

18. The succeeding sub-paragraphs of Section 4 of the House version was adopted, adding sub-paragraph (b) of the Senate version as sub-paragraph (d) of the final version;

19. In Section 15 (National Solid Waste Management Framework), the first paragraph of Section 5 of the House version and Section 17 of the Senate version were amended to read as follows:

Sec. 15. National Solid Waste Management Framework. - "Within six (6) months from the completion of the national solid waste management status report under Sec. 14 of this Act, the Commission created under Sec. 4 of this Act shall, with public participation, formulate and implement a National Solid Waste Management Framework. Such framework shall consider and include:"

20. In the same section, the sub-paragraphs of the House and Senate versions were consolidated, refined and adopted as the final version;

21. In Section 16 (Local Solid Waste Management Plans), Section 6 of the House version was adopted;

22. In Section 17 (The Components of the Local Government Solid Waste Management Plan), Section 7 of the House version was adopted; and sub-paragraphs (c) and (g) Section 13 of the Senate version (Recycling Plans) were consolidated in sub-paragraph (l) of the reconciled version;

23. In the same section, a new sub-paragraph (m) was added to read as:

"(m) *Incentives programs* - A program providing for incentives, cash or otherwise, which shall encourage the participation of concerned sectors shall likewise be included in the plan."

24. Sections 22 and 23 of the House version were adopted as Sections 18 (Owner and Operator) and 19 (Waste Characterization) of the final version;

25. In Section 20 (Establishing Mandatory Solid Waste Diversion), Section 15 of the House version was modified and adopted to read as follows:

"Section 20. *Establishing Mandatory Solid Waste Diversion.* - Each LGU plan shall include an implementation schedule which shows that within five (5) years after the effectivity of this Act, the LGU shall divert at least 25% of all solid waste from waste

disposal facilities through re-use, recycling, and composting activities and other resource recovery activities: *Provided*, That the waste diversion goals shall be increased every three (3) years thereafter: *Provided, further*, That nothing in this Section prohibits a local government unit from implementing re-use, recycling, and composting activities designed to exceed the goal."

26. In Section 21 (Mandatory Segregation of Solid Wastes), the first paragraph of Section 9 of the House version and the second paragraph of Section 11 of the Senate version were adopted;

27. In Section 22 (Requirements for the Segregation and Storage of Solid Waste), Section 10 of the House version was adopted with sub-paragraph (b) modified to read as follows:

"(b) The solid waste container depending on its use shall be properly marked or identified for on-site collection as "compostable", "non-recyclable", "recyclable" or "special waste", or any other classification as may be determined by the Commission."

28. Section 11 of the House version was adopted as Section 23 (Requirements for Collection of Solid Waste) of the final version;

29. In Section 24 (Requirements for the Transport of Solid Waste), Section 12 of the House version was adopted; and the first paragraph of the same section was modified to read as follows:

"Sec. 24. *Requirements for the Transport of Solid Waste.* - The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit."

30. In Section 25 (Guidelines for Transfer Stations), Section 13 of the House version was adopted; and the first paragraph of the same section was modified to read as follows:

"Sec. 25. *Guidelines for Transfer Stations.* - Transfer stations shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to this Act and other regulations: *Provided*,

That no waste shall be stored in such station beyond twenty-four (24) hours."

31. In Section 26 (Inventory of Existing Markets for Recyclable Materials) Section 14 of the House version and the last paragraph of Section 15 of the Senate version were consolidated, to read as follows:

"Sec. 26. *Inventory of Existing Markets for Recyclable Materials.* - The DTI shall, within six (6) months from the effectivity of this Act and in cooperation with the Department, the DILG and other concerned agencies and sectors, publish a study of existing markets for processing and purchasing recyclable materials and the potential steps necessary to expand these markets. Such study shall include, but not be limited to, an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal, developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post-consumer and recovered materials."

32. Section 28 (Requirement of Eco-Labeling) of the House version was adopted as Section 27 of the final version;

33. Section 28 (Reclamation Programs and Buy-Back Centers for Recyclables and Toxics), Section 31 of the Senate version was modified and adopted to read as:

"Sec. 28. *Reclamation Programs and Buy-Back Centers for Recyclables and Toxics.* - The National Ecology Center shall assist LGUs in establishing and implementing deposit or reclamation programs in coordination with manufacturers, recyclers and generators to provide separate collection systems or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires to ensure that they are not incinerated or disposed of in a landfill. Upon effectivity of this Act, toxic materials present in the waste stream should be separated at source, collected separately, and further screened and sent to appropriate hazardous waste treatment and disposal plants, consistent with the provisions of R.A. No. 6969."

34. In Section 29 (Non-Environmentally Acceptable Products), Section 22 of the Senate version was modified and adopted, to read as:

"Sec. 29. *Non-Environmentally Acceptable Products.* - Within one (1) year from the effectivity of this Act, the Commission shall, after public notice and hearing, prepare a list of non-environmentally acceptable products as defined in this Act that shall be prohibited according to a schedule that shall be prepared by the Commission: *Provided, however,* That non-environmentally acceptable products shall not be prohibited unless the Commission first finds that there are alternatives available which are available to consumers at no more than ten percent (10%) greater cost than the disposable product."

Notwithstanding any other provision to the contrary, this section shall not apply to:

- a) Packaging used at hospitals, nursing homes or other medical facilities; and
- b) Any packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the Commission.

The Commission shall annually review and update the list of prohibited non-environmentally acceptable products."

35. In Section 30 (Prohibition on the Use of Non-Environmentally Acceptable Packaging), Section 23 of the Senate version was adopted with the exception of the first paragraph which was modified, to read as:

"Sec. 30. *Prohibition on the Use of Non-Environmentally Acceptable Packaging.* - No person owning, operating or conducting a commercial establishment in the country shall sell or convey at retail or possess with the intent to sell or convey at retail any products that are placed, wrapped or packaged in or on packaging which is not environmentally acceptable packaging. *Provided,* That the Commission shall determine a phase-out period after proper consultation and hearing with the stakeholders or with the sectors concerned. The presence in the commercial establishment of non-environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey the same at retail to customers."

36. Section 15 of the Senate version was adopted as Section 31 (Recycling Market Development) of the final version;

37. In Section 32 (Establishment of LGU Materials Recovery Facility), Section 33 of the House version and sub-paragraph (p) of Section 3 of the Senate version were consolidated, to read as follows:

"Sec. 32. *Establishment of LGU Materials Recovery Facility.* - There shall be established a Material Recovery Facility (MRF) in every barangay or cluster of barangays. This facility shall be established in a barangay-owned or-leased land or any suitable open space to be determined by the barangay through its *Sanggunian*. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set pursuant to this Act. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill."

38. Section 16 of the House version was adopted as Section 33 (Guidelines for Establishment of Materials Recovery Facility) of the final version;

39. Section 17 of the House version was amended and adopted as Section 34 (Inventory of Markets for Composts) of the final version; to read as follows:

"Sec. 34. *Inventory of Markets for Composts.* - Within six (6) months after the effectivity of this Act, the DA shall publish an inventory of existing markets and demands for composts. Said inventory shall thereafter be updated and published annually; *Provided*, That the composting of agricultural wastes, and other compostable materials, including but not limited to garden wastes, shall be encouraged."

40. Section 18 of the House version was amended and adopted as Section 35 (Guidelines for Compost Quality) of the final version, to read as follows:

"Sec. 35. *Guidelines for Compost Quality.* - Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards."

41. Section 19 of the House version was adopted as Section 36 (Inventory of Waste Disposal Facilities) of the final version;

42. In Section 37 (Prohibition Against the Use of Open Dumps for Solid Waste), Sections 20 and 21 of the House and Senate versions, respectively, were consolidated and amended, to read as follows:

"Sec. 37. *Prohibition Against the Use of Open Dumps for Solid Waste.* - No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid waste, be allowed after the effectivity of this Act: *Provided*, That within three (3) years after the effectivity of this Act, every LGU shall convert its open dumps into controlled dumps, in accordance with the guidelines set in Sec. 41 of this Act: *Provided, further*, That no controlled dumps shall be allowed five (5) years following the effectivity of this Act."

43. Section 21 of the House version was adopted as Section 38 (Permit for Solid Waste Management Facility Construction and Expansion) of the final version;

44. Section 24 of the House version was adopted as Section 39 (Guidelines for Controlled Dumps) of the final version;

45. Section 25 of the House version was adopted as Section 40 (Criteria for Siting a Sanitary Landfill) of the final version, with the exception of sub-paragraph (a) wherein the second sentence was deleted;

46. Section 26 of the House version was adopted as Section 41 (Criteria for Establishment of Sanitary Landfill) as the final version;

47. In Section 42 (Operating Criteria for Sanitary Landfills), Section 27 of the House version was adopted with minor modifications;

48. In Section 43 (Guidelines for Identification of Common Solid Waste Management Problems), Section 30 of the House version was merged with Section 19 of the Senate version with minor modifications;

49. In Section 44 (Establishment of Common Waste Treatment and Disposal Facilities), Sections 32 and 20 of the House and Senate versions, respectively, were consolidated to read as follows:

"Sec. 44. *Establishment of Common Waste Treatment and Disposal Facilities.* - Pursuant to Sec. 33 of R.A. 7160, otherwise known as the Local Government Code, all provinces, cities,

municipalities and barangays, through appropriate ordinances, are hereby mandated to consolidate, or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems and/or establishing common waste disposal facilities.

The Department, the Commission and local solid waste management boards shall provide technical and marketing assistance to the LGUs."

50. Section 45 (Incentives) is a consolidation of Sections 39 and 40 of the House version; with sub-section 1 (Fiscal Incentives) modified as follows:

"1) Fiscal Incentives - Consistent with the provisions of E.O. 226, otherwise known as the Omnibus Investment Code, the following tax incentives shall be granted:"

51. In Sub-section 2 (Non-Fiscal Incentives) of the same Section, a new paragraph was inserted after the word "Code" to read as:

"The Commission shall provide incentives to businesses and industries that are engaged in the recycling of wastes and which are registered with the Commission and have been issued ECCs in accordance with the guidelines established by the Commission. Such incentives shall include simplified procedures for the importation of equipment, spare parts, new materials, and supplies, and for the export of processed products."

