

EXCERPTS from the minutes of the regular session of the Sangguniang Bayan of Camaligan, Camarines Sur held at its session hall on October 2, 2009

PRESENT: Nathaniel F. Capucao - Municipal Vice Mayor/Presiding Officer
Marissa F. Trinidad - Municipal Councilor/Member
Diano SJ. Ibardaloza, Jr. - Municipal Councilor/Member
Eduardo C. Loriaga - Municipal Councilor/Member
Emmanuel K. Moll - Municipal Councilor/Member
Shiela A. Morico - Municipal Councilor/Member
Gaudencio A. Rabina - Municipal Councilor/Member
Benedicto B. Jacob - Municipal Councilor/Member
Arturo P. Almendral - Municipal Councilor/Member
James Bob M. Sambo - SKF President/Ex-Officio Member

ABSENT: Rodelio L. Punzalan - ABC President/Ex-Officio Member

MUNICIPAL ORDINANCE No. 007-009
Series of 2009

AN ORDINANCE INSTITUTIONALIZING THE ECOLOGICAL
SOLID WASTE MANAGEMENT PROGRAM OF THE
MUNICIPALITY OF CAMALIGAN, CAMAINES SUR

WHEREAS, the effective and efficient implementation of RA 9003, otherwise known as the Ecological Solid Waste Management Act of 2001, is a prime responsibility of the local government units;

WHEREAS, Section 32 of RA 9003, or the Ecological Solid Waste Management Act of 2000, mandates the creation of a Materials Recovery Facility (MRF) in all barangays or clusters of barangays within the Local Government Unit;

WHEREAS, it is the policy of the local government to protect, preserve and conserve the ecosystem;

WHEREFORE, on motion by Councilor Emmanuel K. Moll and Councilor Marissa F. Trinidad, duly seconded by all the members present,

BE IT ORDAINED by the Sangguniang Bayan of Camaligan, Camarines Sur that:

ARTICLE I.
GENERAL PROVISIONS

SECTION 1. Title – This ordinance shall be known as the Ecological Solid Waste Management Ordinance of Camaligan, Camarines Sur.

SECTION 2. Scope – This ordinance shall apply to all residential houses, commercial establishments such as hotels, restaurants, markets, groceries sari-sari stores, eateries, machine welding shops, backyard handicrafts food processors; institutions like schools, hospitals, clinics, churches, public and private offices; industrial establishments of any kind; and agricultural areas.

SECTION 3. Legal Basis – This ordinance is enacted to implement the provisions of RA 9003, which mandates the proper segregation, collection and disposal of household and industrial solid wastes.

SECTION 4. Declaration of Policies – It is hereby the policy of the municipality to adopt a systematic, comprehensive and ecological solid waste management program which shall:-

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

SECTION 5. Definition of Terms – Important words and phrases that are used in this ordinance shall be construed as follows:

- (A) Biodegradable – any material that can be reduced into finer particles (degraded or decomposed) by microbiological organisms or enzymes. Also referred to as compostables;
- ~~(B)~~ (B) Biogas digester – an enclosed tank equipment that produces methane gas from compostable waste, which could be extracted for use as energy for fuel and light;
- ~~(B)~~(C) Compost – decayed organic material for use as soil conditioner or fertilizer;
- ~~(C)~~(D) Composting – biological degradation under controlled conditions, the process of making biodegradables such as food waste, animal waste, human waste into compost by mixing them with the soil, water, biological additives/activators (optional) and air;
- ~~(D)~~(E) Domestic waste – refuse from households, as distinguished from industrial waste, agricultural waste, hospital waste, etc., which may be classified as biodegradable or non-biodegradable;

