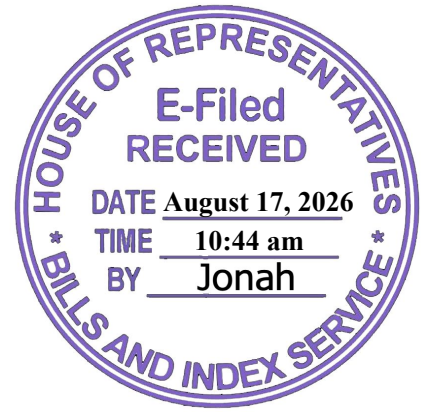


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **10817**



Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

EXPLANATORY NOTE

Republic Act No. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000," established the country's comprehensive framework for the segregation, collection, transport, processing, recycling, recovery and disposal of solid waste and placed primary responsibility for solid waste management on local government units.

Disasters, particularly typhoons and floods, can severely disrupt this waste disposal system. They can generate extraordinary volumes of household waste, spoiled food, fallen vegetation, damaged furniture and appliances, bulky materials, construction debris and other waste within a short period of time, while simultaneously limiting access to roads, collection facilities and disposal sites.

When ordinary waste management capacity is overwhelmed, accumulated waste may obstruct roads and drainage systems, impede emergency response, aggravate flooding, create public health risks and contaminate waterways.

Existing laws already provide mechanisms for disaster risk reduction, anticipatory action and emergency procurement. Republic Act No. 10121 provides the disaster risk reduction and management framework and the Local Disaster Risk Reduction and Management Fund. Republic Act No. 12287 provides for anticipatory action before an imminent disaster. Republic Act No. 12009 provides appropriate procurement mechanisms for emergency situations.

What is needed is to ensure that solid waste management is expressly integrated into these existing mechanisms. The measure likewise draws from international best practices in disaster waste management, urban drainage protection and flood resilience, adapting these approaches to the Philippine local government and solid waste management framework.

This measure therefore strengthens Republic Act No. 9003 by requiring local government units to incorporate disaster-resilient solid waste management into their existing solid waste management plans. It requires LGUs to assess their waste surge capacity, identify temporary staging areas and alternative facilities, establish arrangements for additional collection and

hauling capacity, and provide for the continuity and rapid restoration of waste-management services.

The measure further clarifies that compatible, non-hazardous disaster-generated waste may be consolidated with ordinary municipal solid waste, thereby avoiding the unnecessary creation of a separate disaster-waste system. Waste requiring special handling, including hazardous waste, shall continue to be governed by applicable special laws.

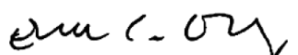
The bill further strengthens the enforcement of solid waste management rules by establishing a national ₱5,000 penalty for prohibited disposal of solid waste and a higher penalty for dumping into esteros, canals, waterways, drainage systems and flood-control facilities, with the maximum penalty applicable when the offense is committed during an officially declared disaster period. The measure also allows recovery of reasonable and documented government cleanup costs from the offender, without prejudice to liability under other environmental laws.

At the same time, the measure recognizes that effective solid waste management should not rely solely on penalties. It therefore strengthens the existing incentive framework under Republic Act No. 9003 and links disaster-resilient solid waste management performance with the existing Seal of Good Local Governance under Republic Act No. 11292. LGUs and communities that demonstrate sustained compliance, effective waste diversion, protection of waterways and preparedness for disaster-generated waste may thereby be recognized and supported through existing government incentive mechanisms.

The bill does not create a new national bureaucracy, a separate disaster fund or a new procurement exemption. It instead strengthens and integrates existing legal mechanisms.

Through this measure, solid waste management becomes an integral component of disaster preparedness, response and recovery, helping ensure that a disaster does not result in a secondary crisis caused by unmanaged waste.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


ERIC L. OLIVAREZ

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TWENTIETH CONGRESS
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House Bill No. 10817

Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

**“AN ACT
STRENGTHENING DISASTER-RESILIENT SOLID WASTE
MANAGEMENT, PROVIDING FOR THE CONTINUITY AND RAPID
RESTORATION OF SOLID WASTE MANAGEMENT SERVICES
DURING AND AFTER DISASTERS, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS
THE "ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF
2000," AND FOR OTHER PURPOSES”**

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

SECTION 1. Short Title. – This Act shall be known as the "***Disaster-Resilient Solid Waste Management Act.***"

SECTION 2. Declaration of Policy. – It is the policy of the State to ensure the continuity, resilience and environmentally sound management of solid waste before, during and after disasters.

