

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BALER, AURORA WHICH WAS HELD ON MARCH 05, 2008 AT THE NEW LEGISLATIVE BUILDING.

Present:

HON. ZENAIDA S. QUERIJERO	SB Member-Temporary Presiding Officer
HON. ZALDY R. HUGO	SB Member
HON. EDITH S. BULUAG	SB Member
HON. MARCELINO B. ZABAT	SB Member
HON. DANILO M. ONG	SB Member
HON. NENITA DS. GONZALES	SB Member
HON. ARTHUR L. SANCHEZ	SB Member-PCL Aurora Chapter President
HON. PEDRO V. QUERIJERO	SB Member-ABC President
HON. JOHN MARK. A. ARAGON	SB Member-SK Fed. Chairman

Absent:

HON. NELIANTO C. BIHASA	Vice Mayor-Presiding Officer (OB)
HON. BENJAMIN C. MATA	SB Member (On Leave)

ORDINANCE NO. 01 S. 2008

AN ORDINANCE PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT, PRESCRIBING FEES FOR SOLID WASTE MANAGEMENT SERVICES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

WHEREAS, Republic Act No. 9003 provides for an ecological solid waste management program, creates the necessary institutional mechanisms and incentives, declares certain acts prohibited and provides penalties for violations;

WHEREAS, Section 10 of Republic Act No. 9003 provides that, "Pursuant to the relevant provisions of R.A. 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.";

WHEREAS, Section 16 of Republic Act No. 9003 provides that, "The province, city or municipality, through its local solid waste management boards, shall prepare its respective 10-year solid waste management plans consistent with the National Solid Waste Management Framework: *Provided*, That the waste management plan shall be for the re-use, recycling and composting of wastes generated in their respective jurisdictions: *Provided further*, That the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction.";

WHEREAS, Section 47 of Republic Act No. 9003 provides that, "The local government unit shall impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a solid waste management plan prepared pursuant to this Act.";

WHEREAS, Section 4, Rule XIX of the Implementing Rules and Regulations (IRR) of Republic Act No. 9003 provides that local government units shall be required to legislate appropriate ordinances to aid in the implementation of Republic Act No. 9003 and in the enforcement of its

provisions; provided, such ordinances shall be formulated pursuant to relevant provisions of R.A. No. 7160.

WHEREAS, the Municipality of Baler is committed to the protection, preservation and conservation of the environment, through the implementation of integrated, comprehensive ecological solid waste management program.

WHEREAS, the municipality has recently formulated its 10-year Solid Waste Management Plan (2007-2016);

WHEREAS, the amendment of the existing SWM Ordinance is deemed necessary to support the implementation of the said plan;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED by the Sangguniang Bayan of the Municipality of Baler, Aurora, in session duly assembled, that:

ARTICLE I **General Provisions**

Section 1. Title - This ordinance shall be known as the Baler Ecological Solid Waste Management Ordinance of 2008.

Section 2. Coverage - The ordinance shall apply to all residential houses, commercial and industrial establishments, institutions, like hospitals, schools, churches, public and private offices, other establishment of any kind and agricultural areas within the Municipality of Baler.

Section 3. Declaration of Policies - It is hereby declared the policy of the Municipality to adopt and implement a comprehensive, integrated and ecological solid waste management program which shall:

- a. Ensure the protection of public health and the environment for the safety, convenience and general welfare of inhabitants in the municipality;
- b. Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- c. Set guidelines for the generation, segregation, collection, transport and disposal of solid waste in accordance with ecologically sustainable development principles;
- d. Strengthen SWM organizations/committees at various levels;
- e. Strengthen education and advocacy activities in collaboration with various stakeholders to promote environmental awareness and action among citizenry;
- f. Implement local enforcement plan with barangays and other government unit, non-government organizations, and the private sector; and

- g. Institutionalize greater public participation in solid waste management.

ARTICLE II Definition of Terms

Section 4. *Definition of Terms* - For the purposes of this Ordinance, the term:

- a. **Agricultural Waste** shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants, animal manure and waste or run-off materials from farm or fields;
- b. **Biodegradable waste** shall refer to any material that can be reduced into four particles, degraded or decomposed by microbiological or enzymes. This is synonymous with compostable;
- c. **Body Number** shall refer to the number assigned to each Eco-Aide by the Office of the MENRO which is to be painted and displayed on each junk cart for identification purposes;
- d. **Bulky Waste** shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcase, filing cabinets, and other similar items;
- e. **Bureau** shall refer to the Environmental Management Bureau;
- f. **Buy-back center** shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials;
- g. **Collection** shall refer to the act of removing waste from the source of communal storage point;
- h. **Collection Frequency** shall refer to the number of times collection of waste is provided in a given period of time;
- i. **Color Code** - A specific color assigned to each Eco-Aide by the MENRO for proper identification;
- j. **Commercial Establishments** shall include but not limited to those engaged in transportation, communication, storage, commerce, service and the like;
- k. **Controlled Dump Site** shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;
- l. **Composting** shall refer to the controlled decomposition of organic matters (bio-degradable waste) by micro-organisms, mainly bacteria, fungi and activators under controlled conditions;
- m. **Disposal** shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;
- n. **Disposal Site** shall refer to the site where solid waste is finally discharged and deposited.
- o. **Ecological Solid Waste** shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment and disposal of solid waste and all other waste management activities which do not harm the environment;
- p. **Ecological solid waste management** shall refer to the systematic administration of activities which provide for segregation at