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- ~~(F)~~ Ecological Solid Waste Management – an ecological method of handling solid waste to protect human health and the environment to facilitate sanitary retrieval, reuse or recycling.
- ~~(G)~~ Ecosystem – the system of relationship existing in the surrounding;
- ~~(H)~~ Ecological balance – balance of relationships in the study of the surrounding;
- ~~(E)~~(I) Enzyme – a protein produced by cells, which initiates or accelerates chemical reactions in plants or animal matter, acting like an organic catalyst;
- ~~(F)~~(J) Factory returnable- all non-biodegradable, non-compostable materials such as tin cans, metals, glass containers and glass cutlets, plastic, Styrofoam, rubber, dry paper, dry cardboard, dry cloth, textile, fibers, leather, hard shells, hard boxes, etc., which shall be segregated in separate containers (cans, bottles, containers should be rinsed already), and are sold and/or disposed to the market;
- ~~(G)~~(K) Feed materials – all food waste, peelings, veggie trims, fish and animal entrails and carcasses, fowl innards, spoiled fruits, table leftovers, egg shells, etc., that should be collected and kept in covered containers to be used later as hog/chicken/duck/pet/fish feeds or as compostables;
- ~~(H)~~(L) Fertilizer materials – all compostables such as garden wastes (leaves, stems and twigs, plant and grass trimmings), animal waste (manure and carcasses), which are made into compost for organic gardening;
- ~~(M)~~ Garbage – refers to the decomposable wastes from food;
- ~~(G)~~(N) Green charcoal – another form of fuel or grass charcoal, manufactured from compostable, organic, cellulitic materials with the use of enzymes to break down the cell linings or binding materials after which they are molded, dried and used in charcoal-fed stoves;
- ~~(N)~~
- ~~(O)~~ Hazardous waste – special type of waste that contain chemical, biological and radioactive elements, which are harmful to human health such as used batteries,
- ~~(P)~~ Hydromex – a machine that shred and detoxify toxic wastes into neutral substances to be made into paints, hollow blocks and other construction materials;
- ~~(Q)~~ Materials Recovery Facility - includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and recycling facility.
- ~~(K)~~Reduction – refers to the minimization of waste generation from source;Ecological Solid Waste Management—an ecological method of handling solid waste to protect human health and the environment to facilitate sanitary retrieval, reuse or recycling-
- ~~(L)~~Sorting at source—the segregation or separation of wastes at the point of generation or at the place where they are produced;
- ~~(M)~~Hydromex—a machine that shred and detoxify toxic wastes into neutral substances to be made into paints, hollow blocks and other construction materials;
- ~~(N)~~Garbage—refers to the decomposable wastes from food;
- ~~(O)~~Ecosystem—the system of relationship existing in the surrounding;
- ~~(P)~~Ecological balance—balance of relationships in the study of the surrounding;
- ~~(Q)~~(R) Biogas digester—an enclosed tank equipment that produces methane gas from compostable waste, which could be extracted for use as energy for fuel and light;

~~(R)~~(S) Recoverable waste - shall refer to the solid waste which can be relatively restored or diverted into by products or use as raw material in the manufacture of a recycled product; ~~Reduction~~—refers to the minimization of waste generation from source;

~~(S)~~Recycling – The reuse, retrieval, decommission of element/matter for any and all purposes necessary to healthful and productive living; the process by which waste materials are transformed into new products in such a manner that the original products may lose their identity; ~~Recoverable waste~~—shall refer to the solid waste which can be relatively restored or diverted into by products or use as raw material in the manufacture of a recycled product;

~~(M)~~(T) Recycling—The reuse, retrieval, decommission of element/matter for any and all purposes necessary to healthful and productive living; the process by which waste materials are transformed into new products in such a manner that the original products may lose their identity;

~~(N)~~(U) Residual waste – are the remaining waste materials once activities to reduce, reuse, recycle, recover and treat have been undertaken.

~~(O)~~(V) Reuse – means to put into new usages any waste or discarded materials;

~~(P)~~(W) Solid waste – all kinds of refuse from households, industries, agricultural areas, and hospitals, which maybe classified as biodegradable (compostable) or non-biodegradable (non-compostable); and

~~(X)~~ Sorting at source – the segregation or separation of wastes at the point of generation or at the place where they are produced;

~~(X)~~Materials Recovery Facility— includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and recycling facility.

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ARTICLE II

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INSTITUTIONAL MECHANISMS

SECTION 6. Solid Waste Management Board (SWMB) - Section 12 of RA 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, provides for the creation of a “Solid Waste Management Board” in all provinces, cities and municipalities, defining its composition and functions as therein provided. In compliance with the aforementioned law, the Camaligan Ecological Solid Waste Management Board (CESWMB) is hereby created under this ordinance.

SECTION 7. Composition - The following shall compose the Municipal Ecological Solid Waste Management Board:

- (A) Municipal Mayor
- (B) Chairman of the Committee on Environment or Health of the Sangguniang Bayan
- (C) President of the Association of Barangay Captains of Camaligan or his/her representative
- (D) Chairperson of the Sangguniang Kabataan Federation of Camaligan
- (E) One representative from each of the following government agencies:
 - (a) Municipal Planning and Development Office
 - (b) Municipal Health Office (MHO)
 - (c) Municipal Social Welfare and Development Office (MSWDO)
 - (d) Municipal Agriculture Office MAO)
 - (e) Municipal Engineer’s Office (MEO)
 - (f) Municipal Local Government Officer-Camaligan
 - (g) Camaligan Police Station (PNP-Camaligan)
 - (h) Philippine Coast Guard-Camaligan
 - (i) Representative from the academe

- (F) Any three (3) representative from the NGOs, POs, civic or religious organizations preferably those undertaking environment-related programs and activities

The representatives of non-government and civic organizations shall be officially recommended by the heads or the presidents of their respective organizations; provided that, if their designations are permanent in nature, they must inform the CESWMB by written communication.

The head of the Municipal Planning and Development Office shall automatically serve as the secretary of the Board.

The members of the Board who are not government officials or employees shall, in the course of their duties, be entitled to necessary traveling expenses and allowances, chargeable against the funds of the Board, subject to existing accounting and auditing rules and regulations.

