

Republic of the Philippines  
Province of Camarines Sur  
MUNICIPALITY OF PASACAO  
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN  
HELD AT SESSION HALL ON JULY 14, 2004

Present:

Hon. Coun. Ma. Helena A. Tolentino	-	Presiding Officer
Hon. Coun. Edgardo B. Tayco	-	Member
Hon. Coun. Marilyn H. Sotto	-	- do -
Hon. Coun. Randolph L.O. Reyes	-	- do -
Hon. Coun. Nonito M. Tolentino	-	- do -
Hon. Coun. Elmer L. Dela Rosa	-	- do -
Hon. Coun. Randy R. Panganiban	-	- do -
Hon. Coun. Honorio C. Flora, Jr.	-	- do -
Hon. Coun. Jose B. Sacramento	-	- do -
Hon. Coun. Welhelmino P. de Guzman (ABC)-	-	- do -
Hon. Coun. Patricia Kara L.O. Sacramento(SKF)-	-	- do -



Absent:

NONE

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ORDINANCE NO. 01  
Series of 2004

"AN ORDINANCE PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

WHEREAS, Section 16 under "State Policies", of 1987 Philippine Constitution states that, "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with rhythm and harmony of nature",

WHEREAS, Section 447 (I) (vi) of RA 7160 otherwise known as the Local Government Code of 1991 states that, the Sangguniang Bayan is empowered to protect the environment and impose appropriate penalties for acts which endanger the environment ...and such other activities which results in pollution or ecological imbalance;

WHEREAS, Section 10 Chapter 11 of RA 9003, know as Ecological Solid Waste Management Act of 2000 states among others "Pursuant to the relevant provisions of RA 7160, the Local Government Units (LGUs) shall be primarily responsible for the implementation and enforcement of the provision of this Act (RA 9003) within their jurisdiction;

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- Middle: *Agustina*  
- Bottom: *Mary Grace T. Kelly*  
- Far Bottom: *Pat Guzman*

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- Left: *Pat Guzman*  
- Middle: *Agustina*  
- Right: *Mary Grace T. Kelly*

WHEREAS, the law assigns the primary tasks of implementing waste management to Local Government Units and with the help of the private sectors, the recycling and manufacturing industries, non-government organizations and cooperatives are given opportunities to work with government counterparts in the setting of guidelines and procedure in solid waste management, formulating and monitoring AWS plans and programs;

NOW THEREFORE, on the motion of Honorable Councilor Elmer L. dela Rosa and unanimously seconded by the members present, be it ORDAINED by this Honorable Sangguniang Bayan of Pasacao, Camarines Sur in session assembled that:

## CHAPTER I

### BASIC POLICIES

#### ARTICLE I

#### GENERAL PROVISIONS

Section 1. Short Title. This Ordinance shall be known as the "Ecological Solid Waste Management Ordinance of Pasacao, Camarines Sur".

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

- a) Ensure the protection of public health and environment;
- b) Utilize environmentally-sound methods that maximize the utilization of valuable resources, conservation and recovery;
- c) Set guidelines and targets for said waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, reuse, recovery, green charcoal process, and others before collection, treatment and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;
- d) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management excluding incineration;
- e) Promote research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation and recovery;
- f) Encourage greater private sector participation in solid waste management;
- g) Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non-government organizations, and the private sector;
- h) encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- i) institutionalize public participation in the development and implementation of a comprehensive and integrated ecological solid waste management plan; and
- j) strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricular of formal and non-formal education in order to promote environmental awareness and action among citizenry.

*Elmer L. dela Rosa*  
*Mayor*

## ARTICLE II

### DEFINITION OF TERMS

#### Section 3. Definition of Terms. For purpose of this Ordinance:

- a) agricultural wastes shall refer to wastes generated from planting and harvesting crops, trimming or pruning of plants and wastes or run-off materials from farms or fields;
- b) bulky waste shall refer to waste materials, which cannot be appropriately placed in separate containers because of its bulky size, shape and other physical attributes. These include large worn-out broken household, commercial and industrial items such as furniture, lamps, book cases, filing cabinets and other similar items;
- c) buy-back center shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials;
- d) collection shall refer to the act of removing solid waste from the source or from a communal storage point;
- e) composting shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
- f) consumer electronic shall refer to special wastes that include worn-out broken, and other discarded item such as radios, stereos and TV sets.
- g) Controlled dump shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;
- h) Department shall refer to the Department of Environment and Natural Resources;
- i) Disposal shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;
- j) Disposal site shall refer to a site where solid waste is finally discharged or deposited;
- k) Ecological solid waste management shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage transfer, processing, treatment and disposal of solid waste and other waste management activities which do not harm the environment;
- l) Environment acceptable shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;
- m) Generation shall refer to an act or process of producing solid waste;
- n) Generator shall refer to a person, natural or juridical, who last uses a material and make it available for disposal or recycling;
- o) Hazardous waste shall refer to solid waste management or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may;
  - ( 1 ) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
  - ( 2 ) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed
- p) Leachate shall refer to the liquid produced when waste undergo decomposition and when water percolate through solid waste undergoing decomposition. It is contaminated liquid that contains dissolved and suspended materials;
- q) Materials recovery facility includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility;

