WHEREAS, the disposal of solid waste by most of the Local Government Units (LGUs) in the Philippines is mostly through open dumping, thus, causing environmental damages and adverse impacts on public health and the environment;

WHEREAS, there is impending garbage crisis being experienced by most LGUs due to, among others, lack of proper sites to dispose accumulated garbage, and serious health problems such as epidemics which might arise because of uncollected garbage;

WHEREAS, Republic Act 9003 mandated the Department of Environment and Natural Resources, the Department of the Interior and Local Government, and all other concerned government agencies and stakeholders, duties to adopt systematic, comprehensive and ecological solid waste management program;

WHEREAS, the time required in establishing Materials Recovery Facilities (MRFs) and in operating controlled disposal facilities and permanent sanitary landfills by LGUs or any private entity, is imperative;

WHEREAS, the Commission is tasked to provide appropriate guidelines and other forms of technical assistance in all aspects of waste management;

WHEREAS, issuances of appropriate guidelines/guidance documents by the Commission should be facilitated and expedited for all LGUs/other sectors undertaking ecological waste management programs nationwide.

RESOLVED AS IT IS HEREBY RESOLVED, that certain functions of the Commission Chairman be delegated to the DENR Regional Executive Directors (REDs) with the following provision to wit:

Section 1. Scope. This Resolution shall cover the delegation of certain functions of the Commission Chairman to the DENR-REDs such as the conduct of expeditious survey of existing open dumpsites and potential sites, issuance of Notice of
Violations, granting of approvals for the establishment of materials recovery facilities (MRFs) and interim operation of controlled dump facilities, and monitoring of compliances with the “Technical Guidelines in the Operation of Controlled Dumpsites and Sanitary Landfills” (RULE IV AND V, PART II, DAO 2001-34)

Section 2. Role of the DENR Regional Offices. To ensure the effective implementation of this Resolution, the DENR Regional Offices through and in coordination with Regional Offices of the Environmental Management Bureau and Mines and Geo-Sciences Bureau shall:

2.1 Conduct expeditious survey of existing open dumpsites through its PENRO and CENRO and prepare provincial and city/municipal solid waste management status reports;

2.2 Supervise and monitor the immediate phasing out of all existing open dumps within their respective areas in coordination with their counterparts in the Department of the Interior and Local Government, the Department of Health, various LGUs and other concerned entities;

2.3 Exercise visitorial and enforcement powers and regular monitoring to ensure strict compliance with the Act;

2.4 Issue Notice of Violation (NOV) after due consideration of the circumstances surrounding the violations as a result of survey, inspection and investigation conducted by authorized DENR officials;

2.5 Conduct site assessment for proposed controlled dump facilities and sanitary landfills and issue the corresponding clearances/approvals if found to have complied with the minimum requirements prescribed by the IRRs;

2.6 Recommend policies, rules and regulations that are realistic and implementable locally (i.e. establishment of MRFs);

2.7 Provide technical and other capability assistance and support to the LGUs in the planning and upgrading of existing open dumpsites to controlled dumpsites in accordance with the current engineering and environmental standards; and

2.8 Issue Notice to Proceed (NTP) to local government units and other private entities for the operationalization of MRFs and controlled dump facility with due consideration to the provisions of existing relevant laws and regulations.

Section 3. Role of the Local Government Units. The LGUs shall prepare and implement local waste management plans and formulate local regulations/resolutions to facilitate and support the closure and upgrading of existing open dumps. A Council Resolution shall be submitted to the Regional Executive Director confirming the LGU’s compliance with the pertinent siting, design criteria and standard and commitment to satisfy the public sensitivity requirement in hosting
an SWM facility such as the conduct of public consultation/hearings and resolution of any conflict that may arise.

**Section 4. Technical Guidelines for MRFs and Controlled Dump Facilities.**
The operation of such facilities should comply with the minimum standards/requirements prescribed by the IRRs of RA 9003.

Considering the minimal negative impact of an MRF, the establishment of such would not require the issuance of an Environmental Compliance Certificate (ECC). This exemption does not apply, however, to a facility with composting component having a daily capacity of more than 15 tons.

Likewise, due to its interim nature and considering that the conversion and upgrading of open dumpsites is considered part of an environmental enhancement activity, the operation of a controlled dump facility will not require an ECC as well. Conversion can be interpreted as allowing LGUs to implement closure plan on ill-sited open dumpsites and utilize a new site that is technically feasible.

**Section 5. Timeframe for the Implementation.** All LGUs are allowed to operate the controlled dumpsites within five (5) years upon the effectivity of the Act, considering that all dumpsites are required to be converted to controlled dumps within three (3) years and the operation of such shall be only for five (5) years.

HEHERSON T. ALVAREZ
Chairman

Attested by:

ALBERT A. MAQALANG
Executive Director
NSWMC-Secretariat