



HOUSE OF REPRESENTATIVES

H. No. 10651

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SEACHON JR., SILOS, URRO, VALERA AND VILLAR JR.

AN ACT PROVIDING FOR A COMPREHENSIVE SOLID WASTE
MANAGEMENT, 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 1

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known and referred to as
the “Solid Waste Management Act of 2000.”

SEC. 2. *Declaration of Policies.* – In consonance with the
constitutional provision protecting and advancing the right of the people to
a balanced and healthful ecology, in accord with the rhythm and harmony
of nature, it is hereby declared the policy of the State to adopt a systematic
and comprehensive national 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 for solid waste volume reduction through
measures on source reduction, recycling, re-use, recovery before
collection, treatment and disposal;

(d) Ensure the proper storage, collection, transfer, transport, treatment and disposal of solid wastes, through the formulation and adoption of minimum national standards and guidelines;

(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, nongovernment organizations and the private sector;

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

(i) Strengthen the integration in formal and nonformal education courses on solid waste management and resource conservation and recovery in order to promote environmental awareness and action among the citizenry; and

(j) Intensify a national information and awareness building campaign.

ARTICLE 2

DEFINITION OF TERMS

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) “Agricultural waste” means waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;

(b) “Biodegradable waste” means any material that can be degraded or decomposed by micro-biological organisms or enzymes;

(c) “Bulky wastes” mean waste materials which cannot be appropriately placed in separate containers because of either its bulky size,

1 shape or other physical attributes. These include large worn-out or broken
2 household, commercial and industrial items such as furnitures, lamps,
3 bookcases, filing cabinets, and other similar items;

4 (d) "Collection" means the act of removing solid waste from the
5 source or from a communal storage point;

6 (e) "Composting" means the controlled decomposition of organic
7 matter by microorganisms, mainly bacteria and fungi, into a humus-like
8 product;

9 (f) "Consumer electronics" mean special wastes that include worn-
10 out, broken, and other no-longer-wanted items such as radios, stereos and
11 TV sets;

12 (g) "Controlled dump" means a disposal site at which solid waste is
13 deposited in accordance with minimum prescribed standards of site
14 operation;

15 (h) "Disposal" means the discharge, deposit, dumping, spilling,
16 leaking or placing of any solid waste into or on any land;

17 (i) "Disposal site" means the site at where the solid waste is finally
18 discharged and deposited;

19 (j) "Generation" means the act or process of producing solid
20 waste;

21 (k) "Generator" means a person, natural or juridical, who last uses
22 a material and makes it available for disposal or recycling;

23 (l) "Hazardous waste" means solid waste or combination of solid
24 waste which because of its quantity, concentration, or physical, chemical
25 or infectious characteristics may:

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

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

1 (m) "Leachate" means the liquid produced when waste undergo
2 decomposition, and when water percolate through solid waste undergoing
3 decomposition. It is contaminated liquid that contains dissolved and
4 suspended materials;

5 (n) "Material recovery facility" includes a solid waste transfer
6 station or sorting station, drop-off center, a composting facility, a recycling
7 facility and a disposal facility;

8 (o) "Open dump" means any site other than a controlled dump or
9 sanitary landfill where solid waste is finally disposed of;

10 (p) "Recycling" means the treatment of used or waste materials
11 through a process by making them suitable for beneficial use and for other
12 purposes, and includes any process by which solid waste materials are
13 transformed into new products in such a manner that the original products
14 may lose their identity, and which may be used as raw materials for the
15 production of other goods or services;

16 (q) "Resource conservation" means the reduction of the amount of
17 solid waste that are generated or the reduction of overall resource
18 consumption, and utilization of recovered resources;

19 (r) "Resource recovery" means the technical and other practices
20 whereby materials or energy for production are obtained from waste
21 products;

22 (s) "Re-use" means the process of recovering materials intended
23 for the same or different purpose without the alteration of physical and
24 chemical characteristics;

25 (t) "Sanitary landfill" means a waste disposal site designed,
26 constructed, operated and maintained in a manner that exerts engineering
27 control over significant potential environmental impacts arising from the
28 development and operation of the facility;

29 (u) "Segregation" means a solid waste management practice of
30 separating different materials found in solid waste in order to promote

1 recycling and re-use of resources and to reduce the volume of waste for
2 collection and disposal;

3 (v) "Solid waste" means all discarded household, commercial
4 waste, nonhazardous institutional waste, street sweepings, construction
5 debris, agricultural waste, and other nonhazardous/nontoxic solid waste.

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

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

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

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

24 (w) "Solid waste management" means the discipline associated with
25 the control of generation, storage, collection, transfer and transport, within
26 the five (5)-year period processing, and disposal of solid wastes in a
27 manner that is in accord with the best principles of public health,
28 economics, engineering, conservation, aesthetics, and other environmental
29 considerations, and that is also responsive to public attitudes;

30 (x) "Special wastes" mean household hazardous wastes such as
31 paints, thinners, household batteries, lead-acid batteries, spray canisters

1 and the like. These include wastes from residential and commercial
2 sources that comprise of bulky wastes, consumer electronics, white goods,
3 yard wastes that are collected separately, batteries, oil and tires. These
4 wastes are usually handled separately from other residential and
5 commercial wastes;

6 (y) "Storage" means the interim containment of solid waste after
7 generation and prior to collection for ultimate recovery or disposal;