52. Sub-section (4) of Section 45 is a fusion of Section 30 and Section 40 (d) of the Senate and House versions, respectively, to read as:

"4) Extension of Grants to LGUs - Provinces, cities and municipalities whose solid waste management plans have been duly approved by the Commission or who have been commended by the Commission for adopting innovative solid waste management programs may be entitled to receive grants for the purpose of developing their technical capacities toward actively participating in the program for effective and sustainable solid waste management."

53. Section 41 of the House version was adopted as Section 46 (Solid Waste Management Fund) of the final version with the following amendments:

a) The first paragraph was amended to read as:

"Sec. 46. *Solid Waste Management Fund.* - There is hereby created, as a special account in the National Treasury, a Solid Waste Management Fund to be administered by the Commission. Such fund shall be sourced from the following:

b) Sub-section (a) was deleted.

54. In Section 47 (Authority to Collect Solid Waste Management Fees), Section 42 of the House version was adopted;

55. In Section 48 (Prohibited Acts), Sections 43 and 27 of the House and Senate versions, respectively, were consolidated, amended and adopted to read as:

"Sec. 48. *Prohibited Acts.* - The following acts are prohibited:

(1) Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;

(2) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to this Act;

(3) The open burning of solid waste;

(4) Causing or permitting the collection of non-segregated or unsorted waste;

(5) Squatting in open dumps and landfills;

(6) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;

(7) Unauthorized removal of recyclable material intended for collection by authorized persons;

(8) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;

(9) Establishment or operation of open dumps as enjoined in this Act, or closure of said dumps in violation of Sec. 37;

(10) The manufacture, distribution or use of non-environmentally acceptable packaging materials;

(11) Importation of consumer products packaged in non-environmentally acceptable materials;

(12) Importation of toxic wastes misrepresented as "recyclable" or "with recyclable content";

(13) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers or facilities prescribed under this Act;

(14) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and this Act and not conforming with the land use plan of the LGU;

(15) The construction of any establishment within two hundred (200) meters from open dumps or controlled dumps, or sanitary landfills; and

(16) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed and/or any portions thereof."

56. In Section 49 (Fines and Penalties), Sections 28 and 44 of the Senate and House versions, respectively, were consolidated, modified and adopted, to read as follows:

"Sec. 49. *Fines and Penalties.* - (a) Any person who violates Sec. 48, paragraph (1) shall, upon conviction, be punished with a fine of not less than Three hundred pesos (P300.00) but not more than One thousand pesos (P1,000.00) or render community service for not less than one (1) day to not more than fifteen (15) days to an LGU where such prohibited acts are committed, or both;

b) Any person who violates Sec. 48, pars. (2) and (3), shall, upon conviction, be punished with a fine of not less than Three hundred pesos (P300.00) but not more than One thousand pesos (P1,000.00) or imprisonment of not less than one (1) day to not more than fifteen (15) days, or both;

c) Any person who violates Sec. 48, pars. (4), (5), (6) and (7) shall, upon conviction, be punished with a fine of not less than One thousand pesos (P1,000.00) but not more than Three thousand pesos (P3,000.00) or imprisonment of not less than fifteen (15) days but not more than six (6) months, or both;

d) Any person who violates Sec. 48, pars. (8), (9), (10) and (11) for the first time shall, upon conviction, pay a fine of Five hundred thousand pesos

(P500,000.00) plus an amount not less than five percent (5%) but not more than ten percent (10%) of his net annual income during the previous year.

The additional penalty of imprisonment of a minimum period of one (1) year, but not to exceed three (3) years at the discretion of the court, shall be imposed for second or subsequent violations of Sec. 48, paragraphs (9) and (10).

e) Any person who violates Sec. 48, pars. (12) and (13), shall, upon conviction, be punished with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Two hundred thousand pesos (P200,000.00) or imprisonment of not less than thirty (30) days but not more than three (3) years, or both;

f) Any person who violates Sec. 48, pars. (14), (15) and (16) shall, upon conviction, be punished with a fine not less than One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00) or imprisonment not less than one (1) year but not more than six (6) years, or both.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Act.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines."

57. Section 45 of the House version was adopted as Section 50 (Administrative Sanctions) of the final version;

58. Section 47 of the House version was adopted as Section 51 (Mandatory Public Hearings) of the final version;

59. Section 48 of the House version was adopted as Section 52 (Citizens Suits) of the final version with minor modifications;

60. In the same section, the last paragraph was deleted and replaced with the following:

"In the event that the citizen should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate."

61. Section 53 (Suits and Strategic Legal Action Against Public Participation-SLAPP and the Enforcement of this Act) is a new provision which was culled from Section 43 of the Clean Air Act, and adopted by the conferees, to read as follows:

"Sec. 53. *Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act.* - Where a suit is brought against a person who filed an action as provided in Sec. 52 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the case and award attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act."

62. Section 49 of the House version and Section 16 of the Senate version were consolidated, refined and adopted as Section 54 (Research on Solid Waste Management) of the final version;

63. Section 55 (Public Education and Information), adopted similar provisions of Sections 50 and 24 of the House and Senate versions, respectively; except that the first paragraph was amended to read as:

"Sec. 55. *Public Education and Information.* - The Commission shall, in coordination with DECS, TESDA, CHED, DILG and PIA, conduct a continuing education and information campaign on solid waste management. Such education and information program shall:

64. In sub-section (c) of the same section, the word "accredited" was inserted between the comma (,) and the word "NGOs";

65. Section 56 (Environmental Education in the Formal and Non-Formal Sectors), adopted the similar provisions of Sections 51 and 25 of the House and Senate versions, respectively;

66. Section 26 of the Senate version was adopted as Section 57 (Business and Industry Role) of the final version;

67. Section 35 of the Senate version was adopted as Section 58 (Appropriations) of the reconciled version;

68. Section 53 of the House version was adopted as Section 59 - (Implementing Rules and Regulations-IRR) of the final version with the following amendment: Between the words "respectively" and "and", the phrase "THE REPRESENTATIVES OF THE LEAGUES OF PROVINCES, CITIES, MUNICIPALITIES AND BARANGAYS COUNCILS, THEMMDA" was inserted;

69. Sections 34 and 36 of the Senate version were adopted as Sections 60 (Joint Congressional Oversight Committee) and 61 (Abolition of the Presidential Task Force on Waste Management and the Project Management Office on Solid Waste Management) of the final version, respectively;

70. Section 54 of the House version was adopted as Section 62 (Transitory Provisions) of the final version with minor amendment;

71. Sections 55 and 33 of the House and Senate versions, respectively, were consolidated, refined and adopted as Section 63 (Report to Congress) of the reconciled version, to read as:

"Sec. 63. *Report to Congress.* - The commission shall report to Congress, not later than March 30 of every year following the approval of this Act, giving a detailed account of its accomplishments and a progress on solid waste management during the year and make necessary recommendations in areas where there is need for legislative action."

72. Section 56 of the House version was adopted as Section 64 (Separability Clause) of the final version;

73. Section 39 of the Senate version and Section 57 of the House version were consolidated, simplified and adopted as Section 65 (Repealing Clause) of the final version, to read:

"Sec. 65. *Repealing Clause.* - All laws, decrees, issuances, rules and regulations, or parts thereof

inconsistent with the provisions of this Act are hereby repealed or modified accordingly."

74. Section 40 of the Senate version was adopted as Section 66 (Effectivity) of the final version; and

75. The title of the Senate version was amended and adopted, to read as:

"AN ACT PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

In case of conflict between the statements/amendments stated in this Explanatory Statement and that of the provisions of the reconciled version in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

(Sgd.) SEN. LOREN LEGARDA-LEVISTE
Chairperson, Senate Panel

(Sgd.) REP. AUGUSTO H. BACULIO
Chairman, House Panel

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 10651, entitled

AN ACT PROVIDING FOR A COMPREHENSIVE SOLID WASTE MANAGEMENT, AND FOR OTHER PURPOSES

and Senate Bill No. 1595, entitled

AN ACT INSTITUTING AN INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM, CREATING THE NATIONAL AND LOCAL SOLID WASTE COUNCILS AND THE NECESSARY MECHANISMS AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

having met, after full and free conference, has agreed to recommend and do hereby recommend to their respective Houses that House Bill No. 10651, in consolidation with

Senate Bill No. 1595, be approved in accordance with the attached copy of this bill as reconciled and approved by the conferees.

CONFEREES ON THE PART OF THE SENATE:

(Sgd.) SEN. LOREN LEGARDA-LEVISTE

(Sgd.) SEN. GREGORIO B. HONASAN

(Sgd.) SEN. ROBERT S. JAWORSKI

(Sgd.) SEN. JUAN M. FLAVIER

(Sgd.) SEN. VICENTE C. SOTTO III

(Sgd.) SEN. SERGIO OSMEÑA III

CONFEREES ON THE PART OF THE HOUSE OF REPRESENTATIVES:

(Sgd.) REP. AUGUSTO H. BACULIO

(Sgd.) REP. VICENTE A. SANDOVAL

(Sgd.) REP. CARLOS O. COJUANGCO

(Sgd.) REP. J. R. NEREUSO. ACOSTA

(Sgd.) REP. GILBERTO C. TEODORO JR.
REP. FRANCIS G. ESCUDERO

(Sgd.) REP. ROSELLER L. BARINAGA

(Sgd.) REP. GRACE G. SINGSON

REP. PLARIDEL M. ABAYA

(Sgd.) REP. IGNACIO R. BUNYE

(Sgd.) REP. GREGORIO T. IPONG

(Sgd.) REP. ALEX G. BASCUG

(Sgd.) REP. VICTOR R. SUMULONG

(Sgd.) REP. FAUSTO L. SEACHON JR.

REP. EDUARDOR. GULLAS

(Sgd.) REP. BELLA FLOR ANGARA-CASTILLO

(Sgd.) REP. FEDERICO S. SANDOVAL II

REP. MANUEL M. GARCIA

(Sgd.) REP. JUAN MIGUEL F. ZUBIRI

AN ACT PROVIDING FOR AN ECOLOGICAL
SOLID WASTE MANAGEMENT PROGRAM,
CREATING THE NECESSARY INSTITUTIONAL
MECHANISMS AND INCENTIVES, DECLARING
CERTAIN ACTS PROHIBITED AND PROVIDING
PENALTIES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:*

CHAPTER I
BASIC POLICIES

Article I
General Provisions

SECTION 1. *Short Title.* - This Act shall be known
as the "Ecological Solid Waste Management Act of
2000."