- r) Municipal waste shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters;
- s) Open dump shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;
- t) Opportunity to recycle shall refer to the act of providing a place for collecting source-separated recyclable materials 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;
- u) Person (s) shall refer to any being, natural or juridical, susceptible of rights and obligations, or being the subject of legal relations;
- 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 manufacture or recycled products, 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 refer to material and by products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product;
- 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 Solid Waste Management Board;
- 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 waste materials are transformed into new products in such a manner that the original products may lose their identity, and which and may be used as raw materials, for the production of other goods or services, provided, that the collection, segregation and re-use of previously used packing material shall be deemed recycling under this Ordinance;
- bb) Resource conservation shall refer to the reduction of the amount of solid waste that are generated or the reduction of over all resource consumption, and utilization of recovered resources;
- cc) Resource recovery shall refer to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generation of energy or producing a product suitable for beneficial use, provided, that such resource recovery facilities exclude incineration;
- dd) Re-use shall refer to the process of recovering materials intended for the same or different purpose without the alternation of physical and chemical characteristics;
- ee) Sanitary landfill shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;

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- ff) schedule of compliance shall refer to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or standard set forth in this ordinance or any rule or regulation issued in pursuant thereto;
- gg) segregation shall refer to a solid waste management practice of separating different materials found in solid waste management in order to promote recycling and re-use of resource and to reduce the volume of waste for collection and disposal;
- hh) segregation at source shall refer to a solid waste management practice of separating at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resource and to reduce the volume of waste for collection and disposal;
- ii) solid waste shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous / non-toxic waste.

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

- (1) waste identified and listed as hazardous waste of a solid, liquid, contained gaseous or semi-solid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute / chronic effect on the health of the persons and other organisms;
  - (2) infectious waste from hospitals such as, equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimen (I.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals), and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from out patient areas and emergency rooms; and
  - (3) waste resulting from mining activities, including contaminated soil and debris.
- jj) Solid waste management shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environment considerations, and that is also responsive to public attitudes;
  - kk) Solid waste management facility shall refer to any resource recovery system or component thereof, any system, program, or facility for resource conservation any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;
  - ll) Source reduction shall refer to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions;
  - mm) Source separation shall refer to the sorting of solid waste into some or all of its component parts at the point of generation;
  - nn) Special wastes shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters, and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard waste that are collected separately, batteries, oil and tires. These wastes are usually handle separately from other residential and commercial wastes;

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- oo) Storage shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal;
- pp) Transfer stations shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following:
- (1) a facility whose principal function is to receive, store, separate, convert, or otherwise process in accordance with national minimum standards measure;
  - (2) a facility whose principal function is to receive, store, convert or otherwise process wastes which have already been separated for re-use and are not intended for disposal; and,
  - (3) the operations premises of a duly licensed solid waste handling operator who receives, stores, transfer or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business.
- (qq) Waste diversion shall refer to activities which reduce or eliminate the amount of solid wastes from waste disposal facilities;
- (rr) white goods shall refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. While goods are usually dismantled for the recovery of specific materials (e.g, copper, aluminum, etc.), and
- (ss) yard waste shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetables residue that is recognizable as part of a plant or vegetable and other materials identified by the Solid Waste Management Board.

## CHAPTER II

### INSTITUTIONAL MECHANISM

Section 4. Municipal Solid Waste Management Board. There is hereby established a Municipal Solid Waste Management Board or "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 Municipal Solid Waste Management Board shall be composed of the municipal mayor as head with the following members:

Chairman	-	Municipal Mayor
Co-Chairman	-	Municipal Vice-Mayor
Vice-Chairman	-	Chairman, Committee on Solid Waste Management
Members:		

- a) Two (2) representatives of the Sangguniang Bayan, preferably the Chair of the Committee on Environment and Health and Sanitation;
- b) President of the Association of Barangay Captains;
- c) President of the Sangguniang Kabataan Federation;
- d) A representative from the recycling industry;
- e) A representative from the manufacturing or packaging industry;

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f) A representative of each concerned local government agency or department such as:

1. Municipal Health Office
2. Environment and Natural Resource Office
3. Department of Environment and Natural Resources
4. Department of Education
5. Municipal Engineering Office
6. Municipal Planning and Development Office
7. Department of Agriculture
8. Department of Agrarian Reform
9. Department of Trade and Industry
10. Legal Officer
11. Philippine National Police
12. Department of Interior and Local Government
13. General Services Office

(g) Representative from NGO's whose principal objectives are to promote ecological solid waste management and protection of rehabilitation of the environment and preservation;

(h) A representative from People's Organization;

(i) A representative from the Business Sector, and

(j) A representative from the Cooperative Development Council.

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

Provided, that representation from the NGO's recycling and manufacturing or packing industries shall be selected through the process designed by themselves and shall be endorsed by the government agency representative of the Board.

Section 5. Secretariat. The Office of the MPDC shall serve as the Secretariat of the Board.

Section 5-A. Secretariat: Duties and Responsibilities:

1. The secretariat shall prepare and keep the minutes of the Solid Waste Management Board meetings;
2. Provide copies thereof to the members;
3. Prepares the agenda of every Board meeting and shall furnish each member a copy thereof at least three (3) days before the scheduled meeting; and
4. To perform other matters as directed by the Board or the Municipal Mayor.

Section 6. The Municipal Solid Waste Management Board shall have the following duties and responsibilities:

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

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- (2) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- (3) Monitor the implementation of the Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector, the NGOs, and the People's Organization;
- (4) Adopt specific revenue generating measures to promote the viability of its Solid Waste Management Plan;
- (5) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays (once a month);
- (6) Oversee the implementation of the Municipal Solid Waste Management Plan;
- (7) Review every two (2) years or as the need arises the Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- (8) Develop the specific mechanics and guidelines for the implementation of the Municipal Solid Waste Management Plan;
- (9) Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A. 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposal shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;
- (10) Recommend resolutions and ordinances to the Sangguniang Barangay that will ensure enforcement and implementation of its solid waste management program;
- (11) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
- (12) Coordinate the efforts of its component barangays in the implementation of the Municipal Solid Waste Management Plan.