8 (z) "Transfer station" means those facilities utilized to receive solid
9 wastes, temporarily store, separate, convert, or otherwise process the
10 materials in the solid wastes, or to transfer the solid wastes directly from
11 smaller to larger vehicles for transport. This term does not include any of
12 the following:

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

16 (2) a facility, whose principal function is to receive, store, convert,
17 or otherwise process wastes which have already been separated for re-use
18 and are not intended for disposal; and

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

23 (aa) "Waste diversion" means activities which reduce or eliminate
24 the amount of solid waste from waste disposal facilities;

25 (bb) "Waste management facility" means a facility which includes
26 material recovery and/or disposal; and

27 (cc) "White goods" means large worn-out or broken household,
28 commercial and industrial appliances such as stoves, refrigerators,
29 dishwashers, and clothes washers and dryers collected separately. White
30 goods are usually dismantled for the recovery of specific materials (e.g.,
31 copper, aluminum, etc.).

CHAPTER II

INTEGRATED SOLID WASTE MANAGEMENT

ARTICLE 1

GENERAL PROVISIONS

SEC. 4. *National Solid Waste Management Status Report.* – The Department of Environment and Natural Resources (DENR), in coordination with the Department of Health (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 Section 5 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) Country profile describing the varying regional, geological, hydrologic, climatic, and other factors vital in the implementation of solid waste practices;
- (e) Population density, distribution and projected growth;
- (f) Political, economic, organization, financial and management problems affecting 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

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

4 SEC. 5. *National Solid Waste Management Framework*. – Within
5 twelve (12) months from the effectivity of this Act, the National Solid
6 Waste Management Board created under Section 35 of this Act shall, with
7 public participation, formulate and implement a National Solid Waste
8 Management Framework. Such framework shall consider and include:

9 (a) Analysis and evaluation of the current state, trends, projections
10 of solid waste management on the national, provincial and municipal
11 levels;

12 (b) Identification of critical solid waste facilities and local
13 government units which will need closer monitoring and/or regulation;

14 (c) Characteristics and conditions of collection, storage,
15 processing, disposal, operating methods, practices and facilities, taking
16 into account the nature of the waste;

17 (d) Waste diversion goal pursuant to Section 15 of this Act;

18 (e) Schedule for the closure of open and controlled dumps or the
19 upgrading of the same into sanitary landfills pursuant to Section 20 of this
20 Act;

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

23 (g) Environmentally-sound techniques of waste minimization such
24 as, but not limited to, resource conservation, segregation at source,
25 recycling, resource recovery, re-use and composting;

26 (h) Appropriate solid waste facilities and conservation systems;

27 (i) Establish recycling programs for the recyclable materials, such
28 as but not limited to glass, paper, plastic and metal;

29 (j) Venues for public participation from all sectors at all
30 phases/stages of the waste management program/project; and

31 (k) Information and education campaign strategies.

1 SEC. 6. *Local Government Solid Waste Management Plans.* – The
2 province, city or municipality, through their local solid waste management
3 boards, shall prepare their respective ten (10)-year solid waste
4 management plans consistent with the national solid waste management
5 framework: *Provided*, That the waste management plan shall be for the re-
6 use, recycling and composting of wastes generated in their respective
7 jurisdictions: *Provided, further*, That the solid waste management plan of
8 the local government unit (LGU) shall ensure the efficient management of
9 solid waste generated within its jurisdiction. The plan shall place primary
10 emphasis on implementation of all feasible re-use, recycling and
11 composting programs while identifying the amount of landfill and
12 transformation capacity that will be needed for solid waste which cannot
13 be re-used, recycled or composted. The plan shall contain all the elements
14 provided in Section 7 of this Act and a timetable for the implementation of
15 the solid waste management program in accordance with the National
16 Framework and pursuant to the provisions of this Act: *Provided, finally*,
17 That it shall be reviewed and updated every year by the provincial, city or
18 municipal solid waste management board.

19 For LGUs which have considered solid waste management
20 alternatives to comply with Section 20 of this Act, but are unable to utilize
21 such alternatives, a timetable or schedule for compliance specifying the
22 remedial measures and eventual compliance shall be included in the plan.

23 All local government solid waste management plans shall be
24 subjected to the accreditation by the DENR in accordance with Section 34
25 hereof: *Provided*, That in the Province of Palawan, the Local Government
26 Solid Waste Management Plan shall be accredited by the Palawan Council
27 for Sustainable Development, pursuant to Republic Act No. 7611.

28 SEC. 7. *The Elements of the Local Government Solid Waste*
29 *Management Plan.* – The solid waste management plan shall include but
30 not be limited to the following components:

1 (a) City or Municipal Profile – The plan shall indicate the
2 following background information on the city or municipality and its
3 component barangays, covering important highlights of the distinct
4 geographic and other conditions:

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

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

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

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

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

28 (c) Collection and Transfer – The plan shall take into account the
29 geographic subdivisions to define the coverage of the solid waste
30 collection area in every barangay. The barangay shall be responsible for
31 ensuring that a one hundred percent (100%) collection efficiency from

1 residential, commercial, industrial and agricultural sources, where
2 necessary, within its area of coverage is achieved. Toward this end, the
3 Plan shall define and identify the specific strategies and activities to be
4 undertaken by its component barangays, taking into account the following
5 concerns:

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

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

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

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

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

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

21 (d) Processing – The plan shall define the methods and the
22 facilities required to process the solid waste, including the use of
23 intermediate treatment facilities for composting, recycling, conversion and
24 other waste processing systems. Other appropriate waste reduction
25 technologies may also be considered: *Provided*, That such technologies
26 conform with internationally-acceptable and other standards set in other
27 laws and regulations.