SEC. 2. *Declaration of Policies.* - It is hereby
declared the policy of the State to adopt a systematic,
comprehensive and ecological solid waste management
program which shall:

- a) Ensure the protection of public health and
environment;
- b) Utilize environmentally-sound methods that
maximize the utilization of valuable resources and
encourage resource conservation and recovery;
- c) Set guidelines and targets for solid waste
avoidance and volume reduction through source
reduction and waste minimization measures, including
composting, recycling, re-use, recovery, green charcoal
process, and others, before collection, treatment and
disposal in appropriate and environmentally sound solid
waste management facilities in accordance with
ecologically sustainable development principles;
- d) Ensure the proper segregation, collection,
transport, storage, treatment and disposal of solid waste
through the formulation and adoption of the best
environmental practice in ecological waste management
excluding incineration;
- e) Promote national research and development

programs for improved solid waste management and
resource conservation techniques, more effective
institutional arrangement and indigenous and improved
methods of waste reduction, collection, separation and
recovery;

f) Encourage greater private sector participation in
solid waste management;

g) Retain primary enforcement and responsibility
of solid waste management with local government units
while establishing a cooperative effort among the national
government, other local government units, non-
government organizations, and the private sector;

h) Encourage cooperation and self-regulation
among waste generators through the application of
market-based instruments;

i) Institutionalize public participation in the
development and implementation of national and local
integrated, comprehensive and ecological waste
management programs; and

j) Strengthen the integration of ecological solid
waste management and resource conservation and
recovery topics into the academic curricula of formal and
non-formal education in order to promote environmental
awareness and action among the citizenry.

Article 2
Definition of Terms

SEC. 3. *Definition of Terms.* - For the purposes of
this Act:

- a) Agricultural waste shall refer to waste generated
from planting or harvesting of crops, trimming or
pruning of plants and wastes or run-off materials from
farms or fields;
- b) Bulky wastes shall refer to waste materials
which cannot be appropriately placed in separate
containers because of either its bulky size, shape or other
physical attributes. These include large worn-out or
broken household, commercial, and industrial items
such as furniture, lamps, bookcases, filing cabinets, and
other similar items;
- c) Bureau shall refer to the Environmental
Management Bureau;
- d) Buy-back center shall refer to a recycling center

that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials;

e) Collection shall refer to the act of removing solid waste from the source or from a communal storage point;

f) Composting shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;

g) Consumer electronics shall refer to special wastes that include worn-out, broken, and other discarded items such as radios, stereos, and TV sets;

h) Controlled dump shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;

i) Department shall refer to the Department of Environment and Natural Resources;

j) Disposal shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;

k) Disposal site shall refer to a site where solid waste is finally discharged and deposited;

l) Ecological solid waste management shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment;

m) Environmentally acceptable shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;

n) Generation shall refer to the act or process of producing solid waste;

o) Generator shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling;

p) Hazardous waste shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;

q) Leachate shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is contaminated liquid that contains dissolved and suspended materials;

r) Materials recovery facility - includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility;

s) Municipal waste shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters;

t) Open dump shall refer to a disposal area when the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;

u) Opportunity to Recycle shall refer to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection at least once a month of source-separated recyclable material from collection service customers and to providing a public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material;

v) Person(s) shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations;

w) Post-consumer material shall refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of a recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap;

x) Receptacles shall refer to individual containers used for the source separation and the collection of recyclable materials;

y) Recovered material shall refer to material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product;

z) Recyclable material shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans and other materials as may be determined by the Commission;

aa) Recycled material shall refer to post-consumer material that has been recycled and returned to the economy;

bb) Recycling shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: *Provided*, That the collection, segregation and re-use of previously used packaging material shall be deemed recycling under this Act;

cc) Resource conservation shall refer to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption, and utilization of recovered resources;

dd) Resource recovery shall refer to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use: *Provided*, That, such resource recovery facilities exclude incineration;

ee) Re-use shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics;

ff) Sanitary landfill shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;

gg) Schedule of Compliance shall refer to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or standard set forth in this Act or any rule or regulation issued pursuant thereto;

hh) Secretary shall refer to the Secretary of the Department of Environment and Natural Resources;

ii) Segregation shall refer to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;

jj) Segregation at source shall refer to a solid waste management practice or separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;

kk) Solid waste shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic waste.

Unless specifically noted otherwise, the term "solid waste" as used in this Act shall not include:

(1) waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semisolid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute/chronic effect on the health of persons and other organisms;

(2) infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals), and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathological specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms; and

(3) waste resulting from mining activities, including contaminated soil and debris.

ll) Solid waste management shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes;

mm) Solid waste management facility shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;

nn) Source reduction shall refer to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions;

oo) Special wastes shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise bulky wastes, consumer electronic, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes;

qq) Storage shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal;

rr) Transfer stations shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following:

(1) a facility whose principal function is to receive, store, separate, convert, or otherwise process in accordance with national minimum standards, manure;

(2) a facility, whose principal function is to receive, store, convert, or otherwise process wastes

which have already been separated for re-use and are not intended for disposal; and

(3) the operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business.

ss) Waste diversion shall refer to activities which reduce or eliminate the amount of solid waste from waste disposal facilities;

tt) White goods shall refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g., copper, aluminum, etc.); and

uu) Yard Waste shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue that is recognizable as part of a plant or vegetable and other materials identified by the Commission.

CHAPTER II INSTITUTIONAL MECHANISM

SEC. 4. *National Solid Waste Management Commission.* - There is hereby established a National Solid Waste Management Commission, hereinafter referred to as the Commission, under the Office of the President. The Commission shall be composed of fourteen (14) members from the government sector and three (3) members from the private sector. The government sector shall be represented by the heads of the following agencies in their ex officio capacity:

1) Department of Environment and Natural Resources (DENR);

2) Department of the Interior and Local Government (DILG);

3) Department of Science and Technology (DOST);

4) Department of Public Works and Highways (DPWH);

5) Department of Health (DOH);

6) Department of Trade and Industry (DTI);

- 7) Department of Agriculture (DA);
- 8) Metro Manila Development Authority (MMDA);
- 9) League of provincial governors;
- 10) League of city mayors;
- 11) League of municipal mayors;
- 12) Association of barangay councils;
- 13) Technical Education and Skills Development Authority (TESDA); and
- 14) Philippine Information Agency.

The private sector shall be represented by the following:

- a) A representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality;
- b) A representative from the recycling industry; and
- c) A representative from the manufacturing or packaging industry;

The Commission may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That the representatives from the NGOs, recycling and manufacturing or packaging industries shall be nominated through a process designed by themselves and shall be appointed by the President for a term of three (3) years.

Provided, further, That the Secretaries of the member agencies of the Commission shall formulate action plans for their respective agencies to complement the National Solid Waste Management Framework.

The Department Secretary and a private sector representative of the Commission shall serve as Chairman and Vice-chairman, respectively. The private sector representatives of the Commission shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished themselves in environmental and resource management. The members of the Commission shall serve and continue to hold office until their successors shall have been appointed and qualified. Should a member of the Commission fail to

complete his/her term, the successor shall be appointed by the President of the Philippines but only for the unexpired portion of the term. Finally, the members shall be entitled to reasonable traveling expenses and honoraria.

The Department, through the Environmental Management Bureau, shall provide secretariat support to the Commission. The Secretariat shall be headed by an Executive Director who shall be nominated by the members of the Commission and appointed by the Chairman.

SEC. 5. Powers and Functions of the Commission.

- The Commission shall oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of this Act. The Commission shall undertake the following activities:

- (a) Prepare the national solid waste management framework;
- (b) Approve local solid waste management plans in accordance with its rules and regulations;
- (c) Review and monitor the implementation of local solid waste management plans;
- (d) Coordinate the operation of local solid waste management boards in the provincial and city/municipal levels;
- (e) To the maximum extent feasible, utilizing resources, assist provincial, city and municipal solid waste management boards in the preparation, modification, and implementation of waste management plans;
- (f) Develop a model provincial, city and municipal solid waste management plan that will establish prototypes of the content and format which provinces, cities and municipalities may use in meeting the requirements of the National Solid Waste Management Framework;
- (g) Adopt a program to provide technical and other capability building assistance and support to local government units in the development and implementation of source reduction programs;
- (h) Develop and implement a program to assist local government units in the identification of markets for materials that are diverted from disposal facilities

through re-use, recycling, and composting, and other environment-friendly methods;

(i) Develop a mechanism for the imposition of sanctions for the violation of environmental rules and regulations;

(j) Manage the Solid Waste Management Fund;

(k) Develop and prescribe procedures for the issuance of appropriate permits and clearances;

(l) Review the incentives scheme for effective solid waste management, for purposes of ensuring relevance and efficiency in achieving the objectives of this Act;

(m) Formulate the necessary education and promotion and information campaign strategies;

(n) Establish, after notice and hearing of the parties concerned, standards, criteria, guidelines and formula that are fair, equitable and reasonable, in establishing tipping charges and rates that the proponent will charge in the operation and management of solid waste management facilities and technologies;

(o) Develop safety nets and alternative livelihood programs for small recyclers and other sectors that will be affected as a result of the construction and/or operation of a solid waste management recycling plant or facility;

(p) Formulate and update a list of non-environmentally acceptable materials in accordance with the provisions of this Act. For this purpose, it shall be necessary that proper consultation be conducted by the Commission with all concerned industries to ensure a list that is based on technological and economic viability;

(q) Encourage private sector initiatives, community participation and investments resource recovery-based livelihood programs for local communities;

(r) Encourage all local government agencies and all local government units to patronize products manufactured using recycled and recyclable materials;

(s) Propose and adopt regulations requiring the source separation and post separation collection, segregated collection, processing, marketing and sale of organic and designated recyclable material generated in each local government unit; and

(t) Study and review the following:

i) Standards, criteria and guidelines for the promulgation and implementation of an integrated national solid waste management framework; and

ii) Criteria and guidelines for siting, design, operation and maintenance of solid waste management facilities.

SEC. 6. Meetings. - The Commission shall meet at least once a month. The presence of at least a majority of the members shall constitute a quorum. The Chairman, or in his absence the vice-chairman, shall be the presiding officer. In the absence of the heads of the agencies mentioned in Sec. 4 of this Act, they may designate permanent representatives to attend meetings.

