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SENATE

S. No. 1595

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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

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

CHAPTER I

GENERAL PROVISIONS

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

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to adopt an integrated, comprehensive and ecological waste management program, which will:

- 1 a) Utilize environmentally sound methods that maximize the
- 2 utilization of valuable resources and encourage resource conservation
- 3 in all communities;
- 4 b) Set guidelines and targets for solid waste avoidance and
- 5 volume reduction through source reduction and waste minimization
- 6 measures, including composting, recycling, reuse, recovery, green-
- 7 charcoal process, and others, before collection, treatment and
- 8 disposal in technically appropriate and environmentally sound solid
- 9 waste management facilities in accordance with ecologically
- 10 sustainable development principles;
- 11 c) Ensure the proper segregation, collection, transport,
- 12 treatment and disposal of solid waste through the formulation and
- 13 adoption of environmental best practice in ecological waste
- 14 management excluding incineration;
- 15 d) Encourage commercial and industrial establishments to
- 16 improve their environmental performance by adopting cleaner
- 17 production practices and source reduction schemes;
- 18 e) Retain primary enforcement responsibility and official
- 19 function for solid waste management with the local government units
- 20 while encouraging relevant cooperative activities among government
- 21 agencies, non-governmental organizations (NGOs) and the private
- 22 sector;
- 23 f) Institutionalize public participation in the development and
- 24 implementation of national and local integrated, comprehensive and
- 25 ecological waste management programs; and

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

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

6 a) Bureau - shall refer to the Environmental Management
7 Bureau;

8 b) Buy-back center - shall refer to a recycling center that
9 purchases or otherwise adopts recyclable materials from the public for
10 the purpose of recycling such materials;

11 c) Collection - means the act of removing solid waste from the
12 source or from a communal storage point;

13 d) Composting - is the aerobic biological decomposition of
14 organic materials or biodegradable waste materials to produce a stable
15 humus-like product called compost, which may be used as a soil
16 conditioner or organic fertilizer;

17 e) Controlled dump - means a disposal site at which solid waste
18 is deposited in accordance with the minimum prescribed standards
19 of site operation;

20 f) Department - shall refer to the Department of
21 Environment and Natural Resources;

22 g) Disposable product - shall mean a product which is
23 used by the consumer one or more times, after which it is
24 typically disposed of without further use or recycling;

25 h) Disposal - means the discharge, deposit, dumping,
26 spilling, leaking or placing of any solid waste into or in any land;

1 i) Disposal site - means a site where solid waste is
2 finally discharged and deposited;

3 j) Fund - shall refer to the Solid Waste Management
4 Fund;

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

7 l) Industrial solid waste - solid waste which is generated as a
8 result of the manufacturing and/or production process;

9 m) Leachate - shall refer to the liquid produced when waste
10 undergo decomposition and when water percolates through solid
11 wastes undergoing decomposition. It is contaminated liquid that
12 contains dissolved and suspended materials;

13 n) Municipal Waste - shall refer to wastes produced from
14 activities within local government units which include a
15 combination of domestic, commercial, institutional and industrial
16 wastes and street litters;

17 o) Open Dump - is a disposal area wherein the solid
18 wastes are indiscriminately thrown or disposed of without due
19 planning and consideration to environmental and health impacts;

20 p) Materials Recovery Facilities (MRF) - There shall be
21 established an MRF in every city, municipality or shared facilities
22 with other municipalities. The MRF shall serve as the last stages for
23 final sorting, segregation, composting, and recycling of mixed waste
24 that escaped from the screening process and household and barangay
25 level including those waste collected from other sources such as

public parks and streets and waste paper and other open spaces. The resulting residual waste shall go for storage in the sanitary landfill;

q) 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;

r) Package - shall refer to any container used to store, contain, transport, display or sell products, excluding shipping containers or wrapping or other means of storage or transportation of any consumer products in bulk;

s) Packaging - shall mean and include all food related wrappings, adhesives, cords, bindings, strings, tapes, ribbons, bags, boxes, coverings and containers and shall further include cups, glasses, and similar containers for drinking out of or for holding liquids, and plates and serving trays, and utensils;

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

u) Post-collection separation - shall mean the sorting of solid waste into some or all of its component parts after the point of collection;

v) 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;

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

x) Recovered material - shall mean 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;

y) 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;

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

aa) 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

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1 waste materials are transformed into new products in such a manner
 2 that the original products may lose their identity, and which may
 3 be used as raw materials for the production of other goods or
 4 services: *Provided*, That the collection, segregation and reuse of
 5 previously used packaging material shall be deemed recycling under
 6 this Act;

7 bb) Resource Recovery - refers to the collection, extraction or
 8 recovery of recyclable materials from the waste stream for the purpose
 9 of recycling, generating energy or producing a product suitable for
 10 beneficial use: *Provided*, That, such resource recovery facilities
 11 exclude incineration;

12 cc) Reuse - means the process of recovering materials
 13 intended for the same or different purpose without the alteration of
 14 physical and chemical characteristics;

15 dd) Sanitary Landfill - shall refer to a disposal site for residual
 16 solid waste that cannot be recycled, composted or processed by any
 17 other available technology which is designed, constructed, operated,
 18 and maintained in a manner that exerts engineering control over
 19 significant potential adverse environmental impact arising from the
 20 development and operation of the facility, in particular, engineering
 21 of the site is undertaken to contain and regulate the uncontrolled
 22 leakage and seepage of leachate and landfill gas: *Provided*, That such
 23 sanitary landfill shall not be situated in any aquifer, groundwater
 24 reservoir and watershed area;