For this purpose, the State shall:

- (a) Strengthen the capacity of local government units (LGUs) to maintain solid waste management services during disasters;
- (b) Enable LGUs to rapidly mobilize additional collection, hauling, processing, recovery and disposal capacity when ordinary capacity is exceeded;
- (c) Integrate disaster preparedness and anticipatory action into existing solid waste management plans;
- (d) Ensure the timely removal of accumulated waste that threatens public health, safety, mobility, flood control or emergency response;
- (e) Promote proper waste segregation, recovery, recycling and responsible disposal; and

- (f) Encourage and recognize LGUs, barangays, communities and other stakeholders that demonstrate effective and sustained solid waste management and disaster resilience.

SECTION 3. Disaster-Generated Solid Waste. – Section 3 of Republic Act No. 9003 is hereby amended by inserting the following definitions after the last paragraph thereof:

"(f) Disaster-Generated Solid Waste refers to solid waste generated, displaced, accumulated or requiring removal as a direct or indirect consequence of a disaster, including waste resulting from typhoons, floods, storm surges, earthquakes, landslides, fires and other hazards, including waste generated during emergency response, clearing and recovery operations;

"(g) Waste Surge Capacity refers to the additional capacity for the collection, storage, transfer, transportation, processing, recovery and disposal of solid waste that may be mobilized by an LGU beyond its normal operating capacity in response to a disaster; and

"(h) Temporary Disaster Waste Staging Area refers to a duly designated and managed temporary area for the receipt, segregation, consolidation, sorting or temporary storage of disaster-generated solid waste prior to its processing, recovery, transportation or final disposal."

SECTION 4. Disaster Waste Management and Continuity Component. – Section 17 of Republic Act No. 9003 is hereby amended by inserting a new paragraph after paragraph (m), to read as follows:

"(n) Disaster Waste Management and Continuity. – The plan shall provide for the continuity and rapid restoration of solid waste management services before, during and after disasters and shall include:

“(1) An assessment of projected disaster-generated solid waste based on the hazards and vulnerabilities of the LGU;

“(2) The determination of the LGU's normal solid waste management capacity and required waste surge capacity;

“(3) Identification of temporary staging areas and alternative collection, transfer, processing, recovery and disposal facilities, taking into account flood risks and potential impacts on waterways, drainage infrastructure and flood-management facilities;

“(4) Procedures for pre-disaster waste clearing and emergency collection and hauling;

"(5) Procedures for the management of disaster-generated waste, including its consolidation with ordinary municipal solid waste when compatible;

"(6) Procedures for the separate handling of hazardous, infectious, chemical, bulky, construction and demolition and other waste requiring special management;

"(7) An inventory of government and private-sector vehicles, equipment, facilities and personnel that may be mobilized during emergencies;

"(8) Arrangements for mutual assistance with other LGUs and for obtaining additional capacity from qualified private entities and other lawful sources;

"(9) A disaster waste treatment chain providing, to the extent practicable, for the collection, segregation, temporary storage, sorting, recycling or other resource recovery, treatment and final disposal of disaster-generated solid waste, including the identification of facilities and service providers for each stage;

"(10) Arrangements for obtaining collection, transportation, processing, recovery, treatment or disposal capacity outside the affected local government unit when local capacity is insufficient;"

"(11) Periodic training, drills and capacity-building activities for personnel, contractors, barangays and other stakeholders responsible for disaster-generated solid waste management; and

"(12) Where technically and financially feasible, the integration of nature-based and blue-green measures that support stormwater management, flood resilience, protection of waterways and the prevention of solid waste accumulation or obstruction, including retention or detention areas, permeable surfaces, rain gardens, bioswales, green spaces and similar measures, consistent with existing land-use, environmental and infrastructure plans."

SECTION 5. Waste Surge Capacity. – Every city and municipality shall determine and periodically assess its waste surge capacity based on population, normal waste generation, hazard exposure, historical disaster experience and available resources.

The required surge capacity may be provided through:

- (a) Existing LGU resources;
- (b) Inter-LGU agreements;
- (c) Qualified private-sector service providers;
- (d) Facilities and equipment of national government agencies; or
- (e) Other lawful arrangements.

The waste surge capacity assessment shall include the availability and mobilization of personnel, collection vehicles, hauling and heavy equipment, temporary collection points and other resources necessary for rapid post-disaster waste clearance.

An LGU shall not be required to maintain all surge capacity through government-owned equipment.