- source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment;
- q. **Environmentally acceptable** shall refer to the quality of being re-useable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;
 - r. **Environmental fee** a fee imposed to household, establishment, institutions, and all waste generators as prescribed in RA 9003;
 - s. **Food waste** shall refer to organic wastes generated from restaurants, canteens, eateries and similar establishments;
 - t. **Generation** shall refer to the act or process of producing solid waste;
 - u. **Generator** shall refer to a person, natural or judicial, who last uses a material and makes it available for disposal or recycling;
 - v. **Hazardous waste** shall refer to solid waste or combination of solid waste which because of concentration or physical, chemical or infectious characteristic may (a) cause or significantly contribute to an increase in mortality or (b) increase serious irreversible or incapacitating hazard to human health or the environment and disposed improperly treated stored, transported and disposed of or otherwise managed;
 - w. **Industrial waste** shall refer to liquid, gaseous, or solid matter or other waste substances or combination thereof resulting from any process of industry, manufacturing trade or business or from the development;
 - x. **Leachate** shall refer to the liquid produced when waste undergoes decomposition, and when water percolates through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials;
 - y. **Material Recovery Facility** includes a solid waste transfer station or sorting station, dropped off center, a composting facility and recycling facility;
 - z. **Municipal waste** shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, industrial and institutional wastes and street litters;
 - aa. **Open dump site** shall refer to a disposal area, wherein the solid waste are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;
 - bb. **Person(s)** shall refer to any being, natural or judicial, susceptible of rights and obligations, or of being the subject of legal relations;
 - cc. **Receptacles** shall refer to individual containers used for source separation and the collection of recyclable materials;
 - dd. **Recyclable materials** shall refer to any material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to newspapers, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum glass, office papers, tin, cans, and other materials as may be determined by the board;
 - ee. **Recycled material** shall refer to post-consumer material that has been recycled and returned to the economy;

- ff. **Recycling** shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services;
- gg. **Residual wastes** refer to any material which has no more use at all and therefore be disposed off from source.
- hh. **Sanitary landfill** shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;
- ii. **Segregation** shall refer to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
- jj. **Solid Waste** shall refer to all discarded household and commercial waste, non-hazardous, institutional and industrial waste, street sweepings, construction debris, agricultural waste and other non-hazardous/non-toxic solid waste.
- kk. **Solid Waste Management** shall refer to the discipline with control on generation , segregation, storage, collection, collection, transfer, processing and disposal of solid waste in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics and other environmental considerations and that is also responsive to public attitudes;
- ll. **Special Waste** shall refer to household hazardous waste such as paints, thinners, household batteries, lead acid, batteries, spray canisters and the like. These include waste from residential and commercial sources that comprise of bulky waste, consumers electronics, white goods, yard waste that are collected separately, batteries oil and tires. These waste are usually handled separately from other residential and commercial wastes;
- mm. **White goods** shall refer to the large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dyers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g. copper, aluminum, etc).

ARTICLE III SOLID WASTE MANAGEMENT FUNCTIONS

Section 5. *Solid Waste Management Division* - There is hereby established a Municipal Solid Waste Management Division that will serve as the lead body in the implementation of the Municipal Solid Waste Management Plan. The Municipal Solid Waste Management Division shall be under the office of the MENRO and shall be composed of the Municipal Solid Waste Management Coordinator and other support staff.

Section 6. *Powers and Functions of the Municipal Solid Waste Management Division* - Municipal Solid Waste Management Division, as the

lead body in the implementation of the Municipal Solid Waste Management Plan, shall have the following powers and functions:

- a. Conduct necessary studies (i.e., time and motion study of collection routes, feasibility studies and environmental impact assessment) related to collection, materials recovery, composting and disposal facility;
- b. Provide technical assistance, logistical and training support to barangays and communities to help them formulate SWM strategies and plans, and implement, monitor and evaluate SWM projects;
- c. Formulate, review and refine procedures for SWM operations and enforcement, including coordination with groups and sectors providing support to the SWM program;
- d. Spearhead the formation of IEC teams and help facilitate the conduct of information, education and communication activities;
- e. Facilitate the formation or re-activation and strengthening of SWM Committees in different barangays, schools, hospital, public market and other major point sources;
- f. Coordinate with concerned agencies/institutions/bodies re enforcement of this Ordinance and the municipal SWM enforcement system;
- g. Conduct monitoring and evaluation on the implementation of SWM program and provide feedbacks and recommendations to concerned agencies/institutions/ bodies for necessary action;
- h. Periodically prepare reports on the performance status and analysis of implementation and enforcement of solid waste management ordinances;
- i. Attend to issues and concerns arising from the enforcement of the ordinance and implementation of the municipal SWM Plan;
- j. Prepare annual work and financial plans; and
- k. Serve as the secretariat of the ESWM Board. The periodic reports on SWM that it will prepare will be submitted to the Board. It shall conduct research and data analysis to support the policy-making function of the Board. The annual SWM work and financial plan will be submitted to the ESWM Board for its endorsement to the SB so such can be included in the annual budget of the municipality. It shall keep records of all meetings and decisions of the Board, and ensure that such decisions are carried out.

ARTICLE IV

The Municipal Solid Waste Management Plan

Section 7. *Incorporation by Reference* - The Municipal Solid Waste Management Plan adopted and approved by the Sangguniang Bayan is hereby incorporated by reference.

Section 8. *Implementation* - The Municipal Solid Waste Management Plan shall be implemented in accordance with the implementation schedule, strategies and guidelines contained in the said Plan.

ARTICLE V
Waste Generation and Storage

Section 9. *Mandatory Segregation of Solid Waste* - The segregation of solid waste shall be mandatory. Segregation shall primarily be conducted at the source to include household, institutional, industrial, commercial and agricultural sources.

Section 10. *Categories of Solid Waste* - Solid waste shall be segregated into the following categories:

- a) Compostable or Biodegradable
- b) Recyclable
- c) Residual
- d) Special Waste

Section 11. *Requirements for Segregation and Storage of Solid Waste* - The sources of solid waste as listed above shall have separate receptacles or containers (i.e. sacks, bins, boxes, cans, bags, etc.) for each type of solid waste. Solid waste shall be properly marked or identified for on-site collection as “compostable”, “recyclable”, “residual” or “special waste” and properly sealed or tied for easy handling and collection. The receptacles shall be properly covered, secured or protected to prevent spillage or scattering of the waste and to ensure its containment.

Section 12. *Additional Requirements for Premises Containing Six (6) or More Residential Units* - The owner or person in charge of premises containing six (6) or more residential units shall provide for the residents a designated area and containers in which to accumulate source separated recyclable materials for collection. In addition, such owner or person in charge shall notify the residents or occupants of such premises of the requirements of segregation.

Section 13. *Additional Requirements for All Commercial, Institutional and Industrial Establishments* - The owners or heads of all commercial, institutional and industrial establishments shall provide a designated area and containers in which to accumulate source separated recyclable materials for collection. In addition, such owner or head of the institution shall notify all workers, employees, and entities working in the premises of the requirements of segregation. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

Section 14. *Additional Requirements in Agricultural Areas* - Agricultural waste such as rice straws, corn cobs, leaves, animal manure, etc., shall be properly stockpiled by the concerned individual for composting. Burning of agricultural waste shall be prohibited.

Section 15. *Requirements for Public Conveyances* - Public conveyances (i.e. tricycle, bus, boats, vans, jeepneys) are likewise required to have two receptacles for separated residual and biodegradable wastes.

ARTICLE VI

Collection and Transport

Section 16. *Guidelines* - The collection and transport of solid waste shall be undertaken in accordance with the guidelines and mechanisms prescribed in the municipal ISWM plan. The minimum requirements prescribed in RA 9003 and its IRR shall likewise be complied with. Waste generators from the households, institutions, commercial and industrial areas shall ensure that segregated solid wastes are brought out in front of their gates/doors and or along the collection route of the collection vehicle during the designated schedule for collection of the particular type of solid waste. The information on collection of solid waste such as the schedule, types of waste to be collected and other relevant information shall be disseminated by the MENR Office to the general public.

Section 17. *Non-collection of Unsegregated Solid Waste* - Only segregated wastes and only the types of waste that are scheduled for collection on a particular day and time shall be collected. Unsegregated solid wastes shall not be collected.

Section 18. *Storage* - All wastes for collection must be stored in properly sealed/tied receptacles and brought outside households, institutions, commercial and industrial establishments and other sources during collection time only. Otherwise, the presence of these wastes outside of the scheduled collection time will be considered as a violation of the anti-littering provision of this Ordinance.

Section 19. *Transport* - The collected biodegradable and recyclable wastes shall be dropped off at the Municipal MRF. Only the residual and special waste shall be brought to the disposal site.

