QUEZON CITY ENVIRONMENT CODE



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AN ORDINANCE PROVIDING FOR THE ENVIRONMENTAL PROTECTION AND WASTE MANAGEMENT CODE OF QUEZON CITY.

Background:



The protection and promotion of health, and the right to a clean environment of its constituency is the primary concern of the City. It is the policy of the City to promote the preservation, protection and revival of the ecosystem through prevention, control and abatement of air, water and land pollution and spread of hazardous wastes in the environment, hand-in-hand with the sustained development of the city.

There is a need to harmonize local environmental measures with national laws, consolidate and modify them and include additional provisions geared towards resolving issues affecting our city. Hence, the crafting of Quezon City Environmental Code (E-Code) is imperative.

The Hon. Herbert M. Bautista, City Mayor, issued Office Order No. 60, Series of 2014 Creating a Technical Working Group (TWG) to craft the Quezon City Environment Code (QC Environment Code) to be composed of the following:

Chairperson: Hon. Ma. Josefina G. Belmonte, Vice Mayor
Co-Chairperson: Ms. Frederika C. Rentoy, EPWMD Head

Members

Hon. Jesus Manuel C. Suntay, Majority Floor Leader
Hon. Gian Carlo G. Sotto, Environment Committee Chairperson
Dra. Antonietta V. Enumerable, City Health Officer
Engr. Isagani R. Versoza, Jr., Building Official



Engr. Zaldy A. Dela Rosa, PDAD Head

Upon its creation, the TWG and their authorized representatives immediately convened for the crafting of the QC E-Code primarily to address matters concerning the environment, to harmonize local measures with national laws, consolidate and modify them and include additional provisions in order to resolve issues affecting our City.



After series of meetings and the conduct of write shop, a comprehensive ordinance was crafted entitled "AN ORDINANCE PROVIDING FOR THE ENVIRONMENTAL PROTECTION AND WASTE MANAGEMENT CODE OF QUEZON CITY" and commonly referred to as "QC Environment Code".

The Office of the Vice Mayor initiated public consultations to gather support and educate the residents of Quezon City on the measure. This also aims to finalize the provisions and review its applicability to the residents.

The Public Consultations were held on the following dates and venues:

July 10, 2014 – 9am to 12nn – Marilag Auditorium
July 11, 2014 – 9am to 12nn – P. Bernardo Elementary School
July 18, 2014 – 9am to 12nn – NDC Bulwagan
July 24, 2014 – 9am to 12nn – Masambong Covered Court
July 25, 2014 – 9am to 12nn – Session Hall
July 31, 2014 – 9am to 12nn – Session Hall
August 1, 2014 – 9am to 12nn – Session Hall



The Public Consultations were facilitated by Atty. Ana Lea Uy, OVM Consultant on Environmental concerns and Atty. Francis Germar, LLSOV, OVM Legis Division. Participants include barangay officials, NGOs/POs, business sector and the general public. 1,180 attendees from various sectors actively shared their views and opinions during the deliberation and discussion of the proposed ordinance which aims to update, integrate and codify local environmental measures to ensure that they are in consonance and in keeping with modern standards of environmental laws, and provide a handy reference and guide for their implementation and enforcement.



Vice Mayor Joy Belmonte, who spearhead the crafting of the Environment Code, took part in the consultations along with the major sponsors of the measure, Councilor Gian Carlo G. Sotto and Councilor Jesus Manuel C. Suntay.

The Question Hour was done after the presentation of the Proposed QC Environment Code. The panellists include members of the Technical Working Group.

All comments, suggestions and position papers raised and submitted during the consultations were validated and included in the final version of the Environment Code which was passed by the City Council on Third and Final Reading on September 8, 2014.

Legislative Track

The Quezon City Environment Code was filed in the Sangguniang Panlungsod and was included in the Agenda on First Reading during the resumption of the 24th Regular Session on May 26, 2014. After consolidating all comments and suggestions, the final version of the Environment Code was passed on Third and Final Reading during the 39th Regular Session held on September 8, 2014.

38th Regular Session

ORDINANCE NO. SP-_____, S-2014

AN ORDINANCE PROVIDING FOR THE ENVIRONMENTAL PROTECTION AND WASTE MANAGEMENT CODE OF QUEZON CITY.

Introduced by Councilors GIAN CARLO G. SOTTO and JESUS MANUEL C. SUNTAY.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious HipolitoCastelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Marvin C. Rillo, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica CasteloDaza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, the protection and promotion of the health, and the right to a clean environment of its constituency is the primary concern of the City;

WHEREAS, it is the policy of the City to promote the preservation, protection and revival of the ecosystem through prevention, control and abatement of air, water and land pollution and spread of hazardous wastes in the environment, hand-in-hand with the sustained development of the City;

WHEREAS, the City Council being the legislative body of the City and as mandated by the Local Government Code of 1991, has enacted and approved ordinances, in addition to and in adoption of laws passed by the national government to protect the environment and impose appropriate penalties for acts which endanger the environment;

WHEREAS, there is a need to update, integrate and codify these environmental laws to ensure that they are in consonance and in keeping with modern standards of environmental laws, and provide a handy reference and guide for their implementation and enforcement;

WHEREAS, the Quezon City Environmental Protection and Waste Management Department was created through City Ordinance No. SP-982, S-2000 as amended, specifically to develop and directly administer the City's Comprehensive Environmental Protection Program, enforce environmental laws on cleanliness, solid waste management and other environmental concerns including air and water pollution control.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

CHAPTER I
GENERAL PROVISIONS

SECTION 1. TITLE – This Code shall be known as the Environmental Protection and Waste Management Code of Quezon City and shall be commonly referred to as the "QC Environment Code".

SECTION 2. STATEMENT OF VISION FOR THE ENVIRONMENT OF QUEZON CITY –Quezon City aims to build a quality community that is characterized by balanced and healthful ecology in accord with and harmony of nature. It is achieved by espousing sustainable development in establishing a lifestyle City that provides a consortium of conveniences for people living and/or working in this area.

SECTION 3. OPERATIVE PRINCIPLES – This code is based on the vision, mission, goals and objectives of the City to attain sustainable development based on the following principles:

a. The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

b. In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

c. Active participation of all residents to attain sustainable development.

d. The use of environment-friendly and appropriate technologies is a basic foundation for a healthy and progressive generation.

e. Climate Change is a reality and adaptation and mitigation to its impacts can be addressed by intensifying preparedness through access, availability and provision of accurate information and skills to the people of Quezon City.

f. The polluter shall bear the cost of pollution.

g. The State shall protect and promote the right to health of people and in still health.

SECTION 4. DEFINITION OF TERMS– As used in this Ordinance, the following terms shall be defined as:

AAPS – refers to the Ambient Air Pollution Section of the Pollution Control Division of the Department;

Air Pollution – refers to any alteration of the physical, chemical and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to

render the air resources of the City harmful, detrimental or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes.

Ambient Air Quality – refers to the general amount of pollution present in a broad area and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution;

Biodegradable – refers to any material that can be broken down by the action of micro-organism or enzymes.

BPLO – refers to the Business Permits and Licensing Office;

Bulky Waste – refers to waste material which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large, worn out or broken household, commercial, and industrial items such as, but not limited to, furniture, lamps, bookcases, filing cabinets, and other similar items;

CAA – refers to the Clean Air Act of 1999;

Cease and Desist Order – refers to the ex parte Order directing the discontinuance of the operation resulting in the emission or discharge of pollutants exceeding the emission standards or whenever such emission or discharge constitutes imminent threat to human, animal, or plant life, public health, or public safety. Non-compliance with an undertaking or agreement submitted to the concerned Department shall likewise be a ground for issuance of a CDO;

CEC – refers to Certificate of Emission Compliance issued by DOTC-LTO authorized and DTI-accredited PETC;

Cell – refers to a unit service area where a) solid wastes are generated in such volume and bulk as would require special services to collect, transport and dispose properly and b) the volume of wastes generated is equivalent to one truckload of solid wastes. Depending on the method of waste collection, location and proximity of waste generators and the nature of wastes generated, a cell is classified either as a Main Road Cell, a Single/Multiple Source Cell or a Barangay Cell.

City –refers to the Quezon City Government; Collection – refers to the act of removing solid wastes from source or from a communal storage point to be transported properly to the designated disposal site;

Collection Equipment –refers to the vehicle used in the gathering of stored waste set out for collection;

Collection Schedule –refers to the designated time given for the collection of waste in the route;

Commercial Waste – refers to organic and inorganic residues coming from commercial establishments such as Department stores, malls, hotels, restaurants, spas and the like;

Compost – refers to the decayed organic material for use as soil, conditioner or fertilizer;

Composting – refers to the controlled decomposition of organic matter such as food waste, garden waste, animal waste, human waste, by micro-organism such as bacteria and fungi into humus-like product;

Compression Ignition Engine – refers to an internal combustion engine in which atomized fuel temperature is raised through compression, resulting in ignition, e.g. diesel engines;

Concerned Department – refers to any or combination thereof or all of the following Departments, namely: Environmental Protection and Waste Management Department (EPWMD), Quezon City Health Department (QCHD), Department of Building Official (DBO), Parks Development and Administration Department (PDAD) and Business Permits and Licensing Office (BPLO);

Construction and Demolition Debris – refers to the solid wastes arising from the construction and demolition of structures such as earth mounds, dilapidated concretes, pieces of stones, rocks and wood, metal and plastic scraps;

DAO – refers to DENR Administrative Order;

DBO – refers to the Department of Building Official;

Decibel – refers to a measure of sound level and is equal to 10xthe logarithm of the square of a measured sound pressure level (SPL) divided by a reference sound pressure;

DENR – refers to the Department of Environment and Natural Resources;

Department – refers to the Environmental Protection and Waste Management Department (EPWMD) and such department or office that may be created thereafter.

Discharge – includes, but not limited to, the act of spilling, leaking, pumping, pouring, emitting, emptying, releasing, or dumping of any material into a body of water, or onto land, from which it might flow or drain into said body of water;

Disposal – refers to the discharge, deposit, dumping, spilling, leaking, or placing of any solid waste into or in any land;

Domestic Sewage – refers to wastewater composed of raw liquid and solid waste coming from residential and commercial uses, exclusive of industrial and hazardous waste;

Domestic Sludge – refers to solid particle of domestic sewage, which settles at the bottom of the sedimentation tank and is digested by anaerobic bacteria, purely from domestic sources, exclusive of industrial and hazardous waste;

Domestic Waste – refers to refuse from households which may be classified as biodegradable (compostable) and non-biodegradable (non-compostable);

DOTC – refers to the Department of Transportation and Communication;

DPOS – refers to the Quezon City Department of Public Order and Safety;

Dry or non-biodegradable garbage or waste – refers to post consumer materials which can be transformed into new product or to another usable material, or processes and used as a raw material in the manufacture of a recycled product;

DTI – refers to the Department of Trade and Industry;

Dumping – refers to any unauthorized or illegal disposal into any body of water or land, of wastes or toxic or hazardous material: Provided, that it does not mean the release of effluent coming from commercial, industrial, and domestic sources which are within the effluent standards;

Effluent – refers to the discharges from known source which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial, and recreational facilities;

Effluent Standard – refers to any legal restriction or limitation on quantities, rates, and/or concentrations or any combination thereof, of physical, chemical, or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land;

Emission – refers to any measurable air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere;

Enforcer – refers to a bona fide personnel duly authorized by the Head of the concerned Department to implement this Code;

Environmental Management – refers to the entire system which includes, but not limited to conservation, regulation and minimization of pollution, clean production, waste management, environment law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity, and environmental research;

EMB – refers to the Environmental Management Bureau;

EVR – refers to the Environmental Violation Receipt;

Fieldwork – refers to any work done outside of Office of the concerned Department by its duly authorized personnel for purposes of enforcement and implementation of the environmental laws, regulations and programs on environmental protection and waste management as provided in this Code;

Freshwater – refers to water containing less than 500 ppm dissolved common salt, sodium chloride, such as that in groundwater, river, pond and lakes;

Garbage collector/crew – any person tasked to pick up stored waste set out for collection;