25 ee) Schedule of Compliance - shall refer to a listing of
 26 remedial measures, including an enforceable sequence of actions or

1 operations to be accomplished within a stipulated time frame leading
 2 to compliance with a limitation, prohibition, or standard set forth in
 3 this Act or any rule or regulation issued pursuant thereto;

4 ff) Secretary - shall refer to the Secretary of the
 5 Department of Environment and Natural Resources;

6 gg) Segregation - means a solid waste management
 7 practice of separating different materials found in solid
 8 waste in order to promote recycling and reuse of resources and to
 9 reduce the volume of waste for collection and disposal;

10 hh) Segregation at source - shall refer to a solid waste
 11 management practice of separating, at the point of origin, different
 12 materials found in solid waste in order to promote recycling and reuse
 13 of resources and to reduce the volume of waste for collection and
 14 disposal;

15 ii) Solid waste - shall refer to all municipal wastes/refuse,
 16 agricultural and non-hazardous waste such as street sweepings, and
 17 construction and demolition debris;

18 jj) Integrated ecological solid waste management - shall
 19 refer to the systematic administration of activities which provide
 20 for segregation at source segregated transportation, storage, transfer,
 21 processing, treatment, and disposal of solid waste and all other
 22 waste management activities which do not harm the environment;

23 kk) Solid Waste Management Facility - shall refer to
 24 any resource recovery system or component thereof; any system,
 25 program, or facility for resource conservation; any facility for

the collection, source/separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;

ll) Source reduction - shall mean the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials reuse and packaging restrictions;

mm) Source separation - shall mean the sorting of solid waste into some or all of its component parts at the point of generation;

nn) 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; and

oo) Hazardous waste - shall refer to toxic substances such as chemical, biomedical, infectious and radioactive wastes which can cause health hazards to people and damage the environment.

SEC. 4. *National Commission on Solid Waste Management.*

- There is hereby established a National Commission on Solid Waste Management, hereinafter referred to as the Commission. The Commission shall be composed of twelve (12) members from the government sector and four (4) members from the private sector. The government sector shall be represented by the heads of the following agencies in their ex officio capacity or those whoever they may designate to attend the meetings permanently:

- a) Department of Environment and Natural Resources;
- b) Department of Health;

- c) Department of Science and Technology;
- d) Department of Trade and Industry;
- e) Department of Public Works and Highways;
- f) Department of Agriculture;
- g) Department of the Interior and Local Government;
- h) Chairman of the Metro Manila Development Authority (MMDA);
- i) President of the league of provincial governors;
- j) President of the league of city mayors;
- k) President of the league of municipal mayors; and
- l) President of the association of barangay councils.

The private sector including, but not limited to, the packaging and manufacturing sector, non government organizations and environmental advocacy groups and organizations shall be appointed by the President for a term of three (3) years.

The DENR member and a private sector member of the commission shall serve as chair and co-chair respectively. Members of the commission shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished himself/herself as an authority in environmental and resource management. The members of the Commission shall serve and continue to hold office until 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,

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1 the members shall be entitled to reasonable travelling expenses and
2 honoraria.

3 SEC. 5. *Powers and Functions of the Commission.* - The
4 Commission shall be primarily responsible for promoting ecologically
5 sound solid waste management principles, strategies, and techniques.
6 To this end, the Commission shall perform the following functions:

7 a) Formulate the national integrated ecological solid waste
8 management framework in accordance with the provisions of this
9 Act.

10 b) Assist the local governments in the establishment of local
11 solid waste management councils and ecology centers;

12 c) Coordinate the operation of local councils in the
13 provincial, municipal/city and barangay levels;

14 d) Develop and recommend integrated ecological solid
15 waste management action plans to local government units which give
16 priority to source and waste reduction, recycling and composting
17 programs;

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

23 f) Develop safety nets and alternative livelihood programs for
24 small recyclers and other sectors that will be affected as a result of
25 the construction and/or operation of a solid waste management
26 recycling plant or facilities;

1 g) Formulate and update a list of recyclable as well as non-
2 recyclable materials in accordance with the provisions of this Act. For
3 this purpose, it shall be necessary that proper consultation be
4 conducted by the Commission with all concerned industries to ensure
5 a list that is based on technological and economic viability;

6 h) Encourage private sector initiatives, community participation
7 and investments resource recovery-based livelihood programs for
8 local communities;

9 i) Encourage all local government agencies and all local
10 government units to patronize products manufactured using recycled
11 and recyclable materials;

12 j) Propose and adopt regulations requiring the source
13 separation and post separation collection, segregated
14 collection, processing, marketing and sale of organic and
15 designated recyclable material generated in each local
16 government unit;

17 k) Study and review the following:

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

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

23 SEC. 6. *Meetings.* - The Commission shall meet at least
24 once a month. The presence of at least a majority of the members
25 shall constitute a quorum. The chairman or in his absence a vice
26 chairman shall be the presiding officer.

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1 SEC. 7. *Local Government Units.* - Pursuant to the
 2 relevant provisions of Republic Act No. 7160, or the Local
 3 Government Code, the local government units shall be primarily
 4 responsible for the implementation and enforcement of the provisions
 5 of this Act within their respective jurisdictions by establishing their
 6 local ecological solid waste management councils: *Provided*, That for
 7 the National Capital Region, the Metro Manila Development Authority
 shall be given the primary responsibility for the implementation of
 9 this Act.

