



**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 7462



Introduced by Representative Rudys Caesar G. Fariñas I

EXPLANATORY NOTE

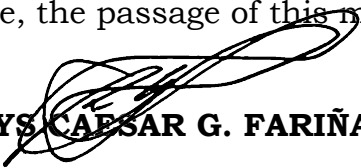
This proposed measure seeks to include incineration as an authorized method in solid waste disposal, amending Republic Act No. 9003, otherwise known as the “Ecological Solid Waste Management Act Of 2000.”

This bill establishes parameters and goals for the establishment and operation of incineration facilities toward environmentally sound and secure solid waste disposal and management, making sure to protect the public's health and the environment.

This bill also includes incineration as a part of the National Solid Management Framework under the National Solid Waste Management Commission. This bill also vests the Department of Environment and Natural Resources with visitorial powers to any generator, recycler, manufacturer, incineration plant, or other facilities to question any employee or investigate any fact, condition, or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations. The bill also empowers Local Government Units (LGUs) to implement the segregation and collection of solid waste within their jurisdictions.

The bill provides for requirements of incineration facilities that may be established, operated and maintained for waste disposal consistent with standards already set by law.

Hence, the passage of this measure is sought.


RUDYS CAESAR G. FARIÑAS I



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AN ACT

AUTHORIZING THE USE OF INCINERATORS IN THE DISPOSAL OF SOLID WASTE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS THE “ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF 2000”

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

1 SECTION 1. Section 2 of Republic Act No. 9003 is hereby amended to read as
2 follows:

3
4 “Section 2. *Declaration of Policies.* – It is hereby declared the
5 policy of the State to adopt a systematic, comprehensive and
6 ecological solid waste management program which shall:

7
8 xxx

xxx

xxx

9
10 “(d) Ensure the proper segregation, collection, transport, storage,
11 treatment and disposal of solid waste through the formulation
12 and adoption of the best environmental practices in ecological
13 waste management **[excluding incineration];**”

14 xxx

xxx

xxx

15 (i) xxx; **[and]**

16
17 (j) xxx **[.] AND**

18
19 **(K) ENSURE THE PROTECTION OF PUBLIC HEALTH AND**
20 **THE ENVIRONMENT WHILE SETTING PARAMETERS AND**
21 **GOALS FOR THE ESTABLISHMENT AND OPERATION OF**
22 **INCINERATION FACILITIES TOWARDS AN**

1 ENVIRONMENTALLY SOUND AND SAFE SOLID WASTE
2 DISPOSAL AND MANAGEMENT.”
3

4 SEC. 2. Section 3 of the same Act is hereby amended to read as follows:
5

6 “Section 3. *Definition of Terms.* – For the purpose of this Act:
7

8 (a) Agricultural waste shall refer to waste generated from
9 planting or harvesting of crops, trimming or pruning of plants
10 and wastes or run-off materials from farms or fields;
11

12 xxx xxx xxx

13
14 (m) xxx
15

16 **(M-1) FEEDSTOCK REFERS TO ORGANIC SOURCES SUCH AS**
17 **MOLASSES, SUGARCANE, CASSAVA, COCONUT, JATROPHA,**
18 **SWEET SORGHUM OR OTHER BIOMASS USED IN THE**
19 **PRODUCTION OF BIOFUELS;**
20

21 xxx xxx xxx

22
23 (p) xxx
24

25 **(P-1) INCINERABLE WASTE REFERS TO ANY GENERAL**
26 **WASTE THAT IS SUITABLE TO BE DESTROYED, RENDERED**
27 **INERT OR REDUCED TO ASH THROUGH A PROCESS OF**
28 **CONTROLLED, HIGH TEMPERATURE COMBUSTION**
29 **WITHOUT CAUSING DAMAGE TO, OR DISRUPTING THE**
30 **OPERATION OF THE INCINERATION PLANT WHERE THE**
31 **PROCESS IS CARRIED OUT;**
32

33 xxx xxx xxx

34
35 (dd) *Resource recovery* shall refer to the collection, extraction or
36 recovery of recyclable materials from the waste stream for the
37 purpose of recycling, generating energy or producing a product
38 suitable for beneficial use **[:Provided, That, such resource**
39 **recovery facilities exclude incineration];**
40