Generation – refers to the act or process of producing solid waste;

Hazardous Waste – refers to solid waste or combination of solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. cause, or significantly contribute to an11 increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

2. pose a substantial present or potential hazard to human health and the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;

Healthcare or Medical Waste – refers to biomedical waste such as pathological waste, viz. human tissues, organs, body parts, blood or its components and body fluids, infectious waste such as used cotton, gauze, diapers/napkins, catheters, disposable infected sheets and the like which were used in isolation areas, operating rooms, delivery rooms, emergency rooms and laboratory, sharps such as used needles, syringes, scalpels, broken ampoules/vials and expired or spoiled medicines in any form or packaging;

Health Department – refers to the Quezon City Health Department;

Industrial Waste – refers to any solid, semisolid, or liquid waste material with no commercial value released by a manufacturing or processing plant other than excluded material;

In-use Vehicle – refers to a motor vehicle duly registered with the Land Transportation Office (LTO) plying the routes in Quezon City;

Junkshop – refers to any establishment or business area in which "recyclable" is stored;

Litter – refers to small pieces of waste or refuse such as candy wrappers, cigarette butts, tissue papers, fruit and vegetable peelings, and the like;

Littering – refers to an act of throwing or scattering small pieces of waste or refuse such as cigarette butts, candy wrappers, fruit and vegetable peelings, and the like;

LTO – refers to the Land Transportation Office;

Mature trees – refers to trees that have reached a size of seven (7) feet;

Medical Waste – refers to any solid waste that is generated in a diagnosis, treatment or immunization of human beings or animals in re-

search pertaining thereto, or in the production or testing of biological;

Mopping-Up Operation – refers to the follow-up collection of garbage along main roads and other streets as may be deemed necessary or required by the City even after the designated collection schedules have been carried out;

Motorcycle – refers to any two-wheeled motor vehicle with at least one headlight, taillight and stoplight and one or more saddle seats. For purposes of these rules, motorcycles shall include motorcycle with attached cars also known as "tricycles";

Motor Vehicle – refers to any vehicle propelled by a gasoline engine or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transportation of goods in a public highway or street open to public use;

Motor Vehicle Registration (MVR) – refers to the official recording of motor vehicle by the Land Transportation Office (LTO) subject to the conformance of the vehicle to the safety and emission standards provided under Section 21 of Republic Act No. 8749 or the Clean Air Act, including the pre-evaluation of the documents/requirements pursuant to Section 5 of Republic Act No. 4136 as amended, otherwise known as the Land Transportation Code;

Municipal Solid Waste – refers to waste produced from activities within local government units which include a combination of domestic, commercial, institutional, and industrial wastes and street litters;

Native Trees – refers to trees which are endemic and/or indigenous in the area;

Noise – refers to an erratic, intermittent, or statically random oscillation or any unwanted sound;

Noise Nuisance– refers to the emission of loud, excessive, disturbing, unhealthy sound amplification beyond human tolerance emanating from sound amplification devices or equipment and/or other sources of sound such as, but not limited to commercial, industrial and construction activities, vehicle exhaust, mufflers; animal noise; and noise produced by human beings such as loud conversation and laughter, and found to exceed the normal allowable decibel ratio;

Non-Biodegradable – refers to non-organic material that cannot be broken down easily by natural processes;

Nuisance – refers to anything that injures health, endangers life, offends the senses, or produces discomfort to the community;

Opacity – refers to the amount of light obscured by particle pollution in the atmosphere;

Open Public Places – refers to roads, streets, sidewalks, easements, parks, other open spaces, bridges, alleys, overpasses, rivers, creeks, canals, drainage, esteros, waterways, and other bodies of water and outlets;

Operator – refers to a person or entity that manages a transport business but not necessarily a vehicle owner;

OR/CR – refers to the motor vehicle registration's Official Receipt and Certificate of Registration issued by the LTO;

OVR – refers to the Ordinance Violation Receipt issued to motor vehicles violating the smoke emission standards set under this Code;

Package Clean-Up System – refers to the solid waste collection, cleaning and disposal system wherein Contractors are conferred the full responsibility managing/administering and directly implementing the solid waste collection, cleaning and disposal services for the City Government;

Particulate Matter – refers to any material other than uncombined water which exists in a finely divided form as a solid or liquid;

PD 825 – refers to Presidential Decree No. 825 providing penalty for improper disposal of garbage and other form of uncleanliness;

PD 953 – refers to Presidential Decree No. 953 requiring the planting of trees in certain places and penalizing unauthorized cutting, destruction, damaging and injuring of certain trees, plants and vegetation;

PD 1096 – refers to the National Building Code;

PDAD – refers to the Parks Development and Administration Department;

PETC – refers to Private Emission Testing Center authorized by the DOTC-LTO and accredited by the DTI;

Poisonous/Toxic Fumes – refers to any emission and fumes which do not conform to internationally accepted standards, including but not limited to,

World Health Organization (WHO)-guideline values;

Pollutant – refers to any substance, whether solid, liquid, gaseous, or radioactive, which directly or indirectly:

1. alters the quality of any segment of the receiving body of water so as to affect or tend to affect adversely any beneficial use thereof;
2. is hazardous or potentially hazardous to health;
3. imparts objectionable odor, temperature change, or physical, chemical, biological change to any segment of the body of water, or;
4. is in excess of the allowable limit or concentrations or quality standards, specified, or in contravention of the condition, limitation, or restriction prescribed under RA No. 9275;

Post Consumer Materials – refers only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing such as mill scrap;

Public Conveyances – refer to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles, and similar vehicles;

Public Places – refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like where people generally come and go;

Quezon City Environmental Clearance (QCEC) – refers to a clearance issued by the Department which shall be valid from the date of issuance until December of the same year and shall be a prerequisite in the issuance of a Business Permit. For purposes of this Code, the term "Environmental"
Clearance shall also be construed as QCEC as defined herein;

RA 6969 – refers to the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990;

RA 8495 – refers to the Philippines Mechanical Engineering Act of 1998;

RA 8749 – refers to the Philippine Clean Air Act of 1999;

RA 9003 – refers to the Ecological Solid Waste Management Act of 2000;

RA 9147 – refers to the Wildlife Resources Conservation and

Protection Act;

RA 9275 – refers to the Philippine Clean Water Act of 2004;

Recyclable – refers to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans or other materials as maybe determined by the National Solid Waste Management Commission.

Recycler – refers to any person, firm, association, partnership or corporation who buys or otherwise acquires "recyclable" for commercial purposes within the territorial jurisdiction of Quezon City;

Recycling – refers to any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw material for the production of other goods or services;

Reuse – refers to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics;

Reference Mass or Weight – refers to the mass or weight of the vehicle in running order with a full fuel tank and including the set of tools and spare wheel, plus 100 kilograms but does not include the weight of the passengers and driver;

Sanitary Permit – refers to a certificate in writing issued by the Quezon City Health Department which shall be a pre-requisite in the issuance of a Business Permit;

Scavenging– the act of opening stored waste set out for collection and disposal to retrieve recyclable or reusable materials;

Scum – refers to part of sewage that floats;

Segregation – refers to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;

Segregation at Source – refers to a solid waste management practice, at the point of origin, where different materials found in solid waste are segregated in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;

Septage – refers to the combination of scum, sludge, and liquid from household septic tanks;

Septic Tank – refers to a water-tight receptacle which receives the discharge of the plumbing system or part thereof, and is designed to accomplish the sedimentation and digestion of the organic matter in the sewage within the period of detention/retention;

Sewage – refers to water-borne human or animal wastes, excluding oil or oil wastes removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water, and storm water as maybe present including such waste from vessel, offshore structures, other receptacles intended to receive or retain, wastes, or other places, or the combination thereof;

Sewerage – refers to any system or network of pipelines, ditches, channels, or conduits, including pumping stations, liftstations, and force mains, service connections, including other constructions, devices, and appliances appurtenant thereto, which involves the collection, transport, pumping and treatment of sewage to a point of disposal;

Sludge – refers to any solid, semi-solid, or liquid waste or residue generated from a wastewater treatment plant, water supply treatment plant, or water-control pollution facility, or any other such waste having similar characteristics and effects;

Smoke Opacity Meter (or Opacimeter) – refers to an instrument which determines the smoke opacity in exhaust gases emitted by the engine system;

Smoking –refers to the inhalation of the smoke of a burning tobacco encased in cigarettes, pipes and cigar. This includes any electronic device manufactured as e-cigarettes, e-cigars, e-pipes or any other product name.

Solid Waste – shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous/non-toxic solid waste.

Ecological Solid Waste Management – refers to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment.

Sound – refers to an oscillation in pressure, stress particle displacement, particle velocity in medium whose internal forces, e.g., elastic, viscous, of the superposition of such propagated oscillation which evokes an auditory sensation;

Spark-Ignition Engine – refers to an internal combustion engine in which the air/fuel mixture is ignited by spark plug, e.g. a gasoline engine;

Special Waste – refers to household hazardous wastes such as paints, thinners, household batteries, fluorescent lamps, lead-acid batteries, spray canisters and the like. These include waste from residential and commercial sources that comprise bulky wastes including construction and demolition debris, consumer electronics, white goods, yard wastes, oil, and used tires. These wastes are usually handled and collected separately from other residential and commercial waste;

Stationary Source – refers to any building or fixed structure, facility or installation that emits or may emit any air pollutant;

STP – refers to sewage treatment plant;

Type Approval – refers to the official ratification of the compliance of a vehicle type with applicable national or international regulations;

Unnecessary Noise – refers to any excessive or unusually loud sound, or any sound which either annoys, disturbs, injures, endangers the comfort, repose, health, peace or safety of a person or which causes injury to plant or animal life or damage to property or business;

Wastewater – refers to waste in liquid state containing pollutants;

Wastewater Treatment – refers to any method, technique, or process designed to alter the physical, chemical, or biological character or composition of any waste or wastewater to reduce or prevent pollution;

Water Body – refers to both natural and manmade bodies of fresh, brackish, and saline waters, and includes, but not limited to, aquifers, groundwater, springs, creeks, streams, rivers, ponds, lagoons, water reservoirs, lakes, bays, estuarine, coastal and marine waters. Water bodies do not refer to those constructed, developed and used purposely as water treatment facilities and/or water storage for recycling and reuse, which are integral to the process industry or manufacturing;

Water Pollution – refers to any alteration of the physical, chemical or biological or radiological properties of a water body resulting in the impairment of its purity or quality;

Wet or Biodegradable Garbage or Waste – refers to post consumer material which should undergo decomposition and/or can be transformed into some other forms of raw material of beneficial use such as soil fertilizer;

WWTF – refers to wastewater treatment facility;

Yard Waste – refers to wood, small, or chipped branches, leaves, grass clippings, garden debris, vegetable residue that is recognizable as part of a plant or vegetable.

SECTION 5. GENERAL RULES ON STATUTORY CONSTRUCTION–In construing any provision of this Code, the following rules of construction shall be observed unless inconsistent with the manifest intent of the said provisions.

a. Words and Phrases– Words and phrases shall be construed and understood according to their common and approved usages. Words and phrases which may require a technical, peculiar and appropriate meaning under this Code shall be construed and understood according to such technical, peculiar or appropriate meaning.

b. Gender and Number –Every word in the Code importing the masculine gender shall extend and apply to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well. Every word importing the plural number shall extend and apply to one person or thing as well.

c. Computation of Time – The time within an act is to be done as provided in this Code in any rule or regulation issued pursuant thereto, when expressed in days, shall be computed by excluding the first day and including the last day.

d. Interpretation of Conflicting Provisions –If the provisions of this Code conflict with each other, the Section which affords greater protection to the environment shall prevail.

e. Interpretation in Favor of Environmental Protection–All doubts in the implementation and interpretation of the provisions of this Code including its implementing rules and regulations shall be resolved in favor of environmental protection.

CHAPTER II
THE ENVIRONMENTAL PROTECTION AND WASTE MANAGEMENT DEPARTMENT (DEPARTMENT)

SECTION 1. EPWMD – The Environmental Protection and Waste Management Department, hereinafter known as "Department" for brevity, is mandated to develop and implement Quezon City's Comprehensive Environmental Protection Program as provided in the QC Environment Code.