SECTION 8. Duties, Functions, and Responsibilities. The duties, functions, and responsibilities of the Camaligan Ecological Solid Waste Management Board, as provided for under Section 12 of RA 9003, are hereby adopted as the duties and responsibilities of the Camaligan Ecological Solid Waste Management Board;

- (A) Formulate educational and informational materials to promote the Ecological Solid Waste Management Program to households and establishments;
- (B) Develop/design programs to carry out the Ecological Solid Waste Management Program;
- (C) Outsource funds necessary to carry out the Ecological Solid Waste Management Program;
- (D) Develop the Municipal Ecological Solid Waste Management Plan that will ensure the long term management plans and programs of solid waste, integrating the various solid waste management strategies and operational plans of the different barangays. It shall conduct periodic consultations with the various sectors and stakeholders of the community in developing the said Plan;
- (E) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- (F) Oversee and monitor the implementation of the Municipal Ecological Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and NGOs and POs;
- (G) Adopt systematic revenue-generating measures to promote the viability of the Ecological Solid Waste Management Plan;
- (H) Convene monthly regular meetings to coordinate the implementation of the Ecological Solid Waste Management Plan in the barangays;
- (I) Review the Municipal Ecological Solid Waste Management Plan annually or as the need arises for purposes of ensuring its viability, sustainability, effectiveness and efficiency in relation to local and global developments in the field of ecological solid waste management;
- (J) Recommend to appropriate local government authorities whatever specific measures or proposals that will provide the exclusive or nonexclusive authority, through franchise or build-operate-transfer agreements, with duly recognized institutions or groups, pursuant to RA 6957, for the collection, transfer, storage, and processing, recycling or final disposal of municipal solid wastes. The proposals shall take into account appropriate government rules and regulations governing contracts, franchises and built-operate-transfer agreements; and

(K) Recommend measures and safeguards against pollution and the preservation of the natural ecosystems.

In addition to the foregoing duties and responsibilities, the Camaligan Ecological Solid Waste Management Board, in coordination with concerned non-government organizations of the municipality, shall promote and encourage the creation of environmentally-inclined Multi-Purpose Cooperatives within the 13 barangays of the municipality, as provided for under Section 13 of the said RA 9003, especially in the marketing and recycling of organic fertilizers and non-biodegradable wastes that may be produced under the program.

SECTION 9. Creation of a support Secretariat to the Board and the Technical Working Group - It is hereby created a Support Secretariat to the Board, composed of the staff/personnel from the MSWDO and the MPDO and to be headed by the MLGOO. Its main function is documentation and record-keeping.

SECTION 10. Technical Working Group – Operational responsibility for the Ecological Solid Waste Management Program shall be vested on the Mayor’s Office, the Municipal Planning and Development Office, the Municipal Engineer’s Office, the Municipal Agriculture Office, and the Social Welfare and Development Office. Their respective functions shall be determined by the Solid Waste Management Board.

ARTICLE III

SOLID WASTE MANAGEMENT

SECTION 121. The Municipal Solid Waste Management Board (MSWMB) shall be formed, and within one month after the effectivity of this ordinance it shall prepare a ten-year sustainable Solid Waste Management Plan consistent with sections 15 and 17 of RA 9003.

~~**Section 13. Environmental or Green Shopping.** The MSWMB in its continuing information and education campaign shall disseminate tips on consumer shopping for the purpose of waste avoidance or at least waste minimization. This will ultimate result in lesser operational expenses of the MRF as well as lessen unnecessary purchasing expenses of the households. (Make this a part of Education campaign strategies).~~

SECTION 142. Mandatory Waste Segregation at Source – Segregation of waste shall primarily be conducted at source, to include household, institutional, industrial, commercial and agricultural sources.

All Solid Wastes shall be segregated according to the following using three (3) separate containers each labeled accordingly: ~~The following shall be the manner for segregation of solid wastes:~~

~~Households, institutions, commercial and industrial establishments shall separate their respective generated wastes into three (3) containers that are properly labeled/identified as:~~

(A) RECYCLABLE/REUSABLE WASTE – which includes scrap paper, plastic bags and wrappers, metals, glass, plastic bottles and containers, worn-out tires and car batteries;

(B) COMPOSTABLE OR BIODEGRABLE WASTE – which includes food leftovers, organic, animal and garden wastes;

(C) NON-COMPOSTABLE/NON-RECYCLABLE WASTE – includes everything which cannot be classified under the above categories, such as disposable sanitary

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napkins, diapers, wound dressings and bandages, expired medicines, syringes, polystyrene (Styrofoam), alkaline and zinc-carbon batteries, car paint, slippers, shoes and hazardous wastes;

SECTION 13. Collection and Transport of Solid Wastes – The following shall be the minimum standards and requirements for the collection of solid waste:

- (A) No wastes shall be collected unless properly segregated;
- (B) All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling wastes;
- (C) Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly and in accordance with the guidelines pursuant to this Act;
- (D) Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity;
- (E) Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes. The waste compartment shall have a cover to ensure the containment of solid wastes while in transit. For the purpose of identification, vehicles shall bear the body number, the name, and the telephone number of the contractor/agency collecting solid waste.
- (F) Solid wastes shall be collected and transported based on the following: -
 - (a) Collection of recyclable wastes from households and small commercial establishments such as sari-sari stores and eateries shall be the responsibility of the barangays that have their own MRFs. Barangays with no MRFs yet shall make arrangement either with barangays with MRFs or with the municipal MRF for the collection of their wastes.; they may also opt to have curbside collection stations or sheds., The municipal MRF shall collect the recyclable and compostable waste from establishments and institutions such as schools, churches, big commercial establishments. Likewise the Municipal MRFs shall collect hazardous and special wastes of the whole municipality. Households and barangays may sell their recyclables to the roving junk collectors/buyers on padyak, except for the industrial firms and institutions, which shall be collected directly by the municipal garbage vehicle; compostables in open and vacant spaces such as roads, path walks, plazas, playgrounds, parks, and cemeteries, shall be collected by the municipal MRFs.
 - (b) Collected recyclable wastes shall be stored and kept at the barangay MRFs. Then any factory returnable, recoverable and residual wastes shall be collected and transported by the municipal garbage vehicle to be received and processed at the municipal MRF before final disposal;
 - (c) The content of the first container, labeled as RECYCLABLE/REUSABLE WASTE, except herein specified, shall be collected from the barangays MRFs by government garbage vehicle on a day(s) agreed upon with the barangays. These items after being processed at the households, barangays, and municipal MRFs shall be sold to roving junk buyers, junk shops, and factories that buy and utilize recyclable wastes;
 - (d) The contents of the second containers, labeled as BIODEGRABLE WASTE, shall be collected from the barangays MRF by government vehicle on a day or days agreed upon with the barangays. A composting pit shall be provided for this purpose by the government at the municipal MRF. However, as soon as the biogas digester is already available and operational, all compostable materials

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shall be processed there in order to extract methane gas for possible use as energy for fuel or light;

(e) The content of the third container, labeled as NON-COMPOSTABLE/NON-RECYCLABLE WASTE, shall be collected from the barangays MRF on a day(s) agreed upon with the barangays by a government garbage vehicle. These shall be brought to the Hydromex and treated for the production of new products;

(f) All usable rubber tires shall be collected once or twice a month to be pelletized by the government and mixed with asphalt for road paving;

(g) Any institution (hospital/clinic) and/or industrial firms producing contaminated and/or toxic wastes are required to provide/establish their own solid waste treatment facilities prior to final disposal of waste according to existing government provisions. The government shall not collect any contaminated or toxic materials. An option for them is to contact existing treatment plants for their contaminated wastes;

(h) Agricultural areas shall also separate and convert organic waste into compost in their respective areas, except those materials used as fuel for cooking, for handicraft-making, or for other useful purposes in downstream backyard industries

SECTION 14. Recycling Program. The Solid Waste Management Board shall institute a concrete and long-term program for the recycling of wastes which shall start from the establishment of Material Recovery Facility, identifying possible by-products for the recycled wastes to determining market for recyclable materials.

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There shall be established a Materials Recovery Facility (MRF) in the municipality and in every barangay or cluster of barangays therefrom. The facility shall be established in a municipal and/or barangay-owned or -leased land or any suitable open space to be determined by the local government through its Sanggunian. For this purpose, the municipal government, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long term storage or disposal facility. Materials recovery facilities shall be designed to receive, sort, process and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:

(a) The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and

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(b) The building must be designed to allow efficient and safe external access and to accommodate internal flow

It shall be the responsibility of the Technical Working Group to ensure proper maintenance of the facility and no adverse effect shall be suffered by the nearby residents.

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In the actual operation of the Material Recovery Facility, the SWMB shall evaluate/study the kind of recoverable wastes which the locality primarily produces. The data shall be used in identifying existing market for recyclable materials.

It shall be the responsibility of the SWMB to coordinate with proper agencies such as DTI, DOST, NEDA, DOLE and TESDA in order to develop the proper system for material recycling and reuse. Likewise, forge deal with all potential markets for recyclable materials and establishments utilizing reusable materials in their operation. The local government shall establish procedures, standards and strategies to market

recyclable materials and develop the local market for recycle goods, including but not limited to:

- (a) 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;
- (b) Guarantees by the national and local governments to purchase a percentage of the output of the facility; and
- (c) 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.

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In order to encourage establishments of new facilities to produce goods from post-consumer and recovered materials generated within local government units, and to conserve energy by reducing materials transportation, whenever appropriate, the local government unit may arranged for long-term contracts to purchase a substantial share of the product output of a proposed facility which will be based in the jurisdiction of the local government unit if such facility will manufacture such finished products form post-consumer and recovered materials.

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SECTION 15. Composting – composting of agricultural wastes and other compostable materials, including but not limited to garden wastes, shall be encouraged.

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Compost products intended to be distributed commercially shall conform to the standards for organic fertilizers set by the Department of Agriculture. It shall be the responsibility of the SWMB to coordinate with the said agency to provide assistance to compost workers to ensure that the compost products conform to such standards.