Section 20. *Collection Vehicles* - Only collection vehicles covered with nets, tarpaulins or other similar material shall be allowed to transport solid waste from the collection area to the disposal facility. To ensure proper maintenance and to avoid unnecessary breakdowns that eventually disrupt the collection system, collection trucks shall undergo regular cleaning and maintenance. For this purpose, the existing municipal motor pool shall be utilized.

Section 21. *Training and Equipment* - All personnel directly involved with the collection of solid waste shall be provided with the necessary training by the MENR Office to ensure proper handling and management of waste. Personal protective equipment and paraphernalia such as gloves, masks and safety boots shall also be provided to protect them from health hazards posed by handling solid wastes. They will also undergo regular medical check up.

Section 22. *Additional Requirements on Handling, Storage and Transport of Special Waste* - Special waste shall be stored safely in good, durable and covered receptacles which shall be located in a secured and/or distant site, prior to final collection, transport and disposal. Special waste (chemical, pathological, biological and radiological) shall be stored, collected and transported and disposed of in accordance with applicable laws, guidelines, rules and regulations of the Environmental Management Bureau - Department of Environment and Natural Resources, Department of Health (DOH) and the Department of Science and Technology (DOST).

ARTICLE VII
Waste Processing and Resource Recovery

Section 23 - *Establishment of Materials Recovery Facility* - The Municipality shall improve the municipal MRF at Barangay Pingit. The operation of the MRF shall be in accordance with the strategy and guidelines prescribed in the municipal ISWM Plan. Likewise, the minimum requirements for establishment and operation prescribed in RA 9003 and its IRR shall be complied with. The income generated from the operation of the Municipal MRF shall accrue to and form part of the municipal Solid Waste Management Trust Fund to be used for SWM-related activities only.

Section 24. *Barangay MRFs* - In addition to the municipal MRF, Materials Recovery Facilities with a minimum size of 1m X 3m shall be established in the barangays or clusters of barangays and in the public market. The barangay MRFs shall be established and operated in accordance with the strategy and guidelines prescribed in the municipal ISWM Plan. The municipal government will provide technical assistance for the operation of MRF. Likewise, the minimum requirements for establishment and operation prescribed in RA 9003 and its IRR shall be complied with.

Section 25. *Backyard Composting* - In areas where space is available, compost heaps/bins shall be established in every household or cluster of households, institutions and establishments.

ARTICLE VIII
Disposal Facility

Section 26. Incineration or open burning of solid waste shall be strictly prohibited. Segregated residual and special waste shall be disposed of at the municipal disposal facility which shall be established in accordance with the schedule and guidelines prescribed in the ISWM Plan.

Section 27. *Sanitary Landfill* - A Sanitary Landfill shall be established by 2007 and made operational by 2008 by the Municipality. In the establishment and operations of the sanitary landfill, the requirements and guidelines set out in the IRR of RA 9003 and the municipal ISWM plan shall be complied with. Meanwhile, these solid wastes are temporarily stored at the residual containment area established within the MRF compound in Barangay Pingit.

ARTICLE IX
Regulation of Junk Shop Operations

Section 28. - All junk shops and ambulant junk buyers operating in the municipality shall secure the necessary permit/accreditation from the MENR Office prior to operation. Ambulant junk buyers from other municipalities are required to pay the amount of P240.00 before issuance of the accreditation certificate and ID, which shall be effective for a period of one (1) year.

ARTICLE X Incentive Programs

Section 29. *Search for Best SWM Implementors* - The Municipality shall conduct a municipal-wide annual Search for Best SWM Implementors in schools, barangays, institutions and establishments. The MENR Office, in coordination with the ESWM Board shall develop the mechanics for this contest following the criteria used in the present national search for model barangays implementing ESWM. Barangay LGUs are likewise encouraged to conduct similar contest at the purok level.

Section 30. *Discounts on Environmental Fees* - There shall be discounts on the environmental fee (10%) when such is paid in full at the start of the year. In addition, winning institutions and establishments in the search for best SWM implementors shall be entitled to twenty percent (20%) discount.

Section 31. *Redemption Scheme for Recyclables* - The municipality, in collaboration with barangay LGUs may implement a redemption scheme for recyclables. Redeemable price stubs shall be given for recyclables brought to the municipal MRF. These price stubs may be redeemed after the recyclables for which they have been issued have been traded or sold. The MENR Office shall prepare the mechanics for the redemption scheme.

ARTICLE XI Education

Section 32. *Information, Education and Communication* - An IEC program shall be implemented by the Municipality pursuant to the strategies, mechanisms and guidelines contained in the municipal ISWM Plan. The Sangguniang Bayan shall appropriate the necessary funds to support the implementation of the IEC program. The appropriation/s shall be based on the budget to be submitted by the MENR Office for the purpose.

Section 33. *IEC Materials* - A variety of IEC materials shall be developed to support the SWM communications program. Print materials such as information sheets, posters, flyers, billboards and banners shall be developed, reproduced and distributed to target audiences. Public service announcements (e.g. bandilyo), radio and TV plugs/programs shall be developed and aired through the local radio stations and local cable network.