41 xxx xxx xxx

42
43 (qq) xxx
44

45 **(QQ-1) TOXICITY EQUIVALENCE REFERS TO WEIGHTED**
46 **QUANTITY MEASURE BASED ON THE TOXICITY OF EACH**
47 **MEMBER OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS;**
48

49 xxx xxx xxx

50
51 (ss) xxx
52

53 **(SS-1) WASTE INCINERATION REFERS TO A PROCESS OF**
54 **DISPOSING OF WASTE MATERIAL BY BURNING OR HEATING**
55 **WITH ANY FORM OF ENERGY;**

1
2 **(SS-2) WASTE MATERIALS REFER TO ITEMS UNUSED AND**
3 **REJECTED AS WORTHLESS OR UNWANTED;**
4

5 **(SS-3) WASTE-TO-ENERGY (WTE) REFERS TO THE ENERGY**
6 **RECOVERED FROM WASTE, USUALLY THE CONVERSION OF**
7 **NON-RECYCLABLE WASTE MATERIALS INTO USABLE HEAT,**
8 **ELECTRICITY, OR FUEL THROUGH A VARIETY OF**
9 **PROCESSES;**

10
11 xxx xxx xxx.”

12
13 SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

14
15 “Section 5. *Powers and Functions of the Commission.* – The
16 Commission shall oversee the implementation of solid waste
17 management plans and prescribe policies to achieve the objective
18 of this Act. The Commission shall undertake the following
19 activities:

20
21 (a) Prepare the National Solid Waste Management
22 Framework

23
24 xxx xxx xxx

25
26 (h) Develop and implement a program to assist local
27 government units in the identification of markets for
28 materials that are diverted from disposal facilities through
29 re-use, recycling **[and]**, composting, **AND INCINERATION;**

30
31 xxx xxx xxx.”

32
33 (o) Develop safety nets and alternative livelihood programs
34 for small recyclers and other sectors that will be affected
35 as a result of the construction and/or operation of a solid
36 waste management recycling plant or **INCINERATION**
37 facility;

38
39 (s) Propose and adopt regulations requiring the source
40 separation and post separation collection, segregated
41 collection, processing, marketing and sale of organic and
42 designated recyclable material **OR INCINERABLE WASTE**
43 generated in each local government unit; and

44
45 xxx xxx xxx.”

46
47 SEC. 4. Section 9 of the same Act is hereby amended to read as follows:

48
49 “Section 9. *Visitorial Powers of the Department.* – The Department
50 or its duly authorized representative shall have access to, and
51 the right to copy therefrom, the records required to be
52 maintained pursuant to the provisions of this Act. The Secretary
53 or the duly authorized representative shall likewise have the right
54 to enter the premises of any generator, recycler **[or]**,
55 manufacturer, **INCINERATION PLANT [or] AND** other facilities

any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations.”

SEC. 5. Section 10 of the same Act is hereby amended to read as follows:

“Section. 10. *Role of LGUs in Solid Waste Management.* – Pursuant to the relevant provisions of Republic Act No. 7160, otherwise known as the “*Local Government Code*,” the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions.

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

NOTWITHSTANDING THE PROVISION OF SECTION 20 (BAN ON INCINERATION) OF REPUBLIC ACT NO. 8749, ALSO KNOWN AS THE “PHILIPPINE CLEAN AIR ACT OF 1999,” INCINERATION OF MUNICIPAL WASTE SHALL BE ALLOWED BY LGUS SUBJECT TO THE PARAMETERS PROVIDED UNDER THIS ACT.”

SEC. 6. Section 15 of the same Act is hereby amended to read as follows:

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

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

xxx xxx xxx

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

xxx xxx xxx.”