SECTION 2. RESPONSIBILITIES OF THE DEPARTMENT– The Department shall develop and directly administer a Comprehensive Environmental Protection Program, which shall specifically cover a garbage collection system and pollution control. It shall:

a. Maintain and operate a garbage collection and disposal system which conforms to the requirements of RA 8749, RA 9003 and RA 9275.

b. Enforce all laws, regulations and policies pertaining to environmental management and pollution control.

c. Institute a standard monitoring system in the delivery of garbage collection services in the City.

d. Formulate civic consciousness programs geared towards environmental sanitation (e.g. cleanliness, proper waste disposal and waste recycling to be implemented in coordination with the barangays and Non-government Organizations (NGOs).

e. Establish linkages and coordinate with proper offices of the City Government and other national and local government agencies for the promotion of environmental management programs and projects in Quezon City.

f. Maintain and operate a comprehensive pollution control program to include anti-smoke belching and industrial pollution

control.

g. Undertake continuing studies and researches on environmental management with the end in view of adopting modern concepts and technologies that may be adopted by the City in the light of existing conditions and regulations.

h. Implementing and supervision of the segregation at source, segregated collection, composting.

i. Achievement of Waste Diversion goal of the City.

j. Enforcement of the fines and penalties and incentives.

k. Monitoring and reporting system to collate data or records of penalized residents, commercial, industrial, etc.

SECTION 3. ORGANIZATIONAL STRUCTURE– The Department shall be composed of four divisions with the following specific duties, functions and responsibilities:

A. ADMINISTRATIVE DIVISION

1. Provide an efficient and economic service relative to personnel supplies and mobility requirements.

2. Take charge of recruitment and screening of applicants and facilitate final interviews, placements and orientations of the same.

3. Coordinate with the Personnel Department with regard to personnel recruitment and hiring, preparation of appointment papers, personnel action welfare, training personnel movements and organization developments.

4. Prepare and submit annual requirement programs to the procurement office and coordinate with the latter on the implementation of the program.

5. Coordinate with the City General Services Department (CGSD) for the allocation of supplies on stock, janitorial and mobility requirement functions of the office.

6. Take charge of the record management function of the office.

7. Coordinate with the Central Records Office regarding record retention and disposal, routing and messengerial requirements and records preservation.

8. Prepare the budget of the office.

9. Coordinate with the City Budget Department for the Processing and Approval of the Department's budget.

10. Perform such other related functions as may be assigned.

B. ECOLOGICAL SOLID WASTE MANAGEMENT DIVISION

1. Implement and supervise garbage collection, transport and disposal in the City.

2. Control, supervise and develop garbage collection, transport and disposal operations including its personnel, equipment for collection and facilities for disposal.

3. Execute policies, laws, rules, regulations and ordinance relative to solid waste management.

4. Establish and maintain a monitoring system that will ensure the proper implementation of the garbage collection and disposal in the City.

5. Implement systems and new technologies on garbage collec-

tion and disposal.

6. Implement a reporting system to consolidate and collate data related to garbage collection and disposal to be used as basis for evaluation and assessment of day to day operations.

7. Conduct special cleaning operations to complement the regular garbage collection such as street sweeping and riverways cleaning.

8. Conduct Information, Education and Communication Campaign on proper solid waste management.

9. Perform such other related functions as may be assigned.

C. POLLUTION CONTROL DIVISION

1. Implement and enforce laws, rules, regulations and ordinances on the prevention, control and abatement of air, water and noise pollution in order to protect the health and welfare of the people.

2. Implement and enforce laws, rules, regulations, and ordinances on industrial pollution in order to ensure that all industries located in Quezon City are within the standards set forth by national regulatory agencies.

3. Issue Environmental Clearance to business establishments who have complied with pollution standards.

4. Establish linkages and coordinate with other agencies relative to the implementation of pollution control program.

5. Conduct Information, Education and Communication Campaign on the prevention, control and abatement of pollution.

6. Perform such other related functions as may be assigned.

D. PLANS AND PROGRAMS DEVELOPMENT DIVISION

1. Conduct researches and feasibility studies regarding an effective and efficient environmental management system.

2. Develop, undertake and manage on a pilot basis projects found to be feasible with the objective of replicating the same in all barangays in Quezon City.

3. Take full responsibility in monitoring units of the Department with the end in view of assessing and evaluating accomplishments relative to programmed targets and outputs.

4. Shall be responsible in the preparation, planning system study and operational analyses of all systems and procedures.

5. Shall be responsible for the collection and analysis of data and information related to environmental management with the end in view of establishing a data bank for Quezon City.

6. Implement environment-related projects in selected pilot areas in Quezon City.

7. Conduct Information, Education and Communication Campaign on environmental management.

8. Develop alternative system or technology on environmental management.

9. Prepare accomplishment report of the office.

10. Perform such other related functions as may be assigned.

SECTION 4. AUTHORITY OF THE HEAD OF EPWMD

a. The Head of the Department shall have the authority, duties, and responsibilities to implement any or all part of the provision of

this Code.

b. The Head of the Department shall have the power to delegate such authority, duties, and responsibilities to any bonafide employee or any authorized representative of the Department; Provided, That the delegation of authority is subject to issuance of Mission Order, Office Order, or similar order of assignment.

c. In the interest of public safety and health, the Head of the Department can issue a Cease and Desist Order (CDO) for the pollution source as may be deemed necessary.

SECTION5. AUTHORITY OF THE DEPARTMENT PERSONNEL – Upon the authority of the Head of Department, personnel of Department conducting fieldwork such as, but not limited to, District Officers, Environmental Enforcers, Environment Police, Industrial Inspectors, Project Development Officers, Project Coordinators, Monitors, and AAPS personnel shall administer environmental functions in areas under their jurisdiction and assignment, and enforce the provisions of this Code and the rules and regulations promulgated by the Head of Department under this Code.

SECTION 6.REFUSAL OF ENTRY AND INTERFERENCE – It shall be unlawful for any person to refuse entry and to resist or interfere with the conduct of inspection of any authorized representative of the Department, who shall, after properly announcing the purpose of his visit through the presentation of the mission order, have the authority to enter, inspect, investigate, verify, monitor, or take pictures at any time during operating hours, any building or premises, or part thereof that may contain noxious or foul odor, liquid and/or chemical pollutants, solid waste and such other pollutants, hazardous and ozone-depleting substances, or any other pollutants, or noise pollutants coming from business establishments operating as videoke and karaoke bars, disco houses, live bands and/ or similar establishment, and other sources and/or potential sources of pollution or emission.

Any person, who violates the provisions of this section, shall be issued an Environmental Violation Receipt (EVR) by the duly-authorized

Department personnel and informing them of the nature of infringement committed with corresponding administrative fines to be paid. If the violator is a corporation or other corporate entities, the President, Manager, or person directly responsible for its operation shall be held liable.

Imposable Administrative Fines:

1. First Offense – An Administrative Fine of Two Thousand Five Hundred Pesos (P2,500.00) and Issuance of Written Warning (EVR).
2. Second Offense – An Administrative Fine of Three Thousand Pesos (P3,000.00) and recommendation for the issuance of a Cease and Desist Order to the BPLO.
3. Third Offense – An Administrative Fine of Four Thousand Pesos(P4,000.00) and warning for issuance of Closure Order.
4. Fourth Offense – An Administrative Fine of Five Thousand-Pesos(P5,000.00) and recommendation for the issuance of Closure Order to the BPLO.

SECTION 7. FALSE REPRESENTATION – It shall be unlawful for any person to impersonate or falsely represent to any officer, employee, or authorized representative of the Department, or wear without authority any uniform, badge, or insignia adopted by the Department, or who shall deface, change or alter, falsify, remove, or destroy any notice, poster, or making placed in or on any building, premises, or part thereof, or any person in charge of any building, premises, or place, or part thereof, who shall knowingly permit or allow the same to be done.

Any person found violating this section shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos(P3,000.00) or not more than Five Thousand Pesos(P5,000.00) or imprisonment of one (1) day but not more than seven (7) days, or both, at the discretion of the Court. In cases of false representation and usurpation of authority, the

offender shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) or an imprisonment of six (6) months and one (1) day in its minimum period, but not exceeding one (1) year of imprisonment, or both, at the discretion of the Court.

CHAPTER III
BIODIVERSITY MANAGEMENT

SECTION 1. UNAUTHORIZED CUTTING OF TREES – It shall be unlawful to cut or uproot matured trees along roads, highways, parks, riverways and other declared public and private places. Removal of trees can be done through earth balling or cutting. When establishing infrastructure projects, removal of trees shall be considered the last option. However, there are conditions when removal or cutting of trees may be allowed based on the following;

a. Any over-mature, diseased or defective tree posing hazards to lives and properties.

b. Any tree or other vegetation in public and private places unavoidably affected by infrastructure projects, such as road widening, bridges, building construction, government projects, such as road expansion and widening, are on-going, or when such trees pose imminent danger to the general public, and shall be covered by a valid clearance from the PDAD, duly approved by the Head.

c. Any tree and other vegetation may be allowed to be cut if earth-balling of such tree and other vegetation is impractical as assessed by PDAD. Before earth-balling of tree/s there shall be a suitable and available site for the transplanting of earth-balled trees or vegetations so as to guarantee its continuous growth and survival. Earth-balled trees shall be protected and taken care of for a period of at least a year. For every transplanted tree that did not survive after six (6) months, it shall be replaced with sapling of indigenous tree.

d. If there shall be cutting/balling of trees, a Permit to Cut Clearance shall be secured from PDAD. The requesting party shall provide the following requirements: Letter request; Photos of trees to be removed; and Sketch map showing the location of the tree/s to be removed.

DIAMETER CLASSES OF TREE/S TO BE REMOVED	REQUIRED NO. OF SAPLING REPLACEMENTS PER TREE TO BE REMOVED
Less than 3 cm	10 pcs.
3-9 cm	20 pcs
10-19 cm	30 pcs
20-29 cm	40 pcs
30 cm and above	50 pcs

At least 1 meter tall (Sapling)

SECTION 2. TREE-PLANTING – As part of the City's Greening Program towards a healthful, biodiversified, cleaner and greener environment, all individuals, Non-Government Organizations (NGOs), other institutions/organizations, public and private sector, are encouraged to plant, protect and maintain trees and other vegetation within their respective areas of jurisdiction. Adaptable and suitable species of native/indigenous trees, fruit bearing trees and ornamental plants, or shrubs shall be planted along open spaces, parks, creeksides/riverbanks, as approved and determined by PDAD.

The following shall plant trees in accordance with the provisions of PD No. 953:

a. Every person who owns land adjoining an existing river or creek, shall plant trees extending at least five meters on his land adjoining the edge of the bank of the river or creek

b. Every owner of an existing subdivision shall plant trees in the open spaces required to be reserved for the common use and enjoyment of the owners of the lots therein as well as along the roads and service streets.

Only small trees shall be planted on road sides and front yards to avoid the electrical wirings. Big trees and fruit-bearing trees shall be planted at bigger open spaces or inner part of the residential properties to avoid untoward accidents.

SECTION 3. The planting of native and fruit-bearing native trees of economic value shall be the center of activities during the celebration of "Arbor Week" in Quezon City on June 25 of every year particularly along the main thoroughfares, open spaces, parks and playgrounds within the territorial jurisdiction of Quezon City as identified by PDAD.

SECTION 4. QUEZON CITY PEOPLE'S SEEDLINGS BANK – PDAD shall provide a space at Quezon Memorial Circle or at any government owned lot or facility to serve as the depositary of all donated fruit bearing tree and not fruit bearing tree seedlings with commercial value. These plants shall be exclusively used to supply the need of the City for tree plantings, greening of roadsides, waterways bank rehabilitations, potential creek linear parks and mini park developments. Plants in the said seedling bank shall be available subject to the request by any QC Barangay, organization/entity.