28 (e) Source reduction – The source reduction component shall
29 include a program and implementation schedule which shows the methods
30 by which the LGU will, in combination with the recycling and composting

1 components, reduce a sufficient amount of solid waste disposed of in
2 accordance with the diversion requirements of Section 15.

3 The source reduction component shall describe the following:

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

6 (2) specify how such strategies are to be implemented and the
7 resources that are necessary to carry out such activities;

8 (3) other appropriate waste reduction technologies may also be
9 considered, provided that such technologies conform with the standards set
10 pursuant to this Act;

11 (4) the types of wastes to be reduced pursuant to Section 5 of this
12 Act;

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

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

18 The LGU source reduction component shall include the evaluation
19 and identification of rate structures and fees to reduce the amount of
20 wastes that generators produce, and other source reduction strategies,
21 including, but not limited to, programs and economic incentives provided
22 under Chapter IV of this Act, to reduce the use of nonrecyclable materials,
23 replace disposable materials and products with reusable materials and
24 products, reduce packaging, and increase the efficiency of the use of paper,
25 cardboard, glass, metal, and other materials. The waste reduction activities
26 of the community shall also take into account, among others, local
27 capability, economic viability, technical requirements, social concerns,
28 disposition of residual waste and environmental impact: *Provided*, That
29 projection of future facilities needed and estimated cost shall be
30 incorporated in the Plan;

(f) Recycling – The recycling component shall include a program and implementation schedule which shows the methods by which the LGU will, 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 Section 15.

The LGU recycling component shall describe the following:

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

(2) The methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through recycling; and

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

The LGU recycling component shall describe methods which will be used to increase 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 grant a price preference to encourage the purchase of recycled products. The amount of the price preference shall be determined by the LGU.

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 material recovery facilities, zoning, and building code changes which encourage recycling of materials, 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 Section 15 of this Act.

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 program and implementation schedule which shows the methods by which the LGU will, 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 Section 15 hereof.

The LGU composting component shall describe the following:

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

(2) The methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through composting; and

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

The LGU composting component shall describe methods which will be used to increase the markets for composted materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of recycled products. Each LGU may grant a price preference to encourage the purchase of composted products. The amount of the price preference shall be determined by the LGU.

(h) Solid waste facility capacity and final disposal – The solid waste facility component shall include, but is not limited to, a projection of the amount of disposal capacity which will be 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 Section 15 of this Act;

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

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

4 The plan shall identify existing and proposed disposal sites and
5 waste management facilities in the city or municipality or in other areas.
6 The plan shall specify the strategies for the efficient disposal of waste
7 through existing disposal facilities and the identification of prospective
8 sites for future use. The selection and development of disposal sites shall
9 be made on the basis of internationally accepted standards and on the
10 guidelines set in Sections 26 and 27 of this Act.

11 Strategies shall be included to improve said existing sites to lessen
12 its impact on health and the environment, and to extend its life span and
13 capacity. The Plan shall clearly define projections for future disposal site
14 requirements and the estimated cost for these efforts.

15 Open dump sites will not be allowed as final disposal sites. If an
16 open dump site is existing within the city or municipality, the plan shall
17 make provisions for its closure or eventual phase out within the period
18 specified under the framework and pursuant to the provisions under
19 Section 20 of this Act. As an alternative, sanitary landfill sites shall be
20 developed and operated as a final disposal site for solid waste in a
21 municipality or city or a cluster of municipalities and/or cities. Sanitary
22 landfills shall be designed and operated in accordance with the guidelines
23 set under Sections 25 and 26 of this Act.

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

28 The plan shall make provisions to ensure that information on waste
29 collection services, solid waste management and related health and
30 environmental concerns are widely disseminated among the public. This
31 shall be undertaken through the print and broadcast media and other

1 government agencies in the municipality. The Department of Education,
2 Culture and Sports(DECS) and the Commission on Higher Education
3 (CHED) shall ensure that waste management shall be incorporated in the
4 curriculum of primary, secondary and college students.

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

10 (k) Resource requirement and funding – The funding component
11 includes identification and description of projects costs, revenues and
12 revenue sources the LGU will use to implement all components of the
13 LGU solid waste management plan.

14 The plan shall likewise indicate specific projects, activities,
15 equipment and technological requirements for which outside sourcing of
16 funds or materials may be necessary to carry out the specific components
17 of the plan. It shall define the specific uses for its resource requirements
18 and indicate its costing. The Plan shall likewise indicate how the province,
19 city or municipality intends to generate the funds for the acquisition of its
20 resource requirements. It shall also indicate if certain resource
21 requirements are being or will be sourced from fees, grants, donations,
22 local funding and other means. This will serve as basis for the
23 determination and assessment of incentives which may be extended to the
24 province, city or municipality as provided for in Chapter IV of this Act.

25 (l) Privatization of solid waste management projects – The plan
26 shall likewise indicate specific measures to promote the participation of the
27 private sector in the management of solid wastes, particularly in the
28 generation and development of the essential technologies for solid waste
29 management. Specific projects or component activities of the plan which
30 may be offered as private sector investment activity shall be identified and
31 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 Chapter IV hereof and other existing laws, policies and regulations.

SEC. 8. *Visitorial Powers of the DENR.* – The DENR Secretary or the 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 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.

ARTICLE 2

SEGREGATION OF WASTES

SEC. 9. *Mandatory Segregation of Solid Wastes.* – The LGUs 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 Section 10 of this Act.