SEC. 7. Section 16 of the same Act is hereby amended to read as follows:

“Section 16. *Local Government Solid Waste Management Plans.* – The province, city or municipality, through its local solid waste management boards, shall prepare its respective 10-year solid

1 waste management plans consistent with the national solid
2 waste management framework: *Provided*, That the waste
3 management plan shall be for the re-use, recycling, **[and]**
4 composting **OR INCINERATION** of wastes generated in their
5 respective jurisdictions: *Provided, further*, That the solid waste
6 management plan of the LGU shall ensure the efficient
7 management of solid waste generated within its jurisdiction. The
8 plan shall place primary emphasis on implementation of all
9 feasible re-use, recycling, **[and]** composting **AND**
10 **INCINERATION** programs while identifying the amount of
11 landfill and transformation capacity that will be needed for solid
12 waste which cannot be re-used, recycled, **INCINERATED** or
13 composted.

14
15 xxx xxx xxx.”

16
17 SEC. 8. Section 17 of the same Act is hereby amended to read as follows:

18
19 “Section 17. *The Components of the Local Government Solid*
20 *Waste Management Plan.* – The solid waste management plan
21 shall include, but not limited to, the following components:

22
23 (a) City or Municipal Profile — The plan shall indicate the
24 following background information on the city or
25 municipality and its component barangays, covering
26 important highlights of the distinct geographic and other
27 conditions:

28
29 (1) xxx xxx xxx;

30
31 (2) Illustration or map of the city/municipality,
32 indicating locations of residential, commercial, and
33 industrial centers, and agricultural area, as well as
34 dump sites, landfills, **INCINERATION FACILITIES**
35 and other solid waste facilities. The illustration shall
36 indicate as well, the proposed sites for disposal and
37 other solid waste facilities;

38
39 xxx xxx xxx

40
41 (c) Collection and Transfer – The plan shall take into
42 account the geographic subdivisions to define the coverage
43 of the solid waste collection area in every barangay. xxx
44 xxx xxx. Toward this end, the plan shall define and
45 identify the specific strategies and activities to be
46 undertaken by its component barangays, taking into
47 account the following concerns:

48
49 (1) Availability and provision of properly designed
50 containers or receptacles in selected collection
51 points for the temporary storage of solid waste while
52 awaiting collection and transfer to processing sites
53 or to final disposal sites;

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

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

xxx xxx xxx

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

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

INCINERATION FACILITIES, WHICH ARE COMPLIANT WITH THE EMISSION STANDARDS SET BY SECTION 19 OF REPUBLIC ACT (RA) NO. 8749, OTHERWISE KNOWN AS THE “PHILIPPINE CLEAN AIR ACT OF 1999,” SHALL BE ALLOWED TO OPERATE IN THE MANAGEMENT OF SOLID WASTES IN ALL LOCAL GOVERNMENT UNITS (LGUS).

xxx xxx xxx

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

xxx xxx xxx

LGUS AND PRIVATE ENTITIES WHICH ARE AWARDED MANAGEMENT CONTRACTS OR CONCESSIONS FOR THE PROVISION OF SOLID WASTE MANAGEMENT ARE HEREBY MANDATED TO PROMOTE, ENCOURAGE AND IMPLEMENT IN THEIR RESPECTIVE JURISDICTION A COMPREHENSIVE ECOLOGICAL WASTE MANAGEMENT THAT INCLUDES WASTE SEGREGATION, RECYCLING, COMPOSTING AND INCINERATION: PROVIDED, THAT THESE TECHNOLOGIES MEET THE PRESCRIBED MINIMUM STANDARDS BASED ON THE AVERAGE VALUE OF EMISSIONS FOR PERSISTENT ORGANIC POLLUTANTS PRESCRIBED UNDER THIS ACT.

1
2 MINDFUL OF THE EFFECTS OF CLIMATE CHANGE,
3 THE DEPARTMENT SHALL PROMOTE THE USE OF
4 STATE-OF-THE-ART, ENVIRONMENTALLY-SOUND AND
5 SAFE WASTE-TO-ENERGY-TECHNOLOGIES FOR THE
6 HANDLING, TREATMENT, THERMAL DESTRUCTION,
7 UTILIZATION, AND DISPOSAL OF SORTED,
8 UNRECYCLABLE, UN-COMPOSTABLE, BIOMEDICAL
9 AND HAZARDOUS WASTES.

10
11 THE DEPARTMENT SHALL PREPARE A LIST OR
12 SCHEDULE OF WASTE MATERIALS SUITABLE FOR
13 INCINERATION WHICH SHALL BE USED BY THE
14 LOCAL GOVERNMENT IN THEIR WASTE
15 SEGREGATION.

