

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

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SENATE
S. No. 1197

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 16 provides:

The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

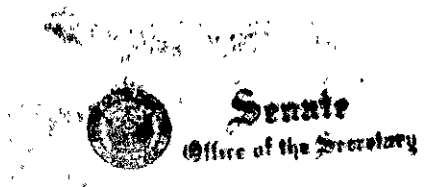
One of the major hazards of waste landfills would be leachate, the contaminated water generated from the garbage dumped on the landfills. The precipitation that falls into a landfill, coupled with any disposed liquid waste, results in the extraction of the water-soluble compounds and particulate matter of the waste, and the subsequent formation of leachate. The creation of leachate, sometimes deemed "garbage soup," presents a major threat to the current and future quality of groundwater.

The release of leachate to the groundwater may present several risks to human health and the environment. The release of hazardous and nonhazardous components of leachate may render an aquifer unusable for drinking-water purposes and other uses. Leachate impacts to groundwater may also present a danger to the environment and to aquatic species if the leachate-contaminated groundwater plume discharges to wetlands or streams.

This bill seeks to address leachate contamination of our water aquifers.*

[Signature]
MIRIAM DEFENSOR SANTIAGO
MS

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.



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1 AN ACT
2 TO PROTECT WATER AQUIFERS WITH REGARD TO
3 SOLID WASTE LANDFILLS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

4 SECTION 1. *Definition of Terms.* – As used in this Act, the following shall mean:

5 (A) “Solid Waste Landfill” means a disposal facility or part of a facility at which solid
6 waste is intentionally placed and at which such waste will remain after closure.

7 (B) “Aquifer” is an underground layer of water-bearing permeable rock or
8 unconsolidated materials (gravel, sand, silt, or clay) from which groundwater can be usefully
9 extracted using a water well.

10 SECTION 2. *Policy.* – The Department of Environment and Natural Resources, in
11 promulgating such rules and regulations applicable to solid waste landfills, shall minimize or
12 avoid any adverse environmental or public health impact on primary water supply aquifers, on
13 principal aquifers, within a public water supply stabilized cone of depression area, or within a
14 minimum distance of 100 feet to surface waters that are actively used as sources of a public
15 water supply.

16 SECTION 3. *Role of Cities and Municipalities.* –

17 (A) Cities and municipalities shall have the opportunity to submit comments or
18 objections concerning a proposed solid waste landfill that is to be located in their territory or
19 located adjacent to their territory. Cities and municipalities shall also have the opportunity to
20 submit comments or objections concerning any solid waste landfill permit renewal, modification,

1 or expansion for a solid waste landfill that is located in territory or adjacent to such territory. The
2 Department of Environment and Natural Resources shall consider such comments or objections
3 and specifically detail in its decision granting or denying such permit how the Department
4 addressed such comments or objections and mitigated or minimized the adverse environmental
5 or public health impacts articulated in such comments or objections; and

6 (B) The Department shall consider such comments or objections and deny any new
7 solid waste landfill permit or the expansion of any existing solid waste landfill that would result
8 in an over-concentration of solid waste landfills in a city or a municipality or in the area in
9 proximity to the site selected. In determining whether there would be an over-concentration of
10 solid waste landfills, the Department shall survey the nature and character of such city or
11 municipality and determine whether or not siting such solid waste landfill would significantly
12 adversely impact such city or municipality or the surrounding cities or municipalities. The
13 Department, in issuing or denying any solid waste landfill permit, shall explicitly address the
14 over-concentration issue; and

15 (C) The Department, in reviewing any solid waste landfill permit application, shall
16 consider all existing comprehensive city or municipal land use plans and zoning and subdivision
17 local laws and ordinances in evaluating and determining the size, location, or operation of such
18 solid waste landfill. The Department, in its decision, shall incorporate the underlying planning
19 and land use considerations embodied in such comprehensive city or municipal land use plans
20 and zoning and subdivision local laws and ordinances.

21 SECTION 4. *Prohibition.* - No permit for a solid waste landfill shall be (A) issued,
22 renewed, or modified; or (B) issued to authorize a lateral or vertical expansion of an existing
23 solid waste landfill, if such facility is located where it will have a significant adverse
24 environmental or public health impact on primary water supply aquifers, on principal aquifers,
25 within a public water supply stabilized cone of depression area, or within a minimum distance of
26 one hundred feet to surface waters that are actively used as sources of a public water supply.

1 SECTION 5. *Separability Clause.* – If any provision of this Act is declared
2 unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby
3 shall continue to be in full force and effect.

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5 SECTION 6. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or
6 parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or
7 modified accordingly.

8 SECTION 7. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
9 following its publication in at least two (2) newspapers of general circulation.

Approved,