SECTION 6. Pre-Disaster Solid Waste Management. – When a State of Imminent Disaster is declared pursuant to Republic Act No. 12287, or when a disaster is reasonably anticipated based on official forecasts and advisories, the concerned LGU may, consistent with its approved plans and applicable laws:

- (a) Intensify collection of accumulated waste;
- (b) Clear and prepare materials recovery facilities, transfer stations and temporary staging areas;
- (c) Pre-position available collection vehicles and equipment;
- (d) Secure additional hauling, processing and disposal capacity;
- (e) Coordinate with neighboring LGUs and concerned national government agencies;
- (f) Remove or secure waste and materials that may be displaced by floodwaters, strong winds or other hazards;
- (g) Inspect and, where practicable, clear accumulated solid waste and other removable obstructions from esteros, canals, drainage systems, pumping stations, waterways and flood-control facilities identified as critical to flood management.

SECTION 7. Continuity and Rapid Restoration of Services. – The concerned LGU shall, to the extent practicable, maintain the continuity of ordinary solid waste collection, transportation, processing, recovery and disposal services during and following a disaster.

Where ordinary capacity is insufficient, the LGU shall activate the waste surge capacity identified in its Solid Waste Management Plan.

Emergency operations shall prioritize areas where accumulated waste poses an immediate or substantial risk to:

- (a) Life and public health;
- (b) Emergency response and evacuation;
- (c) Hospitals, health facilities and evacuation centers;

- (d) Major roads, bridges and other critical transportation routes; and
- (e) Drainage systems, canals, esteros, pumping stations, waterways and flood-control facilities.

For purposes of emergency waste clearance, the LGU shall, consistent with public health and safety, prioritize the collection and appropriate handling of:

- (1) Perishable, foul-smelling or rapidly decomposing waste;
- (2) Waste obstructing roads, drainage systems, waterways or emergency access;
- (3) Bulky disaster-generated waste, including damaged appliances, furniture and similar materials;
- (4) Hazardous, infectious or otherwise specially regulated waste, for immediate isolation, securing and referral to authorized handlers or facilities; and
- (5) Recyclable or recoverable materials, when their separate collection is practicable."

SECTION 8. Emergency Waste Clearance. – Following a disaster, the concerned LGU shall conduct a rapid assessment of disaster-generated solid waste and shall commence emergency collection and clearing operations as soon as reasonably practicable.

For areas that are accessible and safe, such operations shall, as far as practicable, commence within seventy-two (72) hours after the occurrence of the disaster. The period provided herein shall not require personnel to enter unsafe areas or interfere with life-saving emergency operations.

SECTION 9. Consolidation of Compatible Disaster-Generated Solid Waste. – Compatible, non-hazardous disaster-generated solid waste may be consolidated, collected, transported, processed, recovered or disposed of together with ordinary municipal solid waste, subject to applicable segregation, environmental, health and safety requirements.

The designation of waste as disaster-generated shall not, by itself, require a separate collection or disposal system.

Hazardous, infectious, chemical and other regulated waste shall be separately managed in accordance with applicable laws, rules and regulations. Construction and demolition debris, bulky waste and other materials shall be segregated and separately managed where necessary for safety, recovery, processing or disposal.

SECTION 10. Temporary Disaster Waste Staging Areas. – An LGU may designate temporary disaster waste staging areas identified in its Solid Waste Management Plan or, when necessary, other suitable areas consistent with applicable environmental and land-use requirements.

Such areas shall:

- (a) Be located, to the extent practicable, outside areas exposed to flooding and other hazards;
- (b) Prevent the discharge of waste, leachate and contaminated runoff into waterways and drainage systems;
- (c) Provide appropriate measures for segregation, access control, fire prevention and public safety; and
- (d) Be cleared and restored after use.
- (e) Not obstruct or compromise floodways, waterways, drainage corridors, pumping facilities, flood-retention areas or other areas necessary for the conveyance, storage or management of floodwaters.

A temporary staging area shall not be deemed or used as an open dump.

SECTION 11. Inter-LGU Mutual Assistance. – Provinces, cities and municipalities may enter into mutual assistance agreements for disaster solid waste management, including the temporary sharing or use of collection vehicles, heavy equipment, materials recovery facilities, transfer stations, processing facilities and authorized disposal facilities. Such agreements may form part of their respective Solid Waste Management Plans and Local Disaster Risk Reduction and Management Plans.

SECTION 12. Private Sector Participation. – LGUs may secure additional disaster solid waste management capacity from qualified private entities, subject to Republic Act No. 12009, otherwise known as the "New Government Procurement Act," its implementing rules and regulations, and other applicable laws.

Nothing in this Act shall however be construed as creating a new exemption from procurement requirements.