16
17 Open dump sites shall not be allowed as final disposal sites.
18 xxx xxx xxx.”

19
20 SEC. 9. Section 22 of the same Act is hereby amended to read as follows:

21 “Section 22. *Requirements for the Segregation and Storage of*
22 *Solid Waste.* – The following shall be the minimum standards and
23 requirements for segregation and storage of solid waste pending
24 collection:

25 (a) xxx xxx xxx ;

26 (b) The solid waste container depending on its use shall
27 be properly marked or identified for on-site collection as
28 “compostable”, “non-recyclable”, “recyclable”,
29 **“INCINERABLE WASTE”** or “special waste”, or any other
30 classification as may be determined by the Commission.

31
32 SEC. 10. A new section 38-A is inserted after Section 38 of the same Act
33 which reads as follows:

34
35 **“SECTION 38-A. INCINERATION FACILITIES –**
36 **INCINERATION FACILITIES MAY BE ESTABLISHED,**
37 **OPERATED AND MAINTAINED FOR WASTE DISPOSAL**
38 **SUBJECT TO THE FOLLOWING REQUIREMENTS:**

39
40 **(A) PRE-OPERATION**

41
42 **1) THE LGU SHALL NOTIFY THE COMMISSION OF**
43 **ANY INCINERATION FACILITY THAT WILL BE**
44 **ESTABLISHED WITHIN ITS JURISDICTION AND ITS**
45 **ESTABLISHMENT SHALL BE INCLUDED IN ITS**
46 **APPROVED TEN-YEAR SOLID WASTE MANAGEMENT**
47 **PLAN AS PROVIDED UNDER SECTIONS 11 AND 12 OF**
48 **THIS ACT;**

49
50 **2) ALL LGUS WHERE SOLID WASTE FEEDSTOCK**
51 **TO THE FACILITY WILL BE ORIGINATING FROM MUST**

1 HAVE APPROVED TEN-YEAR SOLID WASTE
2 MANAGEMENT PLANS;
3

4 3) THE INCINERATION FACILITY SHALL BE
5 LOCATED AT A SITE CONSISTENT WITH THE LAND
6 USE PLAN OF THE IMPLEMENTING LGU AND SHALL
7 CONSIDER ALL ENVIRONMENTAL CRITERIA ON SITE
8 SELECTION INCLUDING PROVISION FOR BUFFER
9 ZONES; AND
10

11 4) ALL NECESSARY PERMITS, REGISTRATIONS
12 AND OTHER LEGAL REQUIREMENTS, SUCH AS
13 COMPLIANCE WITH PRESIDENTIAL DECREE NO.
14 1586, OR THE "ENVIRONMENTAL IMPACT
15 STATEMENT SYSTEM," MUST BE SECURED PRIOR TO
16 CONSTRUCTION, SET-UP AND OPERATION OF AN
17 INCINERATION FACILITY.
18

19 (B) *REGISTRATION - INCINERATION FACILITIES SHALL*
20 *BE REGISTERED WITH THE BUREAU AND THE OWNER OR*
21 *OPERATOR SHALL SUBMIT TO THE COMMISSION,*
22 *THROUGH THE BUREAU'S REGIONAL OFFICE THE*
23 *FOLLOWING:*
24

25 1) A CERTIFIED TRUE COPY OF ITS
26 ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC);
27

28 2) ALL PERMITS, PLANS AND LEGAL DOCUMENTS
29 REQUIRED FOR THE ISSUANCE OF THE ECC;
30

31 3) BUSINESS PERMIT FROM THE LGU WHERE THE
32 FACILITY IS TO BE LOCATED; AND
33

34 4) RESOLUTIONS OF THE COMMISSION
35 APPROVING THE TEN-YEAR SOLID WASTE
36 MANAGEMENT PLAN OF THE HOST LGU AND THAT OF
37 THE LGUS INTENDING TO PROVIDE FEEDSTOCK TO
38 THE INCINERATION FACILITY.
39