Section 34. *Creation of IEC & Advocacy Teams* - A municipal IEC & Advocacy team shall be created and shall be responsible, in promoting solid waste management concerns. The IEC & Advocacy team, in coordination with the MENR Office shall perform the following functions:

1. prepare and implement detailed communication plans to support the implementation of the 10-year SWM Plan;
2. develop/produce/reproduce and disseminate SWM promotional materials;
3. conduct information/advocacy campaign to waste generators;
4. establish linkage/networking with partners to generate support for SWM implementation;
5. organize and train barangay IEC Committees;

6. document best SWM practices/model and facilitate publication/distribution of SWM success stories; and
7. perform such other functions as may be required.

ARTICLE XII

Financing of Solid Waste Management Projects

Section 35. *Funding* - The funds for the implementation of the municipal ISWM Plan shall be sourced from the twenty percent (20%) development fund and other available sources including available funds from funding agencies.

ARTICLE XIII

Procurement of Services, Materials and Equipment

Section 36. The procurement of services, materials and equipment for SWM activities as provided in the municipal ISWM Plan shall follow the procedures set out in the implementing rules and regulations of the Revitalized Procurement Act of 2003 (RA 9183). The Municipal Bids & Awards Committee (MBAC) shall ensure that transparent, competitive and participatory procedures will be followed in the bidding and award of the contracts and that there will be periodic assessment of the performance of the contractors.

ARTICLE XIV

The Municipal Solid Waste Management Fund

Section 37. *Establishment of the Fund* - There is hereby created, as a special account of the Municipality of Baler Municipal Solid Waste Management Fund to be administered by the Municipal Solid Waste Management Board.

Section 38. *Management of the Fund* - The Municipal Solid Waste Management Board shall develop pertinent guidelines on the management of the Fund. Provided, that reporting on the status of the Fund shall be done in a transparent manner. Provided further, that a report on the Fund shall be submitted annually to Sangguniang Bayan by the Municipal Solid Waste Management Board in collaboration with the Commission on Audit within four (4) months after the end of each fiscal year.

Section 39. *Sources of the Fund* - The Municipal Solid Waste Management Fund shall be sourced from the following:

- a) Donations, endowments, grants and contributions from domestic and foreign sources;
- b) The Municipal allocation or share in the fines and Republic Act No. 9003 and its Implementing Rules and Regulations;
- c) Fees collected from provision of solid waste services such as collection, recycling, and transport, among others;
- d) Sub-contracting fees including management, transport and others;
- e) Other fees collected pursuant to this ordinance;
- f) The amount allocated for solid waste management from the 20% Municipal Development Fund, which amount shall be determined based on needs.

Section 40. Use of the Fund - The Municipal Solid Waste Management Fund shall be used to support the implementation of the municipal ISWM Plan, including endeavors that will enhance its implementation. These may include activities/projects on the following:

- a) Regular operating and maintenance expenses of the MENR Office including salaries and wages of those involved in solid waste management. However, expenses may include per diems and honoraria in accordance with the regulations of the Commission on Audit and other existing accounting rules and regulations;
- b) Products, facilities, technologies and processes to enhance proper solid waste management;
- c) Research activities;
- d) Information, education, communication and monitoring activities;
- e) Capability-building activities.

Section 41. Criteria for Accessing the Fund - The Municipal Solid Waste Management Fund may be availed of based on the following criteria:

- a) The project or activity proposed to be funded shall be based on the municipal ISWM Plan;
- b) Only one (1) project per proponent shall be eligible for funding support;
- c) A proponent may avail of the Fund once in every three (3) years but not for the same project or activity.
- d) Proponents belonging to the private sector and civil society groups shall be accredited by the Municipal Solid Waste Management Board. The process for accreditation shall be defined by the Board.
- e) Project/activity types under the following categories may be considered:
 - 1. Solid waste management projects which catalyze investment from the private sector and/or other investors;
 - 2. Innovative solid waste management approaches
 - 3. Prototyping solid waste management models
- f) The process for the availment of funds is completed.

Section 42. Level of Funding - The level of funding for projects or activities proposed to be funded under the Municipal Solid Waste Management Fund shall be determined and set by the Municipal Solid Waste Management Board.

Section 43. Process for Availing the Fund - The Municipal Solid Waste Management Board shall promulgate the procedure or guidelines for availing the Municipal Solid Waste Management Fund. In the promulgation of such procedures or guidelines, the Board shall consider the general process for availing the local fund described in Appendix C of the Implementing Rules and Regulations of Republic Act No. 9003.