SECTION 5. At the Barangay level, all Barangay Officials and school authorities including officers and members of Parents and Teachers Association (PTA) in coordination with PDAD shall be the prime movers in pursuing the objective of celebration by implementing tree planting projects and giving instructions and guidance to school children-participants, and infusing in their minds the significance and importance of planting trees to one's environment.

SECTION 6. PROHIBITION ON CUTTING OF TREES –To preserve and enhance the growth of trees already existing and/or planted in accordance with two preceding Sections, the cutting of trees and its branches shall be prohibited unless otherwise authorized to do so. The authority contemplated herein shall be that issued by PDAD upon written requests of the interested person for laudable reasons, except when public safety and order is affected.

SECTION 7. PENALTIES–(a) Any person who violates Sections 1 and 6 hereof (Cutting/Balling Trees) shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos (P3,000.00) nor more than Five Thousand Pesos (P5,000.00) confiscation of the cut trees, cutting equipment and tools, or with imprisonment of not less than six (6) months nor more than one (1) year or both, at the discretion of the Court. (b) Those found guilty under paragraph (a) of this section shall likewise be required to grow a tree, ten times the number of trees cut in a place determined by PDAD.

SECTION 8. ENDANGERED AND EXOTIC SPECIES – It shall be unlawful to sell endangered and exotic species in malls or any establishments as pets. In the same manner, it shall likewise be unlawful to sell such endangered exotic species in restaurants as food. Such practice of selling shall only be allowed for specific breeding or propagation purposes in accordance with Section 6 of Republic Act No. 9147. Provided, That, only accredited individuals, business, research, educational, or scientific entities shall be allowed to collect or sell such species upon the approval of the Head. The duly-deputized personnel of the Department shall be mandated to conduct inspection of restaurants, malls and similar establishments suspected of selling endangered and exotic species.

SECTION 9. IMPOUNDING OF SEIZED SPECIES– Any endangered or exotic species seized by the authorized Department personnel shall be turned over to the Biodiversity Management Bureau (BMB) of the DENR for animal custody and confinement.

SECTION 10. FINES AND PENALTIES FOR VIOLATION OF SECTION 8 – Any person who violates Section 8 of this Chapter shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos (P3,000.00) nor more than Five Thousand Pesos (P5,000.00) confiscation of the prohibited endangered and exotic species, or with imprisonment of not less than six (6) months, or both, at the discretion of the Court.

CHAPTER IV
SOLID WASTE MANAGEMENT

SECTION 1. THE DEPARTMENT SHALL UNDERTAKE, ON A CITY-WIDE SCALE, THE FOLLOWING:

a. Efficient door-to-door collection and transport of solid wastes from various sources by providing separate collection schedules and separate dump trucks for biodegradable and non-biodegradable wastes following specific routes and using standardized collection trucks and equipment.

b. Disposal of collected solid wastes into the Quezon City designated disposal facility.

c. Conduct of street sweeping along the City's main thoroughfares and other litter-prone areas not covered by the MMDA streetsweepers.

d. Conduct of Information, Education and Communication (IEC) campaign on proper solid waste management.

e. Monitoring of garbage collection operations for evaluation and further improvement of the current system.

f. Enforcement of laws and ordinances on solid waste management.

SECTION 2. MANDATING ALL HOUSEHOLDS, COMMERCIAL AND BUSINESS ESTABLISHMENTS, INDUSTRIES AND INSTITUTIONS TO MAINTAIN THE CLEANLINESS OF THEIR PREMISES AT ALL TIMES– The household owners, lessee, managers, operators and head of the commercial establishments, industries and institutions shall be primarily responsible in maintaining the cleanliness of the areas within their premises including the sidewalk, canal, and half of the road.

Any violation of this provision shall be punishable as follows:

1. First Offense – One Thousand Pesos (P1,000.00)
2. Second Offense –Three Thousand Pesos (P3,000.00)
3. Third Offense –Five Thousand Pesos (P5,000.00)

SECTION 3. MANDATING ALL OWNERS OR DEVELOPERS OF VACANT AND/OR IDLE LOTS TO MAINTAIN ITS CLEANLINESS AT ALL TIMES.

a. The owners or developers of the vacant and/or idle lots shall be primarily responsible in maintaining its cleanliness.

b. The owners or developers of the vacant and/or idle lots shall be primarily responsible in securing the lot from being a garbage dumping area.

c. In the event that the owners or developers of the vacant and/or idle lots failed to comply with this provision, the City Government shall undertake the necessary cleaning operations at the expense of the owners or developers of the vacant and/or idle lots.

d. The City Government and the barangays, with the consent of the owners or developers, may utilize the vacant and/or idle lots as area for the implementation of environment-related projects or food securing programs for the immediate community.

SECTION 4. MANDATING ALL HOUSEHOLDS, COMMERCIAL AND BUSINESS ESTABLISHMENTS, INDUSTRIES, AND INSTITUTIONS TO SEGREGATE DOMESTIC WASTE AT SOURCE AND PROVIDE ADEQUATE, SUFFICIENT AND COVERED SEGREGATION GARBAGE BINS INSIDE THEIR PROPERTY LINE.

a. The household owners, lessee, managers, operators and head of the commercial and business establishments, industries and institutions shall segregate their domestic wastes at source

into compostable/biodegradable, recyclable, residual and special waste.

b. The household owners, lessee, managers, operators and head of the commercial and business establishments, industries and institutions shall provide separate garbage bins for domestic biodegradable, non-biodegradable residual and nonbiodegradable recyclables.

c. For residential units with five (5) or more lessees, the owner of the residential unit is required to provide proper garbage storage area for domestic biodegradable, non-biodegradable residual and nonbiodegradable recyclables.

d. Segregated garbage bins and storage area of commercial and business establishments, industries and institutions, depending on its use, shall be properly marked or identified for on-site collection.

e. Only segregated domestic biodegradable and nonbiodegradable residual shall be collected by the city contracted, city-accredited and/or barangay-owned dump truck with Permit to Collect, Transport and Dump Solid Waste issued by the Department.

f. The household owners, lessee, managers, operators and head of the commercial and business establishments, industries and institutions shall set out their domestic biodegradable and nonbiodegradable residual, in front of their property line for disposal only upon the arrival of the city contracted, city-accredited and/or barangay owned dump truck with Permit to Collect, Transport and Dump Solid Waste issued by the Department based on the schedule designated by the City Government. The wastes must be properly packed and tied to avoid scattering and spillage.

g. Domestic non-biodegradable recyclables shall not be collected by the City-contracted dump trucks. The household owners, lessee, managers, operators and head of the commercial and business establishments, industries and institutions may opt to donate or sell it to the Barangay's Materials Recovery Facility (MRF) or to any junkshop or recycler.

h. Post-consumer materials shall not be collected by the City-contracted dump trucks. Managers, operators and head of the commercial and business establishments, industries and institutions are required to hire the services of private haulers with legitimate business operating in Quezon City.

i. Setting out and collection of unsegregated wastes is prohibited.

j. Setting out of garbage during non-collection schedule is prohibited.

k. Wastes that are not properly packed and tied shall not be collected. The owner shall be responsible in sweeping, cleaning and repacking spilled garbage.

l. Any person who is not authorized or accredited by the City Government and/or the barangay is prohibited from collecting domestic biodegradable, non-biodegradable residual and non-biodegradable recyclables.

m. Scavenging is prohibited.

n. Waste shall be set out only in front of their premises during the designated collection day and it shall be collected by garbage collector contractor and/or operator door to door without fail.

Any violation of Sections 4 (a) to 4 (k) shall be punishable as follows:

1. First Offense –One Thousand Pesos(P1,000.00)
2. Second Offense – Three Thousand Pesos(P3,000.00)
3. Third Offense – Five Thousand Pesos(P5,000.00) and non-collection of garbage until full compliance is attained

Any violation of Sections 4 (l) and 4 (n) shall be punishable as follows:

1. First Offense –One Thousand Pesos (P1,000.00) or community service for one (1) day
2. Second Offense –Three Thousand Pesos(P3,000.00) or community service for three (3) days
3. Third Offense –Five Thousand Pesos(P5,000.00) or community service for five (5) days

SECTION 5. MANDATING ALL HOUSEHOLDS, COMMERCIAL AND BUSINESS ESTABLISHMENTS, INDUSTRIES AND INSTITUTIONS TO SEGREGATE SPECIAL WASTES LIMITED TO BULKY WASTES, DOMESTIC HOUSEHOLD HAZARDOUS WASTES SUCH AS BUSTED FLUORESCENT LAMPS AND SPENT BATTERIES, AND ELECTRONIC WASTES.

a. Bulky wastes shall be separated from domestic wastes. Bulky waste shall be collected separately on scheduled for special collection subject to proper coordination with the Department.

b. Collection of dilapidated furniture, broken appliances and old tires shall be coordinated by the household to the barangay for monitoring and scheduling.

c. Tree cuttings shall be cut into less than one (1) meter in length and bundled into convenient weight while grass cuttings and other yard wastes shall be put into sacks for easy handling and collection.

d. Collection and disposal of construction debris is not the responsibility of the City Government. It is the responsibility of the owner or contractor hired for construction to properly dispose said wastes.

e. Household hazardous wastes such as busted fluorescent lamps and spent batteries shall also be separated from domestic wastes.

f. Busted fluorescent lamps and spent batteries from the households and government and public institutions shall be brought to the Barangay Materials Recovery Facility for temporary storage until collection by the City-Contracted hazardous waste collector/transporter/treater.

g. Collection of busted fluorescent lamps, spent batteries and other toxic and hazardous wastes from commercial and business establishments and industries is not the responsibility of the City Government.

h. Managers, operators and head of the commercial and business establishments, industries and institutions are required to hire the services of DENR-accredited toxic and hazardous wastes treaters for the proper collection, transport, treatment and disposal of the busted fluorescent lamps, spent batteries and other toxic and hazardous wastes.

i. Electronic wastes shall also be separated from domestic wastes.

j. Collection of electronic waste is not the responsibility of the City Government.

k. Electronic wastes may be brought to recyclables trading activities that are regularly conducted at selected malls in Quezon City. The City Government shall regularly inform the barangays about the schedule of the waste markets for them to inform their residents for public participation.

l. The City Government shall conduct at least two (2) recyclables

trading activities per year as support to this provision.

Any violation of this provision shall be punishable as follows:

1. First Offense –One Thousand Pesos(P1,000.00)
2. Second Offense –Three Thousand Pesos(P3,000.00)
3. Third Offense –Five Thousand Pesos (P5,000.00)

SECTION 6. MANDATING SUBDIVISION AND CONDOMINIUM OWNERS AND/OR DEVELOPERS IN QUEZON CITY TO PROVIDE SUFFICIENT SPACE FOR THE ESTABLISHMENT OF MATERIALS RECOVERY FACILITY TO STORE RECYCLABLES AND PROCESS COMPOSTABLE MATERIALS OF THE HOMEOWNERS.

a. For existing subdivisions and condominiums in Quezon City, owners and/or developers are mandated to provide sufficient space for the establishment of Materials Recovery Facility (MRF) to store recyclables and process compostable materials of the homeowners.

b. The Homeowners Associations (HOAs) shall assign personnel to manage and operate the MRF.

c. The Department shall provide technical assistance in the operations of the MRF.

d. For subdivision and condominium owners and/or developers who are planning to put up a subdivision or any land development projects in Quezon City, they shall incorporate the establishment of an MRF in their subdivision layout plan.

e. The City Government, through the City Planning and Development Office's Subdivision and Administration Unit and other concerned Departments, shall ensure that the establishment of MRF is incorporated in the subdivision and/or condominium lay-out plan prior to approval.

SECTION 7. STANDARDS FOR CITY-CONTRACTED WASTE HAULERS –All City-Contracted Waste Haulers are mandated to comply with the following standards:

a. Collection Trucks and Equipment

1. All collection equipment should be registered with the Department to ensure the proper markings, safety and sanitation of the vehicle.

2. All collection equipment shall be provided with the visible and proper markings of plate and body number on both sides, name and telephone number of the contractor. Markings shall have a minimum of twenty (20) centimeters (8inches) in height.

