GRANTING AUTHORITY TO THE EMB DIRECTOR TO ISSUE NOTICE TO SUE TO NON-COMPLYING LGUs TO SECTION 37 OF RA 9003

WHEREAS, Republic Act (RA) 9003 also known as the Ecological Solid Waste Management Act of 2000, declares certain acts prohibited and provides penalties;

WHEREAS, Section 8 of RA 9003, provides that the DENR can exercise visitorial and enforcement powers to ensure strict compliance with the Act;

WHEREAS, Section 37 of RA 9003 and DENR Administrative Order No. 2001-34, provide that no open dumps and controlled disposal facilities shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, three (3) years and five (5) years respectively, after the effectivity of the Act;

WHEREAS, For almost ten years after the effectivity of the law, there are still a big number of LGUs that have not closed and rehabilitated their open and controlled disposal facilities;

WHEREAS, Resolution No. 17 Series of 2009, Resolution Adopting the 3-Strike Policy, was approved by the Commission;

WHEREAS, After giving notices and ample time to the LGUs to close and rehabilitate their open and controlled disposal facility, some LGUs disregarded the notices/letter;

WHEREAS, After the 3rd Strike or Final Notice, the non-complying LGUs shall then be issued a “Notice to Sue”.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, For and In Behalf of the National Solid Waste Management Commission (NSWMC), the Environmental Management Bureau (EMB) Director is hereby authorized to issue “Notice to Sue” to non-complying LGUs to Section 37 of Ra 9003.

APPROVED this 22nd day of October, 2010.

[Signature]
Secretary
Chairman, National Solid Waste Management Commission

ATTESTED BY:
[Signature]
Executive Director, NSWMCS

Waste No More! Waste No Time!