10 The provincial, municipal, city and barangay governments,
 11 through the local government sanggunians and in consultation with
 12 the local solid waste management councils, shall draft and
 13 adopt local integrated ecological solid waste management action plans
 14 and programs. In order to ensure optimal utilization of valuable
 15 resources and encourage resource conservation including waste
 16 minimization, in all residential houses, commercial and industrial
 17 establishments, educational institutions, agricultural, and other areas
 through environmentally sound integrated ecological solid waste
 19 management techniques and mechanisms, the local health and/or
 20 general services officers shall be responsible for the local
 21 implementation of the national standards and guidelines as well
 22 as of the local ordinances on local integrated ecological solid waste
 23 management.

24 The action plans shall be submitted by the local executives to
 25 the Commission within one (1) year from the promulgation of the

1 framework to ensure that the action plans are in accordance with the
 2 declared policies under this Act.

3 In order to ensure enforcement of the provisions of this Act,
 4 the local government units shall also:

5 a) ensure the integration of ecological solid waste
 6 management plans into other local development planning and
 7 implementation programs and activities;

8 b) enact and enforce local ordinances for the proper
 9 segregation, collection, transport, storage, treatment and disposal of
 10 solid waste, including permitting fees, pollution and other charges, and
 11 penalties for violations: *Provided*, That such ordinances shall be in
 12 accordance with the national policy on integrated ecological solid
 13 waste management and the criteria/guidelines set by the
 14 Commission for the implementation of the provisions of this Act,
 15 and shall enhance and promote waste prevention and the opportunity
 16 to recycle;

17 c) extensively consult with the local solid waste
 18 management councils with regard to general and expert
 19 information, research, education and training, and assessment of
 20 integrated ecological solid waste management policy, practices and
 21 techniques that promote waste prevention and enhance the opportunity
 22 to compost and recycle; and

23 d) provide assistance and support for promoting among local
 24 communities the opportunity to recycle through facilitation of the
 25 location, establishment and operation of local recycling centers and

1 other private sector initiatives for the implementation of the provisions
2 of this Act.

3 SEC. 8. *The National Ecology Center.* - There shall be
4 established a National Ecology Center of the Commission which shall
5 provide consulting, information, training, and networking services for
6 the implementation of the provisions of this Act.

7 In this regard, it shall perform the following functions:

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

10 b) Establish and manage a integrated ecological solid waste
11 management information data base:

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

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

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

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

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

24 To this end, the National Ecology Center shall be headed by
25 the Director of the Bureau in his ex officio capacity. It shall

1 maintain a multi-sectoral, multi-disciplinary pool of experts including
2 those from the academe, inventors, practicing professionals, business
3 and industry, youth, women and other concerned sectors, who
4 shall be screened according to qualifications set by the
5 Commission.

6 SEC. 9. *The Local Solid Waste Management Councils.* -

7 There shall be established in every province a Provincial Solid
8 Waste Management Council (PSWMC) and in every municipality
9 or city, a Municipal or City Solid Waste Management Council (M/
10 CSWMC) for the purpose of assisting local government units in
11 preparing and implementing local solid waste action plans in
12 accordance with the provisions of this Act. The local councils, in
13 coordination with the DECS and the DILG, shall provide consulting,
14 training, information and networking services for the local government
15 units.

16 Each local Solid Waste Management Council shall be
17 composed of the following:

18 a) the local government chief executive as Chairperson;

19 b) the local government health and/or general services
20 officer, whichever may be recommended by the local chief
21 executive;

22 c) the local environment and natural resources officer or if not
23 available in the municipality, the recommendee of the provincial
24 natural resource officer in an interim capacity;

25 d) the local government engineer;

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1 e) a representative each of the League of Mayors and the *Liga*
 2 *ng Mga Punong Barangay* of the province, or a representative of
 3 the *Liga ng mga Punong Barangay* of the city or municipality; and
 4 f) a representative from the private sector who shall be
 5 appointed by the local government chief executive for a term of two
 6 (2) years unless revoked earlier.

7 SEC. 10. *Cooperative Activities.* - The Commission shall
 8 encourage cooperative activities by other government agencies and
 9 the local government units for the effective and efficient
 10 implementation of integrated national integrated ecological solid
 11 waste management action plans. It shall also encourage the
 12 enactment of improved and, so far as practicable in the light of
 13 varying conditions and needs, uniform laws and local ordinances
 14 relating to solid waste management to assure the utilization of all
 15 appropriate and available facilities and resources of the national
 16 government for the implementation of the National Integrated
 17 Ecological Solid Waste Management Framework.

8 SEC. 11. *Mandatory Source Separation for Residential and*
 9 *Commercial Premises.* - Commencing one (1) year from the
 20 enactment of this Act, all owners or persons in control of any
 21 residential or commercial premises shall be required to separate from
 22 all other refuse collected or received by the municipality or any other
 23 collector the following items:

- 24 a) newsprint;
- 25 b) office paper;

- 1 c) cardboard;
- 2 d) glass bottles and jars;
- 3 e) aluminum cans;
- 4 f) steel and bi-metal cans;
- 5 g) food and organic waste;
- 6 h) toxic materials, including but not limited to batteries,
 7 fluorescent bulbs, paint and thinner cans, insecticide containers and
 8 such other items as may be mandated by the Commission.