Section 7. Establishment of Multi-Purpose Environment Cooperatives or Association in every barangay. Multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of its ordinance shall be encouraged and promoted in every barangay.

### CHAPTER III

### COMPREHENSIVE SOLID WASTE MANAGEMENT

Section 8. Municipal Solid Waste Management Status Report. The Municipal Solid Waste Management Board, in coordination with the Municipal Health Officer (MHO), Department of Environment and Natural Resources (DENR) and other concerned agencies shall within six (6) months after the effectivity of this ordinance, prepare a Municipal Solid Waste Management Status Report which shall be used as a basis in formulating the Municipal Solid Waste Management Framework provided in Section 9 of this Ordinance. The concerned agencies shall submit to the Board relevant data necessary for the completion of the said report within three (3) months following the effectivity of this ordinance. The 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;

*Edward T. Foley*  
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(d) The varying municipal geologic, hydrologic, climatic, and other factors vital in the implementation of solid waste practices to ensure the reasonable protection of:

- 1) the quality of surface and ground water from leachate contamination;
  - 2) the quality of surface waters from surface run-off combination; and
  - 3) ambient air quality.
- a) Population density, distribution and projected growth;
  - b) The political, economic, organizational, financial and management problems affecting comprehensive solid waste management;
  - c) System and techniques of waste reduction, re-use and recycling;
  - d) Available markets for recyclable materials;
  - e) Estimated cost of collecting, storing, transporting, marketing and disposal of wastes and recyclable materials; and
  - f) Pertinent qualitative information concerning the extend of solid waste management problems and solid waste management activities undertaken by local government units and waste operators.

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

Section 9. Municipal Solid Waste Management Framework. Within six (6) months from the completion of the Municipal Solid Waste Management Status Report under Section 8 of this Ordinance, the Board created, the Board created under Section 4 of this Ordinance shall, with public participation, formulate and implement a Municipal Solid Waste Management Framework. Such Framework shall consider and include:

- (a) Analysis and evaluation of the current state, trends, projections of solid waste management on the national, provincial and municipal levels;
- (b) Identification of critical solid waste facilities and barangays which will need closer monitoring and/or regulation;
- (c) Characteristics and conditions of collection, storage, processing, disposal operating methods, techniques and practices, location of facilities where such operating methods, techniques and practices are conducted, taking into account the nature of the waste;
- (d) Waste diversion goal pursuant to Section 14 of this ordinance;
- (e) Schedule for the closure and/or upgrading of open and controlled dumps pursuant to Section 25 of this Ordinance;
- (f) Methods of closing or upgrading open dumps for purposes of eliminating potential health hazards;
- (g) The profile of sources, including industrial, commercial, domestic and other sources;
- (h) Practical applications of environmentally sound techniques of waste minimization such as, but not limited to, resource conservation, segregation at source, recycling, resource, including waste to energy generation, re-use and composting;
- (i) A technical and economic description of the level of performance that can be attained by various available solid waste management practices which provide for the protection of public health and the environment;
- (j) Appropriate solid waste facilities and conservation systems;
- (k) Recycling programs for the recyclable materials, such as, but not limited to glass, paper, plastic and metal;

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*John T. Salas*

- (l) Venue for public participation from all sectors at all phases/stages of the waste management programs/project;
- (m) Information and education campaign strategies;
- (n) A description of levels performance and appropriate methods and digress of control that provide, at the minimum, for protection of public health and welfare through:
  - 1) Protection of the quality of ground water and surface waters from leachate and run-off contamination;
  - 2) Disease and epidemic prevention and control;
  - 3) Preservation and control of offensive odor, and
  - 4) Safety and aesthetics.
- (o) Minimum criteria to be used by the Municipal Waste Management Board to define ecological solid waste management practices. As much as practicable, such guidelines shall also include minimum information for use in deciding the adequate location, design, and construction of facilities association with solid waste management practices, including the consideration of provincial geographic, demographic, and climatic factors; and
- (p) The method and procedure for the phase out and eventual closure within eighteen (18) months from effectivity of this Ordinance in case of existing open dumps and/or sanitary landfills located within an aquifer, ground water reservoir or watershed area.

**Section 10. The Municipal Solid Waste Management Plan.** The Municipality, through its local solid waste management board, shall prepare its 10 years solid waste management plan consistent with the provincial solid waste management framework. Provided, that the waste management plan shall be for the re-use, recycling and composting of waste generated in its respective jurisdictions. Provided, further, that the solid waste management plan of the municipality shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall place primary emphasis on implementation of all feasible re-use, recycling and composting programs while identifying the amount of landfill and transportation capacity that will be needed for solid waste which cannot be re-used, recycled or composted. The plan shall contain all the components provided in Section 11 of this Ordinance and a timetable for the implementation of the solid waste management program in accordance with the Provincial Framework and pursuant to the provisions of this ordinance. Provided, finally, that it shall be reviewed and updated every year by the municipal solid waste management board.

A timetable or schedule of compliance specifying the remedial measures and eventual compliance shall be included in the plan.

The solid waste management plans shall be subjected to the approval of the Board copy furnished the Sangguniang Bayan. The plans shall be consistent with the national/provincial framework and in accordance with the provisions of this ordinance.