SECTION 13. Disaster Solid Waste Management as a Disaster Risk Reduction Activity. – Disaster solid waste management activities included in an approved Local Disaster Risk Reduction and Management Plan and Solid Waste Management Plan may be funded from the Local Disaster Risk Reduction and Management Fund and other lawful sources, subject to Republic Act No. 10121, Republic Act No. 12287, the General Appropriations Act, and applicable budgeting, accounting, procurement and auditing laws.

Eligible activities may include pre-disaster waste clearing, emergency collection and hauling, equipment mobilization or rental, temporary staging, debris processing and recovery, emergency disposal, and protective equipment for personnel.

Nothing in this Section shall create a new mandatory fund or alter the allocation requirements of Republic Act No. 10121.

SECTION 14. Documentation and Accountability. – LGUs undertaking emergency solid waste management operations using public funds shall maintain reasonable records of the volume or weight of waste collected, collection and hauling services, receiving or processing facilities, final disposal and expenditures.

The Department of Environment and Natural Resources (DENR), in coordination with the Department of the Interior and Local Government (DILG) and the Office of the Civil Defense (OCD), shall establish simplified documentation and reporting requirements appropriate for emergency conditions.

SECTION 15. Recovery and Resource Utilization. – Emergency solid waste management operations shall, to the extent practicable and consistent with public health and safety, observe the waste hierarchy and waste diversion requirements under Republic Act No. 9003.

Materials suitable for recycling, reuse, composting or other authorized forms of resource recovery shall be recovered where technically and economically feasible.

SECTION 16. Priority Removal from Drainage and Flood-Control Facilities. – Where disaster-generated solid waste obstructs drainage systems, canals, esteros, pumping stations, waterways or flood-control facilities, the concerned LGU shall prioritize its removal when necessary to restore or maintain the proper flow of water and reduce risks to life and property. Such operations shall be coordinated, when appropriate, with the Department of Public Works and Highways, Metropolitan Manila Development Authority and other concerned agencies.

The concerned LGU shall, as part of routine solid waste management and disaster preparedness, establish periodic inspection and clearing measures for critical drainage and waterway facilities, particularly before periods of forecasted heavy rainfall, typhoons or other hazards.

SECTION 17. Incentives for Responsible Waste Management and Disaster Resilience. – Section 45 of Republic Act No. 9003, as amended by Republic Act No. 11898, is hereby further amended by adding the following paragraphs:

"(c) Disaster-Resilient Solid Waste Management Incentives. – Rewards, recognition and appropriate incentives may be provided to LGUs, barangays, communities, private organizations, enterprises, nongovernment organizations and other qualified entities that demonstrate outstanding and sustained performance in:

"(1) Proper segregation, collection, recycling, reuse, composting and waste diversion;

"(2) Prevention and reduction of illegal dumping and littering;

"(3) Protection and maintenance of esteros, canals, waterways, drainage systems and flood-control facilities from solid waste;

"(4) Effective implementation of disaster-resilient solid waste management measures;

"(5) Maintenance of adequate waste surge capacity and continuity of solid waste management services;

"(6) Rapid and environmentally sound management of disaster-generated solid waste; and

"(7) Innovative, cost-effective and sustainable solid waste management practices.

"(d) Incentives under this Section may include monetary awards, grants, technical assistance, equipment, capacity-building assistance, public recognition and other non-fiscal incentives, subject to existing budgeting, accounting, auditing and procurement laws and regulations.

"(e) The Department, in coordination with the DILG, shall establish objective and measurable criteria for the grant of incentives under this Section.

"(f) No incentive under this subsection shall be granted for an activity or program directly related to a violation for which the recipient has been finally determined liable under applicable law."

SECTION 18. Integration with the Seal of Good Local Governance. – The DILG, through the Council of Good Local Governance established under Republic Act No. 11292, in coordination with the DENR and other concerned agencies, shall incorporate appropriate and measurable indicators on disaster-resilient solid waste management into the applicable performance indicators and assessment mechanisms of the Seal of Good Local Governance (SGLG)."

The indicators may include:

- (a) Adoption and implementation of the Disaster Waste Management and Continuity Component of the local Solid Waste Management Plan;
- (b) Adequacy of waste surge capacity and arrangements for additional collection, hauling, processing and disposal capacity;

- (c) Implementation of appropriate pre-disaster waste management and anticipatory measures;
- (d) Timely restoration of solid waste management services following a disaster;
- (e) Compliance with segregation, waste diversion, recovery and recycling requirements;
- (f) Reduction and enforcement against illegal dumping and littering;
- (g) Protection and maintenance of esteros, canals, waterways, drainage systems and flood-control facilities from solid waste;
- (h) Proper management of disaster-generated solid waste; and
- (i) Community participation and sustained performance in ecological solid waste management.

