

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

SENATE
S. No. 1574

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

According to Article II, Section 16 of the 1987 Constitution:

“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. *

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
MS

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

SENATE
S. No. 1574

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

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

6 SECTION 1. *Definition.* As used in this Act, the following shall mean:

7 A.) "Solid Waste Landfill" means a disposal facility or part of a facility at which solid
8 waste is intentionally placed and at which such waste will remain after closure.

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

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

18 SECTION 3. *Role of Municipality.*

19 1) A municipality shall have the opportunity to submit comments or objections
20 concerning a proposed solid waste landfill that is to be located in such municipality or located
21 adjacent to such municipality. A municipality shall also have the opportunity to submit
22 comments or objections concerning any solid waste landfill permit renewal, modification or
23 expansion for a solid waste landfill that is located in such municipality or adjacent to such

1 municipality. The Department of Environment and Natural Resources shall consider such
2 municipal comments or objections and specifically detail in its decision granting or denying such
3 permit how the Department addressed such comments or objections and mitigated or minimized
4 the adverse environmental or public health impacts articulated in such comments or objections;
5 and

6 2) The Department shall consider such municipal comments or objections and deny any
7 new solid waste landfill permit or the expansion of any existing solid waste landfill that would
8 result in an over-concentration of solid waste landfills in 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 municipality
11 and determine whether or not siting such solid waste landfill would significantly adversely
12 impact such municipality or the surrounding municipalities. The Department in issuing or
13 denying any solid waste landfill permit, shall explicitly address the over-concentration issue; and

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

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

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

4 SECTION 6. *Separability Clause.* – If, for any reason, any provision of this Act is
5 declared to be unconstitutional or invalid, the other sections or provisions hereof which are not
6 affected thereby shall continue to be in full force and effect.

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

9 Approved,