**Section 11. The Components of the Municipal Solid Waste Management Plans.** The solid waste management plan shall include, but not limited to, the following components:

- (a) **Municipal Profile** – The plan shall indicate the following background information of the municipality and its component barangays, covering important highlights of the distinct geographic and other conditions:
  - 1) Estimated population of each barangay within the municipality and population projection for a 10-year period.

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- 2) Illustration or map of the municipality, indicating locations of residential, commercial, and industrial centers, and agricultural area, as well as dump sites, landfills and other solid waste facilities.
  - 3) Estimated solid waste generation and projection by source, such as residential, market, commercial, industrial, construction/demolition, street waste, agricultural, agro-industrial, institutional, other wastes; and
  - 4) Inventory of existing waste disposal and other solid waste facilities and capacities.
- (b) **Waste characterization.** For the initial source reduction and recycling element of a local waste management plan, the municipal waste characterization component shall identify the constituent materials which comprise the solid waste generated within the jurisdiction of the Municipality of Pasacao. The information shall be representative of the solid waste generated and disposal of within that area. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type, and source of generation, which includes residential, commercial, industrial, government, or other sources. Future revisions of waste characterization studies shall identify the consistent materials, which comprise the solid waste disposal at permitted disposal facilities.
- (c) **Collection and Transfer.** The plan shall take into account the geographic subdivisions to define the coverage of the solid waste collection area in every barangay. The Barangay shall be responsible for ensuring that a 100% collection efficiency from residential, commercial, industrial and agricultural sources where necessary within its area of coverage is achieved. Toward this end, the plan shall define and identify the specific strategies and activities to be undertaken by its component barangays, taking into account the following concerns.
- 1) Availability and provisions of property designed containers or receptacles in selected collection points for the temporary storage of solid waste while awaiting collection and transfer to processing sites or to final disposal sites;
  - 2) Segregation of different types of solid waste for re-use, recycling and composting;
  - 3) Hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites;
  - 4) Issuance and enforcement of ordinances to effectively implement a collection system in the barangay; and
  - 5) Provision of property trained officers and workers to handle solid waste disposal.
- (d) **Processing.** The plan shall define the methods and the facilities required to process the solid waste, including the use of intermediate treatment facilities for composting, recycling, conversion and other wastes processing systems. Other appropriate waste processing technologies may also be considered provided that such technologies conform with internationally acceptable and other standards set in other laws and regulations.
- (e) **Source reduction.** The source reduction component shall include a program and implementation schedule which shows the methods by which the municipality will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposal in accordance with the diversion requirement of Section 14.
- 1) Strategies in reducing the volume of solid waste generated at source;
  - 2) Measures for implementing such strategies and the resources necessary to carry out such activities;

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- 3) Other appropriate waste reduction technologies that may also be considered, provided that such technologies conform with the standards set pursuant to this ordinances.
- 4) The types of wastes to be reduced pursuant to Section 7 of this ordinances;
- 5) The methods that the municipality will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through re use, recycling and composting; and
- 6) New facilities and/or expansion of existing facilities which will be needed to implement re-use, recycling and composting.

The municipality's source reduction component shall include the evaluation and identification of rate structures and fees for the purpose of reducing the amount of waste generated, and other source reduction strategies, including but not limited to programs and economic incentives provided under Section 33 of this Ordinance to reduce and use of non-recyclable materials, replace disposable materials and products with reusable materials and products, reduce packing and increase efficiency in the use of paper, cardboard, glass, metal, and other materials. The waste reduction activities of the community shall also take into account, among others, local capability, economic viability, technical requirements, social concerns, disposition of residual waste and environmental impact. Provided, that projection of future facilities needed and estimated cost shall be incorporated in the plan.

- (f) Recycling. The recycling component shall include a program and implementation schedule which shows the methods by which the municipality shall, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposal of in accordance with the diversion requirements set in Section 14.

The Municipality's recycling component shall describe the following:

- 1) The types of materials to be recycled under the programs;
- 2) The methods for determining the categories of solid waste to be diverted from disposal at a disposal facility through recycling; and
- 3) New facilities and expansion of existing facilities needed to implement the recycling component.

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

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

The municipality's recycling component shall evaluate industrial, commercial, residential, agricultural, governmental, and other curbside, mobile, drop-off, and buy-back recycling program, manual and automated materials recovery facilities, zoning, building code changes and rate structures which encourage recycling of materials. The Solid Waste Management Plan shall indicate the specific measure to be undertaken to meet the waste diversion specified under Section 14 of this Ordinance.

*John T. Kelly*  
*Mayor*

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

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

- (g) Composting. The composting component shall include a program and implementation schedule which shows the methods by which the LGU shall in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposal of within its jurisdiction to comply with the diversion requirement of Section 14 hereof.

The Municipality's composting component shall describe the following:

- (1) The types of materials which will be composted under the programs;
- (2) The methods of determining 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 needed to implement the composting component.

The municipality's composting component shall describe methods for developing the markets for composed materials, including, but not limited to an evaluation of the feasibility of procurement preference to encourage the purchase of composted products.

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

- (1) Implementation of source reduction, recycling and composting programs required in this Section or through implementation of other waste diversion activities pursuant to Section 14 of this Ordinance.
- (2) Any permitted disposal facility which will be available during the 10-year planning period; and
- (3) All disposal capacity which has been secured through an agreement with another Local Government Unit (LGU), or through an agreement with solid waste enterprise.

The plan shall identify existing and proposed disposal sites and waste management facilities in the municipality or in other areas. The plan shall specify the strategies for the efficient disposal of waste through existing disposal facilities and the identification of prospective sites for future use. The selection and development of sites shall be made on the basis of internationally accepted standards and on the guidelines set in Section 27 and 28 of this Ordinance.