SEC. 7. The National Ecology Center. - There shall be established a National Ecology Center under the Commission which shall provide consulting, information, training, and networking services for the implementation of the provisions of this Act.

In this regard, it shall perform the following functions:

a) Facilitate training and education in integrated ecological solid waste management;

b) Establish and manage a solid waste management information data base, in coordination with the DTI and other concerned agencies:

1) on solid waste generation and management techniques as well as the management, technical and operational approaches to resource recovery; and

2) of processors/recyclers, the list of materials being recycled or bought by them and their respective prices;

c) Promote the development of a recycling market through the establishment of a national recycling network that will enhance the opportunity to recycle;

d) Provide or facilitate expert assistance in pilot modeling of solid waste management facilities; and

e) Develop, test, and disseminate model waste minimization and reduction auditing procedures for evaluating options.

The National Ecology Center shall be headed by the Director of the Bureau in his ex officio capacity. It shall maintain a multi-sectoral, multi-disciplinary pool of experts including those from the academe, inventors,

practicing professionals, business and industry, youth, women and other concerned sectors, who shall be screened according to qualifications set by the Commission.

SEC. 8. Role of the Department. - For the furtherance of the objectives of this Act, the Department shall have the following functions:

(a) Chair the Commission created pursuant to this Act;

(b) Prepare an Annual National Solid Waste Management Status Report;

(c) Prepare and distribute information, education and communication materials on solid waste management;

(d) Establish methods and other parameters for the measurement of waste reduction, collection and disposal;

(e) Provide technical and other capability building assistance and support to the LGUs in the development and implementation of local solid waste management plans and programs;

(f) Recommend policies to eliminate barriers to waste reduction programs;

(g) Exercise visitorial and enforcement powers to ensure strict compliance with this Act;

(h) Perform such other powers and functions necessary to achieve the objectives of this Act; and

(i) Issue rules and regulations to effectively implement the provisions of this Act.

SEC. 9. Visitorial Powers of the Department. - The Department or its duly authorized representative shall have access to, and the right to copy therefrom, the records required to be maintained pursuant to the provisions of this Act. The Secretary or the duly authorized representative shall likewise have the right to enter the premises of any generator, recycler or manufacturer, or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations. This Section

shall not apply to private dwelling places unless the visitorial power is otherwise judicially authorized.

SEC. 10. Role of LGUs in Solid Waste Management. - Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions.

Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes. *Provided*, That the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city.

SEC. 11. Provincial Solid Waste Management Board. - A Provincial Solid Waste Management Board shall be established in every province, to be chaired by the Governor. Its members shall include:

(a) All the mayors of its component cities and municipalities;

(b) One (1) representative from the Sangguniang Panlalawigan to be represented by the Chairperson of either the Committees on Environment or Health or their equivalent committees, to be nominated by the Presiding Officer;

(c) The provincial health and/or general services officers, whichever may be recommended by the governor;

(d) The provincial environment and natural resources officer;

(e) The provincial engineer;

(f) Congressional representative/s from each congressional district within the province;

(g) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;

(h) A representative from the recycling industry;

(i) A representative from the manufacturing or packaging industry; and

(j) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The Provincial Solid Waste Management Board may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board. *Provided, further*, That in the Province of Palawan, the Board shall be chaired by the Chairman of the Palawan Council for Sustainable Development, pursuant to Republic Act No. 7611.

In the case of Metro Manila, the Board shall be chaired by the Chairperson of the MMDA and its members shall include:

- (i) All mayors of its component cities and municipalities;
- (ii) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;
- (iii) A representative from the recycling industry; and
- (iv) A representative from the manufacturing or packaging industry.

The Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

The Provincial Solid Waste Management Board shall have the following functions and responsibilities:

- (1) Develop a Provincial Solid Waste Management Plan from the submitted solid waste management plans of the respective City and Municipal Solid Waste Management Boards herein created. It shall review and integrate the submitted plans of all its component cities and municipalities and ensure that the various plans complement each other, and have the requisite components. The Provincial Solid Waste Management Plan shall be submitted to the Commission for approval.

The Provincial Plan shall reflect the general program of action and initiatives of the provincial

government in implementing a solid waste management program that would support the various initiatives of its component cities and municipalities.

- (2) Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Sec. 17 of the Local Government Code;

- (3) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem;

- (4) Recommend measures to generate resources, funding and implementation of projects and activities as specified in the duly approved Solid Waste Management Plans;

- (5) Identify areas within its jurisdiction which have common solid waste management problems and are appropriate units for planning local solid waste services in accordance with Sec. 41 hereof;

- (6) Coordinate the efforts of the component cities and municipalities in the implementation of the Provincial Solid Waste Management Plan;

- (7) Develop an appropriate incentive scheme as an integral component of the Provincial Solid Waste Management Plan;

- (8) Convene joint meetings of the provincial, city and municipal solid waste management boards at least every quarter for purposes of integrating, synchronizing, monitoring and evaluating the development and implementation of its Provincial Solid Waste Management Plan;

- (9) Represent any of its component city or municipality in coordinating its resource and operational requirements with agencies of the national government;

- (10) Oversee the implementation of the Provincial Solid Waste Management Plan;

- (11) Review every two (2) years or as the need arises the Provincial Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management; and

- (12) Allow for the clustering of LGUs for the solution of common solid waste management problems.

SEC. 12. City and Municipal Solid Waste Management Board. - Each city or municipality shall form a City or Municipal Waste Management Board that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas under its geographic and political coverage.

The City or Municipal Solid Waste Management Board shall be composed of the City or Municipal Mayor as head with the following as members:

(a) One (1) representative of the Sangguniang Panlungsod or the Sangguniang Bayan, preferably Chairpersons of either the Committees on Environment or Health, who will be designated by the Presiding Officer;

(b) President of the Association of Barangay Councils in the municipality or city;

(c) Chairperson of the Sangguniang Kabataan Federation;

(d) A representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality;

(e) A representative from the recycling industry;

(f) A representative from the manufacturing or packaging industry; and

(g) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The City or Municipal Solid Waste Management Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

The City and Municipal Solid Waste Boards shall have the following duties and responsibilities:

(1) Develop the City or Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the

development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community,

(2) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;

(3) Monitor the implementation of the City or Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs;

(4) Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;

(5) Convene regular meetings for purposes of planning and coordinating the implementation of the Solid Waste Management Plans of the respective component barangays;

(6) Oversee the implementation of the City or Municipal Solid Waste Management Plan;

(7) Review every two (2) years or as the need arises the City or Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;

(8) Develop the specific mechanics and guidelines for the implementation of the City or Municipal Solid Waste Management Plan;

(9) Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A. 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;

(10) Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Sec. 17 of the Local Government Code;

(11) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and

(12) Coordinate the efforts of its component barangays in the implementation of the city or municipal Solid Waste Management Plan.

SEC. 13. *Establishment of Multi-Purpose Environment Cooperatives or Associations in Every LGU.* - Multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of this Act shall be encouraged and promoted in every LGU.

CHAPTER III COMPREHENSIVE SOLID WASTE MANAGEMENT

Article I General Provisions

SEC. 14. *National Solid Waste Management Status Report.* - The Department, in coordination with the DOH and other concerned agencies, shall within six (6) months after the effectivity of this Act, prepare a National Solid Waste Management Status Report which shall be used as a basis in formulating the National Solid Waste Management Framework provided in Sec. 15 of this Act. The concerned agencies shall submit to the Department relevant data necessary for the completion of the said report within three (3) months following the effectivity of this Act. The said report shall include, but shall not be limited to, the following:

- (a) Inventory of existing solid waste facilities;
- (b) General waste characterization, taking into account the type, quantity of waste generated and estimation of volume and type of waste for reduction and recycling;
- (c) Projection of waste generation;
- (d) The varying regional geologic, hydrologic, climatic, and other factors vital in the implementation of solid waste practices to ensure the reasonable protection of:
 - (1) the quality of surface and groundwater from leachate contamination;
 - (2) the quality of surface waters from surface run-off contamination; and
 - (3) ambient air quality.
- (e) Population density, distribution and projected growth;

(f) The political, economic, organizational, financial and management problems affecting comprehensive solid waste management;

(g) Systems and techniques of waste reduction, re-use and recycling;

(h) Available markets for recyclable materials;

(i) Estimated cost of collecting, storing, transporting, marketing and disposal of wastes and recyclable materials; and

(j) Pertinent qualitative and quantitative information concerning the extent of solid waste management problems and solid waste management activities undertaken by local government units and the waste generators.

Provided, That the Department, in consultation with concerned agencies, shall review, update and publish a National Solid Waste Management Status Report every two (2) years or as the need arises.

SEC. 15. *National Solid Waste Management Framework.* - Within six (6) months from the completion of the national solid waste management status report under Sec. 14 of this Act, the Commission created under Sec. 4 of this Act shall, with public participation, formulate and implement a National Solid Waste Management Framework. Such framework shall consider and include:

- a) Analysis and evaluation of the current state, trends, projections of solid waste management on the national, provincial and municipal levels;
- b) Identification of critical solid waste facilities and local government units which will need closer monitoring and/or regulation;
- c) Characteristics and conditions of collection, storage, processing, disposal, operating methods, techniques and practices, location of facilities where such operating methods, techniques and practices are conducted, taking into account the nature of the waste;
- d) Waste diversion goal pursuant to Sec. 20 of this Act;
- e) Schedule for the closure and/or upgrading of open and controlled dumps pursuant to Sec. 37 of this Act;

f) Methods of closing or upgrading open dumps for purposes of eliminating potential health hazards;

g) The profile of sources, including industrial, commercial, domestic and other sources;

h) Practical applications of environmentally sound techniques of waste minimization such as, but not limited to, resource conservation, segregation at source, recycling, resource recovery, including waste-to-energy generation, re-use and composting;

i) A technical and economic description of the level of performance that can be attained by various available solid waste management practices which provide for the protection of public health and the environment;

j) Appropriate solid waste facilities and conservation systems;

k) Recycling programs for the recyclable materials, such as but not limited to glass, paper, plastic and metal;

l) Venues for public participation from all sectors at all phases/stages of the waste management program/project;

m) Information and education campaign strategies;

n) A description of levels of performance and appropriate methods and degrees of control that provide, at the minimum, for protection of public health and welfare through:

1) Protection of the quality of groundwater and surface waters from leachate and run-off contamination;

2) Disease and epidemic prevention and control;

3) Prevention and control of offensive odor; and

4) Safety and aesthetics.

o) Minimum criteria to be used by the local government units to define ecological solid waste management practices. As much as practicable, such guidelines shall also include minimum information for use in deciding the adequate location, design, and construction of facilities associated with solid waste management practices, including the consideration of regional, geographic, demographic, and climatic factors; and

p) The method and procedure for the phaseout and the eventual closure within eighteen (18) months from the effectivity of this Act in case of existing open dumps and/or sanitary landfills located within an aquifer, groundwater reservoir or watershed area.