**ARTICLE XV
Special Provision**

Section 44. Issuance of Ecological Solid Waste Management Clearance. All commercial, industrial and institutional establishments and agricultural businesses shall secure an Ecological Solid Waste Management Clearance/Certificate which will be issued by the Municipal Environment and Natural Resources Office (**MENRO**) as a pre-requisite for the application of a Mayor's Permit or its renewal. The ESWM Clearance/Certificate will serve as a proof that the owner/manager has undergone orientation on ESWM conducted by the MENRO.

Section 45. Certification Fee. For the issuance of ESWM Clearance/Certificate, the applicant shall pay the amount of SEVENTY FIVE (P75.00) PESOS. Said amount shall be included as additional fee in the application/renewal of Mayor's permit and payable at the Office of the Municipal Treasurer.

**ARTICLE XVI
Environmental Fees**

Section 46. Imposition of Fees - There is hereby imposed an environmental fee for solid waste management services provided by the Municipality in accordance with the schedule contained hereunder. The fees collected shall form part of the Municipal Solid Waste Management Fund established under this ordinance.

Section 47. Coverage - The environmental fees imposed herein shall be collected from all sources of solid waste covered by the solid waste management collection services provided by the Municipality.

Section 48. Fees for Households - There shall impose a household fee/environmental fee for solid waste management services provided by the Municipality as follows:

Household	Amount
Single detached unit	P30.00
Multiple units/apartment style	P40.00
Other types of units such as condominiums	P70.00

Section 49. Fees for Industrial and Manufacturing Firms - Industrial and manufacturing firms shall pay an annual environmental fee of Ten Thousand Pesos (P10,000.00) for collection services provided by the Municipality as follows:

Section 50. Fees for Establishments/Institutions - Establishments/Institutions shall pay a monthly environmental fee for collection services provided by the municipality as follows:

Type of Institution/ Establishment	Amount		
	Small	Medium	Large
1. Agro-industrial & Industrial	100.00	150.00	250.00
2. Business /commercial	40.00	100.00	250.00

establishment (Food establishment, General stores Market stalls, Recreation centers & Service centers, Bus, Bus w/ terminal)			
3. Hospitals General Wastes	150.00	200.00	250.00
4. Hotels, Tourist Establishments, Lodging house, Resorts, Memorial Parks & Apartments	100.00	150.00	200.00
5. Clinics & Special Waste Generators (Gasoline and refilling stations, Funeral Parlors & Memorial homes)	80.00	100.00	120.00
6. Institutions (Banks, Pawnshops, Lending Agencies & Money Transfer Telephone & Communication, Churches & Chapels, Public & Private Schools)	60.00	80.00	100.00
7. Terminals	150.00	200.00	250.00
8. Port	500.00	650.00	800.00
9. Government/non-government offices	60.00	80.00	100.00

Section 51. Manner of Payment/Collection - The fees imposed herein shall be paid/collected as follows:

Sources of Wastes	Schedule of Payment
Households	Monthly
Institutions/Establishments/ Industries	Annually

Section 52. Collection of Environmental fees - For household residents, the Barangay Treasurer shall be responsible in the collection of ESWM fees/Environmental fees. Collection of ESWM fees/Environmental fees for institutions and establishments shall be incorporated in the payment of Real Property Tax, Business Permit and Licenses.

Section 54. Adjustment of Fees - The fees imposed herein shall be subject to a ten percent (10%) increase after three (3) years. Any subsequent increase or decrease shall be made through an appropriate ordinance enacted by the Sangguniang Bayan based on results of assessments or studies conducted for the purpose.

Section 54. Penalties - For late payments, a surcharge of five percent (5%) per month of delay shall be imposed.

ARTICLE XVII Tipping Fee

Section 55. Tipping Fee - A tipping fee shall be collected for wastes disposed at the SLF by institutions and establishments not covered by the LGU

collection services. The fee shall be based on the volume of waste disposed. The MENR Office shall determine guidelines for this purpose, taking into account the provisions of this Ordinance and RA 9003 and its implementing rules and regulations.

ARTICLE XVIII

Barangay Share in ESWM Fees/Environmental fees and Fines

Section 56. *Share in Environmental Fees* - Barangay LGUs undertaking collection of ESWM fees/Environmental fees for households within their jurisdiction shall be entitled to forty(40)(%) share of the fees collected. The fees shall be paid every 30th day of the month and a penalty of 5% shall be imposed for late payment.

Section 57. *Share in Environmental Fines* - Barangay LGUs are likewise entitled to twenty five percent (25%) share from the fines collected for violations committed within their territorial jurisdiction.