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

*John T. Kelly*

*John T. Kelly*

Open dumpsites shall not be allowed as final disposal sites. If an open dumpsite is existing within the municipality, the plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Section 25 of this Ordinance. As an alternative, sanitary landfill sites shall be developed and operated as final disposal site for solid and, eventually, residual waste of the municipality. Sanitary landfills shall be designated and operated in accordance with the guidelines set under Section 26 and 27 of this Ordinance.

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

The plan shall make provisions to ensure that information on waste collection services, solid waste management and related health and environmental concerns are widely disseminated among the public.

This will be undertaken through the print and broadcast media and other government agencies in the municipality. The DepED shall ensure the waste management shall be incorporated in the curriculum of primary, secondary and college students.

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

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

The plan shall likewise indicate specific projects, activities, equipment and technological requirements for which outside sourcing of funds or materials may be necessary to carry out the specific components of the plan. It shall define the specific use for its resource requirement and indicate its cost. The plan shall likewise indicate how the municipality intends to generate the funds for the acquisition of its resource requirements. It shall also indicate if certain resource requirement is being or will be sourced from fees, grants, donations, and local funding and other means. This will serve as the basis for the determination and assessment of incentives, which may be extended to the municipality as provided for in Section 33 of this ordinance.

Incentive programs. A program providing for incentives, cash or otherwise, which shall encourage the participation of concerned sectors, shall likewise be included in the plan.

Section 12. Owner and Operator. Responsibility for compliance with the standards in this Ordinance shall rest with the operator and /or owner. If specifically designated, the operator is considered to have primary responsibility for compliance, however, this does not relieve the owner of the duty to take all reasonable steps to assure compliance with these standards and any assigned conditions. When the title to a disposal is transferred to another person, the new owner shall be notified by the previous owner of the existence of these standards and of the conditions assigned to assure compliance.

Section 13. Waste Characterization. The Municipal Environment and Natural Resources Officer (MENRO), in coordination with the SWMB, 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 the containment features and other wastes, and whether or not wastes are required to be

managed as hazardous wastes under R.A 6969, otherwise known as the Toxic Substance and hazardous and Nuclear Waste Control Act.

Section 14. Establishment of Mandatory Solid Waste Diversion. The Municipality's plan shall include an implementation schedule which shown that within five (5) years after the effectivity of this Ordinance, the municipality shall divert at least 25% of all solid waste from waste disposal facilities, through re-use, recycling and composting activities and other resource recovery activities. Provided, that the waste diversion goals shall be increased every three (3) years thereafter, Provided, further, that nothing in this Section prohibits the municipality from implementing re-use, recycling and composting activities designated to exceed the goal.

### ARTICLE III

#### SEGREGATION OF WASTES

Section 15. Mandatory Segregation of Solid Wastes. The Municipality of Pasacao 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 waste shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources. Provided, further, that waste shall be segregated into the categories provided in Section 14 of this Ordinance.

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

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

Section 16. Requirements for the Segregation and Storage of Solid Waste. The following shall be the minimum standards and requirements for the segregation and storage of solid waste pending collection:

- (a) There shall be 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", "recyclable", residual and hazardous", or any other classification as may be determined by the Solid Waste Management Board.

### ARTICLE IV

#### COLLECTION AND TRANSPORT OF SOLID WASTE

Section 17. Requirements for Collection of Solid Waste. The following shall be the minimum standards and requirements for the collection of solid waste:

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- (a) all collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid wastes;
- (b) necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly and in accordance with the guidelines pursuant to this Ordinance; and
- (c) collection of solid waste shall be done in a manner, which prevents damage to the container, and spillage or scattering of solid waste within the collection vicinity.

**Section 18. Requirements for the Transport of Solid Waste.** The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid waste shall have the appropriate compartments to facilitate efficient storing of solid wastes while in transit.

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

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

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

**Section 19. Guidelines for Transfer Stations.** Transfer stations shall be designated and operated for efficient waste handling capacity in compliance with environmental standards and guidelines set pursuant to this Ordinance and other regulations. Provided, that no waste shall be stored in such station beyond twenty-four (24) hours.

The siting of the transfer station shall consider the land use plan, proximity to collection area, and accessibility of haul routes to disposal facility. The design shall give primary consideration to size and space sufficiency in order to accommodate the waste for storage and vehicle for loading and unloading of wastes.

## ARTICLE V

### RECYCLING PROGRAM

**Section 20. Inventory of Existing Markets for Recyclable Materials.** The Department of Trade and Industry (DTI) shall, within six (6) months from the effectivity of this Ordinance and in cooperation with the SWM Board, the Department of Interior and Local Government (DILG) and other concerned agencies and sectors, publish a study of existing markets for processing and purchasing recyclable materials and the potential steps necessary to expand these markets. Such study shall include, but not be limited to, an inventory of existing markets for recyclable materials, products standards for recyclable and recycled materials, and a proposal, developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post-consumer and recovered materials.

**Section 21. Establishment of Materials Recovery Facility.** There shall be established a Materials Recovery Facility (MRF) in every barangay or cluster of barangays. The facility shall be established in a barangay-owned or leased land or any suitable open space to be determined by the barangay through its Sanggunian. For this purpose, the barangay of cluster of barangay shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to

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the guidelines and criteria set in pursuant to this Ordinance. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual waste shall be transferred to long-term storage or disposal facility or sanitary landfill.