SEC. 16. Local Government Solid Waste Management Plans. - The province, city or municipality, through its local solid waste management boards, shall prepare its respective 10-year solid waste management plans consistent with the national solid waste management framework. *Provided*, That the waste management plan shall be for the re-use, recycling and composting of wastes generated in their respective jurisdictions: *Provided, further*, That the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall place primary emphasis on implementation of all feasible re-use, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The plan shall contain all the components provided in Sec. 17 of this Act and a timetable for the implementation of the solid waste management program in accordance with the National Framework and pursuant to the provisions of this Act: *Provided, finally*, That it shall be reviewed and updated every year by the provincial, city or municipal solid waste management board.

For LGUs which have considered solid waste management alternatives to comply with Sec. 37 of this Act, but are unable to utilize such alternatives, a timetable or schedule of compliance specifying the remedial measures and eventual compliance shall be included in the plan.

All local government solid waste management plans shall be subjected to the approval of the Commission. The plan shall be consistent with the national framework and in accordance with the provisions of this Act and of the policies set by the Commission: *Provided*, That in the Province of Palawan, the local government solid waste management plan shall be approved by the Palawan Council for Sustainable Development, pursuant to R.A. No. 7611.

SEC. 17. The Components of the Local Government Solid Waste Management Plan. - The solid waste management plan shall include, but not be limited to, the following components:

(a) *City or Municipal Profile.* - The plan shall indicate the following background information on the city or municipality and its component barangays, covering important high-lights of the distinct geographic and other conditions:

(1) Estimated population of each barangay within the city or municipality and population projection for a 10-year period;

(2) Illustration or map of the city/municipality, indicating locations of residential, commercial, and industrial centers, and agricultural area, as well as dump sites, landfills and other solid waste facilities. The illustration shall indicate as well, the proposed sites for disposal and other solid waste facilities;

(3) Estimated solid waste generation and projection by source, such as residential, market, commercial, industrial, construction/demolition, street waste, agricultural, agro-industrial, institutional, other wastes; and

(4) Inventory of existing waste disposal and other solid waste facilities and capacities.

(b) *Waste characterization* - For the initial source reduction and recycling element of a local waste management plan, the LGU waste characterization component shall identify the constituent materials which comprise the solid waste generated within the jurisdiction of the LGU. The information shall be representative of the solid waste generated and disposed of within that area. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type, and source of generation which includes residential, commercial, industrial, governmental, or other sources. Future revisions of waste characterization studies shall identify the constituent materials which comprise the solid waste disposed of at permitted disposal facilities.

(c) *Collection and Transfer* - The plan shall take into account the geographic subdivisions to define the coverage of the solid waste collection area in every barangay. The barangay shall be responsible for ensuring that a 100% collection efficiency from residential, commercial, industrial and agricultural sources, where necessary within its area coverage, is achieved. Toward this end, the plan shall define and identify the specific strategies and activities to be undertaken by its component barangays, taking into account the following concerns:

(1) Availability and provision of properly designed containers or receptacles in selected collection points for the temporary storage of solid waste awaiting collection and transfer to processing sites or to final disposal sites;

(2) Segregation of different types of solid waste for re-use, recycling and composting;

(3) Hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites;

(4) Issuance and enforcement of ordinances to effectively implement a collection system in the barangay; and

(5) Provision of properly trained officers and workers to handle solid waste disposal.

The plan shall define and specify the methods and systems for the transfer of solid waste from specific collection points to solid waste management facilities.

(d) *Processing* - The plan shall define the methods and the facilities required to process the solid waste, including the use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems. Other appropriate waste processing technologies may also be considered provided that such technologies conform with internationally-acceptable and other standards set in other laws and regulations.

(e) *Source reduction* - The source reduction component shall include a program and implementation schedule which shows the methods by which the LGU will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements of Sec. 20.

The source reduction component shall describe the following:

(1) strategies in reducing the volume of solid waste generated at source;

(2) measures for implementing such strategies and the resources necessary to carry out such activities;

(3) other appropriate waste reduction technologies that may also be considered, provided that

such technologies conform with the standards set pursuant to this Act;

(4) the types of wastes to be reduced pursuant to Sec. 15 of this Act;

(5) the methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through re-use, recycling and composting; and

(6) new facilities and of expansion of existing facilities which will be needed to implement re-use, recycling and composting.

The LGU source reduction component shall include the evaluation and identification of rate structures and fees for the purpose of reducing the amount of waste generated, and other source reduction strategies, including but not limited to, programs and economic incentives provided under Sec. 45 of this Act to reduce the use of non-recyclable materials, replace disposable materials and products with reusable materials and products, reduce packaging, and increase the efficiency of the use of paper, cardboard, glass, metal, and other materials. The waste reduction activities of the community shall also take into account, among others, local capability, economic viability, technical requirements, social concerns, disposition of residual waste and environmental impact: *Provided*, That, projection of future facilities needed and estimated cost shall be incorporated in the plan.

(f) *Recycling* - The recycling component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements set in Sec. 20.

The LGU recycling component shall describe the following:

(1) The types of materials to be recycled under the programs;

(2) The methods for determining the categories of solid waste to be diverted from disposal at a disposal facility through recycling; and

(3) New facilities and expansion of existing facilities needed to implement the recycling component.

The LGU recycling component shall describe methods for developing the markets for recycled materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of recycled products. Each LGU may determine and grant a price preference to encourage the purchase of recycled products.

The five-year strategy for collecting, processing, marketing and selling the designated recyclable materials shall take into account persons engaged in the business of recycling or persons otherwise providing recycling services before the effectivity of this Act. Such strategy may be based upon the results of the waste composition analysis performed pursuant to this Section or information obtained in the course of past collection of solid waste by the local government unit, and may include recommendations with respect to increasing the number of materials designated for recycling pursuant to this Act.

The LGU recycling component shall evaluate industrial, commercial, residential, agricultural, governmental, and other curbside, mobile, drop-off, and buy-back recycling programs, manual and automated materials recovery facilities, zoning, building code changes and rate structures which encourage recycling of materials. The Solid Waste Management Plan shall indicate the specific measures to be undertaken to meet the waste diversion specified under Sec. 20 of this Act.

Recommended revisions to the building ordinances, requiring newly-constructed buildings and buildings undergoing specified alterations to contain storage space, devices or mechanisms that facilitate source separation and storage of designated recyclable materials to enable the local government unit to efficiently collect, process, market and sell the designated materials. Such recommendations shall include, but shall not be limited to separate chutes to facilitate source separation in multi-family dwellings, storage areas that conform to fire and safety code regulations, and specialized storage containers.

The Solid Waste Management Plan shall indicate the specific measures to be undertaken to meet the recycling goals pursuant to the objectives of this Act.

(g) *Composting* - The composting component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposed of

within its jurisdiction to comply with the diversion requirements of Sec. 20 hereof.

The LGU composting component shall describe the following:

(1) The types of materials which will be composted under the programs;

(2) The methods for determining the categories of solid waste to be diverted from disposal at a disposal facility through composting; and

(3) New facilities, and expansion of existing facilities needed to implement the composting component.

The LGU composting component shall describe methods for developing the markets for composted materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of composted products. Each LGU may determine and grant a price preference to encourage the purchase of composted products.

(h) *Solid waste facility capacity and final disposal* - The solid waste facility component shall include, but shall not be limited to, a projection of the amount of disposal capacity needed to accommodate the solid waste generated, reduced by the following:

(1) Implementation of source reduction, recycling, and composting programs required in this Section or through implementation of other waste diversion activities pursuant to Sec. 20 of this Act;

(2) Any permitted disposal facility which will be available during the 10-year planning period; and

(3) All disposal capacity which has been secured through an agreement with another LGU, or through an agreement with a solid waste enterprise.

The plan shall identify existing and proposed disposal sites and waste management facilities in the city or municipality or in other areas. The plan shall specify the strategies for the efficient disposal of waste through disposal facilities and the identification of prospective sites for future use. The selection and development of disposal sites shall be made on the basis of internationally accepted standards and on the guidelines set in Secs. 41 and 42 of this Act.

Strategies shall be included to improve said existing sites to reduce adverse impact on health and the environment, and to extend life span and capacity. The plan shall clearly define projections for future disposal site requirements and the estimated cost for these efforts.

Open dump sites shall not be allowed as final disposal sites. If an open dump site is existing within the city or municipality, the plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Sec. 37 of this Act. As an alternative, sanitary landfill sites shall be developed and operated as a final disposal site for solid and, eventually, residual wastes of a municipality or city or a cluster of municipalities and/or cities. Sanitary landfills shall be designed and operated in accordance with the guidelines set under Secs. 40 and 41 of this Act.

(i) *Education and public information* - The education and public information component shall describe how the LGU will educate and inform its citizens about the source reduction, recycling, and composting programs.

The plan shall make provisions to ensure that information on waste collection services, solid waste management and related health and environmental concerns are widely disseminated among the public. This shall be undertaken through the print and broadcast media and other government agencies in the municipality. The DECS and the Commission on Higher Education shall ensure that waste management shall be incorporated in the curriculum of primary, secondary and college students.

(j) *Special waste* - The special waste component shall include existing waste handling and disposal practices for special wastes or household hazardous wastes, and the identification of current and proposed programs to ensure the proper handling, re-use, and long-term disposal of special wastes.

(k) *Resource requirement and funding* - The funding component includes identification and description of project costs, revenues, and revenue sources the LGU will use to implement all components of the LGU solid waste management plan.

The plan shall likewise indicate specific projects, activities, equipment and technological requirements for which outside sourcing of funds or materials may be necessary to carry out the specific components of the plan. It shall define the specific uses for its resource

requirements and indicate its costs. The plan shall likewise indicate how the province, city or municipality intends to generate the funds for the acquisition of its resource requirements. It shall also indicate if certain resource requirements are being or will be sourced from fees, grants, donations, local funding and other means. This will serve as basis for the determination and assessment of incentives which may be extended to the province, city or municipality as provided for in Sec. 45 of this Act.