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

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

18 SEC. 12. *Establishing Mandatory Solid Waste Reduction,*
 19 *Recycling and Composting Programs.* - Each local government unit
 20 shall within twelve (12) months after the effectivity of this Act put
 21 into place programs and measures to reduce the total discarded or
 22 disposed solid wastes generated within its jurisdiction by the following
 23 percentages by weight, of the total combined residential and
 24 commercial solid waste generated within the municipality during the
 25 calendar year prior to the enactment of this Act:

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1 a) at least twenty-five percent (25%) of the municipality's solid
2 waste stream within three (3) years of the enactment of this Act;

3 b) at least thirty-five percent (35%) of the municipality's solid
4 waste stream within five (5) years of the enactment of this Act;

5 c) at least fifty percent (50%) of the municipality's solid waste
6 stream within seven (7) years of the enactment of this Act;

7 d) at least seventy percent (70%) of the municipality's solid
8 waste stream within ten (10) years of the enactment of this Act.

9 The programs and measures to accomplish these goals shall
10 rely upon recycling, composting, or avoided waste production. Such
11 programs and measures may be designed to increase private sector
12 or residential recycling, to implement waste reduction or reuse
13 measures, or to export waste for the purpose of recycling.

14 Local government units shall provide for the source
15 separation, separate collection and composting of all food, yard and
16 organic wastes generated within its jurisdiction, unless the generator
17 otherwise provides for recycling or storage for composting.

18 Thereafter, no sanitary landfill, and solid waste collector shall accept
19 organic wastes for final disposal.

20 All government agencies responsible for the maintenance
21 of public lands shall to the maximum extent practicable and
22 feasible give preference to the use of compost materials derived from
23 the local government unit's organic waste in all land maintenance
24 activities.

1 SEC. 13. *Recycling Plans.* - Each local government unit, with
2 the assistance of its local waste management council (local recycling
3 council) and the National Ecology Center, shall develop within six
4 (6) months of enactment of this Act, a preliminary recycling plan that
5 shall cover the next ten (10) years. The preliminary plan and
6 subsequent plans shall include but shall not be limited to the
7 following:

8 a) A waste composition analysis that identifies the quality,
9 quantity and composition of the local government units' solid waste
10 by barangay;

11 b) Annual recycling and reduction goals equal to or exceeding
12 the mandatory minimum levels of this Act, including the quantity and
13 composition of recyclable materials to be collected, processed,
14 marketed and sold by each barangay;

15 c) A five-year strategy for collecting, processing, marketing and
16 selling the designated recyclable materials, taking into account persons
17 engaged in the business of recycling or persons otherwise providing
18 recycling services before the effectivity of this Act. Such strategy may
19 be based upon the results of the waste composition analysis performed
20 pursuant to this section or information obtained in the course of past
21 collection of solid waste by the local government unit, and may
22 include recommendations with respect to increasing the number of
23 materials designated for recycling pursuant to this Act;

24 d) A comprehensive and up-to-date list of large-scale generators
25 of recyclable materials within the jurisdiction of the local government

1 unit concerned and potential purchasers of recyclable material both
2 within the same jurisdiction and in other locations;

3 e) A comprehensive analysis of all appropriate local government
4 properties and facilities to determine the feasibility of their use as
5 recycling and composting centers;

6 f) Proposed methods and programs to achieve a reduction in
7 the local government unit's solid waste stream, including but not
8 limited to, identifying materials whose use should be regulated or
9 restricted based upon their incompatibility with recycling;

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

20 h) To the extent feasible, proposals developed in consultation
21 with local transportation officials to separate, collect and recycle
22 recyclable materials that are discarded at transportation facilities,
23 including bus, railroad and ferry stations;

24 i) Proposals developed in consultation with the Department of
25 Education, Culture and Sports, the Department of Health, hospitals

1 and other appropriate entities to separate, collect and recycle materials
2 that are discarded at schools, hospitals and other similar institutions
3 throughout the local government unit;

4 j) A proposal for an incentive program, including cash
5 incentives, to encourage recycling participation locally;

6 k) An evaluation of the economic development benefits of
7 alternative recycling methods and strategies;

8 l) A detailed report of the recycling activities of the local
9 government unit during the preceding year which includes a summary
10 of outstanding recycling problems confronting the local government
11 unit in order of priority;

12 m) Recommendations concerning legislation that the local waste
13 management councils deem necessary or desirable to assist in solving
14 these recycling problems; and

15 n) The local government units' plans for recycling and reduction
16 activities and programs during the next year.

17 SEC. 14. *Monitoring Waste Reduction Levels and Success of*
18 *Recycling Programs.* - In any of the first four years following the
19 effective date of this Act in which the Commission determines that
20 the local government units are unable to achieve the level of recycling
21 required for that year as specified in this Act, the Commission shall
22 submit to Congress a report detailing the exact shortfall, setting forth
23 the reasons for its occurrence and proposing a plan for specific
24 programs to make up the shortfall in subsequent years.

25 The Commission shall annually review the National Recycling
26 Program within the National Solid Waste Management Framework and

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1 all rules and regulations promulgated thereunder, and shall make the
2 necessary revisions to improve the efficiency of collecting, processing,
3 marketing and selling the materials recycled. These revisions may
4 include designating additional recyclable materials. The Commission
5 shall not delete designated materials so that the total quantity by
6 weight of all designated recyclable materials collected, processed,
7 marketed and sold does not decrease.