Section 22. Guidelines for Establishment of Materials Recovery Facility. Materials recovery facilities shall be designed to receive, sort, process, and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:

- (a) The building and/or land lay out 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 VI

### COMPOSTING

Section 23. Inventory of Markets for Composts. Within six (6) months after the effectivity of this Ordinance, the Department of Agriculture (DA) shall publish an inventory of existing markets and demand of composts. Said inventory shall thereafter be updated and published annually. Provided, that the composting of agricultural wastes, and other compostable materials, including, but not limited to, garden wastes, shall be encouraged.

Section 24. Guidelines for Compost Quality. Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards.

## ARTICLE VII

### WASTE MANAGEMENT FACILITIES

Section 25. Prohibition Against the Use of Open Dumps for Solid Waste. No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including the municipality and barangay, which constitutes the use of open dumps for solid waste, be allowed after the effectivity of this Ordinance. Provided, that within three (3) years after the effectivity of this Ordinance, the Municipality shall convert its open dumps into controlled dumps, in accordance with the guidelines set in Section 27 of this Ordinance. Provided, further, that no controlled dumps shall be allowed five (5) years following effectivity of this Ordinance.

Section 26. Permit for Solid Waste Management Facility Construction and Expansion. No Person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an Environmental Compliance Certificate (ECC) from the Municipal Environment and Natural Resources Office (MENRO) pursuant to P.D. 1586 and other permits and clearance from concerned agencies.

Section 27. Guidelines for Controlled Dumps. The following shall be the minimum considerations for the establishment of controlled dumps.

- (a) Regular inert cover;
- (b) Surface water and peripheral site drainage control;

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

Section 28. Criteria for Siting a Sanitary Landfill. The following shall be the minimum criteria for the siting of sanitary landfills.

- (a) The site selected must be consistent with the overall land use plan of the Municipality;
- (b) The site must be accessible from major roadways or thoroughfares;
- (c) The site should have an adequate quality of earth cover material that is easily handled and compacted;
- (d) The site must be chosen with regard for the sensitivities of the community residents;
- (e) The site must be located in an area where the landfill's operation will not detrimentally affect environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area;
- (f) The site should be large enough to accommodate the community's wastes for a period of five (5) years during which people must internalize the value of environmentally sound and sustainable solid waste disposal;
- (g) The site chosen should facilitate developing a landfill that will satisfy budgetary constraints, including site development, operation for many years, closure, post-closure care and possible remediation cost;
- (h) Operating plans must include provisions for coordinating with recycling and resource recovery projects; and
- (i) Designation of a separate containment area for households hazardous wastes.

Section 29. Criteria for Establishment of Sanitary Landfill. The following shall be the minimum criteria for the establishment of sanitary landfills:

- (a) Lines – a system of clay layers and / or geosynthetic membranes used to contain leachate and reduce or prevent contaminant flow to groundwater;
- (b) Leachate collection and treatment system-installation of pipes at low areas of the liner to collect leachate for storage and eventual treatment and discharge;
- (c) Gas control recovery system- a series of vertical wells or horizontal trenches containing permeable materials and perforated piping placed in the landfill to collect gas for treatment or productive use as an energy source;
- (d) Ground water monitoring well system-wells placed at an appropriate location and depth for taking water samples that are representative of ground water quality;
- (e) Cover two (2) forms of cover consisting of soil and geosynthetic materials to protect the waste from long-term contact with the environment;
  - (i) daily cover place over the waste at the close of each day's operation; and
  - (ii) a final cover, or cap, which is the material placed over the complete landfill to control infiltration of water, gas emission to the atmosphere and erosion.

- (f) Closure procedure- with the objectives of establishing low maintenance cover system and final cover that minimizes the infiltration of precipitation into the waste. Installation of the final cover must be completed within six (6) months of the least receipt of wastes; and
- (g) Post-closure care procedure. During this period, the landfill owner shall be responsible for providing for the general upkeep of the landfill, maintaining all of the landfill's environmental protection features, operating monitoring equipment, remediating ground water should it become contaminated and controlling landfill gas migration or emission.

Section 30. Operating Criteria for Sanitary Landfills. In the operation of a sanitary landfill, each site operator shall maintain the following minimum operating requirements:

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

- (1) Records of weights or volumes accepted in a form and manner approved by the SWM Board. Such records shall be submitted to the SWM Board upon request, accurate to within ten (10%) percent and adequate for over-all planning purposes and forecasting the rate of site filling;
- (2) Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties;
- (3) Daily log book or file of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipts or rejection of unpermitted wastes, flooding, and other unusual occurrences;
- (4) Record of personnel training; and
- (5) Copy of written notification to the SWM Board, local health agency, and fire authority of names, address and telephone numbers of the operator responsible party of the site;

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

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

(d) Signs

- (1) Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information as required by the SWM Board;
- (2) If the site is open to the public, there shall be an easily visible sign at the primary entrance of the site indicating the name of the site operator, the operator's telephone number, and hours of operation; an easily visible sign at an appropriate point shall indicate the schedule of charges and the general types of recyclable materials will be deposited; and
- (3) If the site is open to the public, there shall be an easily visible road and/or traffic control measures which direct traffic to the active face and other areas where wastes or recyclable materials will be deposited; and