40 (C) *PROCEDURE FOR ACCEPTING WASTES. - THE*
41 *INCINERATION FACILITY OWNER OR OPERATOR SHALL*
42 *PROVIDE FOR THE FOLLOWING PROCEDURES IN*
43 *ACCEPTING WASTES:*
44

45 1) DOCUMENTATION TO INCLUDE QUANTITY IN
46 WEIGHT, SOURCE AND TYPE OF MUNICIPAL SOLID
47 WASTES TO BE PROCESSED AND DATE AND TIME
48 RECEIVED;
49

50 2) INSPECTION PLAN FOR DETERMINING
51 PRESENCE OF HAZARDOUS WASTES;
52

53 3) SAMPLING AND TESTING PLAN; AND
54

1 **4) DISPOSAL PLAN FOR HAZARDOUS WASTE**
2 **CONTAMINATED FEEDSTOCK.**

3
4 **(D) STORAGE FACILITY. - APPROPRIATE STORAGE**
5 **FACILITIES SHALL BE PROVIDED FOR ALL WASTE**
6 **MATERIALS, IN-PROCESS MATERIALS AND ANY PRODUCT**
7 **FROM THE INCINERATION FACILITY OPERATION. THE**
8 **STORAGE SHALL PREVENT OR MINIMIZE THE POTENTIAL**
9 **FOR EXPLOSION, CORROSION AND ODOR EMISSION THAT**
10 **MAY POSE POTENTIAL HAZARD TO HUMAN HEALTH AND**
11 **THE ENVIRONMENT.**

12
13 **(E) OPERATIONAL CONTROL. - TO ENSURE SAFE AND**
14 **EFFECTIVE OPERATIONS OF THE INCINERATION**
15 **FACILITIES, THE COMMISSION, THROUGH THE NATIONAL**
16 **ECOLOGY CENTER, SHALL DEVELOP BEST AVAILABLE**
17 **TECHNOLOGIES AND BEST ENVIRONMENTAL PRACTICES**
18 **(BAT/BEP) GUIDELINES FOR INCINERATION**
19 **TECHNOLOGIES.**

20
21 **IN ADDITION, EACH INCINERATION FACILITY SHALL:**

22
23 **1) DEVELOP, IMPLEMENT AND COMMUNICATE A**
24 **DETAILED EMERGENCY RESPONSE PLAN TO ENSURE**
25 **EFFECTIVE AND RAPID CONTAINMENT AND CLEAN-**
26 **UP IN THE EVENT OF AN EMERGENCY INCIDENT**
27 **INCLUDING FIRE FIGHTING DEVICES AS CERTIFIED**
28 **BY THE BUREAU OF FIRE PROTECTION;**

29
30 **2) PROVIDE ALL THE PERSONNEL DIRECTLY**
31 **HANDLING OR EXPOSED TO WASTE MATERIALS, IN-**
32 **PROCESS MATERIALS AND FINISHED PRODUCTS,**
33 **WITH THE APPROPRIATE PROTECTIVE EQUIPMENT**
34 **AND MEDICAL CARE; AND**

35
36 **3) SUBMIT AN ENVIRONMENTAL TECHNOLOGY**
37 **VERIFICATION (ETV) STATEMENT AND REPORT FOR**
38 **INNOVATIVE OR NEW INCINERATION**
39 **TECHNOLOGIES, FOLLOWING THE DEPARTMENT OF**
40 **SCIENCE AND TECHNOLOGY ETV PROTOCOL.**

41
42 **(F) POLLUTION ABATEMENT SYSTEM. - AN**
43 **INCINERATION FACILITY SHALL HAVE A SYSTEM OF**
44 **MEASURE TO REDUCE, CONTROL OR ELIMINATE**
45 **POLLUTION FROM A GIVEN ENVIRONMENT WHICH**
46 **INCLUDES THE FOLLOWING:**

47
48 **1) PERSONNEL, PROCESSES AND SYSTEMS THAT**
49 **DEMONSTRATE ITS STRONG COMMITMENT TO THE**
50 **PROTECTION OF THE ENVIRONMENT, HEALTH AND**
51 **SAFETY;**