SEC. 10. *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 “biodegradable waste”,

1 "nonbiodegradable waste" or "special waste", or any other classification as
2 may be determined by the Board.

3 ARTICLE 3

4 COLLECTION AND TRANSPORT OF SOLID WASTE

5 SEC. 11. *Requirements for Collection of Solid Waste.* – The
6 following shall be the minimum standards and requirements for the
7 collection of solid waste:

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

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

14 (c) Collection of solid waste shall be done in a manner which
15 prevents, but not be limited to, the damage of the container, and spillage or
16 scattering of solid waste within the collection vicinity.

17 SEC. 12. *Requirements for the Transport of Solid Waste.* – Vehicles
18 used for the collection and transport of solid wastes shall have the
19 appropriate compartments to facilitate efficient storing of sorted wastes
20 while in transit. Otherwise, the separate collection schedules shall be
21 allowed for specific types of wastes.

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

25 Waste compartment shall have a cover to ensure the containment of
26 solid wastes while in transit.

27 For the purpose of identification, vehicles shall be properly marked
28 or identified bearing the body number, the name and telephone number of
29 the contractor/agency collecting solid waste.

30 SEC. 13. *Guideline for Transfer Stations.* – Transfer stations shall
31 be designed and operated in such a manner that there is efficient waste

handling capacity and complies with environmental standards and guidelines set pursuant to this Act and other regulations.

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 give 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. 14. *Inventory of Existing Markets for Recyclable Materials.* –

The Department of Trade and Industry (DTI) shall, within six (6) months from the effectivity of this Act and in cooperation with the DENR, the Department of Interior and Local Government (DILG) and other concerned agencies and sectors, inventory recyclable materials and publish an inventory of existing markets for recyclable materials.

SEC. 15. *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 twenty-five percent (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 periodically: *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.

SEC. 16. *Guidelines for Material Recovery Facilities.* – Material 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. 17. *Inventory of Markets for Composts.* – Within six (6) months after the effectivity of this Act, the Department of Agriculture (DA) shall publish an inventory of existing markets and demands for composts: *Provided*, That the composting of agricultural wastes, and other compostable materials, including but not limited to garden wastes, shall be encouraged.

SEC. 18. *Guidelines for Compost Quality.* – To assure compost quality, the compost product shall conform with the standards on organic fertilizers set by the DA.

ARTICLE 6

WASTE MANAGEMENT FACILITIES

SEC. 19. *Inventory of Waste Disposal Facilities.* – Within six (6) months from the effectivity of this Act, the DENR, in cooperation with the Department of Health (DOH), DILG and other concerned agencies, shall publish an inventory of all solid waste disposal facilities or sites in the country.

SEC. 20. *Prohibition Against the Use of Open Dumps for Solid Waste.* – Any solid waste management practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid waste is hereby prohibited: *Provided*, That only controlled dumps established pursuant to Section 24 hereof shall be allowed: *Provided, further*, That within five (5) years after the effectivity of this Act, highly-urbanized cities (HUCs), as defined in Section 452 of Republic Act No. 7160, otherwise known as the Local Government Code, shall close all open or controlled dumps and establish sanitary landfills in accordance with the guidelines set in Section 26 of this Act. All other local government units not identified as HUCs shall, within five (5) years after

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the effectivity of this Act, upgrade open dumps into controlled dumps and within five (5) years thereafter, close all open or controlled dumps and establish sanitary landfills in accordance with the guidelines set in Section 26 hereof.

SEC. 21. *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 from the DENR pursuant to Presidential Decree No. 1586 and other permits and clearances from concerned agencies.

SEC. 22. *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, it 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. 23. *Waste Characterization.* – The DENR, 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 Republic Act No. 6969, otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act.

SEC. 24. *Guidelines for Controlled Dumps.* – The following shall be the minimum considerations for the establishment of controlled dumps:

- (1) Regular inert cover;
- (2) Surface water and peripheral site drainage control;

- (3) Provision for aerobic and anaerobic decomposition;
- (4) Restriction of waste deposition to small working areas;
- (5) Fence, including provision for litter control;
- (6) Basic record-keeping;
- (7) Provision of maintained access road;
- (8) Controlled waste picking and trading;
- (9) Post-closure site cover and vegetation; and
- (10) Hydrogeological siting.

SEC. 25. *Criteria for Siting a Sanitary Landfill.* – The following shall be the minimum criteria for the siting of sanitary landfills:

(a) Landfill 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 environmentally sensitive resources;

(f) The site should be large enough to accommodate the community's wastes for a period of five (5) years during which people must have internalized already 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.

1 SEC. 26. *Criteria for Establishment of Sanitary Landfill.* – The
2 following shall be the minimum criteria for the establishment of sanitary
3 landfills:

4 (a) Liners – a system of clay layers and/or geosynthetic membranes
5 used to contain leachate and reduce or prevent contaminant flow to
6 groundwater.

7 (b) Leachate collection and treatment system – installation of pipes
8 at the low areas of the liner to collect leachate for storage and eventual
9 treatment and discharge.

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

14 (d) Groundwater monitoring well system – wells placed at an
15 appropriate location and depth for taking water samples that are
16 representative of groundwater quality.

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

20 (i) a daily cover placed over the waste at the close of each day's
21 operations; and

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

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

29 (g) Post-closure care procedure – during this period, the landfill
30 owner is responsible for providing for the general upkeep of the landfill,
31 maintaining all of the landfill's environmental protection features,

1 operating monitoring equipment, remediating groundwater should it
2 become contaminated and controlling landfill gas migration or emission.