3. All collection trucks should be in good running condition and equipped with tools and spares tire. No sacks nor any eyesore must be seen hanging alongside the trucks.

4. All collection trucks should be kept clean and properly maintained and shall be washed after each disposal.

5. All collection trucks should be leakage free and properly covered to prevent spillage of garbage and escape of odor when travelling.

6. All collection trucks should be equipped with complete and functional devices such as head light, stop light, signal light, park light, plate light, tail light, wipers, horn, windshield and side mirrors.

7. All collection trucks should be equipped with proper cleaning and clearing tools (e.g. tray, spade, rake broomsticks, dustpan, etc.) to clean-up remnants of garbage immediately after collection.

8. All collection trucks should meet the emission standards set

forth in this Code including Smoke-Belching Standards.

9. All trips during collection shall be required to have a trip ticket indicating the Barangay as well as the route of the trip will cover.

10. Only authorized garbage collector shall be allowed to handle the waste from the generators.

11. Owners and operators of trucks shall sanitize, disinfect and deodorize the collection trucks before leaving the dispatching area and after its disposal.

b. Garbage Collection Crew

1. All those involved in the collection of garbage (e.g., drivers and crew) should wear proper uniforms and identification cards to be prescribed by the Department. They must possess an up-to -date health certificate issued by the City Health Department.

2. Scavenging and sorting or "pamumulasi" by the garbage collection or while in transit shall not be allowed. Violation of this rule shall be the cause of outright dismissal of the employee and the contractor shall be held liable for its crew and may cause the suspension or termination of the contract of the contractor.

3. Garbage collectors must not dent, bend or otherwise damage or alter the condition of the garbage containers.

4. Reckless driving, driver/crew under the influence of alcohol, regulated and prohibited drugs shall be dealt with according to existing laws, ordinance, rules and regulations.

5. Solicitation of cash, gifts or consideration in any kind by any personnel of the City Contracted Waste Haulers is strictly prohibited.

Compliance of letters (a) and (b) of this Section shall be a prerequisite to the issuance or renewal of business permit for commercial and industrial establishments.

c. Administrative Procedure and Imposable Administrative Fines:

1. Issuance of EVR - Violator/s of any provisions of this Section shall be issued EVR by the Department, CHD or any deputized enforcers or inspectors informing them of the nature of the infraction committed and the corresponding fines to be paid.

2. Payment of Fines – If the violator is a corporation, firm, institution or other corporate entities, the president, manager or person responsible for its operation shall be held liable.

Provided further that, refusal to pay the fine, on the third offense, shall authorize the Department to cause the institution of summary proceedings against the violator or the filing of necessary criminal charges in court.

The penalties for any violation of the provisions of this Section shall be punishable as follows:

First Offense – One Thousand Pesos (P1,000.00) or community service for one (1) day and compulsory seminar for one (1) day.

Second Offense –Three Thousand Pesos (P3,000.00) or community service for one (1) week and compulsory seminar for one (1) day.

Third Offense –

a. Five Thousand Pesos (P5,000.00) and/or imprisonment of not less than one (1) month or both at the discretion of the court;

b. Revocation of Business Permit of the Owner, Operator and/or contractor of the garbage truck/garbage collection crew; and

c. Disqualification of the Owner, Operator and/or contractor of

the garbage truck/garbage collection crew to any solid waste management bidding and /or contract of the City Government.

The fines collected in violation of this provision shall accrue in favor of the following:

a. 75% to the City Government General Fund.
b. 25% to the Barangay where the violation was committed to be utilized exclusively for waste management related projects.

SECTION 8. MANDATING ALL PUBLIC UTILITY VEHICLES-PLYING THE STREETS OF QUEZON CITY TO PROVIDE GARBAGE RECEPTACLE THAT IS CONSPICUOUSLY PLACED INSIDE THEIR VEHICLES.

a. All drivers and operators are mandated to provide garbage receptacles for biodegradable and non-biodegradable wastes, placed conspicuously inside their vehicles, for the proper disposal of garbage of their passengers.

b. Each receptacle shall be properly labeled with "Dito Itapon ang Basurang Nabubulok" and "Dito Itapon ang Basurang Di-Nabubulok"

Any violation of this provision shall be punishable as follows:

1. First Offense –Five Hundred Pesos (P500.00).
2. Second Offense –One Thousand Pesos (P1,000.00).
3. Third Offense –Two Thousand Pesos (P2,000.00).

SECTION 9. PROHIBITING THE LITTERING AND ILLEGAL DUMPING OF SOLID WASTES IN ANY PUBLIC OR PRIVATE PLACE INCLUDING VACANT LOTS AND WATERWAYS.

a. It shall be unlawful for any person to litter or illegally dump solid wastes in any public or private place, including vacant lots and waterways.

b. Any area in Quezon City, whether public or private place, that has stored more than four (4)cubic meters of mixed wastes, is prohibited.

c. The only designated disposal area are DENR approved sanitary landfills and/or other environmentally acceptable waste disposal facilities.

Violation of Section 9 (a) shall be punishable as follows:

Littering

1. First Offense – Five Hundred Pesos (P500.00) or community service for one (1) day

2. Second Offense –One Thousand Pesos (P1,000.00) or community service for three (3) days

3. Third Offense –Two Thousand Pesos (P2,000.00) or community service for five (5) days

Illegal Dumping

VOLUME	PENALTY		
	1st Offense	2nd Offense	3rd Offense
Less than 1 cu.m.	P 2,000.00	P 4,000.00	P 5,000.00
1 cu.m. or more	P 5,000.00	P 5,000.00 and imprisonment of not less than six (6) months	P 5,000.00 and imprisonment of not more than one (1) year

Violation of Section 9 (b) shall be punishable as follows:

VOLUME	PENALTY		
	1st Offense	2nd Offense	3rd Offense
More than 4 cu.m. but not less than 8 cu.m.	P 5,000.00	P 5,000.00 and imprisonment of not less than one (1) month	P 5,000.00 and imprisonment of not less than six (6) months
8 cu.m. and more	P 5,000.00	P 5,000.00 and imprisonment of not less than six (6) months	P 5,000.00 and imprisonment of not more than one (1) year

SECTION 10. PROHIBITING THE OPEN BURNING OF SOLID WASTE IN ANY PUBLIC AND PRIVATE PLACE– No person shall engage in open burning of trash, garbage, dried leaves, twigs, branches, grass and solid waste or any refuse within the territorial jurisdiction of Quezon City.

Any violation of this provision shall be punishable as follows:

1. First Offense – Five Hundred Pesos (P500.00) or community service for one (1) day.
2. Second Offense – One Thousand Pesos (P1,000.00) or community service for three (3) days.
3. Third Offense –Two Thousand Pesos(P2,000.00) or community service for five (5) days.

SECTION 11. PROHIBITING THE URINATING, SPITTING, "SINGA," DEFECATING IN ANY PUBLIC PLACE– It shall be unlawful for any person to urinate, spit, "singa" or defecate in any public place.

Any violation of this provision shall be punishable as follows:

1. First Offense – Five Hundred Pesos (P500.00) or community service for one (1) day.
2. Second Offense – One Thousand Pesos(P1,000.00) or community service for three (3) days.
3. Third Offense – Two Thousand Pesos (P2,000.00) or community service for five (5) days.

SECTION 12. REGULATING THE JUNKSHOPS OPERATING IN QUEZON CITY

a. All junkshop owners and/or operators, whether single proprietorship, corporation, cooperative, or foundation, are required to secure an Environmental Clearance from the Department.

b. Junkshop owners and/or operators shall maintain a lot area of not less than 30 square meters.

c. Junkshop owners and/or operators shall maintain a separate sorting area and separate storage area for different types of recyclables.

d. Junkshop owners and/or operators shall install a septic tank.

e. Junkshop owners and/or operators shall designate a parking area for the pushcarts and/or tri-bikes or any recyclables collection equipment.

f. Junkshop owners and/or operators shall install an appropriate sign board in front of the junk shop where the following details are posted:

- Name of the junk shop and junk owner
- Address / Location
- Telephone Number
- Name of affiliation to any junk shop organization

g. Junkshop owners and/or operators shall display at all times in conspicuous area within the junk shop the Environmental Clearance issued by the Department.

h. Junkshop owners and/or operators shall provide identification cards and uniforms to their personnel for proper identification.

i. Junkshop owners and/or operators shall ensure that pushcarts and/or tri-bikes or any recyclables collection equipment that will be used must have proper markings such as name of the junkshop, address and contact details and body number.

j. For purposes of identifying where the junkshop is located, pushcarts and/or tri-bikes or any recyclables collection equipment must follow the color-coded specifications:

District 1 : Blue
District 2 : Yellow
District 3 : Green
District 4 : Red
District 5 : Brown
District 6 : Orange

k. Junkshop owners and/or operators shall maintain the cleanliness and sanitary condition of the entire junk shop area at all times.

l. Junkshop owners and/or operators shall secure a Permit to Trade Recyclables from the barangays where they are conducting recyclables trading. The employees of the junkshops must always bring a copy of the said permit during recyclables collection.

m. Recyclables trading at the household, commercial and business establishments, industries and institutions shall only be allowed from 6:00AM to 6:00PM.

n. Post-consumer materials that resulted from sorting wastes shall not be collected by the City-contracted dump trucks. The owner and/or operator of the junkshop are required to hire the services of private haulers with legitimate business operating in

Quezon City.

o. Utilizing sidewalks as weighing or sorting area is prohibited.

p. Utilizing sidewalks or junkshop's roof as storage area is prohibited.

q. Utilizing sidewalks or roadsides as parking area for pushcarts and/or tri-bikes or any recyclables collection equipment is prohibited.

r. Recyclables trading at the household, commercial and business establishments, industries and institutions from 6:00PM until 6:00AM is prohibited.

Any violation of this provision shall be punishable as follows:

1. First Offense – One Thousand Pesos(P1,000.00)
2. Second Offense –Three Thousand Pesos(P3,000.00)
3. Third Offense – Five Thousand Pesos (P5,000.00) and cancellation of business permit, or an imprisonment of not less than Thirty (30) days but not more than Sixty (60) days or both for Third and subsequent offense at the discretion of the Court.

A violation committed and validated during the first inspection regardless of type and quantity shall be treated as a First Offense.

A violation committed and validated during the second inspection regardless of type and quantity shall be treated as a Second Offense.

A violation committed and validated during the third inspection regardless of type and quantity shall be treated as a Third Offense.

SECTION 13. PROHIBITING THE USE OF POLYETHYLENE ADVERTISEMENT AND PROPAGANDA MATERIALS – The use of advertisement, buntings (banderitas) or propaganda made of polyethylene (plastic) materials within the territorial jurisdiction of Quezon City is

hereby prohibited.

Any person, firm or corporation who will transport, sell and /or may be found in possession of polyethylene (plastic) advertisement or propaganda materials for use or installation in Quezon City, shall be held liable and penalized.

Any person found in violation of this provision shall be punishable as follows:

1. First Offense– Notice of Violation
2. Second Offense– Three Thousand Pesos(P3,000.00) and Community Service for three (3) days
3. Third Offense –Five Thousand Pesos(P5,000.00) and Community Service for three (3) days

Any firm or corporation found in violation of this provision shall be punishable as follows:

1. First Offense – Notice of Violation
2. Second Offense –Three Thousand Pesos (P3,000.00)
3. Third Offense –Five Thousand Pesos (P5,000.00) and revocation of Business Permit

SECTION 14. MANDATING ALL BUSINESS ESTABLISHMENTS USING PLASTIC AND PAPER BAGS IN THEIR BUSINESS TRANSACTIONS TO DISPLAY CONSPICUOSLY IN THEIR STORES THE ENVIRONMENT FRIENDLY NOTICE "SAVE THE ENVIRONMENT, BRING YOUR OWN RECYCLABLE/REUSABLE BAG" AND REGULATING THE USE OF PLASTIC BAGS AND ESTABLISHING A PLASTIC RECOVERY SYSTEM FEE

a. All business establishments using plastic and paper bags in their business transactions should display conspicuously in their stores, especially in the transaction counter, the environment friendly notice "SAVE THE ENVIRONMENT, BRING YOUR OWN RECYCLABLE/REUSABLE BAGS".

b. Distribution of plastic bags by Relevant Retailers lower than the regulated thickness of 15 microns is prohibited.

c. To ensure the recovery of plastic bags from the waste stream, consumers who will not bring with them "reusable bags" and/or redeem "used plastic bags" for a new plastic bag, shall be charged with a "plastic recovery system fee". Said fee shall be indicated in the customer's transaction receipt as a reminder that they can save money if they use reusable bags and/or if they bring used plastic bags in exchange for a new plastic bag.

d. Stall owners/lessees in wet and dry markets will not be allowed to directly distribute plastic carryout bags with handles, holes or string usually made from HDPE, LDPE/LLDPE and PP plastic materials.

e. Plastic bags with no handles, holes or strings which shall be exclusively used for wrapping unpacked fresh foods and cooked foods at supermarkets, wet & dry markets, restaurants, canteen and the like shall not be included under the scheme as the usage of such plastic bag is justified on the grounds of public hygiene.

f. All Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains, Drug Stores, Pharmacy shall charge and collect a fix amount of two pesos (P2.00) per plastic bag regardless of its size.