8 SEC. 15. *Recycling Market Development.* - The Commission
9 together with the National Ecology Center, the Department of Trade
10 and Industry and the Department of Finance shall establish procedures,
11 standards and strategies to market recyclable materials and develop
12 the local market for recycled goods, including but not limited to:

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

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

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

23 In order to encourage establishment of new facilities to produce
24 goods from post-consumer and recovered materials generated within
25 local government units, and to conserve energy by reducing materials
26 transportation, whenever appropriate, each local government unit may

1 arrange for long-term contracts to purchase a substantial share of the
2 product output of a proposed facility which will be based in the
3 jurisdiction of the local government unit if such facility will
4 manufacture such finished products from post-consumer and recovered
5 materials.

6 Within eighteen (18) months after effectivity of this Act, the
7 Commission shall submit to Congress a study of existing markets for
8 processing and purchasing recyclable materials and the potential steps
9 necessary to expand these markets. Such study shall also include a
10 proposal developed in conjunction with the appropriate agencies
11 to use where feasible the local government units' tax and finance
12 authority to stimulate the demand for the production of products
13 containing post-consumer and recovered materials.

14 SEC. 16. *National Packaging and Research Institute.* -
15 There is hereby established a National Packaging and Research
16 Institute which shall have the following functions:

17 a) To conduct research and data gathering on waste
18 management, including but not limited to the different kinds of wastes
19 such as solid wastes, hazardous and toxic wastes and recoverable or
20 recyclable wastes;

21 b) To formulate a strategy either in terms of technology or
22 practice in dealing with all types of wastes for purposes of reusing
23 and recycling waste resource into other uses such as housing and
24 construction materials;

1 c) To design, recommend and integrate in the
2 manufacturing and packaging sectors a resource recovery
3 program including the substitution of non recoverable materials;

4 d) To recommend a volume and toxic reduction strategy in the
5 manufacturing process of industry which would include a calibrated
6 phaseout of nonrecoverable products after adequate consultation with
7 sectors in the industry that would incorporate economic and technical
8 viability;

9 e) To promote closed loop systems in recycling, such as
10 glass bottles be manufactured into new glass bottles, and old
11 newspapers converted into recycled newsprints;

12 f) To develop alternative packaging materials which are
13 recyclable or renewable; and

14 g) To formulate an intensive continuing information and
15 education campaign in schools and universities, media industry and
16 local communities the benefits of waste management, recycling and
17 resource recovery.

18 In consultation with consumer groups, environmental groups,
19 business organizations and members of the general public, the Institute
20 shall take on the following additional tasks:

21 1) monitor industry and governmental actions relating to
22 environmentally acceptable packaging;

23 2) recommend actions other levels of government and industry
24 can take to advance the goals of this Act; and

25 3) assist in efforts to expand the local government unit's
26 recycling programs to include the collection of potentially recyclable

1 materials not presently collected, including consideration of financial
2 assistance.

3 The institute shall have a board to be headed by the
4 Secretary of the Department of Science and Technology.
5 Other members of the board shall come from the private sector,
6 related government agencies and the academe involved with
7 packaging related services and projects, as well as integrated
8 ecological solid waste management. The Institute shall complement
9 the National Packaging Research Center of the Department of
10 Science and Technology on Research and Development Activities and
11 Services on Environmental Protection.

12 CHAPTER II

13 INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT
14 FRAMEWORK AND ACTION PLANS

15 SEC. 17. *National Integrated Ecological Solid Waste*
16 *Management Framework.* - Within one (1) year from the
17 establishment of the Commission, an integrated national and local
18 solid waste management framework program shall be promulgated
19 which shall include:

20 (a) The publication of an inventory of all solid waste
21 disposal facilities or sites in the country which are classified as open
22 dumps within the meaning of this Act;

23 (b) The varying regional geologic, hydrologic, climatic, and
24 other factors vital in the implementation of solid waste practices to
25 ensure the reasonable protection of (1) the quality of surface and
26 groundwater from leachate contamination, (2) the quality of surface

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1 waters from surface run-off contamination, and (3) ambient air
2 quality;

3 (c) Characteristics and conditions of collection, storage,
4 processing, disposal, operating methods, techniques and practices,
5 location of facilities where such operating methods, techniques and
6 practices are conducted, taking into account the nature of the material
7 to be disposed;

—8 (d) Methods for closing or upgrading open dumps into
9 controlled dumps and eventually into sanitary landfills and/or
10 materials recovery facilities for purposes of eliminating potential
11 health hazards;

12 (e) Population density, distribution, and projected growth;

13 (f) The type/s and location of solid waste transport
14 facilities;

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

17 (h) The characterization and generation rates of waste;

—8 (i) The political, economic, organizational, financial and
19 management problems affecting comprehensive solid waste
20 management; and

21 (j) Practical applications of environmentally sound
22 techniques of waste minimization such as, but not limited to, resource
23 conservation, segregation at source, recycling, resource recovery
24 including waste-to-energy generation, reuse and composting;

25 (k) A technical and economic description of the level of
26 performance that can be attained by various available solid waste

1 management practices which provide for the protection of public
2 health and the environment;

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

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

8 2) Disease and epidemic prevention and control;

9 3) Prevention and control of offensive odor; and

10 4) Safety and aesthetics;

11 (m) Minimum criteria to be used by the local government
12 units to define those integrated ecological solid waste management
13 practices, which constitute open dumping and are to be prohibited.

14 As much as practicable, such guidelines shall also include minimum
15 information for use in deciding the adequate location, design, and
16 construction of facilities associated with solid waste management
17 practices, including the consideration of regional, geographic,
18 demographic, and climatic factors; and

19 n) The method and procedure for the phase-out period and the
20 eventual closure within eighteen (18) months from the effectivity of
21 this Act in case of existing open dumps and/or sanitary landfill located
22 within an aquifer, ground water reservoir or watershed.