3 SEC. 27. *Operating Criteria for Sanitary Landfills.* – In the
4 operation of a sanitary landfill, each site operator shall maintain the
5 following minimum operating requirements:

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

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

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

13 (3) daily log book or file of the following information: fires,
14 landslides, earthquake damage, unusual and sudden settlement, injury and
15 property damage accident, explosions, receipt or rejection of unpermitted
16 wastes, flooding, and other unusual occurrences;

17 (4) record of personnel training; and

18 (5) copy of written notification to the DENR, local health agency,
19 and fire authority of names, addresses and telephone numbers of the
20 operator or responsible party of the site.

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

23 (c) Documentation of approvals, determinations and other
24 requirements by the DENR;

25 (d) Signs –

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

29 (2) If the site is open to the public, there shall be an easily visible
30 sign at the primary entrance of the site indicating the name of the site
31 operator, the operator's telephone number, and, hours of operation; an

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1 easily visible sign at an appropriate point shall indicate the schedule of
2 charges and the general types of materials which either will be accepted or
3 will not be accepted;

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

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

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

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

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

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

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

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

30 (k) Where operations are conducted during hours of darkness, the
31 site and/or equipment shall be equipped with adequate lighting as

1 approved by the DENR to ensure safety and to monitor the effectiveness of
2 operations;

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

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

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

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

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

26 (q) Solid waste shall be spread and compacted in layers with
27 repeated passages of the landfill equipment to minimize voids within the
28 cell and maximize compaction. The loose layer shall not exceed a depth
29 approximately two (2) feet before compaction. Spreading and compacting
30 shall be accomplished as rapidly as practicable, unless otherwise approved
31 by the DENR;

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(r) Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent pounding. 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 DENR; 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.

SEC. 28. *Requirement for Eco-Labeling.* – The DTI shall formulate and implement a coding system for packaging materials and products to facilitate industrial waste recycling and re-use.

SEC. 29. *Repurchase of Recyclable Packaging Materials.* – Manufacturers are encouraged to repurchase, recycle and re-use wrappers, labels, containers and other similar packaging materials of their respective products. Manufacturers shall within six (6) months from the effectivity of this Act, redesign their packaging to reduce waste. The use of biodegradable packaging materials shall also be encouraged.

ARTICLE 7

LOCAL GOVERNMENT SOLID WASTE MANAGEMENT

SEC. 30. *Guidelines for Identification of Common Solid Waste Management Problems.* – For purposes of encouraging and facilitating the development of local government planning of solid waste management, the provincial solid waste management board shall, as soon as practicable but not later than six (6) months from the effectivity of this Act, identify areas which have common solid waste management problems and are appropriate units for planning local solid waste management services based on the following guidelines:

- (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. 31. *Role of LGUs in Solid Waste Management.* – 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 nonrecyclable materials shall be the responsibility of the municipality or city.*

SEC. 32. *Cooperative Solid Waste Management Undertaking Among Local Government Units.* – Pursuant to Section 33 of Republic Act No. 7160, otherwise known as the Local Government Code, cities and municipalities may, through appropriate ordinances, group themselves, consolidate or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems.

SEC. 33. *Establishment of Material Recovery Facility.* – Every barangay or cluster of barangays shall establish material recovery facility. The establishment of a material recovery facility shall be an integral part of a local solid waste management plan. 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 material recovery facility. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set pursuant to this Act.

CHAPTER III

INSTITUTIONAL MECHANISM

SEC. 34. *Role of the DENR.* – For the furtherance of the objectives of this Act, the DENR shall have the following functions:

(a) Chair the National Solid Waste Management Board created pursuant to this Act;

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

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

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

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

10 (f) Accredite local solid waste management plans;

11 (g) Recommends policies to eliminate barriers to waste reduction
12 programs;

13 (h) Exercise visitorial and enforcement powers to ensure strict
14 compliance with this Act;

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

17 (j) Issue rules and regulations to effectively implement the
18 provisions of this Act.

19 SEC. 35. *National Solid Waste Management Board.* – A National
20 Solid Waste Management Board, hereinafter referred to as the Board, shall
21 be established to oversee the implementation of solid waste management
22 plans and programs and to prescribe plans and policies to achieve the
23 objectives of this Act. As such, it shall undertake the following activities:

24 (a) Prepare the national solid waste management framework;

25 (b) Review and monitor the implementation of local solid waste
26 management plans;

27 (c) Formulate rules and regulations for the accreditation of local
28 solid waste management plans;

29 (d) To the maximum extent feasible, utilizing existing resources,
30 assist provincial, city and municipal solid waste management boards in the
31 preparation, modification and implementation of waste management plans;

1 (e) Develop a model provincial, city and municipal solid waste
2 management plan that will establish prototypes of the content and format
3 which provinces, cities and municipalities may use in meeting the
4 requirements of the National Solid Waste Management Framework;

5 (f) Adopt a program to provide technical and other capability
6 building assistance and support to local government units in the
7 development and implementation of source reduction programs;

8 (g) Develop and implement a program to assist local government
9 units in the identification of markets for materials that are diverted from
10 disposal facilities through re-use, recycling and composting, and other
11 environment-friendly methods;

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

14 (i) Manage the Solid Waste Management Fund;

15 (j) Develop and prescribe procedures for the issuance of
16 appropriate permits and clearances;

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

20 (l) Formulate the necessary education promotion and information
21 campaign strategies.