(l) *Privatization of solid waste management projects* - The plan shall likewise indicate specific measures to promote the participation of the private sector in the management of solid wastes, particularly in the generation and development of the essential technologies for solid waste management. Specific projects components activities of the plan which may be offered as private sector investment activity shall be identified and promoted as such. Appropriate incentives for private sector involvement in solid waste management shall likewise be established and provided for in the plan, in consonance with Sec. 45 hereof and other existing laws, policies and regulations; and

(m) *Incentives programs* - A program providing for incentives, cash or otherwise, which shall encourage the participation of concerned sectors shall likewise be included in the plan.

Sec. 18. *Owner and Operator.* - Responsibility for compliance with the standards in this Act shall rest with the owner and/or operator. If specifically designated, the operator is considered to have primary responsibility for compliance; however, this does not relieve the owner of the duty to take all reasonable steps to assure compliance with these standards and any assigned conditions. When the title to a disposal is transferred to another person, the new owner shall be notified by the previous owner of the existence of these standards and of the conditions assigned to assure compliance.

Sec. 19. *Waste Characterization* - The Department, in coordination with the LGUs, shall be responsible for the establishment of the guidelines for the accurate characterization of wastes including determination of whether or not wastes will be compatible with containment features and other wastes, and whether or not wastes are required to be managed as hazardous wastes under R.A. 6969, otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act.

Sec. 20. *Establishing Mandatory Solid Waste Diversion.* - Each LGU plan shall include an implementation schedule which shows that within five (5) years after the effectivity of this Act, the LGU shall divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling, and composting activities and other resource recovery activities: *Provided*, That the waste diversion goals shall be increased every three (3) years thereafter: *Provided, further*, That nothing in this Section prohibits a local government unit from implementing re-use, recycling, and composting activities designed to exceed the goal.

Article 2 Segregation of Wastes

SEC. 21. *Mandatory Segregation of Solid Wastes.* - The LGU shall evaluate alternative roles for the public and private sectors in providing collection services, type of collection system, or combination of systems, that best meet their needs; *Provided*, that segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources: *Provided, further*, that wastes shall be segregated into the categories provided in Sec. 22 of this Act.

For premises containing six (6) or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to:

- a) provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality or private center; and
- b) notify the occupants of such buildings of the requirements of this Act and the regulations promulgated pursuant thereto.

SEC. 22. *Requirements for the Segregation and Storage of Solid Waste.* - The following shall be the minimum standards and requirements for segregation and storage of solid waste pending collection:

- (a) There shall be a separate container for each type of waste from all sources; *Provided*, that in the case of bulky waste, it will suffice that the same be collected and placed in a separate and designated area; and
- (b) The solid waste container depending on its use shall be properly marked or identified for on-site

collection as "compostable", "non-recyclable", "recyclable" or "special waste", or any other classification as may be determined by the Commission.

Article 3

Collection and Transport of Solid Wastes

SEC. 23. Requirements for Collection of Solid Waste. - The following shall be the minimum standards and requirements for the collection of solid waste:

(a) All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid wastes;

(b) Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly and in accordance with the guidelines pursuant to this Act; and

(c) Collection of solid waste shall be done in a manner which prevents damage to the container, and spillage or scattering of solid waste within the collection vicinity.

SEC. 24. Requirements for the Transport of Solid Waste. - The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit.

Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.

The waste compartment shall have a cover to ensure the containment of solid wastes while in transit.

For the purpose of identification, vehicles shall bear the body number, the name, and telephone number of the contractor/agency collecting solid waste.

SEC. 25. Guidelines for Transfer Stations. - Transfer stations shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to this Act and other regulations: *Provided*, That no waste shall be stored in such station beyond twenty-four (24) hours.

The siting of the transfer station shall consider the land use plan, proximity to collection area, and

accessibility of haul routes to disposal facility. The design shall have primary consideration to size and space sufficiency in order to accommodate the waste for storage and vehicles for loading and unloading of wastes.

Article 4

Recycling Program

SEC. 26. Inventory of Existing Markets for Recyclable Materials. - The DTI shall within six (6) months from the effectivity of this Act and in cooperation with the Department of DILG and other concerned agencies and sectors, publish a study of existing markets for processing and purchasing recyclable materials and the potential steps necessary to expand these markets. Such study shall include, but not be limited to, an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal, developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post-consumer and recovered materials.

SEC. 27. Requirement for Eco-labeling. - The DTI shall formulate and implement a coding system for packaging materials and products to facilitate waste recycling and re-use.

SEC. 28. Reclamation Programs and Buy-back Centers for Recyclables and Toxics. - The National Ecology Center shall assist the LGUs in establishing and implementing deposit or reclamation programs in coordination with manufacturers, recyclers and generators to provide separate collection systems or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires to ensure that they are not incinerated or disposed of in a landfill. Upon effectivity of this Act, toxic materials present in the waste stream should be separated at source, collected separately, and further screened and sent to appropriate hazardous waste treatment and disposal plants, consistent with the provisions of R.A. No. 6969.

SEC. 29. Non-Environmentally Acceptable Products. - Within one (1) year from the effectivity of this Act, the Commission shall, after public notice and hearing, prepare a list of non-environmentally acceptable products as defined in this Act that shall be prohibited according to a schedule that shall be prepared by the Commission: *Provided, however*, That non-environmentally acceptable products shall not be prohibited unless the Commission first finds that there

are alternatives available which are available to consumers at no more than ten percent (10%) greater cost than the disposable product.

Notwithstanding any other provision to the contrary, this section shall not apply to:

a) Packaging used at hospitals, nursing homes or other medical facilities; and

b) Any packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the Commission.

The Commission shall annually review and update the list of prohibited non-environmentally acceptable products.

SEC. 30. Prohibition on the Use of Non-Environmentally Acceptable Packaging. - No person owning, operating or conducting a commercial establishment in the country shall sell or convey at retail or possess with the intent to sell or convey at retail any products that are placed, wrapped or packaged in or on packaging which is not environmentally acceptable packaging; *Provided*, That the Commission shall determine a phaseout period after proper consultation and hearing with the stakeholders or with the sectors concerned. The presence in the commercial establishment of non-environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey the same at retail to customers.

Any person who is a manufacturer, broker or warehouse operator engaging in the distribution or transportation of commercial products within the country shall file a report with the concerned local government unit within one (1) year from the effectivity of this Act, and annually thereafter, a listing of any products in packaging which is not environmentally acceptable. The Commission shall prescribe the form of such report in its regulations.

A violation of this Section shall be sufficient grounds for the revocation, suspension, denial or non-renewal of any license for the establishment in which the violation occurs.

SEC. 31. Recycling Market Development. - The Commission together with the National Ecology Center, the DTI and the Department of Finance shall establish procedures, standards and strategies to market recyclable materials and develop the local market for recycled goods, including but not limited to:

a) measures providing economic incentives and assistance including loans and grants for the establishment of privately owned facilities to manufacture finished products from post-consumer materials;

b) guarantees by the national and local governments to purchase a percentage of the output of the facility; and

c) maintaining a list of prospective buyers, establishing contact with prospective buyers and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

In order to encourage establishment of new facilities to produce goods from post-consumer and recovered materials generated within local government units, and to conserve energy by reducing materials transportation, whenever appropriate, each local government unit may arrange for long-term contracts to purchase a substantial share of the product output of a proposed facility which will be based in the jurisdiction of the local government unit if such facility will manufacture such finished products from post-consumer and recovered materials.

SEC. 32. Establishment of LGU Materials Recovery Facility - There shall be established a Materials Recovery Facility (MRF) in every barangay or cluster of barangays. The facility shall be established in a barangay-owned or -leased land or any suitable open space to be determined by the barangay through its *Sanggunian*. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set pursuant to this Act. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

SEC. 33. Guidelines for Establishment of Materials Recovery Facility - Materials recovery facilities shall be designed to receive, sort, process, and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:

(a) The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and

(b) The building must be designed to allow efficient and safe external access and to accommodate internal flow.

Article 5
Composting

SEC. 34. *Inventory of Markets for Composts.* - Within six (6) months after the effectivity of this Act, the DA shall publish an inventory of existing markets and demands for composts. Said inventory shall thereafter be updated and published annually: *Provided*, that the composting of agricultural wastes, and other compostable materials, including but not limited to garden wastes, shall be encouraged.

SEC. 35. *Guidelines for Compost Quality.* - Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards.

Article 6
Waste Management Facilities

SEC. 36. *Inventory of Waste Disposal Facilities.* - Within six (6) months from the effectivity of this Act, the Department, in cooperation with the DOH, DILG and other concerned agencies, shall publish an inventory of all solid waste disposal facilities or sites in the country.

SEC. 37. *Prohibition Against the Use of Open Dumps for Solid Waste.* - No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid waste, be allowed after the effectivity of this Act: *Provided*, That within three (3) years after the effectivity of this Act, every LGU shall convert its open dumps into controlled dumps, in accordance with the guidelines set in Sec. 41 of this Act; *Provided, further*, that no controlled dumps shall be allowed five (5) years following the effectivity of this Act.

SEC. 38. *Permit for Solid Waste Management Facility Construction and Expansion.* - No person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an Environmental Compliance Certificate (ECC) from the Department pursuant to P.D. 1586 and other permits and clearances from concerned agencies.

SEC. 39. *Guidelines for Controlled Dumps.* - The following shall be the minimum considerations for the establishment of controlled dumps:

- a) Regular inert cover;
- b) Surface water and peripheral site drainage control;
- c) Provision for aerobic and anaerobic decomposition;
- d) Restriction of waste deposition to small working areas;
- e) Fence, including provision for litter control;
- f) Basic record-keeping;
- g) Provision of maintained access road;
- h) Controlled waste picking and trading;
- i) Post-closure site cover and vegetation; and
- j) Hydrogeological siting.