23 SEC. 18. *Local Waste Management Action Plans.* - All
24 integrated ecological solid waste management action plans of local

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1 government units must comply with the guidelines in accordance
2 with the framework established by the Commission and shall:

3 (a) Identify the responsibilities of the local government unit in
4 the implementation of its plan;

5 (b) Prohibit the establishment of new open dumps within the
6 local government unit and require that all solid waste shall either be
7 utilized for recycling and materials recovery or disposed of in
—8 sanitary landfills or controlled dumps, or otherwise disposed of in
9 any other environmentally-sound manner;

10 (c) Provide for the phase-out or eventual closure, or
11 upgrading into sanitary landfills, of all existing open dumps within
12 the local government unit within eighteen (18) months from the
13 effectivity of this Act and pursuant to the provisions of this Act;

14 (d) Provide that the local government unit shall not be
15 prohibited from entering into long-term agreements for the operation,
16 management and implementation of specific aspects of integrated
17 ecological solid waste management action plans and/or supply of solid
8 waste to recycling and materials recovery facilities;

19 (e) Provide for resource conservation or recovery schemes and
20 disposal of solid waste in sanitary landfills or any combination of
21 practices, such as, but not limited to, segregation at source, recycling,
22 reuse, and composting, as may be necessary to use or dispose of such
23 waste in a manner that is environmentally-sound;

24 (f) Provide a time frame for the rehabilitation and/or
25 reclamation of abandoned open dumpsites/sanitary landfills after

1 reaching their full potential so they can be utilized for commercial
2 and industrial purposes; and

3 (g) Prohibit any establishment within two hundred meters from
4 open dumps and one hundred meters from sanitary landfills.

5 For purposes of compliance with paragraph (e) hereof,
6 each local government unit plan shall contain a requirement that all
7 existing disposal facilities or sites for solid waste which are open
8 dumps shall comply with such measures as may be promulgated by
9 the Secretary to eliminate health hazards and minimize potential health
10 hazards.

11 Each action plan shall establish, for any entity which
12 demonstrates that it has considered other public or private
13 alternatives for integrated ecological solid waste management to
14 comply with the prohibition on open dumping but is unable to utilize
15 such alternatives to comply, a timetable or schedule for compliance
16 which specifies a schedule or remedial measures, including an
17 enforceable sequence of actions or operations leading to compliance
18 with the prohibition on open dumping of solid waste within a
19 reasonable time, which in no case shall exceed eighteen (18) months.

20 Each local government unit shall develop formulas and
21 mechanisms for determining the avoided disposal costs attributable to
22 the recycling program mandated by this Act, and shall implement
23 appropriate mechanisms for sharing such savings through price
24 supports, rebates, bonuses or other methods with persons and entities
25 who are helpful in achieving the waste reduction goals of this Act,
26 but not necessarily limited to the following:

1 a) Sanitation or public works workers based on verifiable gains
2 in reduction of solid waste generation;

3 b) Businesses using secondary materials located within the
4 municipality to the extent that such companies provide new or
5 enhanced markets for recycled materials or otherwise accomplish
6 reductions of the waste stream by utilizing secondary materials; and

7 c) Buy-back and drop off centers, and other community based
8 waste reduction or recycling efforts which in the opinion of the local
9 waste management council have provided or can provide innovative
10 waste reduction strategies or which are conducting strategies which
11 will be important in assisting the local government unit concerned to
12 achieve the waste reduction goals set forth in this Act.

13 SEC. 19. *Guidelines for Identification of Common Solid Waste*
14 *Management Problems.* - For purposes of encouraging and
15 facilitating the development of local government action plans for
16 solid waste management, the Department, in consultation with
17 the Commission, shall, as soon as practicable but not later than three
18 (3) months from the effectivity of this Act, publish guidelines for the
19 identification of those areas which have common solid waste
20 management problems and are appropriate units for clustered solid
21 waste management services.

22 SEC. 20. *Establishment of Common Waste Treatment and*
23 *Disposal Facilities.* - All provinces, cities, municipalities and
24 barangays are hereby mandated to establish common waste disposal
25 facilities to be situated in a location agreed upon by them.

1 The Department and the national and local solid waste
2 management councils shall provide technical assistance to the local
3 government units.

4 SEC. 21. *Prohibition against Open Dumping of Solid*
5 *Waste.* - Any solid waste management practice or disposal of solid
6 waste which constitutes the open dumping of solid waste is hereby
7 prohibited, except in the case of any practice or disposal of solid
8 waste under a timetable or schedule for compliance established under
9 Section 18: *Provided,* That solid industrial waste can be disposed
10 of in controlled dumps.

11 SEC. 22. *Disposable Products.* - Within one (1) year from the
12 effectivity of this Act, the Commission together with the Institute
13 shall, after public notice and hearing, prepare a list of disposable
14 products that shall be prohibited according to a schedule that shall
15 be prepared by the Commission: *Provided, however,* That no
16 disposable product shall be prohibited unless the Commission
17 first finds that there are alternatives available which:

- 18 a) are environmentally acceptable as defined in this Act;
- 19 b) are available to consumers at no more than ten percent
20 (10%) greater cost than the disposable product; and
- 21 c) neither contain, nor are manufactured with ozone depleting
22 substances and other chemicals required to be reported under Republic
23 Act No. 6969.