*Myra G. Smith, J. Kelly*

- (4) Additional signs and / or measures may be required at a disposal site by the SWM Board to protect personnel and public health safety;
- (e) Monitoring of quality of surface, ground and effluent waters, and gas emissions;
- (f) The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site where open storage or piling of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the SWM Board. The SWM Board may also require that other areas of the site be fenced to create an appropriate level of security;
- (g) Roads within the permitted facility boundary shall be designed to minimize the generation of dust and the tracking of materials on to adjacent public roads. Such roads shall be kept in safe condition and maintained such that vehicle access and unloading can be conducted even during inclement weather;
- (h) Sanitary facilities consisting of adequate number of toilets and hand washing facilities, shall be available to personnel at or in the immediate vicinity of the site;
- (i) Safe and adequate drinking water supply for the site personnel shall be available;
- (j) The site shall have community facilities available to site personnel to allow quick response to emergencies;
- (k) Where operations are conducted during hours of darkness, the site and/or equipment shall be equipped with adequate lighting as approved by the SWM Board to ensure safety and to monitor the effectiveness of operations;
- (l) Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the SWM Board;
- (m) Personnel assigned to operate the site shall be adequately trained in subject pertinent to the site operation and maintenance, hazardous materials recognition and screening and heavy equipment operations, with emphasis on safety, health, environmental controls and emergency procedures. A record of such training shall be placed in the operating record;
- (n) The site operator shall provide adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the SWM Board and the local health agency in writing of the names, addresses, and telephone number of the operator of responsible party. A copy of the written notification shall be placed in the operating record;
- (o) Any disposal site open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regular scheduled basis, as determined by the SWM Board;
- (p) Unloading of solid wastes shall be confined to a small area as possible to accommodate the number of vehicles using the area without resulting in traffic, personnel or public safety hazards. Waste materials shall normally be deposited at the toe of the fill, or as otherwise approved by the SWM Board;

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- (q) Solid waste shall be spread and compacted in layers with repeated passage of the landfill equipment to minimize voids within the cell and maximize compaction. The loose layer shall not exceed a depth approximately two feet before compaction. Spreading and compacting shall be accomplished as rapidly as practicable, unless otherwise approved by the SWM Board;
- (r) Covered surfaces of the disposal area shall be graded to promote lateral run off 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 SWM Board; and
- (s) Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problems or interfere with unloading, spreading, compacting, access, safety, drainage, or other operations.

## ARTICLE VIII

### THE MUNICIPALITY'S SOLID WASTE

Section 31. Guidelines for identification of Common Solid Waste Management Problems. For purpose of encouraging and facilitating the development of local government plans for solid management, the SWM Board shall, as soon as practicable but no later than six (6) months from the effectivity of this Ordinance, publish guidelines for the identification of those areas which have common solid waste management problems and are appropriate units for clustered solid waste management services. The guidelines shall be based on the following:

- (a) the size and location of areas which should be included;
- (b) the volume of solid waste which should be generated;
- (c) the available means of coordinating barangay development plan and possible integration of such with the municipal development plan; and
- (d) possible life span of the disposal facilities.

Section 32. Establishment of Common Waste Treatment and Disposal Facilities. Pursuant to Section 33 of R.A. 7160, otherwise known as the Local Government Code of 1991, all province, cities, municipalities and barangays through appropriate ordinances, are hereby mandated to consolidate, or coordinate their efforts, services; and sources for purposes of jointly addressing common solid waste management problems and / or establishing common waste disposal facilities.

The SWM Board shall provide technical and marketing assistance to the barangays.

## CHAPTER IV

### INCENTIVES

Section. 33 Incentives.

- (a) Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction. Said reward shall be sourced from the Fund herein created.

- (b) An incentive scheme is hereby provided for the purpose of encouraging Barangays, enterprises, or private entities, including NGOs, to develop or undertake an effective solid wastes management activity or participate in any program geared towards the promotion thereof of as provided for in this Ordinance.

**(1) Fiscal Incentives**

- (a) A ten (10%) percent discount on their business tax based on the schedule specified in the Municipal Investment Incentives Code of \_\_\_\_\_ (applicable to private entities);
- (b) An incentives amounting to P 30,000.00 for facilities, technical assistance and capability building activities (applicable to the Barangay);
- (c) An incentive amounting to P 5,000.00 shall be awarded to different Non-Government Organizations that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction.

**(2) Non-Fiscal Incentives- (Municipal Investment Incentives Code) Barangay, Enterprises and Private Entities**

- (a) Assistance in hiring local skills qualified for business enterprises needs;
- (b) Assistance in sourcing available local material needed by the business enterprise;
- (c) Availment of the Center's facilitation for their business permits / locational clearance, building permits and other local licenses/permit

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

**CHAPTER V**

**FINANCING SOLID WASTE MANAGEMENT**

Section 34. Solid Waste Management Fund. There is hereby created, as a special account in the Municipal Treasury, a solid Waste Management Trust Fund to be administered by the SWM Board. Such fund shall be sourced from the following:

- (a) Fees, Fines and other imposition, proceeds of permits and licenses approved by the Sangguniang Bayan under this Ordinance, donations, endowments, grants and contributions from domestic and foreign sources;
- (b) Amounts specifically appropriate for the Fund under the Annual Budget.

The Fund shall be used to finance the following:

- (1) products, facilities, technologies and processes to enhance proper solid waste management;
- (2) awards and incentives;
- (3) research programs;
- (4) information education, communication and monitoring activities;
- (5) technical assistance; and
- (6) capability building activities.

The barangay are entitled to avail of the Fund on the basis of their approved solid waste management plan. Specific criteria for the availment of the Fund shall be prepared by the SWM Board.

The fines collected under Section 37 shall be allocated to the barangays where the fined prohibited acts are committed in order to finance the solid waste management of said barangay. Such allocation shall be based on a sharing scheme between the Fund and the barangay concerned.