Compliance with these indicators may be considered in the assessment for the SGLG and, for LGUs qualifying for the corresponding incentive under Republic Act No. 11292, may be reflected in their Annual Investment Program and Local Development Investment Program for eligible solid waste management, disaster resilience, drainage and waterway protection projects, subject to existing laws, rules and regulations.

An LGU shall not be deemed non-compliant solely because disaster-generated waste accumulated as a direct consequence of an event beyond its reasonable control, provided that it demonstrates substantial compliance with its approved plans, activates available surge capacity, undertakes timely response measures and implements appropriate corrective actions.

SECTION 19. Prohibition on Dumping in Esteros, Waterways and Flood-Control Facilities. – Section 48, paragraph (1), of Republic Act No. 9003 is hereby amended to read as follows:

***"(1) Littering, throwing, dumping or causing or permitting the dumping of solid waste in public places, including roads, sidewalks, canals, esteros, waterways, drainage systems, pumping stations, flood-control facilities, parks and other similar areas;"

SEC. 20. Amendment of Penalties for Prohibited Disposal and Dumping in Waterways and Flood-Control Facilities. – Section 49, paragraph (a), of Republic Act No. 9003, as amended, is hereby amended and a new paragraph (a-1) is inserted after paragraph (a), to read as follows::

***" (a) Any person who violates Section 48, paragraph (1), of this Act shall, upon conviction, be punished with a fine of Five thousand pesos (P5,000.00), or community service

of not less than one (1) day but not more than fifteen (15) days, or both, at the discretion of the court.

(a-1) Any person who violates Section 48, paragraph (1), by dumping, throwing, depositing or causing or permitting the dumping of solid waste in an estero, canal, waterway, drainage system, pumping station, flood-control facility or other water conveyance facility shall, upon conviction, be punished with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Twenty thousand pesos (P20,000.00), or imprisonment of not less than five (5) days but not more than thirty (30) days, or both, at the discretion of the court.

If the violation is committed during a declared State of Imminent Disaster, state of calamity, or other officially declared disaster period, the maximum penalty shall be imposed.

Upon conviction, the court may order the offender to reimburse the reasonable and documented cost incurred by the government or concerned local government unit in removing and properly disposing of the waste subject of the violation, without prejudice to other liabilities under applicable laws."

SECTION 21. Hazardous Waste and Other Environmental Laws.

Nothing in this Act shall be construed to authorize or permit the disposal of hazardous waste or hazardous substances in esteros, canals, waterways, drainage systems, pumping stations, flood-control facilities or other unauthorized locations.

The handling, transport, storage and disposal of hazardous waste and hazardous substances shall remain subject to Republic Act No. 6969, otherwise known as the "**Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990**," Republic Act No. 9275, otherwise known as the "**Philippine Clean Water Act of 2004**," and other applicable laws, rules and regulations.

The enforcement of a violation under this Act shall be without prejudice to liability under other applicable environmental laws, subject to the Constitution and applicable rules on multiple offenses and double jeopardy.

SECTION 22. Implementing Rules and Regulations. – Within one hundred eighty (180) days from the effectivity of this Act, the DENR, in coordination with the DILG, OCD, NDRRMC, MMDA, DOH, representatives of LGUs and other concerned agencies, shall promulgate the rules and regulations necessary for the implementation of this Act.

The IRR shall establish, among others, standards for disaster-generated waste characterization, waste surge capacity, temporary staging areas, emergency waste operations, documentation and the incentives provided under this Act.

SECTION 23. Compliance Period. – Within one (1) year from the effectivity of this Act, every province, city and municipality shall review and, where necessary, amend its existing Solid Waste Management Plan and Local Disaster Risk Reduction and Management Plan to comply with this Act.

Existing facilities, contracts and arrangements shall remain valid, subject to compliance with applicable laws.

SECTION 24. Harmonization with Existing Laws. – Nothing in this Act shall be construed to repeal, amend or diminish Republic Act No. 10121, Republic Act No. 12287, Republic Act No. 11898, Republic Act No. 9275, Republic Act No. 6969, Republic Act No. 7160, Republic Act No. 11292, Republic Act No. 12009, the General Appropriations Act, or other applicable laws.

This Act shall be implemented in harmony with existing laws governing disaster risk reduction and management, anticipatory action, procurement, hazardous waste, water quality, extended producer responsibility, local government powers and the Seal of Good Local Governance.

SECTION 25. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall remain in full force and effect.

SECTION 26. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 27. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.