

Handbook on the



**ECOLOGICAL SOLID WASTE
MANAGEMENT ACT OF
2000 AND ITS
IMPLEMENTING RULES
AND REGULATIONS**

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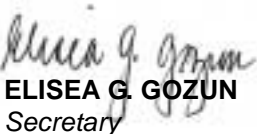
FOREWORD

This handbook aims to capture the salient information contained in the Ecological Solid Waste Management Act of 2000 (Republic Act No. 9003) and its Implementing Rules and Regulations (Department Administrative Order No. 2001-34) and present them in a more popular form.

It is expected that this handbook will serve as an easy guide for field personnel of the Department of Environment and Natural Resources (DENR) and local government units (LGUs) in the application and enforcement of the law.

The readers will find here the roles and functions of the DENR and the LGUs (including those of the barangays and the local solid waste management boards), the National Solid Waste Management Commission and the Ecology Centers; examples of solid waste management activities (such as segregation, re-use, recycling and composting); collection and transport of wastes; and establishment of materials recovery facilities as well as disposal sites. This publication also contains information on sources of financing, incentive schemes, management fees and prohibited acts and penalties.

We hope the readers will find this handbook a useful tool in implementing solid waste management programs in their localities.



ELISEA G. GOZUN
Secretary

Department of Environment
and Natural Resources

**HANDBOOK ON THE
ECOLOGICAL SOLID WASTE MANAGEMENT
ACT OF 2000 (RA 9003) AND ITS
IMPLEMENTING RULES AND REGULATIONS (IRR)**

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GENERAL PROVISIONS

Q

What are the laws and regulations that govern solid waste management (SWM) in the Philippines?

A

The laws and regulations are:

1. Republic Act (RA) No. 9003 ("The Ecological Solid Waste Management Act of 2000"); and
2. Department of Environment and Natural Resources (DENR) Administrative Order (DAO) No. 2001-34, which is the Implementing Rules and Regulations (IRR) of RA 9003.

Q

What is ecological SWM?

It is the systematic management of solid waste which provides for:

1. Waste reduction at source;
2. Segregation at source for recovery of reusables, recyclables and compostables;
3. Segregated transportation, storage, transfer, processing, treatment and disposal of solid waste; and
4. All other waste management activities which do not harm the environment.

Q

What is the definition of solid waste under RA 9003?

A

Solid waste refers to all discarded household waste, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.



Under RA 9003, solid waste shall not include:

1. Waste identified or listed as hazardous waste (either solid, liquid, gaseous or in semisolid form) which may cause or contribute to death, serious or incapacitating illness, or acute/chronic effect on the health of persons and other organisms;
2. Infectious waste from hospitals such as:
 - a) Equipment, instruments, utensils and disposable fomites (things that may carry infectious organisms such as used gauze, surgical gloves, syringes) from patients suspected to have or have been diagnosed as having communicable diseases;
 - b) Laboratory wastes such as pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites that may harbor or transmit pathogenic organisms;
 - c) Surgical operating room pathologic specimens and attendant disposable fomites; and
 - d) Similar disposable materials from outpatient areas and emergency rooms.
3. Waste resulting from mining activities, including contaminated soil and debris.

INSTITUTIONAL STRUCTURES AND MECHANISMS

(National Solid Waste Management Commission, Ecology Centers, DENR, Local Boards, Barangay Committees)

Q

What are the institutions principally involved in the implementation of RA 9003 and its IRR?

A

National Institutions:

1. National Solid Waste Management Commission;
2. National Ecology Center; and
3. DENR/Environmental Management Bureau (EMB).

Local Institutions:

1. Local Government Units (LGUs);
2. Provincial Solid Waste Management Board;
3. City/Municipal Solid Waste Management Board; and
4. Barangay Solid Waste Management Committee.

Q

What is the National Solid Waste Management Commission and its composition?

A

It is a Commission established by RA 9003 under the Office of the President, composed of 14 members from the government sector and three members from the private sector.



Q

Who are the representatives of the government sector in the Commission?

A

The government sector is represented by the heads of the following agencies in their *ex officio* capacity:

1. DENR;
2. Department of Interior and Local Government (DILG);
3. Department of Science and Technology (DOST);
4. Department of Public Works and Highways (DPWH);
5. Department of Health (DOH);
6. Department of Trade and Industry (DTI);
7. Department of Agriculture (DA);
8. Metro Manila Development Authority (MMDA);
9. League of Provincial Governors;
10. League of City Mayors;
11. League of Municipal Mayors;
12. Association of Barangay Councils;
13. Technical Education and Skills Development Authority (TESDA); and
14. Philippine Information Agency (PIA).

Q

Who are the private sector representatives in the Commission?

A

The private sector is represented by:

1. A representative from non-government organizations (NGOs) whose principal purpose is to promote recycling and the protection of air and water quality;
2. A recycling industry representative; and
3. A manufacturing/packaging industry representative.

Q

How are private sector representatives selected?

NGOs, as well as recycling and manufacturing/packaging industry representatives, are nominated through a process designed by themselves and appointed for a term of three years by the President of the Republic.

Q

Who serves as the Commission's chairman and vice chairman?

A

The DENR Secretary serves as the chairman, while the private sector representative serves as the vice-chairman.

The DENR, through the EMB, serves as the Commission Secretariat.

Q

What is the main power and function of the Commission?

The Commission shall oversee the implementation of SWM plans and prescribe policies to achieve the RA 9003 objectives.

Q

What are the powers and function of the Commission with regard to local SWM boards and local SWM plans?

A

The Commission shall coordinate the operation of local SWM boards in the provincial and city/municipal levels. As regards local SWM plans, the Commission shall:

1. Approve local SWM plans;
2. Review and monitor the implementation of local plans;
3. Assist local boards in the preparation, modification and implementation of SWM plans; and
4. Develop a model provincial, city and municipal SWM plan that will establish prototypes of the content and format which provinces, cities and municipalities may use.



Q

What about education and information dissemination? Issuance of appropriate permits?

A

The Commission shall formulate the necessary education promotion and information campaign strategies.

Also, it shall develop and prescribe procedures for the issuance of appropriate permits/licenses and clearances.

Q

What are some types of assistance that the Commission can provide the LGUs?

A

The Commission shall:

1. Adopt a program to provide technical and other capability building assistance to LGUs in developing and implementing source reduction programs;
2. Develop and implement a program to assist LGUs in identifying markets for materials diverted from disposal facilities through re-use, recycling and composting as well as other environment-friendly methods; and
3. Propose and adopt regulations requiring the source separation and post-separation collection, segregated collection, processing, marketing and sale of organic and designated recyclable material generated in each LGU.

Q

How can the Commission help small recyclers, local communities, manufacturers of recycled products and other sectors?

A

The Commission shall:

1. Develop safety nets and alternative livelihood programs for those that will be affected;
2. Encourage private sector initiatives, community participation and investments in resource recovery-based livelihood programs for local communities; and
3. Encourage all local government agencies and all LGUs to patronize such products.



What is the National Ecology Center?

It is a Center mandated by RA 9003 to be established under the National Solid Waste Management Commission and headed by the Director of the EMB in his/her *ex officio* capacity.



What are Regional Ecology Centers?

They are centers mandated to be established at the regional level and headed by the corresponding EMB Regional Directors in their *ex officio* capacity.



What role do National and Regional Ecology Centers play in the implementation of RA 9003?



The Ecology Centers shall provide technical expertise, information, training and networking services in the implementation of RA 9003. The Centers shall maintain a multi-sectoral, multi-disciplinary pool of experts including those from the academe, inventors, practicing professionals, business and industry, youth, women and other concerned sectors, who shall be screened according to qualifications set by the Commission.



What are the functions of the National and Regional Ecology Centers?



The Ecology Centers shall:

1. Facilitate training/education in integrated ecological SWM;
2. Establish and manage a comprehensive SWM information database and dissemination system, in coordination with the DTI and other concerned agencies;
3. Promote the development of a recycling market through the establishment of a national recycling network that will enhance the opportunity for recycling;
4. Act as the hub for networking of LGUs, NGOs and industry on voluntary compliance of RA 9003's pertinent provisions;

5. Provide/facilitate expert assistance in pilot modeling of SWM facilities including technologies and techniques for effective management of solid waste;
6. Develop/test/disseminate model waste minimization and reduction auditing procedures for evaluation options; and
7. Act as the clearinghouse for cleaner production/cleaner technologies on SWM.

Q

How shall the Ecology Centers facilitate training and education on integrated SWM?

A

They will be facilitated through the:

1. Formulation of training programs for LGUs and private sector on the proper management of solid waste;
2. Development of training programs on the technical operations of SWM facilities;
3. Formulation of training programs for deputized enforcers and implementers;
4. Development of an accreditation and certification system for the conduct and holding of training programs on SWM; and
5. Development of an education program, in collaboration with the Department of Education (DepEd), that will promote effective SWM systems.

Q

What are some of the tasks of the DENR under RA 9003?

Among others, the DENR is tasked to:

1. Prepare an annual National SWM Status Report;
2. Prepare/distribute SWM information, education and communication (IEC) materials;
3. Establish methods and other parameters for the measurement of waste reduction, collection and disposal;
4. Provide technical and other capability building assistance to LGUs in developing/implementing local SWM plans and programs.