22 The National Solid Waste Board shall be chaired by the Secretary of
23 the DENR and shall have the following agencies as members:

24 (1) Department of the Interior and Local Government (DILG);

25 (2) Department of Science and Technology (DOST);

26 (3) Department of Finance (DOF);

27 (4) Department Education, Culture and Sports (DECS);

28 (5) Department of Public Works and Highways (DPWH);

29 (6) Department of Health (DOH);

30 (7) Department of Trade and Industry (DTI);

31 (8) Department of Agriculture (DA);

1 (9) National Economic and Development Authority (NEDA);

2 (10) Commission on Higher Education (CHED);

3 (11) Public Information Agency (PIA);

4 (12) Two (2) representatives from NGOs whose principal purpose
5 is to promote recycling and the protection of air and water quality;

6 (13) Two (2) representatives from the recycling industry;

7 (14) Two (2) representatives from the manufacturing industry; and

8 (15) Two (2) representatives from the media.

9 *Provided*, That representatives from the NGOs, recycling industry,
10 manufacturing industry and the media shall be selected through a process
11 designed by themselves: *Provided, further*, That representatives from the
12 NGOs, recycling industry, manufacturing industry and the media shall be
13 endorsed by the government agency representatives of the Board:
14 *Provided, finally*, That the secretaries of the member agencies of the Board
15 shall formulate action plans for their respective agencies to complement
16 the National Solid Waste Management Framework.

17 The Board shall elect a vice chairperson from its members.

18 The DENR, through the Environmental Management Bureau, shall
19 provide secretariat support to the National Solid Waste Management
20 Board.

21 SEC. 36. *Provincial Solid Waste Management Board.* – A
22 Provincial Solid Waste Management Board shall be established in every
23 province, to be chaired by the governor. Its members shall include:

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

25 (b) One (1) representative from the sangguniang panlalawigan to
26 be represented by the Chairpersons of the Committees on Environment or
27 Health or their equivalent committees, to be nominated by the presiding
28 officer;

29 (c) Congressional representative from each congressional district
30 within the province;

31 (d) Representatives from concerned government agencies;

1 (e) Two (2) representatives from NGOs whose principal purpose is
2 to promote recycling and the protection of air and water quality;

3 (f) Two (2) representatives from the recycling industry;

4 (g) Two (2) representatives from the manufacturing industry; and

5 (h) Two (2) representatives from the media.

6 *Provided*, That representatives from the NGOs, recycling industry,
7 manufacturing industry and the media shall be selected through a process
8 designed by themselves: *Provided, further*, That representatives from the
9 NGOs, recycling industry, manufacturing industry and the media shall be
10 endorsed by the government agency representatives of the Board:
11 *Provided, finally*, That in the Province of Palawan the Board shall be
12 chaired by the chairman of the Palawan Council for Sustainable
13 Development, pursuant to Republic Act No. 7611.

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

16 (i) All the local chief executives of its component cities and
17 municipalities;

18 (ii) Representatives from concerned government agencies;

19 (iii) Two (2) representatives from NGO sector whose principal
20 purpose is to promote recycling and the protection of air and water quality;

21 (iv) Two (2) representatives from the recycling industry;

22 (v) Two (2) representatives from the manufacturing industry; and

23 (vi) Two (2) representatives from the media.

24 *Provided*, That representatives from the NGOs, recycling industry,
25 manufacturing industry and the media shall be selected through a process
26 designed by themselves: *Provided, further*, That representatives from the
27 NGOs, recycling industry, manufacturing industry and the media shall be
28 endorsed by the government agency representatives of the Board.

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

1 (1) Develop a Provincial Solid Waste Management Plan from the
2 submitted solid waste management plans of the respective City and
3 Municipal Solid Waste Boards herein created. It shall review and integrate
4 the submitted plans of all its component cities and municipalities and
5 ensure that the various plans complement each other, and has the requisite
6 elements. The Provincial Solid Waste Management Plan shall be
7 submitted to the DENR for accreditation.

8 The Provincial Plan shall reflect the general program of action and
9 initiatives of the provincial government in implementing a solid waste
10 management program that would support the various initiatives of its
11 component cities and municipalities;

12 (2) Provide the necessary logistical and operational support to its
13 component cities and municipalities in consonance with subsection (f) of
14 Section 17 of the Local Government Code;

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

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

20 (5) Identify areas within its jurisdiction which have common solid
21 waste management problems and are appropriate units for planning local
22 solid waste management services in accordance with Section 30 hereof;

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

26 (7) Develop appropriate incentives as an integral component of the
27 Provincial Solid Waste Management Plan;

28 (8) Convene joint meetings of the provincial, city and municipal
29 Solid Waste Boards at least every quarter for purposes of integrating,
30 synchronizing, monitoring and evaluating the development and
31 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; and

(10) 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

(11) Provincial solid management boards may allow for the clustering of LGUs for the solution of common solid waste management problems.

SEC. 37. *City and Municipal Solid Waste Management Board.* – Each city or municipality shall form a City or Municipal Solid 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 the Committees on Environment and Health, who will be designated by the Presiding Officer;

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

(c) Chairperson of the Sangguniang Kabataan;

(d) Representatives of concerned government agencies;

(e) One (1) representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality;

(f) One (1) representative from the recycling industry;

(g) One (1) representative from the manufacturing industry; and

(h) One (1) representative from the media.