52
53 **2) RESOURCE-EFFICIENT AND CLEANER**
54 **PRODUCTION PROGRAM THAT FOLLOWS THE WASTE**

1 MANAGEMENT HIERARCHY OF SOURCE REDUCTION,
2 RECYCLING, TREATMENT AND SAFE DISPOSAL;
3

4 3) APPROPRIATE POLLUTION CONTROL AND
5 ABATEMENT FACILITIES TO ENSURE THAT ALL
6 EMISSIONS AND EFFLUENTS COMPLY WITH
7 RELEVANT ENVIRONMENTAL STANDARDS; AND
8

9 4) ACCESS TO BUREAU-ACCREDITED
10 TRANSPORTERS AND TREATMENT, STORAGE AND
11 DISPOSAL FACILITIES FOR ANY HAZARDOUS OR
12 RESIDUAL WASTES RESULTING FROM THE
13 OPERATIONS OF THE INCINERATION FACILITY.
14

15 (G) *ENVIRONMENTAL MONITORING.* – THE INCINERATION
16 FACILITY OWNER OR OPERATOR SHALL SUBMIT
17 QUARTERLY SELF-MONITORING REPORT ON THE
18 FOLLOWING:
19

20 1) EMISSIONS FROM THE INCINERATION
21 FACILITIES IN CONFORMITY WITH THE STANDARDS
22 SPECIFIED IN SECTION 19 OF RA 8749, ALSO KNOWN
23 AS THE “*PHILIPPINE CLEAN AIR ACT OF 1999*” OR
24 APPROVED BY THE BUREAU;
25

26 2) MAXIMUM LIMITS OF PARTICULATES AND
27 SULPHUR OXIDES FOR INCINERATION FACILITIES
28 UTILIZING THERMAL PROCESS *VIS-A-VIS* THE
29 EMISSION STANDARDS SET IN SECTION 19 OF RA
30 8749;
31

32 3) SAMPLING AND ANALYSIS FOR DIOXIN
33 TOXICITY CONDUCTED BY THE INCINERATION
34 FACILITY OWNER OR OPERATOR UTILIZING
35 THERMAL PROCESS WITHIN THE SAMPLE PERIOD OF
36 A MINIMUM OF SIX HOURS AND A MAXIMUM OF
37 EIGHT HOURS, AND A LIMIT VALUE OF DIOXIN NOT
38 EXCEEDING 0.1 NANOGRAM TOXICITY EQUIVALENCE
39 PER NORMAL CUBIC METER (NG-TEQ/NCM); AND
40

41 4) EFFLUENTS FROM THE INCINERATION
42 FACILITIES IN CONFORMITY WITH THE
43 REQUIREMENTS OF EFFLUENT DISCHARGES AS
44 SPECIFIED IN RULES 6.3, 8.3, 12.1 AND 19.6 OF THE
45 IMPLEMENTING RULES AND REGULATIONS OF
46 REPUBLIC ACT NO. 9275, OTHERWISE KNOWN AS THE
47 “*CLEAN WATER ACT OF 2004.*”
48

49 (H) *DOCUMENTATION AND MONITORING.* – THE
50 FOLLOWING DOCUMENTS AND RECORDS THAT PERTAIN
51 TO THE OPERATION OF AN INCINERATION FACILITY SHALL
52 BE AVAILABLE FOR INSPECTION AND MAINTAINED FOR AT
53 LEAST FIVE (5) YEARS:
54

1 1) **DELIVERY RECORD OF EACH WASTE MATERIAL**
2 **RECEIVED IN THE FACILITY;**

3
4 2) **DAILY PROCESSING OPERATION LOG SHEET**
5 **INDICATING THE QUANTITY OF WASTE MATERIALS**
6 **PROCESSED;**

7
8 3) **LABORATORY ANALYSIS OF SAMPLE WASTE**
9 **MATERIALS RECEIVED AND ITS RESIDUAL WASTES;**
10 **AND**

11
12 4) **CERTIFICATION OF TREATMENT FOR WASTES**
13 **COVERED BY REPUBLIC ACT NO. 6969, OTHERWISE**
14 **KNOWN AS THE “TOXIC SUBSTANCES AND**
15 **HAZARDOUS AND NUCLEAR WASTES CONTROL ACT**
16 **OF 1990.”**