To this end, each store shall submit a copy of the Annual Audited Financial Report to the Department to monitor and verify the collection of the plastic recovery system fee. Other information such as the number of plastic bags recovered, the number of reusable bags sold, etc. is also required to be submitted to the Department on a quarterly basis.

g. The Plastic Recovery System Fee shall be earmarked for a "green fund" that shall be maintained by the stores to fund other initiatives that would benefit the environment. These initiatives

must be implemented within the jurisdiction of Quezon City only. A project proposal on the use of green fund must first be submitted to the Department for approval prior to its implementation.

h. The "green fund" shall be utilized for the sole purpose of maintaining, developing, promoting and protecting the environment by means of programs and/or projects to be determined in the Implementing Rules and Regulations of this Code. The Department shall closely coordinate with the stores and barangays where such projects or programs may be implemented.

i. All Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains, Drug Stores, Pharmacy and Wet and Dry Markets shall provide the following reusable bags as carryout bags to be purchased by the consumer for a minimum fee. It will be made available in the respective checkout counters of the stores, purposely for multiple reuse and to reduce the use of plastic bags as carryout bag. Appropriate sizes and design may be provided for the purpose:

1. "Reusable Shopping Bag" – Reusable bag to be used for shopping and buying groceries. Applicable for shopping malls, supermarkets and grocery stores.

2. "Take-out Bag" – reusable bag to be used for carrying food and drinks for two or more persons, applicable for fast food chains.

3. "Agora Bag" – reusable bag to be used in carrying goods from wet and dry markets such as meat, fish, vegetables, fruits and other goods. The market management may assign an area within the market where this bag can be purchased.

4. "Medicine Bag – reusable bag or medicine kit appropriate to carry small quantity of medicines such as tablets and capsules, bottled syrups/suspensions and the like. Applicable for drugstores and pharmacy.

j. Incentives for using "Reusable Bags" and/or the Redemption of Used Plastic Bags – To mainstream the use of reusable bags as well as encourage the redemption of used plastic bags, stores are hereby instructed to formulate appropriate incentives to consumers, which may include, but not limited to the following:

1. "Point System Scheme" – For those stores implementing the point system scheme to their regular customers, additional points may be given to those who are using "reusable shopping bag" and/or redeeming "used plastic bags".

2. "Green Lane" – All stores shall provide special counters or express lanes to be called as "green lane" to cater to customers using reusable bags and/or those redeeming used plastic bags to encourage greater number of stakeholders in the observance of this provision of the Code. This will also serve as an information and advocacy measure in caring for the environment.

k. Plastic Bag Recovery and Recycling Mechanism

1. Relevant Recyclers – The Department shall provide a list of relevant recyclers that will buy used plastic bags. All plastic bags accumulated by stores shall be directly sold to the recyclers of their choice.

2. Recyclables Trading Activity at the Malls – The stores may also bring their accumulated used plastic bags to the waste markets provided by the Department.

l. All Shopping Malls are likewise directed to implement their own recyclables trading activity in their respective areas to ensure that there will be enough venues where used plastic bags as well as other recyclable materials may be redeemed. The Depart-

ment may also designate additional venue for the recyclables trading activities or may alter existing schedules for advancement purposes.

Any establishment found in violation of this provision shall be punishable as follows:

1. First Offense – One Thousand Pesos(P1,000.00)
2. Second Offense – Three Thousand Pesos(P3,000.00)
3. Third Offense – Five Thousand Pesos(P5,000.00) and cancellation of Business Permit.

SECTION15. PROHIBITING THE USE OF PLASTIC BAGS AND STYRO IN ALL GOVERNMENT INSTITUTIONS IN QUEZON CITY, INCLUDING ALL CITY-OWNED FACILITIES LIKE THE QUEZON CITY HALL COMPOUND, NOVALICHES DISTRICT CENTER, NOVALICHES DISTRICT HOSPITAL, QUEZON CITY GENERAL HOSPITAL, QUEZON MEMORIAL CIRCLE, AMORANTO SPORTS COMPLEX, HEALTH CENTERS, BARANGAY HALLS, PUBLIC SCHOOLS, AND OTHER SIMILAR FACILITIES

a. The use of plastic bags and polystyrene materials, commonly known as styro, in all government institutions in Quezon City, including all City-owned facilities, is prohibited.

b. Concessionaires and vendors in all government institutions in Quezon City, including all City-owned facilities, are prohibited to utilize, offer and/or sell plastic bags and styro as primary and secondary packaging material for dry goods.

c. Concessionaires and vendors in all government institutions in Quezon City, including all City-owned facilities, who are selling wet goods are allowed to use plastic "labo" only as primary packaging for hygienic purposes.

d. Concessionaires and vendors in all government institutions in Quezon City, including all City-owned facilities, are prohibited to utilize plastic bags and styro as packaging container for food and drinks whether as primary or secondary packaging.

e. Bringing and/or using plastic bags and/or styro by employees, students, clients and visitors of all government institutions in Quezon City, including all city-owned facilities, are prohibited.

f. Serving of food and drinks utilizing plastic bags and/or styro during meetings, conferences, orientations, seminars and other activities by any employee of all government institutions in Quezon City, including all City owned facilities is prohibited.

Any violation of this provision shall be punishable as follows:

1. For concessionaires and ambulant vendors in all government institutions in Quezon City, including all city-owned facilities:

First Offense – Five Hundred Pesos(P500.00)
Second Offense – One Thousand Pesos (P1,000.00)
Third Offense – Two Thousand Pesos(P2,000.00) and cancellation of their business /operating permit.

2. For employees and personnel of all government institutions in Quezon City, including all City owned facilities:

First Offense – Individual warning from the respective City Personnel Office
Second Offense – Warning from the Department and from the employee's Department/Office Head
Third Offense – Two Thousand Pesos(P2,000.00) and reprimand from the Department and from the employee's Department/Office Head

For visitors, clients of all government institutions in Quezon City, including all City-owned facilities:

First Offense – Warning from the Department;

Second Offense – Five Hundred Pesos (P500.00)
Third Offense – One Thousand Pesos (P1,000.00)

SECTION 16. GRANTING INCENTIVES TO BARANGAYS WITH BEST SOLID WASTE MANAGEMENT PRACTICE – An incentive scheme shall be devised by the Department for barangays with best solid waste management practice, subject to specific guidelines set forth in the Implementing Rules and Regulations of this Code, following the budgeting, accounting and auditing procedures of Government.

SECTION 17. GRANTING INCENTIVES TO BARANGAYS UTILIZING BARANGAY-OWNED DUMP TRUCK FOR SOLID WASTE COLLECTION SERVICE IN THEIR RESPECTIVE JURISDICTION– An incentive scheme shall be devised by the Department for barangays utilizing barangay-owned dump truck for solid waste collection service in their respective jurisdiction, subject to specific guidelines set forth in the Implementing Rules and Regulations of this Code, following the budgeting, accounting and auditing procedures of Government.

CHAPTER V
AIR POLLUTION

SECTION 1. THE PHILIPPINE CLEAN AIR ACT – Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, aims at providing for a comprehensive air pollution control policy in the country.

SECTION 2. APPLICABILITY – This Chapter shall be applicable within the entire territory and jurisdiction of Quezon City and shall be implemented by the Pollution Control Division of the Department (Titles 1, 2 and 3) and the Quezon City Health Department (Title 4).

TITLE 1: MOBILE SOURCES

SECTION 3. AMBIENT AIR POLLUTION SECTION (AAPS) OF THE DEPARTMENT – As an enforcement unit, the AAPS of the Department shall be manned by competent personnel that meet the government set qualification standards. They shall be properly trained by a duly-deputized anti-smoke belching training staff on CAA-consistent roadside apprehension and other anti-smoke belching procedures, and shall be equipped with CAA-compliant smoke opacity meters as evidenced by a certificate of conformity to standards set by the EMB-DENR. The program shall include training on the correct use, maintenance and calibration of smoke-testing equipment. No individual shall be deputized without satisfactorily completing the training.

SECTION 4. EMISSION STANDARDS FOR IN-USE MOTOR VEHICLES – The Department shall implement the emission standards for motor vehicles pursuant to and as provided in RA No. 8749. All in-use motor vehicles registered for the first time on dates indicated below shall comply with the emission standards as stated in the latest issuance of the DENR.

A. EMISSION STANDARDS FOR VEHICLES WITH SPARK-IGNITION ENGINES (Gasoline): Except Motorcycles (Section 9, DAO No. 2010-23)

VEHICLE REGISTRATION	CO (% per Volume)	HC (ppm as hexane)
Registered for the first time after December 31, 2007	0.5	250
Registered for the first time after on or after January 1, 2003 but before January 1, 2008	3.5	600
Registered for the first time on or before December 31, 2002	4.5	800

*at idle

B. EMISSION STANDARDS FOR VEHICLES WITH COMPRESSION-IGNITION ENGINES (Diesel): (Light absorption coefficient, m-1), k (Section 9, DAO No. 2010-23)

VEHICLE REGISTRATION	Light Absorption Coefficient m-1, k
Registered for the first time After December 31, 2007	2.0
Registered for the first time on or After January 1, 2003 but before January 1, 2008	2.5
Registered for the first time on or before December 31, 2002	2.5 3.5 (turbo-charged) 4.5 (1,000m increase in elevation)

*using free acceleration test

C. Should there be new emission standard for motor vehicles set by the National Government, that new standard shall be observed.

SECTION 5. EMISSION STANDARDS FOR IN-USE MOTORCYCLE/TRICYCLE AND MOPED (Section 8, DAO No. 2010-24) – All in-use motorcycles/tricycles and mopeds registered on the dates indicated below shall comply with the following emission standards:
Should there be new emission standards for motorcycle/tricycle and mopeds set by the National Government, that new standard shall be observed.

Vehicle Registration Date	Emission Standards		
	Carbon Monoxide (% by Volume)	Hydrocarbon (ppm)	White smoke (% opacity)
Registered for the first time prior to January 1, 2003	6.0	6,500	30
Registered for the first time on or from January 1, 2003 up to December 31, 2011	4.5	6,500	30
Registered for the first time on or after January 1, 2012	3.5	4,500	30

SECTION 6 .TEST PROCEDURES FOR MEASUREMENT OF EXHAUST EMISSIONS FOR IN-USE MOTORCYCLE/TRICYCLE AND MOPED (Section 9, DAO No. 2010-24).

PARAMETER	REFERENCE
Hydrocarbon and Carbon Monoxide	At idle per Annex C of DENR Administrative Order No. 2000-81
White Smoke	Opacity at ¾ maximum RPM or based on manufacturer's manual. Test procedure based on free acceleration.

Should there be new emission standards for motorcycle/tricycle and mopeds set by the National Government, that new standard shall be observed.

