ADOPTION OF GUIDELINES PRESCRIBING DEADLINES ON THE SUBMISSION OF TEN YEAR SWM PLANS

WHEREAS, Republic Act No. 9003 (RA 9003), also known as the Ecological Solid Waste Management Act of 2000, provides for the adoption of a systematic, comprehensive and ecological solid waste management program;

WHEREAS, Section 16 of RA 9003 mandates the province, city or municipality, through its local solid waste management boards, to 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.

WHEREAS, Section 16 of RA 9003 provides that the 10 year SWM Plans shall be reviewed and updated every year by the provincial, city or municipal solid waste management board. All local government solid waste management plans shall be subject to the approval of the Commission.

WHEREAS, Section 17 of RA 9003 states that the 10 year solid waste management plan shall include, but will not be limited to, the following components: (a) City or Municipal Profile, (b) Waste characterization, (c) Collection and Transfer, (d) Processing, (e) Source reduction, (f) Recycling, (g) Composting, (h) Solid waste facility capacity and final disposal, (i) Education and public information, (j) Special waste, (k) Resource requirement and funding, (l) Privatization of solid waste management projects, and (m) Incentive programs.

WHEREAS, RA 9003 and its Implementing Rules and Regulations (DAO 2001-34) provides the following mandatory requirements with specific deadlines:

1. Section 20. Establishing Mandatory Solid Waste Diversion. - Each LGU plan shall include an implementation schedule which shows that within five (5) years after the effectivity of this Act the LGU shall divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling, and composting activities and other resource recovery activities. Provided, That the waste diversion goals shall be increased every three (3) years thereafter.

Provided, further, That nothing in this Section prohibits a local government unit from implementing re-use, recycling, and composting activities designed to exceed the goal.

2. 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 waste, 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 Section 41 of this Act. Provided, further, That no controlled dumps shall be allowed five (5) years following effectivity of this Act.

Further, NSWM C Resolution No. 5 Series of 2005 adopted the guidelines on the proper closure and rehabilitation of disposal facilities.

Waste No More! Waste No Time!
3. Rule VI. Creation Of Local Solid Waste Management Boards

Section 1. Creation of the Provincial Solid Waste Management Board. Local Solid Waste Management Boards shall be created and established in each of the concerned LGUs. At the provincial level, a Provincial Solid Waste Management (SWM) Board shall be established with the Governor as the Chair. Correspondingly, for cities and municipalities, a City/Municipality Solid Waste Management Board will be created. Within six (6) months upon effectivity of the Implementing Rules and Regulations all LGUs are mandated to already establish their respective Boards. The Department, in collaboration with DILG shall assist the LGUs in facilitating the setting up of the Boards.

4. Rule VII. Planning and Programming Policy for Solid Waste Management

Section 7. Establishing Mandatory Solid Waste Diversion
The Local Solid Waste Management Plans must include an implementable schedule which shows that within five (5) years after the effectivity of the Act, the LGU shall divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling and composting activities and other resource recovery activities. The baseline for the 25% shall be derived from the waste characterization results which each LGU are mandated to undertake. Subsequently the waste diversion goals shall be increased every three (3) years thereafter. There is no prohibition from implementing re-use, recycling and composting activities designed to exceed the 25% goal.

5. Rule XIII Operations Of Controlled Dumpsites

Section 1. Controlling the Operation of Open Dumpsites
No open dumpsites shall be established and operated by any person or entities, including the LGUs, will be allowed. Within three (3) years following the effectivity of the Act, all open dumpsites shall be converted to controlled dumpsites to operate only within five (5) years and beyond the said period shall consider these facilities as deemed closed and phased out. The Commission through the Department shall issue subsequent guidelines that will classify controlled dumpsites according to the following considerations:

a) Volume of wastes received;
b) Types and character of wastes received; and
c) Cost requirements for operating the facilities.


Section 2. Specific Prohibition Against the Use of Open Dumps for Solid Waste.
No open dumps shall be established and operated by any person, including LGUs, which constitutes the use of open dumps for solid waste, shall be allowed after the effectivity of the Act. Provided, that within three (3) years after the effectivity of the Act, every LGU shall convert its open dumps into controlled dumps; Provided, further, that no controlled dumps shall be allowed five (5) years following effectivity of the Act. In order to facilitate the Act's requirement that LGUs convert their open dumps into controlled dumps, the Commission, shall direct the Department in collaboration with DILG, to formulate a staged-compliance program. The staged compliance program shall consider but not be limited to respective LGU classification and abilities to immediately comply with Section 41 of the Act. It shall also establish its baseline from the inventory of all open dumpsites in the country, which must be completed not more than three (3) months following effectivity of these Rules and Regulations.

WHEREAS, there is a need to ensure the programs to be implemented by the LGUs are consistent with the National Solid Waste Management Framework and with the planning cycles embodied in the relevant provisions of other existing rules and regulations.
NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to adopt the Guidelines prescribing the deadlines on the submission of the LGUs’ 10 year solid waste management plans.

Section 1. Reorganization of the P/C/MSWM Board. In consideration with Section 1 of Rule VI of the Implementing Rules and Regulations, all provinces, cities and municipalities should have already created their solid waste management boards. Reorganization of the Boards should be made immediately after the proclamation of the newly elected local officials.

Section 2. Deadline on the Submission of the 10-year SWM Plans. Conditional approval has been provided to local government units who have submitted their respective 10-year SWM plans before July 31, 2013. An updated/revised plan should be submitted on or before February 28, 2014 to the respective Environmental Management Bureau Regional Office for review and endorsement to the NSWMCS for approval by the NSWMC.

Further, consistent with the Philippine Development Plan (2011-2016), all 10-year SWM plans of Municipalities, Cities and Provinces that have not yet been provided with conditional approval shall be updated and submitted to the respective Environmental Management Bureau Regional Offices for review and endorsement to the NSWMCS for approval by the NSWMC on or before December 2014. The review and evaluation process shall be consistent with the NSWMC Resolution No. 39.

Section 3. Administrative Sanctions. In consideration with the mandatory provisions of RA 9003 with prescribed timelines, and consistent with Section 50 of the RA 9003, local government officials who fail to comply with the deadlines of submission as specified above shall be charged administratively in accordance with R.A. 7160 and other existing laws, rules and regulations.

The DENR and, as may be necessary, other members of the Commission, shall issue their respective Administrative Order(s) or any appropriate issuance for the enforcement and dissemination of this Resolution.

This Resolution shall take effect upon approval.

Approved on this 13th day of December 2013.

ATTESTED BY:

CRISPAN N. LAO
Representative, Recycling Industry and
Vice Chairman, National Solid Waste Management Commission (NSWMC)