17
18 **(I) CORPORATE SOCIAL RESPONSIBILITY. – THE**
19 **INCINERATION FACILITY OWNER OR OPERATOR SHALL BE**
20 **A PARTNER OF THE STAKEHOLDERS IN ACTIVITIES**
21 **INVOLVING EDUCATION AND TRAINING,**
22 **INFRASTRUCTURE IMPROVEMENTS, EMERGENCY CASES,**
23 **DISASTER RISK REDUCTION AND MANAGEMENT, AND**
24 **SOCIAL DEVELOPMENT. THE INCINERATION FACILITY**
25 **SHALL MAINTAIN A BILLBOARD, IN FRONT OF ITS SITE**
26 **AND WITHIN VIEW OF THE GENERAL PUBLIC, CONTAINING**
27 **UPDATED INFORMATION ON ITS AIR EMISSIONS AND**
28 **WASTEWATER EFFLUENTS.**

29
30 **(J) DE-COMMISSIONING OR CLOSURE. – THE OWNER OR**
31 **OPERATOR OF AN INCINERATION FACILITY SHALL SUBMIT**
32 **TO THE BUREAU AN ABANDONMENT PLAN AT LEAST ONE**
33 **(1) YEAR PRIOR TO THE DE-COMMISSIONING OR CLOSURE**
34 **OF THE INCINERATION FACILITY. THE PLAN SHALL**
35 **INCLUDE REHABILITATION MEASURES, CLEAN-UP**
36 **ACTIVITIES, REMEDIATION OF AREAS AFFECTED BY THE**
37 **INCINERATION FACILITY AND PROPOSED ALTERNATIVE**
38 **PROJECTS IN THE AREA.**

39
40 SEC. 11. Section 49 of the same Act is hereby amended to read as follows:

41
42 “Section 49. *Fines and Penalties.* – (a) Any person who violates
43 Sec. 48, paragraph (1) shall, upon conviction, be punished with
44 a fine of not less than Three hundred pesos (P300.00) but not
45 more than One thousand pesos (P1,000.00) or render community
46 service for not less than one (1) day to not more than fifteen (15)
47 days to an LGU where such prohibited acts are committed, or
48 both;

49
50 xxx

xxx

xxx

51
52 **(G) ANY PERSON WHO VIOLATES THE PROVISIONS OF**
53 **SECTION 38-A OF THIS ACT SHALL BE PUNISHED WITH A**
54 **FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS**
55 **(P500,000.00) BUT NOT MORE THAN ONE MILLION PESOS**

1 (P1,000,000.00), OR IMPRISONMENT OF NOT LESS THAN
2 ONE (1) YEAR BUT NOT MORE THAN SIX (6) YEARS OR
3 BOTH.
4

5 IN CASES WHERE THE ACTS COMMITTED ALSO
6 CONSTITUTE A VIOLATION OF REPUBLIC ACT NO. 6969,
7 OTHERWISE KNOWN AS THE "TOXIC SUBSTANCES AND
8 HAZARDOUS AND NUCLEAR WASTES CONTROL ACT OF
9 1990," REPUBLIC ACT NO. 8749, OTHERWISE KNOWN AS
10 THE "PHILIPPINE CLEAN AIR ACT OF 1999," REPUBLIC ACT
11 NO. 9275, OTHERWISE KNOWN AS THE "CLEAN WATER ACT
12 OF 2004," OR PRESIDENTIAL DECREE NO. 1586,
13 OTHERWISE KNOWN AS THE "ENVIRONMENTAL IMPACT
14 STATEMENT SYSTEM," THE OFFENDER SHALL SUFFER
15 THE PENALTY PROVIDED UNDER THESE LAWS IN ADDITION
16 TO THE PENALTY PROVIDED UNDER THIS ACT.
17

18 THE PERMIT TO OPERATE AN INCINERATION FACILITY
19 MAY ALSO BE SUSPENDED OR CANCELLED BY THE
20 BUREAU.
21

22 xxx

xxx

xxx."

23
24 SEC. 12. **Effectivity.** – This Act shall take effect fifteen (15) days after its
25 publication in the *Official Gazette* or in two (2) newspapers of general circulation.
26 Approved,
27