Inventory of Markets of Composts - Within six (6) months after the effectivity of this Act, the DA shall publish an inventory of existing markets and demands for composts. Said inventory shall thereafter be updated and published annually:

SECTION 16. Disposal – The local government shall establish an effective mechanism for the disposal of residual wastes which may include any of the following options:-

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- (A) Collaboration/partnership with other Local Government Units which have existing waste disposal facilities;
- (B) Operation of a controlled dumpsite subject to clearance from the Department of Environment and Natural Resources.

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Collection of recyclable wastes from households and small commercial establishments such as sari sari stores and eateries shall be the responsibility of the barangays that have their own MRFs. Barangays with no MRFs yet shall make arrangement either with barangays with MRFs or with the municipal MRF for the collection of their wastes.; they may also opt to have curbside collection stations or sheds.. The municipal MRF shall collect the recyclable and compostable waste from establishments and institutions such as schools, churches, big commercial establishments. Likewise the Municipal MRFs shall collect hazardous and special wastes of the whole municipality. Households and barangays may sell their recyclables to the roving junk collectors/buyers on padyak, except for the industrial firms and institutions, which shall be collected directly by the municipal dump truck; compostables in open and vacant spaces such as roads, path walks, plazas, playgrounds, parks, and cemeteries, shall be collected by the municipal MRFs.

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~~Collected recyclable wastes shall be stored and kept at the barangay MRFs. Then any factory returnable, recoverable and residual wastes shall be collected delete “and transported” and transported by the municipal truck to be received and processed at the municipal MRF before final disposal;~~

~~The content of the first container, labeled as RECYCLABLE/REUSABLE WASTE, except herein specified, shall be collected from the barangays MRFs by government truck on a day/days agreed upon with the barangays.. These items after being processed at the households, barangays, and municipal MRFs shall be sold to roving junk buyers, junk shops, and factories that buy and utilize recyclable wastes;~~

~~The contents of the second containers, labeled as BIODEGRABLE WASTE, shall be collected from the barangays MRF by government trucks on a day/days agreed upon with the barangays. A composting pit shall be provided for this purpose by the government at the municipal MRF. However, as soon as the biogas digester is already available and operational, all compostable materials shall be processed there in order to extract methane gas for possible use as energy for fuel or light;~~

~~The content of the third container, labeled as NON COMPOSTABLE/NON-RECYCLABLE WASTE, shall be collected from the barangays MRF on a day/days agreed upon with the barangays. by government truck. These shall be brought to the Hydromex and treated for the production of new products;~~

~~All usable rubber tires shall be collected once or twice a month to be pelletized by the government and mixed with asphalt for road paving;~~

~~Any institution (hospital/clinic) and/or industrial firms producing contaminated and/or toxic wastes are required to provide/establish their own solid waste treatment facilities prior to final disposal of waste according to existing government provisions.. The government shall not collect any contaminated or toxic materials. An option for them is to contact existing treatment plants for their contaminated wastes;~~

~~Agricultural areas shall also separate and convert organic waste into compost in their respective areas, except those materials used as fuel for cooking, for handicraft making, or for other useful purposes in downstream backyard industries.~~

SECTION 157. Information and Education Campaign. There shall be a continuous education and public information campaign to educate and inform residents about waste avoidance, reduction, recycling programs. Information shall likewise be disseminated on livelihood programs, waste collections services, and related health and environmental concerns.

SECTION 168. Special and urgent concerns. The municipal government shall act on these special and urgent concerns, such as filled-up, covered or clogged canals, creeks, drainage systems, etc., which cause flooding, stagnant water and environmental degradation which ultimately cause serious health hazards to the inhabitants. It shall pass ordinances and resolutions to address this matter. The Liga ng mga Barangay shall intervene when clusters of barangays are affected.

ARTICLE IV

MISCELLANEOUS PROVISIONS

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SECTION ~~N179~~. *Funding* – Upon the approval of this ordinance, the municipal government shall allocate the amount of Php 300,000.00 as initial operational budget for the Municipal Ecological Solid Waste Management Program. This amount shall be substantially included in the yearly budget of the Local Government Unit. Additional funding to sustain the program and the Materials Recovery Facility shall be taken from project development activities, grants, loans, and proceeds from the sales of MRF-generated products such as compost, and the marketing of MRF-based livelihood projects and goods, and the fines for penalties collected from violators.

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SECTION ~~01820~~. *Violation, Penalties and Incentives* - Any individual, person or persons for maintenance and/or operation of households, establishments, firms and facilities, who violates any provision of this ordinance shall be penalized as follows:

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VIOLATION	FINE
For households not segregating wastes	Php 305 0.00
For commercial establishments/institutions/industrial firms not segregating wastes	1,000.00
For burning of garden wastes, household wastes, garbage	500.00
For maintaining open garbage dumps	500.00
For throwing house garbage and wastes into rivers, canals, and creeks, <u>vacant lots, open spaces, roads, and ricefields</u>	500.00
For industrial firms and institutions disposing contaminated, toxic, and/or untreated wastes	2,000.00

If the violator is a corporation, organization, institution and/or firm the maximum penalty shall be imposed upon the head or the person responsible for its operation.