5. Recommend policies to eliminate barriers to waste reduction programs; and
6. Issue rules and regulations to effectively implement the provisions of RA 9003.

Q

Does the DENR have visitorial and enforcement powers in the implementation of RA 9003?

A

Yes. The DENR has visitorial and enforcement powers to ensure strict compliance with RA 9003.

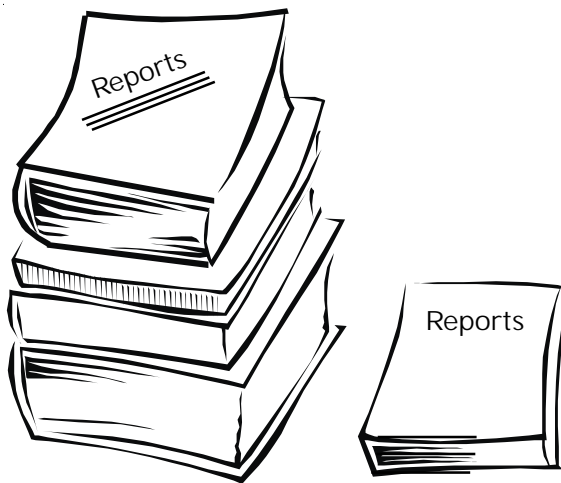
However, the visitorial power of the DENR shall not apply to private dwelling places unless authorized by the appropriate court.

Q

Can the DENR access and copy the reports and records required to be maintained by facilities, establishments and the like under RA 9003?

A

Yes. The DENR shall have access to and the right to copy such reports and records in the exercise of its visitorial powers.





Can the DENR Secretary or the duly authorized representative enter the premises of any generator, recycler or manufacturer or other facilities to conduct investigations?



Yes. The DENR Secretary or the duly authorized representative shall have the right to enter the premises of any generator, recycler or manufacturer or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the enforcement of RA 9003 and its IRR. This is included in the visitorial powers of the DENR.



What is the role of LGUs in SWM?

The LGUs shall be primarily responsible for the implementation and enforcement of the provisions of RA 9003 within their respective jurisdictions.



What are Provincial SWM Boards?

RA 9003 mandates the establishment of Provincial SWM Boards. The Board shall be composed of:

Chairman: Provincial Governor

Members:

1. All the mayors of its component cities and municipalities;
2. One representative from the Sangguniang Panlalawigan to be represented by the chairperson of either the Committees on Environment or Health or their equivalent committees, to be nominated by the presiding officer;
3. The provincial health and/or general services officers, whoever may be recommended by the governor;
4. The provincial environment and natural resources officer;
5. The provincial engineer;
6. Congressional representative/s from each congressional district within the province;

7. A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;
8. A representative from the recycling industry;
9. A representative from the manufacturing or packaging industry; and
10. A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

Q

How are the representatives from the NGOs, recycling and manufacturing or packaging industries selected?

A

They shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Provincial SWM Board.

The same process is followed in selecting private sector representation in the City/Municipal SWM Board.

Q

What are the functions of the Provincial SWM Board in the formulation/implementation of the provincial SWM plan?

A

The Board shall:

1. Develop a provincial SWM plan based on the plans submitted by the City/Municipal SWM Boards. It shall review and integrate the different plans and ensure that they complement each other and have the requisite components;
2. Develop an appropriate incentive scheme as an integral component of the provincial SWM plan;
3. Recommend measures to generate resources for the implementation of projects and activities as specified in the approved SWM plans;
4. Coordinate efforts of the component cities and municipalities in the implementation of the provincial SWM plan;

5. Convene joint meetings of the Provincial and City/Municipal Boards at least once every quarter to integrate, synchronize, monitor and evaluate the development and implementation of its provincial SWM plan;
6. Oversee the implementation of the provincial SWM plan;
7. Review every two years or as the need arises the provincial SWM plan to ensure its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of management of solid waste.

Q

What types of assistance can the Provincial SWM Board provide to its component cities and municipalities in the implementation of RA 9003?

A

The Board shall:

1. Provide necessary logistical/operational support to its component cities and municipalities in consonance with the Local Government Code;
2. Identify areas within its jurisdiction that have common SWM problems and are appropriate units for planning local SWM services;
3. Allow for the clustering of LGUs for the solution of common SWM problems;
4. Represent any of its component cities or municipalities in coordinating its resource and operational requirements with agencies of the national government.

Q

What other function and responsibility does the Provincial SWM Board have under RA 9003?

A

The Provincial SWM Board shall recommend measures and safeguards against pollution and for the preservation of the natural ecosystem.



What are City and Municipal SWM Boards?

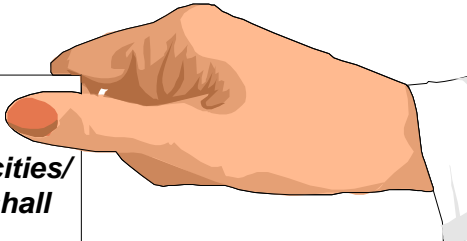
RA 9003 mandates that each city or municipality form a City or Municipal SWM Board that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas under its geographic and political coverage.

The composition of the Board is:

Chairman: City or Municipal Mayor

Members:

1. A representative of the Sangguniang Panlungsod or the Sangguniang Bayan, preferably the chairperson of either the Committees on Environment or Health, who will be designated by the presiding officer;
2. President of the Association of Barangay Councils;
3. Chairperson of the Sangguniang Kabataan Federation;
4. An NGO representative whose main purpose is to promote recycling/ protection of air and water quality;
5. A recycling industry representative;
6. A manufacturing/packaging industry representative; and
7. A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.



**RA 9003
mandates that cities/
municipalities shall
form boards
responsible for
preparing,
submitting and
implementing SWM
plans.**

Q

What are the duties and responsibilities of the City/Municipal SWM Board in the formulation/implementation of the city/municipal SWM plan?

A

The Board shall:

1. Develop the city/municipal SWM plan that shall ensure the long-term management of solid waste as well as integrate the SWM plans and strategies of the barangays;
2. Adopt specific revenue-generating measures to promote the viability of its SWM plan;
3. Develop the specific mechanics and guidelines for the implementation of the city/municipal SWM plan;
4. Oversee the implementation of the city/municipal SWM plan;
5. Monitor the implementation of the city/municipal SWM plan through its various political subdivisions and in cooperation with the private sector and the NGOs;
6. Coordinate the efforts of its component barangays in the implementation of the city/municipal SWM plan;
7. Recommend to appropriate local government authorities specific measures/proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to RA 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of solid waste;
8. Review every two years or as needed the city/municipal SWM plan to ensure its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of SWM.

Q

What types of assistance can the City/Municipal SWM Board provide to its component barangays in the implementation of RA 9003?

A

The Board shall:

1. Adopt measures to promote and ensure the viability and effective implementation of SWM programs in its component barangays;

2. Convene regular meetings for purposes of planning and coordinating the implementation of the SWM plans of the respective component barangays;
3. Provide the necessary logistical/operational support to its component barangays in consonance with the Local Government Code;
4. Assist barangays in their SWM activities, where the barangay cannot financially or adequately manage all waste segregation, sorting, recovery, recycling and composting conducted at the materials recovery facility; and
5. Ensure LGU assistance to the barangay either financially, technically or in any other manner deemed necessary to achieve RA 9003's waste diversion goal (*see Solid Waste Diversion Component, Page 26, for related information*).

Q

What other function and responsibility does the City/Municipal SWM Board have under RA 9003?

A

The Board shall recommend measures and safeguards against pollution and for the preservation of the natural ecosystem.

Q

What is the Barangay SWM Committee?

Created under RA 9003's IRR, the committee is composed of:

Chairman: Barangay Chairman

Members:

1. One kagawad;
2. Sangguniang Kabataan chairperson;
3. Presidents of home owners association;
4. Public/private school principals or representative;
5. A parent/teachers' association president or representative;
6. One religious organization representative;
7. One business community representative;
8. One environmental NGO representative;
9. President of market vendors' association; and
10. One representative from junkshop owners' association.

Q

What are the responsibilities of the Barangay SWM Committee?

A

The Committee shall:

1. Formulate the barangay's SWM program consistent with the city/municipal SWM plan;
2. Segregate/collect biodegradable, compostable and reusable waste;
3. Establish materials recovery facility;
4. Allocate barangay funds and look for sources of funds;
5. Organize core coordinators; and
6. Submit monthly report to the city/municipality.

(See SWM Plan Section, Page 23, for related information on barangay's collection function)

Q

May multi-purpose environment cooperatives/associations participate in SWM?

A

Yes. Multi-purpose cooperatives and associations shall be encouraged to promote the implementation and/or directly undertake projects in compliance with the provisions of RA 9003.

THE NATIONAL SOLID WASTE MANAGEMENT FRAMEWORK



What is the National Solid Waste Management Framework?