1 *Provided*, That representatives from the NGOs, recycling industry,
2 manufacturing industry and the media shall be selected through a process
3 designed by themselves: *Provided, further*, That representatives from the
4 NGOs, recycling industry, manufacturing industry and the media shall be
5 endorsed by the government agency representatives of the Board.

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

8 (1) Develop the City or Municipal Solid Waste Management Plan
9 that shall ensure the long-term management of solid waste, as well as
10 integrate the various solid waste management plans and strategies of the
11 barangays in its area of jurisdiction. In the development of the Solid Waste
12 Management Plan, it shall conduct consultations with the various sectors of
13 the community;

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

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

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

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

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

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

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

3 (9) Recommend to appropriate local government authorities
4 specific measures or proposals for franchise or build-operate-transfer
5 agreements with duly recognized institutions, pursuant to Republic Act
6 No. 6957, to provide the exclusive or nonexclusive authority for the
7 collection, transfer, storage, processing, recycling or disposal of municipal
8 solid waste. The proposals shall take into consideration appropriate
9 government rules and regulations on contracts, franchises and build-
10 operate-transfer agreements;

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

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

16 (12) Coordinate the efforts of the component cities and
17 municipalities in the implementation of the Provincial Solid Waste
18 Management Plan.

19 SEC. 38. *Establishment of a Multi-Purpose Environment*
20 *Cooperative in Every LGU.* – Multi-purpose environment cooperatives
21 shall be encouraged and promoted in every LGU to execute and oversee
22 solid waste management in their areas.

23 CHAPTER IV

24 REWARDS AND INCENTIVES

25 SEC. 39. *Rewards.* – Rewards, monetary or otherwise, shall be
26 provided to individuals, private organizations and entities, including non-
27 government organizations, that have undertaken outstanding and
28 innovative projects, technologies, processes and techniques or activities in
29 re-use, recycling and reduction. Said rewards shall be sourced from the
30 Solid Waste Management Fund herein created.

1 SEC. 40. *Incentives Scheme.* – An incentives scheme is hereby
2 provided for the purpose of encouraging LGUs, enterprises or private
3 entities, including NGOs, to develop or undertake an effective solid waste
4 management, or actively participate in any program geared towards the
5 promotion thereof as perceived in this Act.

6 (a) Fiscal Incentives –

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

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

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

18 (iii) The approval of the Board of Investment (BOI) for the
19 importation of such machinery, equipment, vehicle and spare parts:
20 *Provided, further, That* the sale, transfer or disposition of such machinery,
21 equipment, vehicle and spare parts, without prior approval of the BOI,
22 within five (5) years from the date of acquisition shall be prohibited,
23 otherwise, the LGU concerned, enterprises or private entities and the
24 vendee, transferee or assignee shall be solidarily liable to pay twice the
25 amount of tax and duty exemption given it.

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

1 entities, including NGOs, subject to the same conditions and prohibition
2 cited in the preceding paragraph.

3 (3) *Tax and Duty Exemption of Donations, Legacies and Gifts.* –

4 All legacies, gifts and donations to LGUs, enterprises or private entities,
5 including NGOs, for the support and maintenance of the program for
6 effective solid waste management shall be exempt from all internal
7 revenue taxes and customs duties, and shall be deductible in full from the
8 gross income of the donor for income tax purposes.

9 (b) Non-Fiscal Incentives – LGUS, enterprises or private entities
10 availing of tax incentives under this Act shall also be entitled to applicable
11 non-fiscal incentives provided for under Executive Order No. 226,
12 otherwise known as the Omnibus Investment Code.

13 (c) Financial Assistance Program – Government financial
14 institutions such as the Development Bank of the Philippines (DBP), Land
15 Bank of the Philippines (LBP), Government Service Insurance System
16 (GSIS), and such other government institutions providing financial
17 services shall, in accordance with and to the extent allowed by the enabling
18 provisions of their respective charters or applicable laws, accord high
19 priority to extend financial services to individuals, enterprises, or private
20 entities engaged in solid waste management.

21 (d) Extension of Grants to LGUs. – Provinces, cities and
22 municipalities whose solid waste management plans have been duly
23 accredited by the DENR may be entitled to receive grants for the purpose
24 of developing their technical capacities toward actively participating in the
25 program for effective and sustainable solid waste management.

26 (e) Incentives to LGUs. – Local government units where sanitary
27 landfills or other waste management facilities are sited shall be entitled to
28 incentives.

CHAPTER V

FINANCING SOLID WASTE MANAGEMENT

SEC. 41. *Solid Waste Management Fund*. – There is hereby created a Solid Waste Management Fund which shall be constituted from the following sources:

(a) Fifty million pesos (P50,000,000.00) from the net income of the Philippine Amusement and Gaming Corporation (PAGCOR) after deducting the taxes and income share of the national government, which shall be remitted by PAGCOR directly to the National Solid Waste Management Board in two (2) equal tranches for a period of two (2) years;

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

(c) Amounts specifically appropriated for the Solid Waste Management 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 program;

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

(5) technical assistance; and

(6) capability building activities;

Local government units are entitled to avail of the Fund on the basis of their accredited solid waste management plan. Specific criteria for the availment of the Fund shall be prepared by the Board.

The fines collected under Section 44 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.

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

3 SEC. 42. *Authority to Collect Solid Waste Management Fees.* – The
4 local government unit may impose fees in amounts sufficient to pay the
5 costs of preparing, adopting and implementing a solid waste management
6 plan prepared pursuant to this Act. The fees shall be based on the
7 following minimum factors:

8 (a) Types of solid waste;

9 (b) Amount/volume of waste; and

10 (c) Distance of the transfer station to the waste management
11 facility.