SEC. 40. *Criteria for Siting a Sanitary Landfill.* - The following shall be the minimum criteria for the siting of sanitary landfills:

- (a) The site selected must be consistent with the overall land use plan of the LGU;
- (b) The site must be accessible from major roadways or thoroughfares;
- (c) The site should have an adequate quantity of earth cover material that is easily handled and compacted;
- (d) The site must be chosen with regard for the sensitivities of the community's residents;
- (e) The site must be located in an area where the landfill's operation will not detrimentally affect the environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area;
- (f) The site should be large enough to accommodate the community's wastes for a period of five (5) years during which people must internalize the value of environmentally sound and sustainable solid waste disposal;

(g) The site chosen should facilitate developing a landfill that will satisfy budgetary constraints, including site development, operation for many years, closure, post-closure care and possible remediation costs;

(h) Operating plans must include provisions for coordinating with recycling and resource recovery projects; and

(i) Designation of a separate containment area for household hazardous wastes.

SEC. 41. Criteria for Establishment of Sanitary Landfill. - The following shall be the minimum criteria for the establishment of sanitary landfills:

(a) Liners - a system of clay layers and/or geosynthetic membranes used to contain leachate and reduce or prevent contaminant flow to groundwater;

(b) Leachate collection and treatment system - installation of pipes at the low areas of the liner to collect leachate for storage and eventual treatment and discharge;

(c) Gas control and recovery system - a series of vertical wells or horizontal trenches containing permeable materials and perforated piping placed in the landfill to collect gas for treatment or productive use as an energy source;

(d) Groundwater monitoring well system - wells placed at an appropriate location and depth for taking water samples that are representative of groundwater quality;

(e) Cover - two (2) forms of cover consisting of soil and geosynthetic materials to protect the waste from long-term contact with the environment:

i) a daily cover placed over the waste at the close of each day's operations, and

ii) a final cover, or cap, which is the material placed over the completed landfill to control infiltration of water, gas emission to the atmosphere, and erosion.

(f) Closure procedure - with the objectives of establishing low maintenance cover systems and final cover that minimizes the infiltration of precipitation into the waste. Installation of the final cover must be completed within six (6) months of the last receipt of wastes; and

(g) Post-closure care procedure - during this period, the landfill owner shall be responsible for providing for the general upkeep of the landfill, maintaining all of the landfill's environmental protection features, operating monitoring equipment, remediating groundwater should it become contaminated and controlling landfill gas migration or emission.

SEC. 42. Operating Criteria for Sanitary Landfills. - In the operation of a sanitary landfill, each site operator shall maintain the following minimum operating requirements:

(a) Disposal site records of, but not limited to:

(1) Records of weights or volumes accepted in a form and manner approved by the Department. Such records shall be submitted to the Department upon request, accurate to within ten percent (10%) and adequate for overall planning purposes and forecasting the rate site filling;

(2) Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties;

(3) Daily log book of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipt or rejection of unpermitted wastes, flooding, and other unusual occurrences;

(4) Record of personal training; and

(5) Copy of written notification to the Department, local health agency, and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site;

(b) Water quality monitoring of surface and ground waters and effluent, and gas emissions;

(c) Documentation of approvals, determinations and other requirements by the Department;

(d) Signs -

(1) Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information as required by the Department;

(2) If the site is open to the public, there shall be an easily visible sign at the primary entrance of

the site indicating the name of the site operator, the operator's telephone number, and hours of operation; an easily visible sign at an appropriate point shall indicate the schedule of charges and the general types of materials which will either be accepted or not;

(3) If the site is open to the public, there shall be an easily visible road sign and/or traffic control measures which direct traffic to the active face and other areas where wastes or recyclable materials will be deposited; and

(4) Additional signs and/or measures may be required at a disposal site by the Department to protect personnel and public health and safety;

(e) Monitoring of quality of surface, ground and effluent waters, and gas emissions;

(f) The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site where open storage or piling of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the Department. The Department may also require that other areas of the site be fenced to create an appropriate level of security;

(g) Roads within the permitted facility boundary shall be designed to minimize the generation of dust and the tracking of material onto adjacent public roads. Such roads shall be kept in safe condition and maintained such that vehicle access and unloading can be conducted during inclement weather;

(h) Sanitary facilities consisting of adequate number of toilets and handwashing facilities, shall be available to personnel at or in the immediate vicinity of the site;

(i) Safe and adequate drinking water supply for the site personnel shall be available;

(j) The site shall have communication facilities available to site personnel to allow quick response to emergencies;

(k) Where operations are conducted during hours of darkness, the site and/or equipment shall be equipped with adequate lighting as approved by the Department to ensure safety and to monitor the effectiveness of operations;

(l) Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the Department;

(m) Personnel assigned to operate the site shall be adequately trained in subject pertinent to the site operation and maintenance, hazardous materials recognition and screening, and heavy equipment operations, with emphasis on safety, health, environmental controls and emergency procedures. A record of such training shall be placed in the operating record;

(n) The site operator shall provide adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the Department and local health agency in writing of the names, addresses, and telephone numbers of the operators or responsible party. A copy of the written notification shall be placed in the operating record;

(o) Any disposal site open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regularly scheduled basis, as determined by the Department;

(p) Unloading of solid wastes shall be confined to a small area as possible to accommodate the number of vehicles using the area without resulting in traffic, personnel, or public safety hazards. Waste materials shall normally be deposited at the toe of the fill, or as otherwise approved by the Department;

(q) Solid waste shall be spread and compacted in layers with repeated passages of the landfill equipment to minimize voids within the cell and maximize compaction. The loose layer shall not exceed a depth approximately two feet before compaction. Spreading and compacting shall be accomplished as rapidly as practicable, unless otherwise approved by the Department;

(r) Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. Other effective maintenance methods may be allowed by the Department; and

(s) Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problems or interfere with

unloading, spreading, compacting, access, safety, drainage, or other operations.

Article 7

Local Government Solid Waste Management

SEC. 43. *Guidelines for Identification of Common Solid Waste Management Problems.* - For purposes of encouraging and facilitating the development of local government plans for solid waste management, the Commission shall, as soon as practicable but not later than six (6) months from the effectivity of this Act, publish guidelines for the identification of those areas which have common solid waste management problems and are appropriate units for clustered solid waste management services. The guidelines shall be based on the following:

- (a) the size and location of areas which should be included;
- (b) the volume of solid waste which would be generated;
- (c) the available means of coordinating local government planning between and among the LGUs and for the integration of such with the national plan; and
- (d) possible lifespan of the disposal facilities.

SEC. 44. *Establishment of Common Waste Treatment and Disposal Facilities.* - Pursuant to Sec. 33 of R.A. 7160, otherwise known as the Local Government Code, all provinces, cities, municipalities and barangays, through appropriate ordinances, are hereby mandated to consolidate, or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems and/or establishing common waste disposal facilities.

The Department, the Commission and local solid waste management boards shall provide technical and marketing assistance to the LGUs.

CHAPTER IV
INCENTIVES

SEC. 45. *Incentives.* - a) Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and

techniques or activities in re-use, recycling and reduction. Said rewards shall be sourced from the Fund herein created.

b) An incentive scheme is hereby provided for the purpose of encouraging LGUs, enterprises, or private entities, including NGOs, to develop or undertake an effective solid waste management, or actively participate in any program geared towards the promotion thereof as provided for in this Act.

1) *Fiscal Incentives* - Consistent with the provisions of E.O. 226, otherwise known as the Omnibus Investments Code, the following tax incentives shall be granted:

(a) *Tax and Duty Exemption on Imported Capital Equipment and Vehicles.* - Within ten (10) years upon effectivity of this Act, enterprises or private entities shall enjoy tax and duty-free importation of machinery, equipment, vehicles and spare parts used for collection, transportation, segregation, recycling, re-use and composting of solid wastes: *Provided*, That the importation of such machinery, equipment, vehicle and spare parts shall comply with the following conditions:

(i) They are not manufactured domestically in sufficient quantity of comparable quality and at reasonable prices;

(ii) They are reasonably needed and will be used actually, directly and exclusively for the above mentioned activities;

(iii) The approval of the Board of Investment (BOI) of the DTI for the importation of such machinery, equipment, vehicle and spare parts.

Provided, further, that the sale, transfer or disposition of such machinery, equipment, vehicle and spare parts, without prior approval of the BOI, within five (5) years from the date of acquisition shall be prohibited, otherwise, the LGU concerned, enterprises or private entities and the vendee, transferee or assignee shall be solidarily liable to pay twice the amount of tax and duty exemption given it.

(b) *Tax Credit on Domestic Capital Equipment* - Within ten (10) years from the effectivity of this Act, a tax credit equivalent to 50% of the value of the national internal revenue taxes and customs duties that would have been waived on the machinery, equipment, vehicle and spare parts, had these items been imported shall be given to enterprises, private entities, including NGOs,

subject to the same conditions and prohibition cited in the preceding paragraph.

(c) *Tax and Duty Exemption of Donations, Legacies and Gift* - All legacies, gifts and donations to LGUs, enterprises or private entities, including NGOs, for the support and maintenance of the program for effective solid waste management shall be exempt from all internal revenue taxes and customs duties, and shall be deductible in full from the gross income of the donor for income tax purposes.

2) *Non-Fiscal Incentives* - LGUs, enterprises or private entities availing of tax incentives under this Act shall also be entitled to applicable non-fiscal incentives provided for under E.O. 226, otherwise known as the Omnibus Investments Code.

The Commission shall provide incentives to businesses and industries that are engaged in the recycling of wastes and which are registered with the Commission and have been issued ECCs in accordance with the guidelines established by the Commission. Such incentives shall include simplified procedures for the importation of equipment, spare parts, new materials, and supplies, and for the export of processed products.

3) *Financial Assistance Program* - Government financial institutions such as the Development Bank of the Philippines (DBP), Landbank of the Philippines (LBP), Government Service Insurance System (GSIS), and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to individuals, enterprises, or private entities engaged in solid waste management.

4) *Extension of Grants to LGUs*. - Provinces, cities and municipalities whose solid waste management plans have been duly approved by the Commission or who have been commended by the Commission for adopting innovative solid waste management programs may be entitled to receive grants for the purpose of developing their technical capacities toward actively participating in the program for effective and sustainable solid waste management.

5) *Incentives to Host LGUs*. - Local government units who host common waste management facilities shall be entitled to incentives.

CHAPTER V FINANCING SOLID WASTE MANAGEMENT

SEC. 46. *Solid Waste Management Fund*. - There is hereby created, as a special account in the National Treasury, a Solid Waste Management Fund to be administered by the Commission. Such fund shall be sourced from the following:

(a) Fines and penalties imposed, proceeds of permits and licenses issued by the Department under this Act, donations, endowments, grants and contributions from domestic and foreign sources; and

(b) Amounts specifically appropriated for the Fund under the annual General Appropriations Act.