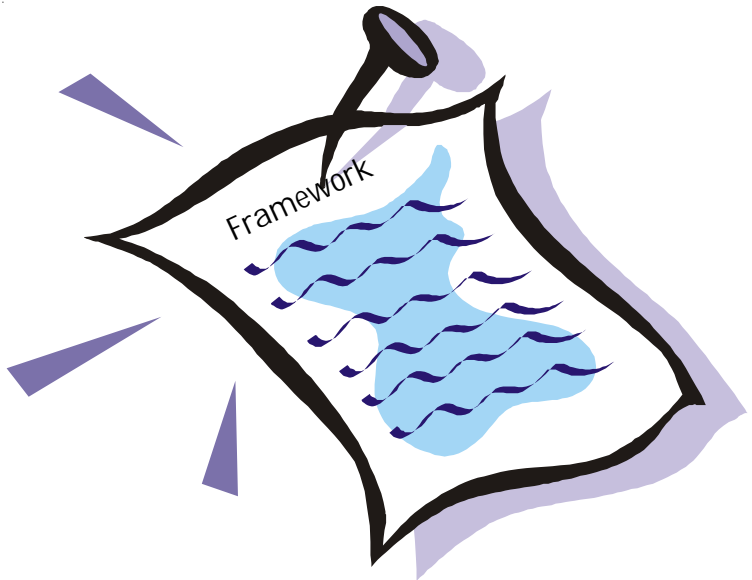
It is the framework that will be formulated, with public participation, by the National Solid Waste Management Commission and will be used as the reference in the formulation of local SWM plans.



What will the Framework contain?

The framework shall contain, among others, the:

1. Assessment of the SWM situation in the Philippines;
2. Analysis of options;
3. Mandatory program of actions;
4. Public participation and IEC campaign; and
5. Aspects for standardization and measuring performance.



THE SOLID WASTE MANAGEMENT PLAN



Who must have SWM plans?

All provinces, cities and municipalities. The respective SWM Boards of the provinces, cities and municipalities shall prepare the local SWM plans.



What are the requirements of RA 9003 for local SWM plans?

The law requires that the plan shall:

1. Be a 10-year plan;
2. Be consistent with the National SWM Framework;
3. Be for the re-use, recycling and composting of wastes generated in the respective jurisdictions of LGUs;
4. Ensure the efficient management of solid waste generated within the jurisdiction of the LGU;
5. Place primary emphasis on implementation of all feasible re-use, recycling and composting programs while identifying the amount of landfill and transformation capacity needed for solid waste which cannot be re-used, recycled or composted;
6. Contain all the components provided in RA 9003; and
7. Contain a timetable for the implementation of the SWM program.



Are local SWM plans required to be approved?

Yes. All local government SWM plans have to be approved by the National Solid Waste Management Commission.



What are the components of the SWM plan?

The components of the SWM plan are:

1. Background information;
2. Waste characterization;
3. Source reduction;

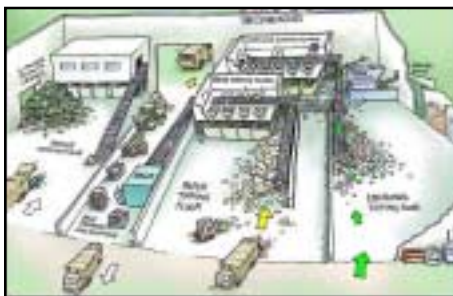
4. Recycling;
5. Composting;
6. Collection and transfer;
7. Processing;
8. Solid waste facility capacity and final disposal;
9. Education and public information;
10. Special wastes;
11. Resource requirement and funding; and
12. Privatization of SWM projects.



What are the contents of the background information?

The background information contains the city/municipal profile and its component barangays, covering highlights of the distinct geographic and other conditions as follows:

1. Estimated population of each barangay within the city or municipality and population projection for a 10-year period;
2. Illustration or map of the city/municipality, indicating locations of residential, commercial and industrial centers, agricultural areas as well as dump sites, landfills and other solid waste facilities. The illustration shall also indicate the proposed sites for disposal and other solid waste facilities;
3. Estimated solid waste generation and projection by source, such as residential, market, commercial, industrial, construction/demolition, street waste, agricultural, agro-industrial, institutional, other wastes; and
4. Inventory of existing waste disposal and other solid waste facilities and capacities, including an inventory of existing equipment used for collection and the number of people involved in SWM to be able to calculate the budget required to implement the plan.





What will the waste characterization component contain?

It will contain information on the kinds and volume of materials which make up the solid waste generated within the jurisdiction of the LGU.

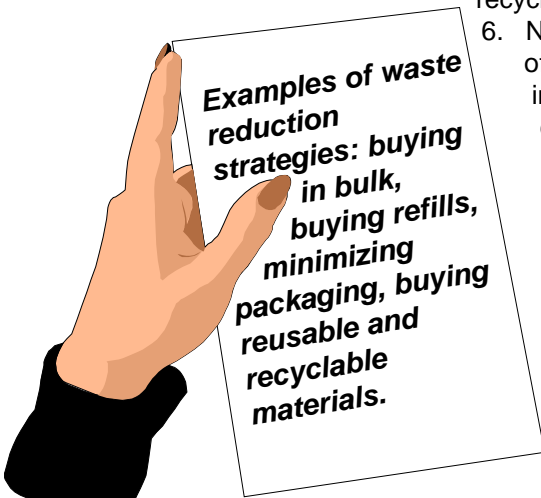


What will the source reduction component contain?

It shall include a program and implementation schedule showing the methods by which the LGU will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of in accordance with RA 9003's diversion requirements (*see Solid Waste Diversion Component, Page 26, for related information*).

The source reduction component shall describe the:

1. Strategies in reducing the volume of solid waste generated at source;
2. Measures for implementing such strategies and the resources necessary to carry out such activities;
3. Other appropriate waste reduction technologies provided that they conform with the standards set by RA 9003;
4. Types of wastes to be reduced;
5. Methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal through re-use, recycling and composting; and
6. New facilities and/or expansion of existing facilities needed to implement re-use, recycling and composting.



It shall also include the:

1. Evaluation and identification of rate structures and fees to reduce the amount of waste generated;
2. Other source reduction strategies including, but not limited to, programs and economic incentives provided under RA 9003 (see *Incentives Section, Pages 52-54, for related information*); and
3. Projection of future facilities needed and estimated cost.

Q

What should the waste reduction activities of the community take into account?

A

Activities should take into account, among others, the:

1. Local capability;
2. Economic viability;
3. Technical requirements;
4. Social concerns;
5. Disposition of residual waste; and
6. Environmental impact.

Q

What will the recycling component contain?

It shall include a program and implementation schedule showing the methods by which the LGU shall, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposed of in accordance with RA 9003's diversion requirements (see *Solid Waste Diversion Component, Page 26, for related information*).

The recycling component shall describe the:

1. Types of materials to be recycled under the programs;
2. Methods for determining the categories of solid wastes to be diverted from disposal through recycling;
3. New facilities and expansion of facilities needed to implement the recycling component; and
4. Methods for developing markets for recycled materials.



What other factors will the recycling component evaluate?

It shall evaluate industrial, commercial, residential, agricultural, governmental, and other curbside, mobile, drop-off, and buy-back recycling programs, manual and automated materials recovery facilities, zoning, building code changes and rate structures which encourage recycling of materials (see *Recycling Section, Pages 31-35, for related information*).



What will the composting component contain?

It shall include a program and implementation schedule showing the methods by which the LGU shall, in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposed of in accordance with RA 9003's diversion requirements (see *Solid Waste Diversion Component, Page 26 for related information*).

The composting component shall describe the:



1. Types of materials which will be composted under the programs;
2. Methods for determining the categories of solid waste to be diverted from disposal through composting;
3. New facilities and expansion of facilities needed to implement the composting component; and
4. Methods for developing markets for composted materials (see *Composting Section, Pages 36-37, for related information*).



What will the collection and transfer component contain?

The component shall define the coverage of the solid waste collection area in every barangay taking into account the geographic subdivisions, and define and identify the specific strategies and activities to be undertaken by its component barangays (see *Collection and Transport Section, Pages 37-38, for related information*).



Who shall ensure that 100 percent collection efficiency is achieved in residential, commercial, industrial and agricultural sources within its coverage area?



The barangay. In doing so, the barangay should take into account the following:

1. Availability/provision of proper containers within the household, commercial and industrial establishments and in selected collection points for temporary storage of solid waste while awaiting collection and transfer to processing or final disposal sites;
2. Segregation of different types of solid waste for re-use, recycling and composting;
3. Hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites;
4. Issuance and enforcement of ordinances to effectively implement a collection system in the barangay; and
5. Provision of properly trained officers/workers to handle solid waste disposal.

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



What will the processing component contain?

It will define the methods and the facilities required to process the solid waste, including the use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems.

Q

What will the solid waste facility capacity and final disposal component contain?

A

The component shall contain the:

1. Projection of the amount of disposal capacity needed to accommodate the solid waste generated, reduced by the following:
 - a. Implementation of source reduction, recycling and composting programs or other waste diversion activities;
 - b. Any permitted disposal facility available during the 10-year planning period; and
 - c. All disposal capacity which has been secured through an agreement with another LGU or with a solid waste enterprise.
2. Identification of existing and proposed disposal sites and waste management facilities in the city/municipality or in other areas.
3. Strategies to improve existing disposal sites -- to reduce adverse impact on health and the environment and extend life span -- and capacity together with the estimated cost.
4. Projections for future disposal site requirements and the estimated cost (*see Disposal Section, Pages 41-43, for related information*).

Q

What will the education and public information component contain?

A

The component shall contain the:

1. Description of how the LGU will educate and inform its citizens about the source reduction, recycling and composting programs.
2. Provisions to ensure that information on waste collection services, SWM and related health and environmental concerns are widely disseminated to the public.

Education and public information shall be undertaken through the print and broadcast media and other government agencies in the city or municipality.