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

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

5 The Commission shall annually review and expand the list of
6 prohibited disposable products.

7 SEC. 23. *Prohibition on the Use of Disposable Packaging.* -

8 No person owning, operating or conducting a food establishment in
9 the country shall sell or convey at retail or possess with the intent
10 to sell or convey at retail any food or beverage that is placed,
11 wrapped or packaged in or on packaging which is not environmentally
12 acceptable packaging. The presence on the premises of the food
13 establishment of packaging, which is not environmentally acceptable
14 packaging shall constitute a rebuttable presumption of intent to sell
15 or convey at retail to customers packaging that is not
16 environmentally acceptable packaging: *Provided*, that this section shall
17 not apply to manufacturers, brokers or warehouse operators who
18 conduct or transact no retail food or beverage business: *Provided*,
19 *further*, That the Commission shall determine a phaseout period after
20 proper consultation and hearing with the stakeholders or with the
21 sectors concerned.

22 Any person who is a manufacturer, broker or warehouse
23 operator engaging in the distribution or transportation of food or
24 beverages within the country shall file a report with the local
25 government unit involved within one (1) year of the adoption of this
26 Act, and annually thereafter, listing those food or beverage products

1 that are available to said person in packaging which is not
2 environmentally acceptable. The Commission shall prescribe the form
3 of such report in its regulations.

4 A violation of this section shall be sufficient grounds for the
5 revocation, suspension, denial or non-renewal of any license for the
6 food or retail establishment in which the violation occurs.

7 SEC. 24. *Public Education and Information.* - The

8 Commission shall, in coordination with the PIA, the DECS, and other
9 concerned agencies, conduct a continuing education and information
10 campaign on integrated ecological solid waste management. Such
11 education and information program shall:

12 (a) Aim at developing public awareness of the ill-effects of the
13 solid waste problem and demonstrating what the public can do to
14 minimize, if not resolve, it;

15 (b) Concentrate on activities which are feasible and which will
16 have the greatest impact on the solid waste problem of the country,
17 like resource conservation and recovery, recycling, segregation at
18 source, reuse, reduction and composting of solid waste; and

19 (c) Encourage the general public and the non-governmental and
20 people's organizations to publicly endorse and patronize products that
21 are recyclable, durable, and repairable and those that are not over-
22 packaged.

23 SEC. 25. *Environmental Education in the Formal and*

24 *Non-Formal Sectors.* - The Commission, in coordination with
25 concerned government agencies and non-governmental
26 organizations and private institutions, shall strengthen the

1 integration of environmental concerns in school curricula at all levels,
2 with particular emphasis on the theory and practice of waste
3 management principles like waste minimization, specifically resource
4 conservation and recovery, segregation at source, reduction, recycling,
5 reuse and composting, in order to promote environmental awareness
6 and action among the citizenry.

7 SEC. 26. *Business and Industry Role.* - The Commission
8 shall encourage commercial and industrial establishments, through
9 appropriate incentives other than tax incentives, to initiate, participate
10 and invest in integrated ecological solid waste management projects,
11 to manufacture environment-friendly products, to introduce, develop
12 and adopt innovative processes that shall recycle and reuse materials,
13 conserve raw materials and energy, reduce waste, and prevent
14 pollution, and to undertake community activities to promote and
15 propagate effective solid waste management practices.

16 CHAPTER III

17 CIVIL LIABILITIES/PENAL PROVISIONS

18 SEC. 27. *Prohibited Acts.* - The following acts are
19 prohibited:

20 a) The construction or operation of landfills or any type of
21 garbage dump on any aquifer, groundwater reservoir or watershed
22 and/or any portions thereof.

23 b) Littering or throwing garbage, or other solid waste matters
24 including human waste in public places, such as roads, highways,
25 sidewalks, canals, esteros, parks, and establishments;

1 c) Squatting in open dumps and landfills;

2 d) The taking, without the consent of the owner or
3 generator, of recyclable material set out to be collected by an
4 authorized person or a collection service;

5 e) The removal of any recyclable material from a
6 container, box, collection vehicle, depot or other receptacle for the
7 accumulation or storage of recyclable material without the permission
8 of the owner of the receptacle;

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

12 g) Open dumping, burying of biodegradable or non-
13 biodegradable materials in flood prone areas, and collection of non-
14 segregated waste;

15 h) The manufacture, distribution or use of packaging
16 materials for consumer products, other than those indicated as
17 recyclable on the list which shall be provided and published in two
18 (2) newspapers of general circulation by the Commission in
19 accordance with the provisions of this Act; and

20 i) The use of the terms "recyclable" and "with recycled
21 content" and the like on products and packages without
22 complying with the standards set by the Department.

23 J) The importation of consumer products packaged in
24 materials other than those indicated in the same list.

25 SEC. 28. *Penalties.* - Any person who violates Section 27
26 (b) shall, upon conviction, be punished with a fine of not less than

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1 Three hundred pesos (P300.00) but not more than One thousand
2 pesos (P1,000.00) or imprisonment of not less than one (1) day to
3 not more than fifteen (15) days or both, at the discretion of the Court.

4 Any person who violates Sec. 21 which provides for a ban on
5 open dumping and/or Sec. 27 (c), (d), (e), (f) and (g) shall, upon
6 conviction, be punished with a fine of not less than One thousand
7 pesos (P1,000.00) but not more than Three thousand pesos
—8 (P3,000.00) or imprisonment of not less than fifteen (15) days but
9 not more than six (6) months, or both, at the discretion of the Court.