SECTION 7. EMISSION TEST FOR ALL PUBLIC UTILITY VEHICLES– All public utility vehicles (PUVs) such as, but not limited to, public utility buses (PUBs), public utility jeepneys (PUJs), UV Express Service and taxi cabs that are occupying or utilizing garages and terminals within the territorial jurisdiction of the city and operated by organized transport groups or private companies are required to submit a copy of their current and valid motor vehicle smoke density test results or CEC from DOTC-authorized and DTI-accredited PETC or LTO-Motor Vehicle Inspection Station (LTO-MVIS) as a prerequisite in the issuance of an Environmental Clearance from the Department for the garage or terminals

being utilized.

Any violation of this provision shall result to non-issuance of Environmental Clearance by the Department, and a recommendation for CDO and/or Closure Order to the BPLO.

SECTION 8. EMISSION TEST PROCEDURE FOR IN-USE VEHICLES EQUIPPED WITH SPARK IGNITION ENGINES (DAO No. 2010 -23, Annex A) – The test procedure is for the determination of the concentration of exhaust carbon monoxide (CO) and hydrocarbon (HC) emissions from in-use motor vehicles equipped with spark ignition engines running at idle speed.

a. TEST EQUIPMENT (Reference ISO-3930)

1. Carbon Monoxide Analyzer – A NDIR (Non-Dispersive Infrared), CO Exhaust Gas Analyzer;

2. Hydrocarbon Analyzer – A NDIR HC Exhaust Gas Analyzer, HC as hexane (C6H14);

3. Tachometer – an easily-installed and operated tachometer to measure engine speed (RPM).

b. VEHICLE PREPARATION

1. Set the vehicle transmission at neutral with the hand-brake engaged;

2. With the accelerator in the rest position, make sure that the idling speed or the engine rpm conforms with the vehicle manufacturer's recommendation;

3. All accessories like rear window heating, air-conditioning system, air fan and other equipment necessary for the vehicle operation at idle should be switched-off;

4. Check that the temperature of the engine is at least 70°C; otherwise run the vehicle for at least 15 minutes on a normal road before testing;

5. Ensure that the vehicle exhaust system of the engine is reasonably leak-proof and will allow the insertion of the sampling probe by at least 30 cm. from the tailpipe outlet. If this is not possible due to tailpipe configuration, use the appropriate correction factor;

c. MEASUREMENT

1. Immediately preceding the measurement, adjust the instrument to zero and accelerate the engine to about 2,500 rpm, using the tachometer, if available. Maintain this speed for ten (10) to fifteen (15) seconds, then release the pedal to return the engine at idle speed;

2. While the engine idles, insert the sampling probe into the exhaust pipe as deeply as possible which shall not be less than 30 cm. Wait for twenty (20) seconds and take the CO/HC reading;

3. If the vehicle has multiple exhaust outlets, the arithmetic average of the CO/HC readings in each exhaust outlet is taken as the final result;

d. INSTRUMENT CALIBRATION, ADJUSTMENT
(REFERENCE: ISO 3929)

1. Prepare, use and maintain the analyzer following the directions given in the instrument manufacturer's operation manual and service the instrument at such intervals as to ensure accuracy.

2. Carry out a span and zero calibration within a period of four (4) hours before the instrument is moved or transferred to a new location. The calibration shall be performed well away from the exhaust of motor vehicles whose engines are running.

If the instrument is not self-compensated for none-standard conditions of altitude and ambient temperature or not equipped with a manually controlled system of compensation. The scale calibration shall be performed using calibration gas.

3. If the sample handling system is not integral with the analyzer, make certain that the effectiveness of the gas sampling system are leak-proof. Check that filters are clean, that filter holders are fitted with their gaskets and that these are all in good condition.

4. Ensure that the sample handling line probe is free from contaminants.

SECTION 9. FREE ACCELARATION TEST FOR IN-USE COMPRESSION-IGNITION MOTOR VEHICLES (DAO No. 2010- 23, Annex B) – The test is a smoke opacity measurement for in use motor vehicles equipped with compression-ignition engines, using the free acceleration from low idle speed method.

a. MOTOR VEHICLE TEST CONDITION

1. The test shall be carried out on a stationary vehicle and the engine shall be first brought to normal operating conditions during a road run or dynamic test. In particular, cooling water and oil should be at normal temperature.

2. The combustion chamber should not have been cooled or fouled due to prolonged period of idling preceding the test.

3. The exhaust system shall not have any orifice or leaks wherein gases emitted by the engine might be diluted.

b. TEST EQUIPMENT – The light-absorption coefficient of the exhaust gases shall be measured with a Smoke Opacity Meter (Opacimeter) satisfying the conditions laid down in ECE Regulation No. 24, Revision 2E/ECE/TRANS 505. Rev Add 23 Rev 2, Annex 8: Characteristics of the Opacimeter.

c. TEST PROCEDURE AND SMOKE OPACITY MEASUREMENT:

1. Follow the Opacimeter manufacturer's instruction on the proper installation, operations/use and check the accuracy and calibration before and after each test;

2. Set the vehicle gear-change control in the neutral position and the hand- brake effectively engaged;

3. Start the engine and warm it up to its normal operating temperature;

4. Accelerate the engine two (2) to three (3) times prior to smoke sampling in order to remove deposits of soot and other carbon particles in the tail pipe.

5. Insert the opacimeter's probe tip in the tail pipe of the apprehended vehicle.

6. With the engine idling, depress the accelerator quickly, but jolt violently to obtain maximum delivery from the injection pump. Maintain this position until maximum engine speed is reached for about two (2) to four (4) seconds and the governor comes into action. As soon as this speed is reached, release the accelerator until the engine resumes its idling speed. Record the maximum reading of the smoke meter;

7. The operation described in paragraph 6 shall be repeated not less than six (6) times in order to clear the exhaust system and to allow for any necessary adjustment of the apparatus. The maximum opacity values read in each successive acceleration shall be noted until stabilized values are obtained. The values read shall be regarded as stabilized when four (4) consecutive readings are within a hand width of 0.25 m^{-1} and do not form a decreasing sequence. The arithmetic mean of the four (4) stabilized values shall be the test result for the concerned vehicle;

Area located at the office of the Department for safekeeping.

i. The validity of the driver's OVR should be seven (7) days only pending the fulfilment of the undertaking by the driver/owner/operator of the motor vehicle to make the necessary repairs so as to comply with the emission standards.

j. Apprehended motor vehicles shall not be operated or used in public roads except for purpose of transporting of the same to the calibration service center for repairs and to any DOTC authorized and DTI accredited PETC or LTO-MVIS for emission testing to ascertain if it already meets the emission standards.

k. Once the vehicle meets the standards, the authorized and accredited emission testing center shall issue an original CEC to the driver/owner/operator of the vehicle to redeem the confiscated license at the AAPS Redemption Area. The CEC will have no validity period, its sole purpose is to secure the release of the confiscated license which was a consequence of that specific violation.

SECTION 11. PROCEDURE TO REDEEM THE CONFISCATED LICENSE

a. The driver, operator, owner of the apprehended vehicle or his/her authorized representative shall proceed to the Department's AAPS Redemption Area and present all the requirements needed, such as original OVR, photocopy of vehicle's OR/CR and original CEC, to the AAPS Redemption Officer for verification and issuance of Order of Payment.

b. Payment of the fine indicated in the order of payment shall be paid at the City Treasurer's Office Payment Counters. Once payment has been made, he/she shall return to the AAPS Redemption Area to present the original Official Receipt and submit a photocopy of this receipt to the AAPS Redemption Officer.

c. The driver, operator, owner, or any of his/her representative, must also submit a photocopy of the CEC he/she presented earlier to the AAPS Redemption Officer to facilitate the release of the confiscated item or driver's license.

d. Failure of the driver/operator to comply and pay the corresponding fines and penalties within the prescribed period shall compel the Department to initiate necessary action by forwarding the name/s of the violator/s to the City Legal Department for the appropriate legal action.

e. In the event the driver of the apprehended vehicle contests the apprehension and/or result of the emission standards, he may appeal the same to the City Legal Department where he will be given the opportunity to be heard and present his evidence.

f. Pending the creation of the City Adjudication Service, through a Local Executive Order, the City Legal Department shall function as such. The City Adjudication Service may adopt its rules and procedures in the conduct of its hearing.

g. The prescriptive period to appeal is within 24 hours after the time of apprehension.

SECTION 12. FINES AND PENALTIES FOR VIOLATION OF EMISSION STANDARDS FOR MOTOR VEHICLES – Vehicle found to have exceeded the emission standards for motor vehicles shall suffer the following penalties:

a. Fines for violation of Emission Limits for Public Utility Vehicles and Private Vehicles:

1. First Offense – One Thousand (P1,000.00) Pesos
2. Second Offense – Three Thousand (P3,000.00) Pesos
3. Third Offense – Five Thousand (P5,000.00) Pesos and the offender must undergo a seminar on clean air compliance to be conducted by personnel from the AAPS of the Department

b. Fines for violation of Emission Limits for motorcycles/tricycles and mopeds:

1. First Offense – Three Hundred (P300.00) Pesos
2. Second Offense – Five Hundred (P500.00) Pesos
3. Third Offense–One Thousand(1,000.00) Pesos

In case three (3) offenses were committed within a year, the AAPS of the Department shall endorse the case to LTO for the suspension of the Motor Vehicle Registration (MVR) for a period of one (1) year.

TITLE 2: STATIONARY SOURCES

SECTION 13. AIR POLLUTION STANDARDS FOR STATIONARY SOURCES – All business establishments with air pollution source installation are required to put up air pollution control devices/facilities such as, but not limited to, chimney stacks, water scrubbers, water curtain, dust collectors, filters, painting booth, etc. in accordance with the Implementing Rules and Regulations of the Clean Air Act issued by DENR. As such, concerned business establishments shall comply with pertinent National Permits (e.g Permit to Operate – Air Pollution Source Installation) as well as Local Permits (e.g Quezon City Environmental Clearance).

SECTION 14. FINES AND PENALTIES FOR VIOLATION OF STANDARDS FOR STATIONARY SOURCES – The visible emission standard for smoke and opacity or any equivalent method approved by the DENR shall be applied to stationary sources with air emissions. Any violation shall be punishable as follows:

1. First Offense –One Thousand Pesos (P1,000.00) and issuance of Notice of Violation.
2. Second Offense –Three Thousand Pesos (P3,000.00) and issuance of Cease and Desist Order (CDO) for the pollution source.
3. Third Offense – Five Thousand Pesos (P 5,000.00) and recommendation for the issuance of a Closure Order to the BPLO.

For the first offense, a period of compliance of not more than six (6) months shall be given to the establishment to institute corrective measure after which, the concerned establishment shall be charged of second offense and third offense, respectively for continuous violation.

In case of irreparable or grave damage to the environment and public health as a consequence of any violation or omission of the Clean Air Act, the Department shall recommend the filing of appropriate criminal charges against the violators, and shall assist the public prosecutor in the litigation of the case.

TITLE 3: AREA SOURCE OF POLLUTION

SECTION 15. Area Sources operating without the required National Permits from concerned National Government Agencies shall be issued with a Notice of Violation (NOV) and a fine of Five Thousand Pesos (P5,000.00). Thereafter, the case shall be endorsed to the local and national agencies concerned for appropriate action.

SECTION 16. ENVIRONMENTAL IMPACT OF DEVELOPMENT - In view of the fact that there is an ever growing development process in Quezon City, its impact on the environment is also increasing, that might lead to deterioration in environmental conditions.

Environmental assessment provides a rational approach to sustainable development. It enables developer to carry out environmental cost-benefit analysis of projects at an initial stage. It is thus a precursor to detailed analysis of environmental impacts, which are taken up only if a need for the same is established. It helps the planning and management to take long-term measures for effective management as well as environment conservation.

In order to ensure the protection and conservation of the environment, including human health aspects, against uncontrolled development, there is a need to require all development and construction companies to submit an Environmental Impact Assessment to the City Planning and Development Office when applying

for Locational Clearance.

Every owner/developer in Quezon City such as, but not limited to, Shopping Malls, Residential Condominium, Residential Subdivision, Commercial Subdivision, Residential Townhouses and construction and operation of a Gasoline and LPG Refilling Station is hereby required to submit to the City Planning and Development Office, a copy or copies, as required, of the Environmental Impact Assessment Study, duly approved and certified by the DENR, as one (1) of the requirements for the issuance of a Locational Clearance.