The Fund shall be used to finance the following:

(1) products, facilities, technologies and processes to enhance proper solid waste management;

(2) awards and incentives;

(3) research programs;

(4) information, education, communication and monitoring activities;

(5) technical assistance; and

(6) capability building activities.

LGUs are entitled to avail of the Fund on the basis of their approved solid waste management plan. Specific criteria for the availing of the Fund shall be prepared by the Commission.

The fines collected under Sec. 49 shall be allocated to the LGU where the fined prohibited acts are committed in order to finance the solid waste management of said LGU. Such allocation shall be based on a sharing scheme between the Fund and the LGU concerned.

In no case, however, shall the Fund be used for the creation of positions or payment of salaries and wages.

SEC. 47. *Authority to Collect Solid Waste Management Fees*. - The local government unit shall impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a solid waste management plan prepared pursuant to this Act. The fees shall be based on the following minimum factors:

- (a) types of solid waste;
- (b) amount/volume of waste; and
- (c) distance of the transfer station to the waste management facility.

The fees shall be used to pay the actual costs incurred by the LGU in collecting the local fees. In determining the amounts of the fees, an LGU shall include only those costs directly related to the adoption and implementation of the plan and the setting and collection of the local fees.

CHAPTER VI PENAL PROVISIONS

SEC. 48. *Prohibited Acts.* - The following acts are prohibited:

(1) Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;

(2) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to this Act;

(3) The open burning of solid waste;

(4) Causing or permitting the collection of non-segregated or unsorted waste;

(5) Squatting in open dumps and landfills;

(6) Open dumping, burying of biodegradable or non-biodegradable materials in flood prone areas;

(7) Unauthorized removal of recyclable material intended for collection by authorized persons;

(8) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;

(9) Establishment or operation of open dumps as enjoined in this Act, or closure of said dumps in violation of Sec. 37;

(10) The manufacture, distribution or use of non-environmentally acceptable packaging materials;

(11) Importation of consumer products packaged in non-environmentally acceptable materials;

(12) Importation of toxic wastes misrepresented as "recyclable" or "with recyclable content";

(13) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers or facilities prescribed under this Act;

(14) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and this Act and not conforming with the land use plan of the LGU;

(15) The construction of any establishment within two hundred (200) meters from open dumps or controlled dumps, or sanitary landfill; and

(16) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and or any portions thereof.

SEC. 49. *Fines and Penalties.* - (a) Any person who violates Sec. 48, paragraph (1) shall, upon conviction, be punished with a fine of not less than three hundred pesos (P300.00) but not more than One thousand pesos (P1,000.00) or render community service for not less than one (1) day to not more than fifteen (15) days to an LGU where such prohibited acts are committed, or both;

b) Any person who violates Sec. 48, pars. (2) and (3), shall, upon conviction, be punished with a fine not less than Three hundred pesos (P300.00) but not more than One thousand pesos (P1,000.00) or imprisonment of not less than on (1) day to not more than fifteen (15) days, or both;

c) Any person who violates Sec. 48, pars. (4), (5), (6), and (7) shall, upon conviction, be punished with a fine of not less than One thousand pesos (P1,000.00) but not more than Three thousand pesos (P3,000.00) or imprisonment of not less than fifteen (15) days but not more than six (6) months, or both;

d) Any person who violates Sec. 48, pars. (8), (9), (10) and (11) for the first time shall, upon conviction, pay a fine of Five hundred thousand pesos (P500,000.00) plus an amount not less than five percent (5%) but not more than ten percent (10%) of his net annual income during the previous year.

The additional penalty of imprisonment of a minimum period of one (1) year, but not to exceed three (3) years at the discretion of the court, shall be imposed for second or subsequent violations of Sec. 48, paragraphs (9) and (10).

e) Any person who violates Sec. 48, pars. (12) and (13), shall, upon conviction, be punished with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Two hundred thousand pesos (P200,000.00) or imprisonment of not less than thirty (30) days but not more than three (3) years, or both;

f) Any person who violates Sec. 48, pars. (14), (15) and (16) shall, upon conviction, be punished with a fine not less than One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00), or imprisonment not less than one (1) year but not more than six (6) years, or both.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Act.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

SEC. 50. *Administrative Sanctions.* - Local government officials and officials of government agencies concerned who fail to comply with and enforce rules and regulations promulgated relative to this Act shall be charged administratively in accordance with R.A. 7160 and other existing laws, rules and regulations.

CHAPTER VII MISCELLANEOUS PROVISIONS

SEC. 51. *Mandatory Public Hearings.* - Mandatory public hearings for the national framework and local government solid waste management plans shall be undertaken by the Commission and the respective Boards in accordance with the process to be formulated in the implementing rules and regulations.

SEC. 52. *Citizen Suits.* - For purposes of enforcing the provisions of this Act or its implementing rules and

regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

(a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; or

(b) The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or

(c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any manner, improperly performs his duties under this Act or its implementing rules and regulations: *Provided, however,* That no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees and shall, likewise, upon *prima facie* showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

In the event that the citizen should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SEC. 53. *Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act.* - Where a suit is brought against a person who filed an action as provided in Sec. 52 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately made a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the case and award attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

SEC. 54. *Research on Solid Waste Management.* - The Department, after consultations with the cooperating agencies, shall encourage, cooperate with, and render financial and other assistance to appropriate government agencies and private agencies, institutions and individuals in the conduct and promotion of researches, experiments, and other studies on solid waste management, particularly those relating to:

(a) adverse health effects of the release into the environment of materials present in solid wastes, and methods to eliminate said effects;

(b) the operation and financing of solid waste disposal programs;

(c) the planning, implementation and operation of resource recovery and resource conservation systems;

(d) the production of usable forms of recovered resources, including fuel from solid waste;

(e) the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid waste;

(f) improvements in land disposal practices for solid waste (including sludge); and

(g) development of new uses of recovered resources and identification of existing or potential markets of recovered resources.

In carrying out solid waste researches and studies, the Secretary of the Department or the authorized representative may make grants or enter into contracts with government agencies, non-government organizations and private persons.

SEC. 55. *Public Education and Information.* - The Commission shall, in coordination with DECS, TESDA, CHED, DILG and PIA, conduct a continuing education and information campaign on solid waste management. Such education and information program shall:

(a) Aim to develop public awareness of the ill-effects of and the community-based solutions to the solid waste problem;

(b) Concentrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the country, like resource conservation

and recovery, recycling, segregation at source, re-use, reduction and composting of solid waste; and

(c) encourage the general public, accredited NGOs and people's organizations to publicly endorse and patronize environmentally acceptable products and packaging materials.

SEC. 56. *Environmental Education in the Formal and Non-Formal Sectors.* - The national government, through the DECS and in coordination with concerned government agencies, NGOs and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, re-use and composting, in order to promote environmental awareness and action among the citizenry.

SEC. 57. *Business and Industry Role.* - The Commission shall encourage commercial and industrial establishments, through appropriate incentives other than tax incentives, to initiate, participate and invest in integrated ecological solid waste management projects, to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote and propagate effective solid waste management practices.

SEC. 58. *Appropriations.* - For the initial operating expenses of the Commission and the National Ecology Center as well as the expenses of the local government units to carry out the mandate of this Act, the amount of Twenty million pesos (P20,000,000.00) is hereby appropriated from the Organization Adjustment Fund on the year this Act is approved. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act.

SEC. 59. *Implementing Rules and Regulations (IRR).* - The Department, in coordination with the Committees on Environment and Ecology of the Senate and House of Representatives, respectively, the representatives of the Leagues of provinces, Cities and Municipalities and Barangay Councils, the MMDA and other concerned agencies, shall promulgate the implementing rules and regulations of this Act, within one (1) year after its enactment: *Provided, That* rules and

regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of the solid waste management problem not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the IRR shall be published and be the subject of public consultations with affected sectors. It shall be submitted to the Committees on Environment and Ecology of the Senate and House of Representatives, respectively, for review before approval by the Secretary.

SEC. 60. Joint Congressional Oversight Committee. - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act and to oversee the functions of the Commission. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

SEC. 61. Abolition of the Presidential Task Force on Waste Management and the Project Management Office on Solid Waste Management. - The Presidential Task Force on Waste Management which was created by virtue of Memorandum Circular No. 39 dated November 2, 1987, as amended by Memorandum Circular No. 39-A and 88 is hereby abolished. Further, pursuant to Administrative Order No. 90 dated October 19, 1992, the Project Management Office on Solid Waste Management is likewise hereby abolished. Consequently, their powers and functions shall be absorbed by the Commission pursuant to the provisions of this Act.

SEC. 62. Transitory Provision. - Pending the establishment of the framework under Sec. 15 hereof, plans under Sec. 16 and promulgation of the IRR under Sec. 59 of this Act, existing laws, regulations, programs and projects on solid waste management shall be enforced. *Provided, That for specific undertaking, the same may be revised in the interim in accordance with the intentions of this Act.*

SEC. 63. Report to Congress. - The Commission shall report to Congress, not later than March 30 of every year following the approval of this Act, giving a detailed account of its accomplishments and progress on solid

waste management during the year and make the necessary recommendations in areas where there is need for legislative action.

SEC. 64. Separability Clause. - If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 65. Repealing Clause. - All laws, decrees, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 66. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

**MOTION OF SENATOR TATAD
(Transfer of S. No. 1919 from Rules Committee
to Committees on Education, Arts and Culture;
and Finance)**

Senator Tatad. Mr. President, I move that we transfer Senate Bill No. 1919, now part of the Committee on Rules, to the Committees on Education, Arts and Culture; and Finance. This has been introduced by Senator Flavio in aid of reelection.

The President Pro Tempore. Is there any objection? *[Silence]*
There being none, the motion is approved.

**BILL ON SECOND READING
S. No. 1734—National Athletes, Coaches and
Trainers Benefits and Incentives Act of 1999
(Continuation)**

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 1734.

The President Pro Tempore. Is there any objection? *[Silence]*
There being none, resumption of consideration of Senate Bill No. 1734 is now in order.

Senator Tatad. This is the bill providing for cash incentives to distinguished athletes. We are now in the period of committee amendments. I ask that the sponsor, Senator Jaworski, be recognized. With the consent of the Chamber, I ask that we now consider amendments from the committee although this is a substitute measure.