Q

What will the special wastes component contain?

It shall contain the:

A

1. Existing waste handling and disposal practices for special waste or household hazardous wastes; and
2. Identification of current and proposed programs to ensure the proper handling, re-use and long-term disposal of special wastes.

Q

What will the resource requirement and funding component contain?

It shall contain the:

A

1. Identification/description of project costs, revenues and revenue sources the LGU will use in implementing the SWM plan;
2. Specific projects, activities, equipment and technological requirements for which outside sourcing of funds or materials may be necessary;
3. Definition of specific uses for its resource requirements and the costs;
4. Manner by which the LGU will generate the funds for the acquisition of its resource requirements; and
5. Needed information if certain resource requirements are being or will be sourced from fees, grants, donations, local funding and other means.

Q

What will the privatization of SWM projects component contain?

It will contain the:

A

1. Specific measures to promote private sector participation in SWM, particularly in the generation and development of essential SWM technologies;
2. Identification of specific projects or component activities of the SWM plan which may be offered as private sector investment activity; and
3. Appropriate incentives for private sector involvement in SWM.



What will the incentive programs component contain?

It will contain a program providing for incentives, cash or otherwise, which shall encourage the participation of concerned sectors (see *Incentives Section, Pages 52-54, for related information*).



What will the solid waste diversion component contain?

It will contain an implementation schedule which shows that within five years after the effectivity of RA 9003, the LGU shall divert at least 25 percent of all solid waste from waste disposal facilities through re-use, recycling and composting activities and other resource recovery activities.



What is the baseline for the 25 percent diversion?

The baseline for the 25 percent shall be derived from the waste characterization results which each LGU is mandated to undertake.



Is the solid waste diversion goal fixed at 25 percent?

No, the 25 percent solid waste diversion goal is the minimum for the initial five-year period. It shall be increased every three years after the initial five-year period.

LGUs may implement re-use, recycling and composting activities designed to exceed the 25 percent solid waste diversion goal.

CONDUCT OF PUBLIC HEARINGS

Q

Are public hearings mandatory in the process of developing local SWM plans?

A

Yes. Mandatory public hearings for the local government SWM plans shall be undertaken by the respective SWM Boards.

Every citizen shall be given the right and opportunity to comment on the SWM plan, preferably in writing.

Q

What are the requirements for the public hearings?

The respective SWM Boards shall ensure that the public is given at least three weeks notice prior to the hearing. The notice shall include an explanation of the hearing process, location and any other factor the respective Boards consider relevant.

Each hearing shall be of a substantive nature and include more than just a description of the local SWM plan.

Q

Where will the records of the hearings be filed?

All records of the proceedings of the hearings shall be filed with the respective SWM Boards and shall be readily available and accessible to the public.

Q

How will the results of the hearings be used?

A

The respective SWM Boards shall formulate their decision to adopt, reject or revise the reviewed plans on the basis of materials and information gathered, in addition to the materials presented in the public hearings.



CLUSTERING



Is clustering of LGUs allowed for SWM?

Yes. Section 33 of the Local Government Code mandates all provinces, cities, municipalities and barangays to consolidate their efforts, services and resources to address common SWM problems and/or establish common waste disposal facilities.



What are the guidelines for clustering?

The DENR shall publish guidelines for the identification of areas which have common SWM problems and are appropriate units for clustered SWM services.

The guidelines shall be based on the:

1. Size and location of areas which should be included;
2. Volume of solid waste which would be generated;
3. Available means of coordinating local government planning between and among the LGUs and for the integration of such with the national plan;
4. Possible lifespan of the disposal facilities; and
5. Common waste treatment and disposal facilities.

The DENR shall specify and regularly update technical guidelines, criteria for joint activities and projects and a set of incentive systems for LGUs opting to consolidate their efforts in planning and implementing comprehensive SWM programs.

SOLID WASTE MANAGEMENT ACTIVITIES

(Source Reduction, Segregation, Re-use, Recycling, Composting, Eco-Labeling, Collection/Transport, Materials Recovery Facilities, Disposal and Others)



What is the first priority of the ecological SWM system?

The first priority of the ecological SWM system shall be volume reduction at the source. All LGUs are required to actively promote among its constituencies the reduction and minimization of wastes generated at source.



What are the other major SWM activities under RA 9003?

They are:

1. Processing;
2. Collection and transport;
3. Establishment of materials recovery facility; and
4. Disposal.



What does “processing” cover?

“Processing” covers the following activities:

1. Segregation;
2. Re-use;
3. Recycling; and
4. Composting.



Where shall mandatory segregation be conducted?

Mandatory segregation shall primarily be conducted at the source. Segregation at source refers to the practice of separating, at the point of origin, different materials found in solid waste for the purpose of recycling and re-using them so as to reduce the volume of waste for collection and disposal.

Q

What are the categories by which solid waste shall be segregated?

A

Solid wastes shall be segregated into the following categories:

1. Compostable;
2. Non-recyclable;
3. Recyclable;
4. Special wastes; and
5. Any other classification determined by the National Solid Waste Management Commission.

Q

What are the minimum requirements for segregation and storage of solid waste pending collection?

A

The minimum requirements are:

1. There shall be a separate container for each type of waste;
2. Each container shall be properly marked or identified;
3. For premises with six or more residential units, LGUs shall pass ordinances and regulations requiring the owner or person in charge to:
 - a. Provide a designated area and containers in which to put recyclable materials; and
 - b. Notify occupants of the requirements of RA 9003 and its IRR related to segregation.
4. For commercial, institutional and industrial establishments, LGUs shall pass ordinances requiring the owner or head of the institutions to:
 - a. Provide a designated area and containers in which to put recyclable materials;
 - b. Notify all those working in the premises of the requirements of RA 9003 and its IRR related to segregation; and
 - c. Prohibit scavenging or unauthorized collection in designated segregation containers or areas.

Q**What is re-use?**

Re-use, which is mandated by RA 9003, refers to the recovery of materials intended to be used again either for the same or different purpose without altering their physical and chemical characteristics. *Examples: reusing bottles, plastic and other containers; using back of “used” paper; using old newspapers as wrapping/packing materials, etc.*

Q**What is recycling?**

Recycling, which is mandated by RA 9003, refers to the process by which solid waste materials are transformed into new products or used as raw materials for the production of other goods or services.

Q**What national government agency has a major role in recycling, particularly in the formulation of a recycling program?****A**

The DTI.

The DTI, in cooperation with the DENR, DILG/LGUs, sectors practicing recycling and other concerned agencies, shall undertake a study of existing markets for processing and purchasing recyclable materials, and the potential steps necessary to expand these markets.



Q***What will be included, at the minimum, in developing the market for recycled goods?*****A**

The following shall be included:

1. Identification of potential purchasers of the recovered materials through standard market research techniques; and
2. Directly contacting buyers and determining the buyers' quality specifications, potential transportation agreements and any minimum quantity criteria.

Q***Will the information from the investigation of markets be accessible to the public?*****A**

Yes. The following shall be easily accessible to the public through the SWM information database:

1. All information from the investigation of markets;
2. List of prospective buyers of recycled products; and
3. List of procedures, standards and strategies to market recyclable materials and develop local markets.

Q***What is the role of the Commission, the National Ecology Center, the DTI and the Department of Finance (DOF) in the marketing of recyclable materials and in developing local market for recycled goods?*****A**

These agencies shall establish procedures, standards and strategies to include:

1. Measures providing economic incentives and assistance including loans and grants for the establishment of privately-owned facilities to manufacture finished products from post-consumer materials;
2. Guarantees by the national and local governments to purchase a percentage of the output of the facility; and
3. Maintaining a list of prospective buyers, establishing contact with prospective buyers and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

Q
A

What are “buy-back centers”?

Buy-back centers refer to recycling centers that purchase or accept recyclable materials from the public for the purpose of recycling such materials.

Q

Does RA 9003 provide for the establishment and implementation by LGUs of buy-back centers and reclamation programs?

A

Yes. The law provides that buy-back centers and reclamation programs be established and implemented by LGUs in coordination with manufacturers, recyclers and generators of solid waste.

The National Ecology Center shall assist the LGUs in establishing/ implementing buy-back centers and reclamation programs.

Q
A

What will be included in the reclamation program?

The deposit or reclamation program will include the provision of separate collection systems or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires to ensure that they are not incinerated or disposed of in landfill.

Q

What are included in the assistance to be given by the National Ecology Center to LGUs in the establishment and implementation of buy-back centers and reclamation programs?

A

The assistance shall include:

1. Conduct of a detailed study on feasible reclamation programs and buy-back centers;
2. Support in implementing such programs and centers by cooperating with the respective LGUs in the formulation of related ordinances.



What is eco-labeling?

It is a coding system for packaging materials and products to facilitate waste recycling and re-use. The DTI-Bureau of Product Standards is tasked to formulate and implement such coding system.



What shall the eco-label include?

The eco-label shall include simple, accurate, non-deceptive and scientifically-based information on the key environmental aspects which are considered in the award of the label to enable consumers to make informed choices.



Will relevant information about the attributes of products be available to purchasers?



Yes. The DTI shall make such information available to purchasers.

It shall also make available to interested parties all information on the process and methodologies used in eco-labeling.



How is “environmentally acceptable” defined in RA 9003?

Environmentally acceptable refers to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment.