10 Any person who violates Section 27 (a), (h), (i) and (j) for the
11 first time shall, upon conviction, pay a fine of Five hundred thousand
12 pesos (P500,000.00) plus an amount not less than five percent (5%)
13 but not more than ten percent (10%) of his net annual income during
14 the previous year. The additional penalty of imprisonment of a
15 minimum period of one (1) year, but not to exceed three (3) years
16 at the discretion of the court, shall be imposed for second or
17 subsequent violations of Section 27 (h) and (j).

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

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

1 CHAPTER IV

2 MISCELLANEOUS PROVISIONS

3 SEC. 29. *Establishment of Multi-Purpose Cooperatives or*
4 *Associations in every LGU.* - Multi-purpose cooperatives and
5 associations that shall undertake activities to promote the
6 implementation and/or directly undertake projects in compliance with
7 the provisions of this Act shall be encouraged and promoted in every
8 LGU.

9 SEC. 30. *Grants to Local Government Units.* - The
10 National Government shall provide grants to any local
11 government unit, or cluster of units, that establishes and adopts
12 innovative solid waste management programs including the promotion
13 of the use of source reduction strategies and techniques by
14 businesses, schools and government offices in their respective
15 localities as well.

16 SEC. 31. *Reclamation Programs and Buy-back Centers for*
17 *Recyclables and Toxics.* - The National Ecology Center shall assist
18 local government units in establishing and implementing deposit or
19 reclamation programs in coordination with manufacturers that provide
20 separate collection systems or convenient drop-off locations for
21 recyclable materials and particularly for separated toxic components
22 of the waste stream like dry cell batteries and tires to ensure that they
23 are not incinerated or disposed of in a landfill. The Center may
24 establish in consultation with manufacturers concerned a reasonable
25 deposit charge for these materials pursuant to this section. Upon
26 effectivity of this Act, toxic materials present in the waste stream

1 should be separated at source, collected separately, and further
2 screened out before landfilling and sent to appropriate hazardous waste
3 treatment and disposal plants, consistent with the provisions of
4 Republic Act No. 6969.

5 SEC. 32. *Capital Fund for Local Solid Waste*
6 *Management Initiatives.* - Government financial institutions, including
7 the Land Bank of the Philippines, and private banks, whether in
8 an independent capacity or with support from other private funding
9 institutions, shall be encouraged to set aside seed capital for this
10 purpose and shall serve as the depositories of the Capital Fund. They
11 shall be responsible for the evaluation and approval of loans and/or
12 grants to local government units and to private solid waste
13 management cooperatives and associations accredited by the
14 Commission.

15 SEC. 33. *Annual report.* - The National Commission on
16 Solid Waste Management shall, at the close of each calendar
17 year, submit an annual report to Congress, giving a detailed account
18 of its proceedings and accomplishments during the year and making
19 recommendations for the adoption of measures that will upgrade the
20 national integrated ecological solid waste management program.

21 SEC. 34. *Joint Congressional Oversight Committee.* - there is
22 hereby created a Joint Congressional Oversight Committee to monitor
23 the implementation of this Act. The Committee shall be composed
24 of five (5) Senators and five (5) Representatives to be appointed by
25 the Senate President and the Speaker of the House of Representatives

1 respectively. The Oversight Committee shall be co-chaired by a
2 Senator and a Representative designated by the Senate President and
3 the Speaker of the House of Representatives respectively.

4 SEC. 35. *Appropriations.* - For the initial operating expenses of
5 the Commission and the National Ecology Center as well as the
6 expenses of the local government units to carry out the mandate of
7 this Act, the amount of Twenty million pesos (P20,000,000.00) is
8 hereby appropriated from the Organizational Adjustment Fund on the
9 year this Act is approved. Thereafter, it shall submit to the
10 Department of Budget and Management its proposed budget for
11 inclusion in the General Appropriations Act.

12 CHAPTER V
13 FINAL PROVISIONS

14 SEC. 36. *Abolition of the Presidential Task Force on Waste*
15 *Management and the Presidential Management Office on Solid Waste*
16 *Management.* - The Presidential Task Force on Waste Management
17 which was created by virtue of Memorandum Circular No. 39 dated
18 November 2, 1987, as amended by Memorandum Circular No. 39A
19 and 88 is hereby abolished. Further, pursuant to Administrative
20 Order No. 90 dated October 19, 1992, the Presidential Management
21 Office on Solid Waste Management is likewise hereby abolished.
22 Consequently, their powers and functions shall be absorbed by the
23 Commission pursuant to the provisions of this Act.

24 SEC. 37. *Implementing Rules and Regulations.* - The
25 National Commission as hereby created shall formulate the

1 implementing rules and regulations of this Act within sixty (60) days
2 after the approval of this Act.

3 SEC. 38. *Separability Clause.* - If, for any reason, any
4 provision of this Act is declared unconstitutional or invalid, such
5 sections or parts not affected thereby shall remain in full force and
6 effect.

7 SEC. 39. *Repealing Clause.* - All laws, decrees, issuances, rules
8 and regulations, or parts thereof inconsistent with the provisions of
9 this Act are hereby repealed or modified accordingly: *Provided*, That
10 in case of inconsistency between this Act and the provisions of
11 Republic Act No. 8749, otherwise known as the Clean Air Act the
12 latter law shall prevail.

13 SEC. 40. *Effectivity.* - This Act shall take effect fifteen (15)
14 days after its publication in at least two (2) newspapers of general
15 circulation.

Approved,