ARTICLE XIX

Prohibited Acts and Penalties

Section 58. *Prohibited Acts*. - In addition to the prohibitions contained in the above provisions, the following acts are likewise prohibited:

- a. Littering, throwing or dumping of garbage on the streets, rivers, seas, sidewalks, esteros, canals, parks, playgrounds and other public or private places other than the designated disposal facility;
- b. Non-segregation of solid waste at source;
- c. Unscheduled bringing out of waste;
- d. Unauthorized/improper dumping of solid waste at the disposal facility;
- e. Transport of solid waste without nets or covering materials on the collection vehicles;
- f. For public conveyances, non-allocation of separate receptacles for residual and biodegradable wastes;
- g. Open burning of solid waste; and
- h. Vandalism, destruction or defacement of SWM facilities/receptacles

Section 59. *Fines and Penalties*. - The following fines and penalties shall be imposed for violation of this Ordinance:

1. First Offense - P500.00 or 8 hours community service
2. Second Offense - P1,000.00 or 16 hours community service
3. Third Offense - P1,500.00 or 40 hours community service
4. Fourth Offense - Imprisonment of 1 month but not more than six months at the discretion of the court.

ARTICLE XX

Procedure

Section 60. *Violations of the Ordinance*. - The following procedure shall be observed in case of violation of this Ordinance:

1. Apprehension

2. Issuance of Citation Ticket
3. Payment of fine or render community service depending on prescribed penalty
4. Filing of case in court, if necessary

ARTICLE XXI

Enforcement Mechanisms

Section 61. *Enforcement.* - This Ordinance shall be enforced by the Philippine National Police (PNP) and deputized SWM enforcers. The deputized SWM enforcers shall consist of three groups, namely: a) regular enforcers, b) auxiliary enforcers, and c) volunteer enforcers.

Section 62. *Composition and Functions of Regular Enforcers* - The regular enforcers will consist of the SWM enforcement personnel from the PNP, MTO, MPDO, MEO, MHO, Mayor's Office, MAO and MENRO. Among the functions to be performed by the regular enforcers are the following:

1. Coordinate the actions and activities of the auxiliary enforcers and deputized volunteers;
2. Apprehend violators of SWM Ordinances and issue citation tickets;
3. Prepare and submit monthly reports to the MENRO; and
4. Perform other related functions as may be required.

Section 63. *Composition and Functions of Auxiliary Enforcers* - The auxiliary enforcers will consist of Barangay Officials and Barangay Tanods. They will be tasked to enforce specific SWM regulations in their areas of jurisdiction. The functions to be performed by the auxiliary enforcers are the following:

1. Apprehend violators of SWM ordinances within their areas of jurisdiction and issue citation tickets. The Head of the SWM Section of the MENRO shall prescribe the specific SWM Ordinances and/or regulations of the municipality that may be enforced by the auxiliary enforcers.
2. Immediately return the copy of issued citation tickets to the barangay captain in case violator opts to render community service and to the barangay treasurer in case violator chooses to pay.
3. Prepare and submit monthly reports to the MENRO.
4. Perform other related functions as may be required.

Section 64. *Volunteer Enforcers* - To supplement the regular and auxiliary enforcers, a corps of volunteer enforcers will be formed. Volunteers may be members of civil society organizations (POs, NGOs, youth groups, etc.), purok officials, and other concerned citizens. The MENRO shall prescribe the requirements or qualifications needed for volunteers and the criteria for selection. In determining such requirements or qualifications, the MENRO shall take into account, at the very least, the apprehending, recording and reporting responsibilities of deputized volunteers. In addition, it is also important to consider that in order to be effective, those in enforcement must be able to command some respect from other members of the community.

Section 65. *Functions of Deputized Volunteers.* - The functions of deputized volunteers are as follows:

1. Apprehend violators of SWM ordinances and issue citation tickets. The Head of the SWM Section shall prescribe the specific SWM Ordinances and/or regulations of the municipality that may be enforced by the deputized volunteers.
2. Immediately return the copies of issued citation tickets to the barangay captain/MENRO in case violator opts to render community service and to the barangay/municipal treasurer in case violator chooses to pay.
3. Prepare and submit monthly reports to the MENRO.
4. Perform other related functions as may be required.

Section 66. Recruitment. - To initiate the process of recruitment, the MENR Office will hold an LGU-wide information dissemination and orientation regarding the need for volunteers, their roles and responsibilities, and the criteria for selection. The MENR Office will then evaluate and screen the applicants. The results of the screening will be published or posted in strategic places. The criteria for the selection are as follows:

- A member of a civil society organization and duly recommended by the same.
- Meets all the qualification.
- The committee on enforcement will conduct an interview of recommendees to assess their willingness and commitment to participate in the program.
- Physical and mental fitness as determined by a government physician.

Section 67. Deputation. - The process of deputation will start with the training of regular enforcers, auxiliary enforcers and the selected volunteers. The MENR Office shall organize the training/s to be conducted and may seek the assistance or engage the services of qualified persons or organizations in developing the training module/s, training materials and evaluation criteria as well as in conducting the actual training/s. The training/s shall, at the minimum, cover the following topics:

1. Key Components of the municipal ISWM Plan;
2. ISWM Ordinances of the municipality;
3. Roles and functions of enforcers;
4. Legal Considerations in Making Apprehensions;
5. Procedure for apprehension and issuance of citation tickets;
6. Reporting requirements;
7. Values formation

Section 68. Evaluation of Volunteers. - Volunteers will be evaluated after the training and those who pass shall go through a probationary period of one (1) month as temporary enforcers. After the probationary period, they shall again be evaluated and those who pass shall be deputized by the Municipal Mayor. The deputation shall be effective for a period of one (1) year, after which, the deputized volunteers shall again be evaluated to determine their fitness to serve as such.