What are “non-environmentally acceptable products or packaging”?



They are products or packaging that are unsafe for production, use, post-consumer use, or that produce or release harmful objects.

RA 9003 prohibits non-environmentally acceptable products and packaging.

The National Solid Waste Management Commission shall determine which products/packaging are non-environmentally acceptable.

Q

Does RA 9003 provide for a phase-out period for non-environmentally acceptable products and packaging?

A

Yes. The National Solid Waste Management Commission shall determine the phase-out period after proper consultation and hearing with the stakeholders or with the sectors concerned.

The list shall be made available to the public through the SWM information database.

Q

What are “environmentally preferable” products or services?

They are products or services that have a lesser or reduced effect on human health and the environment compared with other competing products or services. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, re-use, operation, maintenance or disposal of the product or service.

Q

Does the law promote the purchase of environmentally preferable products and services?

A

Yes. The Commission, DTI, DOF and the National Ecology Center shall encourage national and local governments to purchase environmentally preferable products and services.

Q

How will government personnel contribute to efforts to reduce environmental damages associated with products or services purchased?

A

All government personnel shall seek to reduce environmental damages by increasing their acquisition of environmentally preferable products and services to the extent feasible, consistent with price, performance, availability and safety considerations.

Responsibility for environmentally preferable purchasing shall be shared among the program, acquisition and procurement personnel of government agencies.

Q

What is composting?

Composting, which is mandated by law, refers to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product.

Q

What are the minimum requisites for operating composting facilities?

A

The minimum requisites are:

1. The facility shall not be located in areas subject to frequent flooding;
2. Leachate and drainage control shall be provided;
3. Provisions for vector, odor, litter and dust control shall be made;
4. Records keeping (weights or volumes, excavations, fire, earthquake damage, injury, property damage, etc.) shall be maintained at all times;
5. Residues shall be managed and disposed of as solid waste;
6. Temperature of compost piles, curing piles and processed compost shall be maintained at safe levels;
7. Aerobic conditions shall be maintained; and
8. All technical reports, technical documents, plans and specifications pertaining to the engineering of the facility and other waste management facilities shall be certified based on EMB requirements.

Q

Are there exemptions from these requirements on composting?

A

Yes. Individual household backyard composting shall be exempt from these requirements.

Q

What national government agency plays a major role in composting?

A

The Department of Agriculture (DA). The DA, in coordination with other concerned agencies and institutions, shall:

1. Take the lead in the improvement of composting technology and make such more affordable to communities at the barangay levels;
2. Identify/inventory existing markets and demand for compost;
3. Encourage the composting of agricultural waste, and other compostable materials including, but not limited to, garden waste;
4. Assist the compost producers to ensure that the compost products conform to standards; and
5. Set standards for organic fertilizers from compost.

The DOST, meanwhile, is tasked, among others, to improve utilization of various types of organic materials as source of fertilizers and biofuels.

Q

What is collection?

Mandated by law, collection refers to the act of removing solid waste from the source or from a communal storage point.

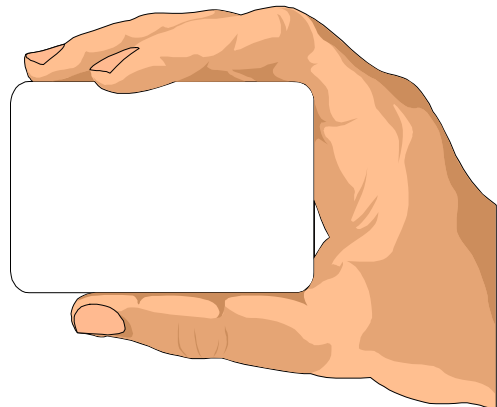
Q

What is the LGU's responsibility in the collection of solid waste?

A

The barangays shall be responsible for the collection, segregation and recycling of biodegradable, recyclable, compostable and reusable wastes.

The municipalities and cities shall be responsible for the collection of residual and special wastes.



Q

What are the minimum standards and requirements for collecting, transporting and handling solid waste?

A

The minimum standards are:

1. All collectors/personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment and paraphernalia;
2. The City /Municipal Health Officer shall provide proper training to collectors/personnel. The Commission, through the National Ecology Center, in coordination with DOH, shall develop training guidelines;
3. Collection shall be done in a way that prevents damage to containers and spillage or scattering of solid waste;
4. Equipment used shall be built, operated and maintained well to minimize health/safety hazards;
5. Equipment must be kept clean and in good condition;
6. Use of separate collection schedules and/or separate trucks is required for specific types of wastes. Otherwise, vehicles with appropriate compartments with cover shall be used;
7. Vehicle design shall consider road size, condition and capacity to ensure safe and efficient collection and transport of solid waste; and
8. Vehicles shall bear the body number, name and telephone number of the contractor/agency collecting solid waste.

Q

What is a Materials Recovery Facility (MRF)?

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

The law requires the establishment of an MRF in every barangay or cluster of barangays.

Q

What types of solid waste will be brought to the MRF?

The MRF shall receive biodegradable wastes for composting and mixed non-biodegradable wastes for final segregation, re-use and recycling. Each type of mixed waste shall be collected from the

source and transported to the MRF in separate containers. The resulting residual wastes shall then be transferred to a long-term storage or disposal facility or sanitary landfill.



What concerns shall be addressed in establishing an MRF?

The following shall be addressed:

1. The building and/or land layout and equipment must be designed to allow efficient and safe materials processing, movement and storage;
2. The building must be designed to allow efficient and safe external access and to accommodate internal flow;
3. If the MRF includes a composting operation, it shall comply with the applicable IRR provisions; and
4. Records shall be kept and maintained.

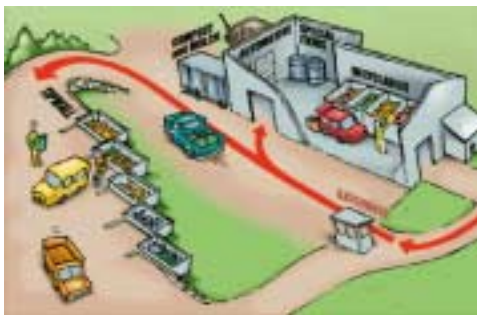


What records are required to be maintained in operating an MRF?



The following shall be maintained and submitted to the DENR upon request:

1. Records of daily weights or volumes of waste received, processed and removed from site accurate to within 10 percent and adequate for overall planning purposes and tracking of success of waste diversion goals; and
2. Daily logbook or file of the following information shall be maintained: fire, special occurrences, unauthorized loads, injury and property damage.



Q

Are licenses and permits required to construct/operate an SWM facility?

A

Yes. No person, entity or company will be allowed to construct or operate any SWM facility until that person or entity has applied for and obtained valid permits and licenses to operate.

Q

Does the operation of MRFs and controlled dumpsites require the issuance of an Environmental Compliance Certificate (ECC)?

A

The establishment of MRFs would not require an ECC considering the minimal negative impact of these facilities on the environment. However, this does not apply to facilities processing more than 15 tons/day or producing 10,000 bags or more of compost (at 50 kg each) per year.

The operation of a controlled dumpsite does not also require an ECC. This is because of the interim nature of a controlled dumpsite and considering that its conversion from an open dumpsite is actually part of an environmental enhancement activity.

Q

What's the process of securing permits for constructing and operating MRFs and controlled dumps?

A

Proponents should secure a Notice to Proceed from the National Solid Waste Management Commission or the DENR Regional Office when planning to construct and operate either an MRF or a controlled dump site.

For MRFs, a Notice to Proceed can be secured only after a team from the DENR has fully assessed the site (usually takes two days), completed the inspection report and has made a favorable recommendation.

For controlled dumps, assessment is done by a team from the regional EMB and Mines and GeoSciences Bureau. The team also has two days to assess the site. It is also required to prepare a report. If the recommendation is favorable, it is endorsed to the Commission for review and issuance of the Notice to Proceed.



What is disposal?

Disposal refers to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.

There are three types of disposal. They are:

1. Open dump;
2. Controlled dump; and
3. Sanitary landfill.



What is an open dump?

An open dump is a disposal area where solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.



Is the use of open dumps for the disposal of solid waste allowed?



No open dumps or any disposal of solid waste, which constitutes the use of open dumps for solid waste, shall be allowed after the effectivity of RA 9003.

Every LGU shall convert its open dumps into controlled dumps within three years after the effectivity of RA 9003 (or by Year 2005).



What is a controlled dump?

A controlled dump is a disposal site in which solid waste is deposited in accordance with the minimum prescribed standards of site operation to minimize possible adverse impacts on the environment.

Use of controlled dumps for disposal of solid waste shall no longer be allowed five years after the effectivity of RA 9003 (or after Year 2007).

Q

What are the minimum requirements for siting, designing and operation of controlled dumpsites?

A

The minimum requirements are:

1. Daily cover of inert materials or soil at least six inches thick shall be applied at the end of the working day.
2. Drainage and runoff control shall be designed and managed.
3. Provision for aerobic and anaerobic decomposition shall be instituted to control odor.
4. Working areas shall be minimized and kept at no more than a ratio of 1.5 square meters or less per ton/day of waste received on a daily basis.
5. Security fencing plus provisions for litter control shall be provided.
6. Basic record keeping.
7. Provision of maintained all-weather access roads.
8. Controlled waste picking and trading, if allowed by owner/operator.
9. Provision of at least 0.60m final soil cover at closure, and post-closure maintenance (PCM) of cover, drainage and vegetation. PCM shall be for a period of 10 years.
10. Site shall not be located in flood plains or areas subject to periodic flooding and shall be hydro-geologically suitable.
11. Open dumpsites that do not comply with siting requirements shall be closed immediately. A replacement facility shall be, at a minimum, a controlled dump that complies with the above requirements.