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

Section 35. Authority to Collect Solid Waste Management Fees. The Municipality of Pasacao shall impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a solid waste management plan prepared pursuant to this Ordinance. The fees shall be based on the following minimum factors:

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

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

The fees, charges, fines and other impositions as provided for in the New Revenue Code shall be for the exclusive use of Solid Waste Management as contemplated in this Ordinance and which amounts shall accrue to the trust fund under Chapter V hereof.

## CHAPTER VI

### PENAL PROVISIONS

Section 36. Prohibited Acts. The following acts are prohibited:

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

*Mying G. Santos*

- (2) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permit set forth in or established to this Ordinance;
- (3) The open burning of solid waste;
- (4) Causing or permitting the collection of non-segregated or unsorted waste;
- (5) Squatting in open dumps and landfills;
- (6) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;
- (7) Unauthorized removal of recyclable material intended for collection by authorized persons;
- (8) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- (9) Establishment or operation of open dumps as enjoined in this Ordinance, or closure of said dumps in violation of Section 23;
- (10) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under this Ordinance;
- (11) The construction of any establishment within two hundred (200) meters from open dumps or controlled dumps or sanitary landfills;
- (12) The construction and operation of landfills or any waste disposal facility on aquifer, ground water reservoir or watershed area and or any portions thereof, and
- (13) Site preparation, construction, expansion or operation of waste management facilities without and Environmental Compliance Certificate required pursuant to P. D. No. 1586 and this Ordinance and not conforming with the land use plan of the municipality.
- (14) Disposal of waste by other Local Government Units on any portion of Pasacao.

**Section 37. Penalties.** Any person who violates any of the prohibited acts enumerated under the preceding section shall be punished by a fine of not less than Three Hundred Pesos but not more than Two Thousand Five Hundred Pesos or an imprisonment of not less than thirty (30) days but not more than ninety (90) days or both fine and imprisonment or community service in the barangay where the violation of the ordinance is committed for not less than fifteen (15) days at the discretion of the court.

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

If the offender is an alien, he shall after service of the sentence prescribed above, be recommended for deportation by the Sangguniang Bayan.

*My name is John T. Kelly*

## CHAPTER VII

### MISCELLANEOUS PROVISION

**Section 38. Mandatory Public Hearings.** Mandatory public hearings for the municipal framework and local government solid waste management plans shall be undertaken by the SWM Board and the Sangguniang Bayan in accordance with the process to be formulated in the implementing rules and regulations.

**Section 39. Public Education and Information.** – The SWM Board shall, in coordination with Department of Education (DepED), technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), Department of Interior and Local Government (DILG) and Department of Environment and Natural Resources (DENR), conduct continuing education and information campaign on solid waste management. Such education and information program shall:

- a) Aim to develop public awareness of the ill-effects of and the community-based solution to the solid waste problem;
- b) Concentrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the municipality, like resource conservation and recovery, recycling, segregation at source, re-use, reduction and composting of solid waste; and
- c) Encourage the general public, accredited NGO's and people's organizations to publicly endorse and patronize environmentally acceptable products and packaging materials.

**Section 40. Environmental Education in the Formal and Non-Formal Sectors.** The Municipality of Pasacao, through the DepEd and in coordination with concerned government agencies, NGO's and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, re-use and composting, in order to promote environmental awareness and action among citizenry.

**Section 41. Business and Industry Role.** The SWMB shall encourage commercial and industrial establishments, through appropriate incentives other than tax incentives, to initiate, participate and invest in integrated ecological solid waste management projects, to manufacture environment-friendly products, to introduce, develop and adopt innovative process that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote and propagate effective solid waste management practice.

**Section 42. Appropriations.** For the initial operating expenses of the SWMB as well to carry out the provision of this Ordinance, the amount of One Hundred Thousand Pesos (P 100,000.00) is hereby appropriated from the General Fund on the year this Ordinance is approved. Thereafter, it shall submit to the Office of the Mayor its proposed budget for inclusion in the Annual Budget.

**Section 43. Report.** The SWMB shall report to Sangguniang Bayan and the office of the Mayor, not later than March 30 of every following the approval of this Ordinance, giving a detailed account of its accomplishment and progress on solid waste management during the year and make the necessary recommendations in areas where there is need for legislative action.

Section 44. Formulation of Implementing Rules and Regulations. The Implementing Rules and Regulations appertaining to this Ordinance shall be issued by the Local Chief Executive in consultation with the Sangguniang Bayan within 30 days from approval hereof.

Section 45. Separability Clause. If any provisions of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 46. Repealing Clause. All laws, decrees, issuance, rules and regulations, or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 47. Effectivity. This Ordinance shall take effect ten (10) days after the approval of the Sangguniang Panlalawigan.

ENACTED: JULY 14, 2004

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WE HEREBY CERTIFY TO THE CORRECTNESS of the foregoing Resolution.

EDGARDO B. TAYCO

Member

MARILYN H. SOTTO

Member

RANDOLPH L.O. REYES

Member

NONITO M. TOLENTINO

Member

ELMER L. DELA ROSA

Member

RANDY R. DANGANIBAN

Member

HONORIO C. FLORA, JR

Member

JOSE A. SACRAMENTO

Member

WELHELMINO P. DE GUZMAN(ABC)

Member

PATRICIA KARLA O. SACRAMENTO SKF)

Member

EFREN T. SALES

Sangguniang Bayan Secretary



ATTESTED BY:

MA. HELENA A. TOLENTINO  
Municipal Vice Mayor /Presiding Officer

APPROVED:

MANUEL SA. LEE-OLIVER, JR.

Municipal Mayor

Jul 28 2004

Date