For persistent violators committing any of the aforementioned offenses for more than three (3) times, the maximum fine of Php 2,500.00 shall be imposed. The local government shall likewise be compelled to cancel business permits of commercial and industrial establishments who willfully violate this ordinance.

Imprisonment and/or community service may be imposed in lieu of the fines at the discretion of the court.

All violators shall be issued apprehension tickets, to be settled with the local treasury. Any citation tickets not settled within thirty (30) days from issuance thereof shall be forwarded to the proper courts for disposition.

~~The SWMB MRF management shall provide mechanisms for incentives to all interested groups or individuals who will patronize the MRF project in their barangays or municipality.~~

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households, barangays, barangay enterprises such as recyclers, composters, junkshops, and the informal sectors (i.e., people who collect waste, such as the street sweepers, scavengers, roving itinerant buyers, and waste collectors).

SECTION 2P-19 *Administrative Sanctions* – Local government officials and personnel concerned who fail to comply with and enforce rules and regulations promulgated relative to this ordinance shall be charged administratively in accordance with R.A. 7160 and other existing laws, rules and regulations.

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SECTION 2P-20 *Separability Clause* – If any section, sub-section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining provisions of this Ordinance, which shall continue to be in force and in effect.

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SECTION 2P-21 *Repealing and Amendatory Clause* - Any provisions of current ordinances, executive issuances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

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SECTION 2P-22 *Effective Date* – This Ordinance shall be in full force and effect upon approval.

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Date_ ENACTED: October 2, 2009.

WE HEREBY CERTIFY to the correctness and truthfulness of the foregoing.

JOY MARIE I. SAN BUENAVENTURA
Sangguniang Bayan Secretary

MARISSA F. TRINIDAD
Municipal Councilor

DIANO S.J. IBARDALOZA, JR.
Municipal Councilor

EDUARDO C. LORIAGA
Municipal Councilor

EMMANUEL K. MOLL
Municipal Councilor

SHIELA AGUID-MORICO
Municipal Councilor

GAUDENCIO A. RABINA
Municipal Councilor

BENEDICTO B. JACOB
Municipal Councilor

ARTURO P. ALMENDRAL
Municipal Councilor

RODELIO L. PUNZALAN
ABC President

JAMES BOB M. SAMBO
SKF President

Attested by:

NATHANIEL F. CAPUCAO
Municipal Vice-Mayor and Presiding Officer

Approved:

ROLANDO C. EDUARDO
Municipal Mayor

Article 14 can adopt this:

Formatiert: Hervorheben

Article 2
Segregation of Wastes

Section 21. Mandatory Segregation of Solid Wastes—The LGUs shall evaluate alternative roles for the public and private sectors in providing collection services, type of collection system, or combination of systems, that best meet their needs: Provided, That segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources: Provided, further; That wastes shall be segregated into the categories provided in Sec. 22 of this Act.

For premises containing six (6) or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to: provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality or private center; and notify the occupants of each buildings of the requirements of this Act and the regulations promulgated pursuant thereto.

Section 22. Requirements for the Segregation and Storage of Solid Waste—The following shall be the minimum standards and requirements for segregation and storage of solid waste pending collection:

There shall be a separate container for each type of waste from all sources: Provided, That in the case of bulky waste, it will suffice that the same be collected and placed in a separate designated area; and

The solid waste container depending on its use shall be properly marked or identified for on-site collection as "compostable", "non-recyclable", "recyclable" or "special waste", or any other classification as may be determined by the Commission.

Article 3
Collection and Transport of Solid Wastes

Section 23. Requirements for Collection of Solid Wastes—The following shall be the minimum standards and requirements for the collection of solid waste:

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

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

Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity.

Section 24. Requirements for the Transport of Solid Waste—The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit.

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

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

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

Section 25. Guidelines for Transfer Stations—Transfer stations shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to this Act and other regulations: Provided, That no waste shall be stored in such station beyond twenty four (24) hours.

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

Article 4 Recycling Program

Section 26. Inventory of Existing Markets for Recyclable Materials—The DTI shall within six (6) months from the effectivity of this Act and in cooperation with the Department, the DILG and other concerned agencies and sectors, publish a study of existing markets for processing and purchasing recyclable materials and the potential steps necessary to expand these markets. Such study shall include, but not be limited to, an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal, developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post consumer and recovered materials.

Section 27. Requirement for Eco-Labeling—The DTI shall formulate and implement a coding system for packaging materials and products to facilitate waste and recycling and re-use.

Section 28. Reclamation Programs and Buy-back Centers for Recyclables and Toxics—The National Ecology Center shall assist LGUs in establishing and implementing deposit or reclamation programs in coordination with manufacturers, recyclers and generators to provide 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 a landfill.