Q***What is a sanitary landfill?***

A sanitary landfill is a waste disposal site properly designed, constructed, operated and maintained in a manner that poses the least environmental impacts. (See *Annex A for the “Guidelines, Standards, Requirements and Criteria for Siting, Designing and Operating Sanitary Landfills”* and *Annex B for “Minimum Requirements for Operating Sanitary Landfills”*)

Q***Is the use of sanitary landfills as disposal facilities for solid waste allowed?*****A**

Yes. As a matter of fact, after the lapse of the five-year period allowing the use of controlled dumps, only sanitary landfills will remain as disposal facilities allowed under RA 9003.

FINANCING



What is the National SWM Fund and who administers it?

It is a fund created under RA 9003 as a special account in the National Treasury.

The Fund is administered by the National Solid Waste Management Commission, which shall develop the scheme or guidelines for the fund administration.



What are the sources of the National Fund?

These are:

1. Fines and penalties imposed under RA 9003 (*See Annex C, "Prohibited Acts, Fines and Penalties"*) which shall be allocated based on a sharing scheme between the Fund and the LGU concerned;
2. Proceeds of permits and licenses issued by the DENR under RA 9003;
3. Donations, endowments, grants and contributions from domestic and foreign sources; and
4. Amounts specifically appropriated for the Fund under the annual General Appropriations Act.



What is the sharing scheme between the National Fund and the LGU concerned for fines collected under RA 9003?

Sixty percent shall be remitted to the National Fund while 40 percent shall be retained by the LGU where the prohibited act was committed.



Where shall the National Fund be used?

The Fund shall be used to support endeavors, which enhance the implementation of RA 9003. These shall include:

1. Products, facilities, technologies and processes to enhance proper SWM;
2. Awards;
3. Incentives;
4. Research programs;
5. IEC and monitoring activities;
6. Technical assistance; and
7. Capability building activities.



Who may avail of the National Fund?

LGUs are entitled to avail of the Fund for their SWM projects/activities based on their approved SWM Plan.



What are some of the criteria that LGUs need to satisfy to avail of the National Fund?

The criteria shall include, but not be limited to, the following:

1. The SWM Plan of the proponent LGU has been approved by the Commission.
2. The SWM project/activity to be funded was designed from the approved SWM Plan of the LGU.
3. Funding request for project/activity does not exceed PhP1,500,000. The Commission Secretariat shall review the funding level every three years.
4. Only one project/activity per LGU shall be eligible for support.
5. Project/activity types under the following categories shall be considered:
 - a. SWM projects which shall catalyze investment from the private sector and/or other investors;
 - b. Innovative SWM approaches; and
 - c. Prototyping SWM models.
6. The LGU may avail of the Fund once every three years, but not for the same project/activity.

7. The LGU does not have another outside fund source for SWM tasks.
8. The LGU is committed to put in counterpart funds, the computation of which shall be provided by the Commission Secretariat per LGU classification.
9. The process for Fund availment is completed.



What is the process for availing the National Fund?

The National Solid Waste Management Commission, through the Secretariat, shall prescribe a simple procedure and pro-forma for fund application.

Subject to a more detailed guideline to be issued by the Commission, the general procedure is:

1. Pre-selection of project proposals;
2. Submission of package concept proposal;
3. Review of submitted proposals;
4. Approval;
5. Pre-implementation notice; and
6. Implementation.



How will the pre-selection of project proposals be made?

The Commission, through the DENR, shall formulate a set of criteria that will define eligible projects/activities that the Fund can support. This set of criteria will pre-select which projects/activities can be considered by the Commission for funding.


After the proposal meets the criteria, the proponent shall complete a pro-forma application which is to be submitted to the Commission through the Secretariat, along with the required documents.

Q

Where will the project proposals and other required documents be sent?

A

These should be sent to:



The Chairman, National SWM Commission
Attn: Executive Director
The Secretariat
Environment Management Bureau - DENR
Visayas Avenue, Quezon City

Q

Who is tasked to review/approve the submitted proposals?

The Secretariat shall review the proposals, while the National Solid Waste Management Commission shall approve the proposals based on the recommendations of the Secretariat.

Once the project is approved, the Commission and the proponent shall execute a Memorandum of Agreement (MOA).

Q

What is the pre-implementation notice?

It is a notice to proceed along with the advice for the release of project/activity fund. This notice will be served to the proponent. Proponents will be advised of the manner of fund transfer which will follow government procedures for its release.

Q

How will the reporting on the status of the National Fund be made?

Reporting on the status of the Fund shall be transparent and be annually published by the National Solid Waste Management Commission in collaboration with the Commission on Audit, four months after the end of each fiscal year.



May LGUs create a local SWM fund?

Yes. The Local Fund will be created through an ordinance, pursuant to the relevant provisions of RA 7160.

The ordinance creating the fund may vest authority in the local SWM board to administer the Local Fund as a special account of the LGU and to develop pertinent guidelines on the management of the Fund.



How will the reporting on the Local Fund's status be made?

The ordinance creating the Local Fund may state that reporting on the Fund's status be transparent and that an annual report be sent by the LGU to the National Solid Waste Management Commission/other relevant authority in collaboration with the Commission on Audit four months after the end of each fiscal year.



What are the possible sources of the Local Fund?

The Local Fund can be sourced from:

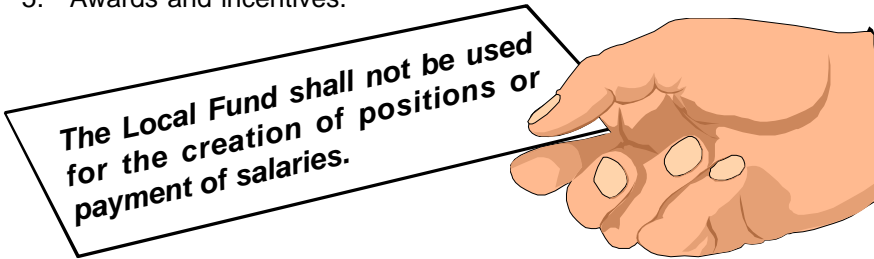
1. Donations, endowments, grants and contributions from domestic and foreign sources.
2. LGU allocation of fines collected (40 percent).
3. Fees collected from provision of solid waste services such as collection, recycling and transport.
4. Sub-contracting fees including management, transport and others, as stipulated in the contract or MOA as in the case of private sector's and civil society's engagement of SWM services, respectively.
5. LGU may allocate fund from the 20 percent Development Fund for waste management.



Where may the Local Fund be used?

The Local Fund may be used to support endeavors enhancing the implementation of RA 9003, such as projects on:

1. Products, facilities, technologies and processes to enhance proper SWM;
2. Research activities;
3. IEC and monitoring activities;
4. Capability building activities; and
5. Awards and incentives.



What are the criteria for accessing the Local Fund?

The criteria are:

1. The proposed project/activity be based on the approved SWM Plan of the LGU.
2. The Local SWM Board shall determine the level of funding request for a project/activity.
3. Only one project per barangay, private sector or civil society group in a locality shall be eligible for support.
4. Project/activity types that may be funded include:
 - a. SWM projects which catalyze investment from the private sector and/or other investors
 - b. Innovative SWM approaches
 - c. Prototyping SWM models
5. A proponent may avail of the Local Fund once every three years but not for the same project/activity. The local SWM boards shall accredit private sector/civil society groups; the process shall be defined by their respective boards.



What is the process for availing the Local Fund?

The local SWM board shall prescribe a simple procedure and pro-forma for fund application. Subject to a detailed guideline to be developed by local SWM boards, the general process is:

1. Pre-selection of project proposals;
2. Submission of proposals;
3. Review of submitted proposals;
4. Approval; and
5. Implementation.



How will the pre-selection of project proposals be made?

The National Solid Waste Management Commission through the DENR shall formulate a set of criteria to help the local SWM board define eligible projects/activities that Local Fund can support. This set of criteria will pre-select which projects/activities can be considered by the local SWM Board for funding.

The proponent shall complete a pro-forma application to be submitted to the local SWM Board with the required documents.

The project proposals and other required documents should be sent to:

The Mayor/Chairman
Local SWM Board
City/Municipality of _____
Province of _____





Who is tasked to review/approve the submitted proposals?

The local SWM board shall designate an office/unit to review the submitted proposals. The Board shall approve the proposals based on the recommendations of the designated review office.

Once the project is approved, the local SWM board and the proponent shall execute a MOA.

INCENTIVES



Are incentives provided under RA 9003?

Yes. Incentives are provided to encourage LGUs, enterprises, private sector and civil society to develop or undertake socially acceptable, effective and efficient SWM, and/or to actively participate in any program for its promotion.



What are the kinds of incentives provided under RA 9003?

The incentives provided are as follows:

1. Rewards;
2. Fiscal incentives;
3. Non-fiscal incentives;
4. Financial assistance program;
5. Extension of grants to LGUs; and
6. Incentives to LGUs who host common waste management facilities.