12 The fees shall be used to pay the actual costs incurred by the LGU
13 in collecting the local fees. In determining the amounts of the fees, a local
14 government unit shall include only those costs directly related to the
15 preparation, adoption and implementation of the plan and the setting and
16 collection of the local fees.

17 CHAPTER VI

18 FINES AND PENALTIES

19 SEC. 43. *Prohibited Acts.* – The following acts are hereby
20 prohibited:

21 (a) Littering, throwing, dumping of garbage, filth or other waste
22 matters in public places, such as roads, sidewalks, canals, esteros or parks
23 and establishment or causing or permitting the same;

24 (b) Causing or permitting the collection of non-segregated or
25 unsorted waste;

26 (c) Establishment or operation of open dumps as enjoined in this
27 Act, or closure of said dumps in violation of Section 20;

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

1 (e) Site preparation, construction, expansion or operation of waste
2 management facilities without an Environmental Compliance Certificate
3 required pursuant to Presidential Decree No. 1586 and this Act; and

4 (f) Undertaking activities or operating collecting or transporting
5 equipment in violation of sanitation operation and other requirements or
6 permits set forth in or established pursuant to this Act.

7 SEC. 44. *Fines and Penalties.* – (a) Any person who violates
8 paragraphs (a), (b) and (f) of the immediately preceding Section, shall
9 suffer a fine of not less than Five hundred pesos (P500.00) nor more than
10 Five thousand pesos (P5,000.00) or render community service for not less
11 than one (1) day nor more than five (5) days to a local government unit
12 where such prohibited acts are committed, or both;

13 (b) For violation of paragraph (c) of the said preceding Section,
14 imprisonment of not less than ten (10) days nor more than two (2) years or
15 a fine of not less than Five thousand pesos (P5,000.00) nor more than One
16 hundred thousand pesos (P100,000.00), or both, shall be imposed;

17 (c) For violation of paragraph (d) of the preceding Section, an
18 imprisonment of not less than thirty (30) days nor more than three (3)
19 years or a fine of not less than Ten thousand pesos (P10,000.00) nor more
20 than Two hundred thousand pesos (P200,000.00), or both, shall be
21 imposed; and

22 (d) For violation of paragraph (e) of the preceding Section, an
23 imprisonment of not less than one (1) year nor more than six (6) years or a
24 fine of not less than One hundred thousand pesos (P100,000.00) nor more
25 than One million pesos (P1,000,000.00), or both shall be imposed.

26 SEC. 45. *Administrative Sanctions.* – Local government officials
27 and officials of government agencies concerned who fail to comply with
28 and enforce rules and regulations promulgated relative to this Act shall be
29 charged administratively in accordance with Republic Act No. 7160 and
30 other existing laws, rules and regulations.

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complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

Within thirty (30) days, the court shall make a determination if the complaint herein is malicious and/or baseless and shall accordingly dismiss the action and award attorney's fees and damages.

SEC. 49. *Research on Solid Waste Management.* – The DENR, 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 welfare 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 improve 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 DENR or the authorized representative may make grants or enter into contracts (including contracts for construction) with government agencies, nongovernment organizations and private persons.

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1 agencies, shall promulgate the implementing rules and regulations of this
 2 Act, within one (1) year after its enactment: *Provided*, That rules and
 3 regulations issued by other government agencies and instrumentalities for
 4 the prevention and/or abatement of the solid waste management problem
 5 not inconsistent with this Act shall supplement the rules and regulations
 6 issued by the DENR, pursuant to the provisions of this Act.

7 The draft of the implementing rules and regulations shall be
 8 published and be the subject of public consultations with affected sectors.

9 There shall be a mandatory review of the implementing rules and
 10 regulations and standards set pursuant to the provisions of this Act.

11 SEC. 54. *Transitory Provision.* – Pending the establishment of the
 12 framework under Section 5 hereof, plans under Section 6 and
 13 promulgation of implementing rules and regulations of this Act, existing
 14 laws, regulations, programs and projects on solid waste management shall
 15 be enforced: *Provided*, That for specific undertaking, the same may be
 16 revised in the interim in accordance with the intentions of this Act.

17 SEC. 55. *Report to Congress.* – The DENR shall report to
 18 Congress, not later than March 30 of every year following the approval of
 19 this Act, the progress of the solid waste management efforts and make the
 20 necessary recommendations in areas where there is need for legislative
 21 action.

22 SEC. 56. *Separability Clause.* – If any provision of this Act or the
 23 application of such provision to any person or circumstances is declared
 24 unconstitutional, the remainder of the Act or the application of such
 25 provision to other persons or circumstances shall not be affected by such
 26 declaration.

27 SEC. 57. *Repealing Clause.* – Presidential Decree No. 825 is
 28 hereby repealed. Presidential Decree No. 856, Presidential Decree No. 984,
 29 Presidential Decree No. 1151, Presidential Decree No. 1152 and
 30 Presidential Decree No. 1586 are hereby accordingly amended. All other

1 laws, orders, issuances, rules and regulations inconsistent herewith are
2 hereby repealed or modified accordingly.

3 SEC. 58. *Effectivity.* – This Act shall take effect fifteen (15) days
4 from the date of its publication in the *Official Gazette* or in at least two (2)
5 newspapers of general circulation.

Approved,

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