Upon effectivity of this Act, toxic materials present in the waste stream should be separated at source, collected separately and further screened and sent to appropriate

~~hazardous waste treatment and disposal plants, consistent with the provisions of R.A. No. 6969.~~

~~Section 29. Non Environmentally Acceptable Products—Within one (1) year from the effectivity of this Act, the Commission shall, after public notice and hearing, prepare a list of nonenvironmentally acceptable products as defined in this Act that shall be prohibited according to a schedule that shall be prepared by the Commission: Provided, however, That non environmentally acceptable products shall not be prohibited unless the Commission first finds that there are alternatives available which are available to consumers at no more than ten percent (10%) greater cost than the disposable product.~~

~~Notwithstanding any other provisions to the contrary, this section shall not apply to:~~

~~Packaging used at hospitals, nursing homes or other medical facilities; and~~

~~Any packaging which is not environmentally acceptable, but for which there is no commercially available alternatives as determined by the Commission.~~

~~The Commission shall annually review and update the list of prohibited non-environmentally acceptable products.~~

~~Section 30. Prohibition on the Use of Non Environmentally Acceptable Packaging—No person owning, operating or conducting a commercial establishment in the country shall sell or convey at retail or possess with the intent to sell or convey at retail any products that are placed, wrapped or packaged in or on packaging which is not environmentally acceptable packaging: Provided, That the Commission shall determine a phaseout period after proper consultation and hearing with the stakeholders or with the sectors concerned.~~

~~The presence in the commercial establishment of non environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey the same at retail to customers.~~

~~Any person who is a manufacturer, broker or warehouse operator engaging in the distribution or transportation of commercial products within the country shall file a report with the concerned local government within one (1) year from the effectivity of this Act, and annually thereafter, a listing of any products in packaging which is not environmentally acceptable. The Commission shall prescribe the form of such report in its regulations.~~

~~A violation of this Section shall be sufficient grounds for the revocation, suspension, denial or non renewal of any license for the establishment in which the violation occurs.~~

~~Section 31. Recycling Market Development—The Commission together with the National Ecology Center, the DTI and the Department of Finance shall establish procedures, standards and strategies to market recyclable materials and develop the local market for recycle goods, including but not limited to:~~

~~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;~~

~~guarantees by the national and local governments to purchase a percentage of the output of the facility; and~~

~~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.~~

~~In order to encourage establishments of new facilities to produce goods from post-consumer and recovered materials generated within local government units, and to conserve energy by reducing materials transportation, whenever appropriate, each local government unit may arranged for long term contracts to purchase a substantial share of~~

~~the product output of a proposed facility which will be based in the jurisdiction of the local government unit if such facility will manufacture such finished products from post-consumer and recovered materials.~~

~~Section 32. Establishment of LGU Materials Recovery Facility. — There shall be established a Materials Recovery Facility (MRF) in every barangay or cluster of barangays. The facility shall be established in a barangay-owned or leased land or any suitable open space to be determined by the barangay through its Sanggunian. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.~~

~~Section 33. Guidelines for Establishment of Materials Recovery Facility — Materials recovery facilities shall be designed to receive, sort, process and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:~~

~~The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and~~

~~The building must be designed to allow efficient and safe external access and to accommodate internal flow.~~

Article 5 Composting

~~Section 34. Inventory of Markets of Composts — Within six (6) months after the effectivity of this Act, the DA shall publish an inventory of existing markets and demands for composts. Said inventory shall thereafter be updated and published annually. Provided, That the composting of agricultural wastes and other compostable materials, including but not limited to garden wastes, shall be encouraged.~~

~~Section 35. Guidelines for Compost Quality — Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards.~~

Article 6 Waste Management Facilities

~~Section 36. Inventory of Waste Disposal Facilities — Within six (6) months from the effectivity of this Act, the Department, in cooperation with the DOH, DILG and other concerned agencies, shall publish an inventory of all solid waste disposal facilities or sites in the country.~~

~~Section 37. Prohibition Against the Use of Open Dumps for Solid Waste — No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid wastes, be allowed after the effectivity of this Act. Provided, That within three (3) years after the effectivity of this Act, every LGU shall convert its open dumps into controlled dumps, in accordance with the guidelines set in Sec. 41 of this Act. Provided, further, That no controlled dumps shall be allowed five (5) years following the effectivity of this Act.~~

~~Section 38. Permit for Solid Waste Management Facility Construction and Expansion — No person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an Environment Compliance Certificate (ECC) from the Department pursuant to P.D. 1586 and other permits and clearances from concerned agencies.~~

Section 39. Guidelines for Controlled Dumps—The following shall be the minimum considerations for the establishments of controlled dumps:

- Regular inert cover;
- Surface water and peripheral site drainage control;
- Provision for aerobic and anaerobic decomposition;
- Restriction of waste deposition to small working areas;
- Fence, including provisions for litter control;
- Basic record-keeping;
- Provision of maintained access road;
- Controlled waste picking and trading;
- Post-closure site cover and vegetation; and
- Hydro-geological siting.