Section 69. Monitoring and Evaluation - Enforcement activities will undergo periodic monitoring and evaluation. Enforcers are expected to regularly report on their performance using pre-agreed performance indicators. The extent of compliance with ordinances and regulations will then be

determined from such reports and from regular “feedbacking” sessions among enforcers. The Municipality will also consult with various sectors to get their assessment and to identify with them areas for improvement.

Section 70. Strategy. - Enforcement activities on the first year of implementation of the municipal ISWM plan will be geared towards the inculcation of proper solid waste management. Enforcement activities will also strengthen the IEC campaign. Based on the experience gathered on the first year, a detailed enforcement plan for the succeeding years will be prepared by the MENRO.

After three months of intensive IEC, SWM regulations will be strictly implemented and fines and penalties will be fully imposed on violators. There will be regular inspection of establishments to make sure that solid wastes are properly segregated and stored, and that collection rules are followed. There will be random checking of vehicles to see if waste receptacles are provided. No business permit will be issued or renewed until establishment owners or their duly authorized representatives attend the required annual SWM seminar.

Section 71. Incentives and/or Rewards for Enforcers. - The Municipality shall give incentives and/or rewards to enforcers as follows:

- a) Regular and Auxiliary Enforcers
 1. For every apprehension, a cash award of twenty five percent (25%) of the penalty actually paid shall be given to the Regular or Auxiliary enforcer.
 2. For every 25 apprehensions, a Certificate of Recognition will be awarded by the Municipal Mayor to the Regular or Auxiliary Enforcer concerned.
- b) Deputized Volunteers
 1. For every apprehension, a cash award of twenty five percent (25%) of the penalty actually paid shall be given to the deputized volunteer.
 2. For every 25 apprehensions, a Certificate of Recognition will be awarded to the deputized volunteer by the Municipal Mayor.
 3. The top 10 deputized volunteers based on the number of apprehensions per annum will be given a Plaque of Commendation by the Municipal Mayor

ARTICLE XXII

Community Involvement

Section 72. Public Notification. - The Constituents of Baler shall be regularly informed of acts performed and activities undertaken in connection with the implementation of the ISWM Plan of Baler. For this purpose, notices of such acts and activities shall be posted regularly in a bulletin board at the entrance of the Municipal Hall, at the Office of MENRO, MPDC, MEO, in all barangay halls, at the public market and other public places. The MENRO Office, MPDO, MEO and Mayors Office supported by the municipal IEC Team shall be responsible for the posting of the above information.

Section 73. Public Participation. - The MENRO Office shall ensure that public participation is maximized in the implementation of the ISWM Plan of

Baler. For this purpose, the MENRO or the Ecological Solid Waste Management Board, as the case may be, shall conduct public consultations with concerned stakeholders on matters that would affect the latter in connection with the implementation of specific components of the municipal ISWM Plan. The results of such public consultations shall be taken into consideration prior to the actual implementation of the particular component of the municipal ISWM Plan.

ARTICLE XXIII
Appropriation

Section 74. Appropriation. - To effectively carry out the implementation of the Municipal ISWM Plan and the implementation and enforcement of this Ordinance, the sum of not less than P500,000.00 is hereby appropriated from the 20% Development Fund for the first year of its implementation. The budget for the subsequent years of implementation, which shall be based on the municipal ISWM Plan, shall be submitted by the MENR Office and shall be included in the Annual Municipal Budget Ordinance.

ARTICLE XXIV
Miscellaneous Provisions

Section 75. Separability Clause. - If for any reason or reasons, any portion or provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid, all other parts or provisions not affected shall thereby continue to remain in full force and effect.

Section 76. Repealing Clause. - All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 77. Effectivity. - This Ordinance shall take effect fifteen (15) days after a copy hereof is posted in a bulletin board at the entrance of the municipal hall and in at least two (2) other conspicuous places and after publication in a locally circulated newspaper.

Date Approved : 05 March, 2008
Introducer : SB MEMBER NENITA DS. GONZALES

I hereby certify to the correctness of the foregoing Ordinance which was duly adopted by the Sangguniang Bayan of Baler, Aurora during its regular session held on March 05, 2008.

GLORIOSO A. VILLAFRANCA
SB Secretary

Attested:

ZENAIDA S. QUERIJERO
Temporary Presiding Officer

Approved:

ARTURO J. ANGARA, DMD
Municipal Mayor