Who are entitled to receive rewards?

Rewards shall be provided to LGUs, individuals, private organizations and entities including NGOs that have done outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction.



From what fund will the rewards be sourced?

The rewards shall be sourced from the National SWM Fund.



What are the fiscal incentives provided?

These are:

1. Tax and duty exemption on imported capital equipment and vehicles;

2. Tax credit on domestic capital equipment; and
3. Tax and duty exemption to donations, legacies and gifts. The donations, legacies and gifts shall be deductible in full from the gross income of the donor for income tax purposes.



What are the non-fiscal incentives provided?

These are:

1. Applicable non-fiscal incentives provided under the Omnibus Investments Code;
2. Simplified procedures for the importation of equipment, spare parts, new materials and supplies;
3. Simplified procedures for the exportation of processed products from SWM projects;
4. Enhanced certification, permitting and licensing processes;
5. Knowledge and skills exchange including cross study visits in-country and outside the country; and
6. Enhanced processing of the employment of foreign nationals.



What does the financial assistance program consist of?

Under the financial assistance program, government financial institutions (GFIs) such as the Development Bank of the Philippines (DBP), the Land Bank of the Philippines (LBP), and the Government Services Insurance System (GSIS), in accordance with their respective charters or applicable laws, shall provide high priority to extend financial services to individuals, enterprises, or private entities engaged in SWM.



What may be included in the services to be provided by GFIs?

The services may be in the form of, but not limited to:

1. Provision of technical assistance to prospective SWM project proponents;
2. Special interest rates;
3. Collateral for loans; and
4. Grace period for loans.

Q

What does the grant component cover?

Provinces, cities and municipalities whose SWM Plans have been approved by the National Solid Waste Management Commission or who have been commended by the Commission for adopting innovative SWM programs shall be entitled to receive project/activity grants for a range of SWM endeavors.

Q

What are the incentives provided for LGUs who host common waste management facilities?

A

The National Solid Waste Management Commission shall promulgate guidelines that will provide specific incentives, aside from giving grants and other financial assistance packages, to LGUs hosting or offering to host SWM facilities. The set of incentives may include, among others:

1. Targeting subsidies for specific use of resources like water and power; and
2. Flowing back certain percentage of the profits generated from the facility to support development initiatives of the LGUs or payment of royalties for continued operation of the facilities.

Q

What rights may be given to a private sector proponent who will be financing, constructing, operating and maintaining an SWM facility?

A

Private sector proponents involved in ESWM implementation may be given the following rights:

1. To operate the facility over a fixed period not to exceed 50 years;
2. To charge facility user fees, tolls, rentals or share in the revenue of the project; and
3. To recover capital, operating and maintenance expenses and earn a reasonable return on investment.

SOLID WASTE MANAGEMENT FEES

Q
A

Do LGUs have the authority to impose SWM fees?

Yes, Section 47 of RA 9003 requires LGUs to impose SWM fees. The fees shall be used as follows:

1. Pay for the costs of preparing, adopting and implementing a SWM Plan prepared pursuant to RA 9003; and
2. Pay the actual costs incurred in collecting the local fees and for project sustainability.

The fees may be collected at the Barangay and City/Municipality level.

Q
A

May the authority to impose SWM fees be ceded to the private sector and/or civil society groups?

Yes, subject to the following conditions:

1. The private sector and/or civil society groups have been duly accredited by the local SWM board to provide SWM services;
2. The SWM fees imposed shall be covered by a contract or MOA between the local SWM board and the private sector or civil society group.





What will be used as basis for computing SWM service fees?

The SWM service fees shall be computed based on, but not limited to:

1. Types of solid waste to include special wastes;
2. Amount/volume of waste;
3. Distance of the transfer station to the waste management facility;
4. Capacity or type of LGU constituency;
5. Cost of construction;
6. Cost of management; and
7. Type of technology.



For what services may the barangay impose fees?

The barangay may collect fees for collection and segregation of biodegradable, compostable and reusable wastes from households, commerce, other sources of domestic wastes and for the use of the Barangay MRF.



What will be the manner of collection of fees by the barangay?

The manner of collection of the fees shall be dependent on the style of administration of respective Barangay Councils. However, all transactions shall follow the Commission on Audit rules on collection of fees.

The local SWM board will establish the computation of fees to be collected by the Barangay.



For what services may the City/Municipality impose fees?

The municipal and city councils may impose fees on the barangay MRFs for the collection and transport of non-recyclable and special wastes and for the disposal of these into the sanitary landfill.

Q

Who will define the level and procedure for exacting fees to be imposed by the City/Municipality?

A

The level and procedure for exacting fees shall be defined by the local SWM board and supported by LGU ordinances. However, payments shall be consistent with the accounting system of government.

Q

For what services may the private sector or civil society group impose fees?

A

On the basis of the stipulations of contract or MOA, the private sector or civil society group shall impose fees for collection, transport and tipping in their sanitary landfills. Receipts and invoices shall be issued to the paying public or to the government.

PROHIBITED ACTS AND PENALTIES

Q

Does RA 9003 specify the prohibited acts and their corresponding fines and/or penalties?

A

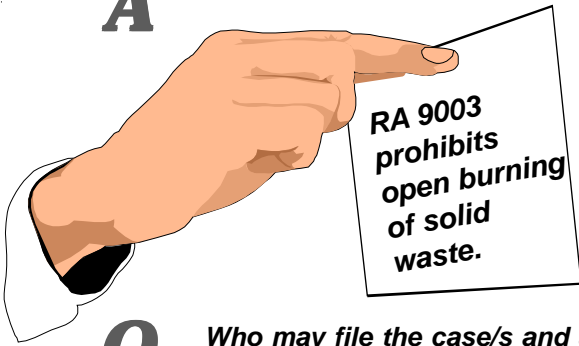
Yes. Please see Annex C for the list of Prohibited Acts, Fines and Penalties.

Q

What kind of case may be filed?

The following cases or actions may be filed:

1. Civil
2. Criminal
3. Administrative



Q

Who may file the case/s and against whom may the case/s be filed?

Any Filipino citizen may file a case or cases in the proper courts/bodies depending on the kind or nature of the case.

The appropriate case/s may be filed against:

1. Any person who violates or fails to comply with the provisions of RA 9003 or its IRR; or
2. The DENR or other implementing agencies with respect to orders, rules and regulations issued inconsistent with RA 9003; and/or
3. Any public officer who:
 - a. Willfully or grossly neglects the performance of an act specifically enjoined as a duty by RA 9003 or its IRR; or
 - b. Abuses his authority in the performance of his duty; or
 - c. In any manner, improperly performs his duties under RA 9003 or its IRR.

Q

What does RA 9003 require before a case or suit can be filed?

RA 9003 provides that no case or suit can be filed until after a public officer or alleged violator has been given a 30-day notice during which no appropriate action has been taken by the alleged offender.

Q

Is conviction required before the fine and/or penalty can be imposed on someone who committed a prohibited act under RA 9003?

A

Yes. The law provides that the fine and/or penalty shall be imposed upon conviction.

The requirement of conviction means that a case has to be filed in court against a person who commits a prohibited act and judgment has to be rendered by the court finding the person guilty of committing the prohibited act.

Q

If the prohibited act is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, who shall be liable for the offense committed?

A

The chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable.

Q

What additional penalty will be imposed if the offender is an alien?

A

If the offender is an alien, he or she shall be deported without further administrative proceedings after serving his/her sentence.

Q

Are the fines prescribed in RA 9003 fixed amounts?

No. The fines prescribed under RA 9003 shall be increased by at least 10 percent every three years to compensate for inflation and to maintain the deterrent function of such fines.

MISCELLANEOUS PROVISIONS

Q
A

What ordinances are LGUs required to legislate?

LGUs are required to legislate appropriate ordinances to aid in the implementation/enforcement of RA 9003. Specific measures to implement and enforce Prohibited Acts of RA 9003 should be included; provided such ordinances shall be formulated pursuant to relevant provisions of the Local Government Code.

The LGU ordinance shall prescribe the rules and procedures for the commencement of an action/complaint at the local level.

Q

What assistance will the National Solid Waste Commission provide to LGUs in the formulation of ordinances?

A

The Commission shall provide advice to LGUs in the ordinance formulation process. For this purpose, the Commission shall develop a pro-forma ordinance for the guidance of LGUs.

LGUs may improve, modify or revise the pro-forma ordinance.

Q

Does the National Solid Waste Management Commission have the authority to deputize persons, individuals or entities to be SWM Officers?

A

Yes. And as SWM Officers they will have the authority to effect the arrest of violators in accordance with law, for purposes of enforcing and implementing RA 9003, its IRR and other rules and regulations governing SWM.

Q

What is the general procedure for deputation of SWM Officers?

A

In addition to the guidelines to be formulated by the National Solid Waste Management Commission for the protocol and procedures for deputation, the general procedure is as follows:

1. The deputation shall be upon recommendations of the Provincial SWM Board and City/Municipal SWM Boards;
2. The Commission shall deputize only those persons of known integrity and probity; and
3. The persons to be deputized must have completed the necessary training and capacity building required and conducted by the National Ecology Center for the effective implementation of RA 9003 and its IRR.