Section 40. Criteria for Siting a Sanitary Landfill—The following shall be the minimum criteria for the siting of sanitary landfills:

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

Section 41. Criteria for Establishment of Sanitary Landfill—The following shall be the minimum criteria for the establishment of sanitary landfills:

- Liners—a system of clay layers and/or geosynthetic membranes used to contain leachate and reduce or prevent contaminant flow to groundwater;
- Leachate collection and treatment system—installation of pipes at the low areas of the liner to collect leachate for storage and eventual treatment and discharge;
- Gas control and recovery system—a series of vertical wells or horizontal trenches containing permeable materials and perforated piping placed in the landfill to collect gas for treatment or productive use as an energy source;
- Groundwater monitoring well system—wells placed at an appropriate location and depth for taking water that are representative of ground water quality;

~~Cover—two (2) forms of cover consisting of soil and geosynthetic materials to protect the waste from long term contact with the environment;~~

~~a daily cover placed over the waste at the close of each day's operations, and;~~

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

~~Closure procedure with the objectives of establishing low maintenance cover systems and final cover that minimizes the infiltration of precipitation into the waste. Installation of the final cover must be completed within six (6) months of the last receipt of waste;~~

~~Post-closure care procedure—During this period, the landfill owner shall be responsible for providing for the general upkeep of the landfill, maintaining all of the landfill's environmental protection features, operating monitoring equipment, remediating groundwater should it become contaminated and controlling landfill gas migration or emission;~~

~~Section 42. Operating Criteria for Sanitary Landfills—In the operation of a sanitary landfill, each site operator shall maintain the following minimum operating equipments:~~

~~Disposal site records of, but not limited to:~~

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

~~Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties;~~

~~Daily log book or file of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipts or rejection of unpermitted wastes, flooding and other unusual occurrences;~~

~~Record of personnel training; and~~

~~Copy of written notification to the Department, local health agency, and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site;~~

~~Water quality monitoring of surface and ground waters and effluent, and gas emissions;~~

~~Documentation of approvals, determinations and other requirements by the Department;~~

~~Signs:~~

~~Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information as required by the Department;~~

~~If the site is open to the public, there shall be an easily visible sign at the primary entrance of the site indicating the name of the site operator, the operator's telephone number, and hours of operation; an easily visible sign at an appropriate point shall indicate the schedule of changes and the general types of materials which will either be accepted or not;~~

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

~~Additional signs and/or measures may be required at a disposal site by the Department to protect personnel and public health and safety;~~

~~Monitoring of quality of surface, ground and effluent waters, and gas emissions;~~

The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site where open storage, or piling of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the Department. The Department may also require that other areas of the site be fenced to create an appropriate level of security;

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

Sanitary facilities consisting of adequate number of toilets and handwashing facilities, shall be available to personnel at or in the immediate vicinity of the site;

Safe and adequate drinking water supply for the site personnel shall be available;

The site shall have communication facilities available to site personnel to allow quick response to emergencies;

Where operations are conducted during hours of darkness, the site and/or equipment shall be equipped with adequate lighting as approved by the Department to ensure safety and to monitor the effectiveness of operations;

Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the Department;

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

The site operator shall provide adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the Department and local health agency in writing of the names, addresses, and telephone number of the operator or responsible party. A copy of the written notification shall be placed in the operation record;

Any disposal site open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regularly scheduled basis, as determined by the Department;

Unloading of solid wastes shall be confined to a small area as possible to accommodate the number of vehicles using the area without resulting in traffic, personnel, or public safety hazards. Waste materials shall normally be deposited at the toe of the fill, or as otherwise approved by the Department;

Solid waste shall be spread and compacted in layers with repeated passages of the landfill equipment to minimize voids within the cell and maximize compaction. The loose layer shall not exceed a depth approximately two feet before compaction. Spreading and compacting shall be accomplished as rapidly as practicable, unless otherwise approved by the Department;

Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. Other effective maintenance methods may be allowed by the Department; and

Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problems or interfere with unloading, spreading, compacting, access, safety drainage, or other operations;

Article 7

Local Government Solid Waste Management

Section 43. Guidelines for Identification of Common Solid Waste Management Problems – For purposes of encouraging and facilitating the development of local government plans for solid waste management, the Commission shall, as soon as practicable but not later than six (6) months from the effectivity of this Act, publish guidelines for the identification of those areas which have common solid waste management problems and are appropriate units for clustered solid waste management services. The guidelines shall be based on the following:

the size and location of areas which should be included;

the volume of solid waste which would be generated;

the available means of coordinating local government planning between and among the LGUs and for the integration of such with the national plan; and

possible lifespan of the disposal facilities.

Section 44. Establishment of Common Waste Treatment and Disposal Facilities – Pursuant to Sec. 33 of R.A. 7160, otherwise known as the Local Government Code, all provinces, cities, municipalities and barangays, through appropriate ordinances, are hereby mandated to consolidate, or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems and/or establishing common waste disposal facilities.

The Department, the Commission and local solid waste management boards shall provide technical and marketing assistance to the LGUs.