Annexes

GUIDELINES, STANDARDS, REQUIREMENTS AND CRITERIA FOR SITING, DESIGNING AND OPERATING SANITARY LANDFILLS

1. The location of the facility shall be consistent with the overall land use plan of the LGU.
2. The site shall be accessible from major roadways and thoroughfares. Otherwise, the project design shall include means of access.
3. The site shall have an adequate quantity of earth cover material onsite. Otherwise, an offsite guaranteed source shall be identified.
4. If the site is within 2 kms of an airport runway, it shall not pose a bird hazard to aircraft. The site shall comply with other requirements for safety of flying aircraft.
5. The facility map shall show the location of public water supply intakes including active public drinking water supply wells located within 1 km from the facility.
6. The facility shall not be constructed within 75 meters from a Holocene fault or known recent active fault.
7. If significant archaeological and cultural resources are present at the site, such resources shall be protected and preserved.
8. If the site is a habitat of listed endangered species, mitigation measures for protection of the species as required by applicable law shall be included in the project proposal.
9. The site shall be chosen with regard to the sensitivities of the community's residents. The Sangguniang Bayan/Panlungsod of the host LGU shall adopt a resolution confirming compliance with the pertinent siting, design criteria and standards. The resolution shall be deemed as having fully satisfied the public sensitivity requirement.
10. If the facility is not in sensitive resources area: a base liner system consisting of clay and/or geosynthetic membranes (geomembrane) shall be provided. Geosynthetic Clay Liners (GCL) or composite liner (clay under geo-membrane) may also be used in accordance with the specifications provided in the IRR.
11. Leachate collection and removal system shall be provided and designed such that leachate buildup in the landfill will be minimized.
12. Leachate storage facilities shall be designed with containment systems in accordance with the specifications of the IRR.
13. The site shall be located in an area where the landfill's operation will not detrimentally affect environmentally sensitive resources such as aquifers, groundwater reservoir, or watershed area. If the site is located near an environmentally sensitive area, special mitigation measures shall be provided with additional criteria as follows:
 - a. The facility shall be a minimum 50 meters away from any perennial stream, lake or river.
 - b. The site shall be evaluated for geologic hazards, faults, unstable soils, foundation stability and hydrogeologic character. The site shall not be located in a floodplain.

- c. It shall be provided with a composite base liner system of high density polyethylene (HDPE) liner underlain by a soil liner in accordance with the specifications of the IRR.
 - d. GCL may be substituted for the soil liner in accordance with the specifications of the IRR. Design of the final cap shall be equivalent to its liner system in terms of permeability. The thickness of the final cover system shall be in accordance with the specifications of the IRR.
 - e. Strict liner and final cap construction quality assurance (CQA) and testing shall be performed.
14. Design of the landfill shall be statistically stable and shall be able to withstand the effects of a ground acceleration generated by an earthquake of 100-year or more recurrence interval.
 15. A separation of at least 2 meters shall be maintained between the top of the liner system and underlying groundwater.
 16. A temporary impoundment for drainage runoff shall be provided.
 17. The site shall be large enough to accommodate the community's waste for a period of five years or more.
 18. The site chosen shall facilitate developing a landfill that will satisfy budgetary constraints.
 19. Operating plans shall include provisions for coordinating with recycling and resource recovery projects.
 20. Designation of a separate containment area for household hazardous wastes.
 21. Gas control system shall be provided.
 22. Groundwater monitoring wells shall be placed at appropriate locations and depths for taking water samples that are representative of groundwater quality and for predicting groundwater flow.
 23. Daily soil cover or Alternative Daily Cover (ADC) shall be applied. Final cover, final cap, drainage layer and vegetative layer shall be provided in accordance with the requirements of the IRR.
 24. Closure of the landfill shall be completed within one year of cessation of landfill operation.
 25. Post-closure care shall be for 15 years. The DENR shall establish guidelines and requirements.
 26. Small facility exemption from specific standards of this section (Rule XIV, Sec. 1). The DENR will establish criteria for exemption.
 27. All technical reports, documents, plans, and specifications pertaining to the engineering of the facility shall be certified and sealed by a licensed engineer with relevant experience and expertise.
- (Rule XIV, Sec. 1, IRR)

MINIMUM REQUIREMENTS FOR OPERATING SANITARY LANDFILLS

1. Disposal site records of, but not limited to:
 - a. Records of weights or volumes accepted in a form and manner approved by the DENR. The records shall be submitted to the DENR upon request.
 - b. Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties.
 - c. Daily logbook or file of the following information: fire, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipt or rejection of non-permitted wastes, flooding and other unusual occurrences.
 - d. Record of personnel training; and
 - e. Copy of written notification to the DENR, local health agency, and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site.
2. Monitoring of water quality of surface and ground waters, effluent, and gas emissions shall be performed in frequencies prescribed by the DENR. The parameters shall be as prescribed by the DENR in the facility's permit.
3. Groundwater Sampling Protocol – The DENR shall establish requirements and guidelines.
4. Background Groundwater Quality Monitoring Statistical Data Evaluation and Establishment of Concentration Limits for Contaminant Indicators – The DENR shall establish requirements and guidelines.
5. Detection Groundwater Monitoring Data Statistical Analysis, Verification Monitoring – The DENR shall establish requirements and guidelines.
6. Assessment Monitoring and Corrective Action – The DENR shall establish requirements and guidelines.
7. Documentation of approvals, all reports, certification, plans and specifications, as built drawings, determinations and other requirements by the DENR and other pertinent and relevant documents shall be kept in the facility's operating record.
8. Easily visible signs shall be posted.
9. Perimeter barriers, topographic constraints and fences shall be installed.
10. Roads within the facility shall be designed to minimize the generation of dust and the tracking of materials onto adjacent public roads. Such roads shall be maintained and kept in safe condition.
11. Sanitary facilities such as toilets and hand washing facilities shall be available.
12. Safe and adequate drinking water supply shall be available.
13. Communication facilities shall be available.
14. The site and/or equipment shall be equipped with adequate lighting when night operations are conducted.

15. Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the DENR.
16. Personnel assigned to operate the site shall be adequately trained in subjects pertinent to 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.
17. Adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site shall be provided.
18. Sites open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regularly scheduled basis, as determined by the DENR.
19. Unloading of solid waste shall be confined to a small area as possible in accordance with the specifications of the IRR.
20. Solid waste shall be spread and compacted in layers in accordance with the specifications of the IRR.
21. Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent ponding.
22. 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.

(Rule XIV, Sec. 2, IRR)

LIST OF PROHIBITED ACTS, FINES AND PENALTIES

Prohibited acts	Fines	Penalties
1. Littering, throwing, dumping of waste matters in public places such as roads, sidewalks, canals, esteros or parks and establishment or causing or permitting the same	Payment in the amount of not less than three hundred pesos (₱300.00) but not more than one thousand pesos (₱1,000.00) <u>OR</u>	Render community service for not less than one day to not more than 15 days to an LGU where such prohibited acts are committed, OR BOTH FINE AND PENALTY
2. Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to RA 9003	Payment in the amount of not less than three hundred pesos (₱300.00) but not more than one thousand pesos (₱1,000.00) <u>OR</u>	Imprisonment of not less than one day to not more than 15 days, OR BOTH FINE AND PENALTY
3. The open burning of solid waste		
4. Causing or permitting the collection of non-segregated or unsorted waste	Payment in the amount of not less than one thousand pesos (₱1,000.00) but not more than three thousand pesos (₱3,000.00) <u>OR</u>	Imprisonment of not less than 15 days but not more than six months, OR BOTH FINE AND PENALTY
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	For the first violation, payment in the amount of five hundred thousand pesos (₱500,000.00) plus an amount not less than five percent (5%) but not more than ten percent (10%) of his/her net annual income during the previous year.	For the second or subsequent violations of paragraphs 9 and 10, the additional penalty of imprisonment of a minimum period of one year but not to exceed three years, at the discretion of the court, shall be imposed
9. Establishment or operation of open dumps as enjoined in RA 9003, or closure of said dumps in violation of Sec. 37, RA 9003		
10. The manufacture, distribution or use of non-environmentally acceptable packaging materials		
11. Importation of consumer products packaged in non-environmentally acceptable packaging materials		

Prohibited acts	Fines	Penalties
<p>12. Importation of toxic wastes misrepresented as “recyclable” or “with recyclable content”</p> <p>13. Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers or facilities prescribed under RA 9003</p>	<p>Payment in the amount of not less than ten thousand pesos (₱10,000.00) but not more than two hundred thousand pesos (₱200,000.00) <u>OR</u></p>	<p>Imprisonment of not less than 30 days but not more than three years, OR BOTH FINE AND PENALTY</p>
<p>14. Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and RA 9003 and not conforming with the land use plan of the LGU</p> <p>15. The construction of any establishment within 200 meters from open dumps or controlled dumps or sanitary landfills</p> <p>16. The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portions thereof</p>	<p>Payment in the amount of not less than one hundred thousand pesos (₱100,000.00) but not more than one million pesos (₱1,000,000.00) <u>OR</u></p>	<p>Imprisonment of not less than one year but not more than six years, OR BOTH FINE AND PENALTY</p>

Annex D

MEMBERS OF THE NATIONAL SOLID WASTE MANAGEMENT COMMISSION

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Philippine Information Agency
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*serves a three-year term

Annex E

REGIONAL ENVIRONMENTAL MANAGEMENT BUREAU OFFICIALS

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EcoGovernance



Development Alternatives, Inc.