TITLE 4: BAN ON SMOKING IN PUBLIC PLACES

SECTION 17 .FINES AND PENATIES FOR SMOKING IN PUBLIC PLACES – Any person who smoke inside a public building or an enclosed public place, including public utility vehicles or other means of public transport or in any enclosed area outside of his private residence, private place of work or any duly designated smoking area shall be punished with a fine of One Thousand (P1,000.00) Pesos, or one (1) month and one (1) day to three (3) months imprisonment or both at the discretion of the court.

SECTION18. SMOKING BAN IN PUBLIC PLACES– Smoking shall be absolutely prohibited in the following public places:

a. All government premises, buildings and grounds.

b. Centers of youth activity such as playschools, preparatory schools, elementary and high schools, colleges and universities, youth hostels, and recreational facilities for person under eighteen (18) years old. Such recreational facilities for persons under eighteen (18) years old shall include, but not limited to, playgrounds;

c. Elevators and stairwells;

d. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;

e. Within the buildings and premises of public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories;

f. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and

g. Food preparation areas. Food preparation areas include areas where food or beverage is actually being manufactured or prepared.

SECTION 19. DESIGNATION OF SMOKING AND NONSMOKING AREAS–In all enclosed places that are open to the general public, public and private workplaces, and other places not covered by the previous Section, where smoking may expose a person other than the smoker to tobacco smoke, the owners, proprietors, operators, possessors, managers or administrators of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space, or a separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

SECTION 20. STANDARDS FOR DESIGNATED SMOKING AREAS– The owners, proprietors, operators, possessors, mangers or administrators of establishments covered by Section 19shall determine the size and specifications of the smoking or non-smoking area:

Provided, that the following standards shall be observed:

1. The designated smoking area other than in an open space shall be completely enclosed or physically separated from the rest of the premises and equipped with adequate ventilation in confor-

mity with the provisions of PD No. 1096 and RA No. 8495.

2. Separation of the designated smoking area other than in an open space shall be effected through any of the following means:

a. The designated smoking area must be fully separated from smoke-free area by continuous floor-to-ceiling or floor-to-floor solid partitions which are interrupted only by doors equipped with door closers, and which must be kept constantly closed except when a person is entering or exiting the area; or

b. The designated smoking area must be set apart, enclosed or confined by means other than those described in Section13, Provided, that said means enable compliance to air quality standards set forth in the PD No. 1096 and RA No. 8495, as follows;

i. The temperature and humidity of the air to be used for comfort cooling shall be maintained a 20-30 C effective temperature at an air movement of 4,570 to 7,620 mm/min with the living zone and 55 to 60% relative humidity.

ii. The air quality in such occupied space shall at all times be free from toxic, unhealthful, or disagreeable gases and fumes
and shall be relatively free from orders and dust.

iii. The air in such occupied spaces shall at all times be in constant motion sufficient to maintain a reasonable uniformity to temperature and humidity but shall not cause objectionable drafts in any occupied portion. The air motion in such occupied spaces and in which the only source of contamination is the occupant, shall have a velocity of not more than 15.24 meter per minute as the air enters the living zone or 1,830 mm above the floor.

iv. The air in all rooms and enclosed spaces shall be distributed with reasonable uniformity, and the variation on carbon dioxide content to the air shall be taken as measure of such distribution. The carbon dioxide concentration when measures 910 mm above the floor shall not exceed 100 parts per million (ppm).

v. The quality of air used to ventilate the space during the occupancy shall always be sufficient to maintain the standards of air temperature, air quality, air motion and air distribution. Ventilation requirements shall conform to the following Outdoor Air Requirement:

CMM/PERSON
OUTDOOR AIR REQUIREMENT

APPLICANT	OCCUPANTS SMOKING	RECOMMENDED	MINIMUM
Apartment, average	Some	0.567	0.283
Apartment, DeLuxe	Some	0.567	0.283
Banking Space	Occasional	0.283	0.213
Barber shop	Considerable	0.425	0.283
Beauty Parlor	Occasional	0.283	0.213
Board room	Very Heavy	1.417	0.567
Cocktail bar	Heavy	1.134	0.708
Department Store	None	0.213	0.412

Directors Room	Extreme	1.417	0.850
Drug Store	Considerable	0.283	0.213
Factory	None	0.283	0.213
Funeral Parlor	None	0.283	0.213
Hospital Private Room	None	0.850	0.708
Hospital, ward	None	0.567	0.283
Hotel Room	Heavy	0.850	0.708
Laboratories	Some	0.567	0.425
Meeting room Offices,	Very Heavy	1.417	0.850
General	Some	0.425	0.283
Offices, private	None	0.708	0.425
Offices, private Restaurant	Considerable	0.850	0.708
Cafeteria	Considerable	0.340	0.283
Dining room	Considerable	0.425	0.340
Shop, retail	None	0.283	0.213
Theater	None	0.213	0.142
Theater	None	0.425	0.288

SECTION 21.Signage for designated smoking and non-smoking areas shall have at least one (1) legible and visible sign posted saying "SMOKING AREA", in English or Filipino, for the information and guidance of all concerned. The sign shall be placed conspicuously at the entrance of the designated smoking area and shall be in accordance with

the following specifications:

Overall Size of Sign – 297 x 219 mm4.2 Font Size for " NO SMOKING AREA" or " SMOKING AREA"- Arial Black, 122 pt. 4.3 Font and size for 'GOVERNMENT WARNING" – Arial Black, 48 pt.4.4 Font and Size for "Tobacco Regulation Act" – Arial Black, 32 pt.

In addition, the sign or notice shall include a warning in English or Filipino about the ill effects of both direct and secondary exposure to tobacco smoke. Said warning, should be any of the following:

GOVERNMENT WARNING: CIGARETTE SMOKING IS DANGEROUS TO YOUR HEALTH (Babala: Ang Paninigarilyo ay Mapanganib sa Inyong Kalusugan)

GOVERNMENT WARNING: CIGARETTE ARE ADDICTIVE (Babala: Ang Sigarilyo ay Naka-ka-adik)

GOVERNMENT WARNING: TOBACCO SMOKE CAN HARM YOUR CHILDREN (Babala: Ang Usok ng Sigarilyo ay Mapanganib sa mga Bata)

GOVERNMENT WARNING: SMOKING KILLS (Babala: Nakakamatay and Paninigarilyo)

Violation of this provision shall be dealt with by the following penalties:

1. First Offense – Warning
2. Second Offense – Three Thousand Pesos (P3,000.00)
3. Third Offense and succeeding violations – Five Thousand Pesos (P5,000.00)

SECTION 22. Under no circumstances shall any mark, device, word or image associated with any tobacco company or product be included in any of these signs and materials. Nonsmoking areas shall like-

wise have at least one (1) legible and visible sign posted saying NON-SMOKING AREA or NO SMOKING.

SECTION 23. ADMINISTRATION AND AUTHORITY TO INSTITUTE ACTION.– The Department of Building Official, the City Health Department, and Business Permits and Licensing Office are tasked to inspect and certify the appropriateness of the designated smoking areas provided by service establishments taking into consideration the air quality standards attached herein. To effectively implement this ordinance, the local chief executive upon the recommendation of the City Building Official is authorized to institute criminal proceeding against the violators of this provision.

SECTION 24. Smoking is hereby prohibited in hospitals, movie houses, assembly halls, enclosed and air-conditioned public establishments, public conveyances, government buildings and school rooms, except in designated smoking area to be identified by the administrator, owner, operator or manager of said establishments.

The aforementioned establishments shall install a signage "NO SMOKING AS PER ORDINANCE NO. SP- ____, S -___" in a most conspicuous places of the establishments, except in designated smoking area. Public conveyances shall likewise install the same signage in its front area or at the right side of the driver, and at the back of the driver's seat with hotline number indicated below to be determined by the City Health Department. In both cases, the signage sign shall at least be 6 inches in length and 4 inches in height.

The penalties provided under Section 17 of this Chapter shall likewise be applied in case of violation of the immediately preceding paragraphs.

SECTION 25. All establishments open to the general public and all government offices must provide adequate smoking areas which may be duly designated and identified with sufficient markings for public information.

CHAPTER VI
WATER POLLUTION

SECTION 1. THE PHILIPPINE CLEAN WATER ACT – Republic Act No. 9275, otherwise known as The Clean Water Act of 2004, aims for a more efficient prevention, control, abatement of water pollution and effective management of the country's water resources.

TITLE 1: EFFLUENT DISCHARGE

SECTION 2. PROHIBITED ACTS ON WATER POLLUTION – The following acts are hereby prohibited:

a. Discharging, depositing, or causing to be deposited, material of any kind, directly or indirectly into the water bodies (such as but not limited to throwing of any kind of garbage, used oil, waste matters, or refuse in any drainage outlets such as canals, rivers, creeks) or along the margins of any surface water, where the same shall be liable to be washed into such surface water, either by tide action or by storm, floods, or otherwise, which could cause water pollution, or impede natural flow in the water body;

b. Discharging, injecting, or allowing to seep into the soil or subsoil, any substance in any form that would pollute groundwater;

c. Operating facilities that discharge or allow to seep, willfully, or through gross negligence, prohibited chemicals, substances or pollutants listed under RA No. 6969, into bodies of water, or wherein the same shall be liable to be washed into such surface, ground, coastal, and marine water;

d. Transport, dumping, or discharge of prohibited chemicals, substances, or pollutants listed under RA No. 6969;

e. Discharging regulated water pollutants without the required valid discharge permit;

f. Operating facilities that discharge regulated water pollutants without the required valid permits, or after the permit was revoked for any violation of any condition therein;

g. Disposal of potentially infectious medical waste into water bodies;

h. Unauthorized transport or dumping into water bodies of sewage sludge, or solid waste as defined under RA No. 9275 and RA No. 9003;

Any violation of this provision shall be punishable as follows:

1. First Offense – One Thousand (P 1,000.00) Pesos and issuance of Notice of Violation.
2. Second Offense – Three Thousand (P 3,000.00) Pesos
3. Third Offense – Five Thousand (P 5,000.00) Pesos

SECTION 3 . REQUIRING BUSINESS ESTABLISHMENTS TO INSTALL APPROPRIATE WASTE WATER TREATMENT FACILITY/ PLANT AND OTHER POLLUTION CONTROL DEVICE– Industries, establishments, and other entities are required to put up the following:

a. Waste Water Treatment Plant/Facilities – major industries and establishments with waste water discharge.

b. Septic Tank/Sewerage Treatment Plant – commercial buildings, markets, restaurants, mortuary and other similar establishments.

c. Grease Trap/ Grease Interceptor– restaurants, commissary, eateries, food processing and other similar establishments.

d. Oil and Water Separator – gasoline stations, machine shops, car wash, motor pool, auto repair/supply surplus shops, public transport terminals/garage and other similar establishments.

e. Sealed Concrete Holding Tank – piggery, livestock.

f. Sealed Container – dental clinics, veterinary clinics, hospitals, laboratories, and other medical establishments.

In case of spillage of any waste it is the responsibility of the establishment to make necessary action to contain and recover the waste that has been spilled.

Any violation of this provision shall be punishable as follows:

1. First Offense – One Thousand Pesos (P1,000.00) and issuance of Notice of Violation

2. Second Offense – Three Thousand Pesos (P3,000.00) and issuance of Cease and Desist Order (CDO) for the pollution source

3. Third Offense –Five Thousand Pesos (P5,000.00) and recommendation to the BPLO for the issuance of a Closure Order

For the first offense, a period of compliance of not more than six (6) months shall be given to the establishment to institute corrective measures, after which, the concerned establishment shall be charged of second offense and third offense, respectively for continuous violation. Thereafter, the case shall be endorsed to the local and national agencies concerned for appropriate action.

In case of irreparable or grave damage to the environment as a consequence of any violation or omission of the provisions of the Clean Water Act, the Head of the Department shall recommend the filing of appropriate criminal charges against the violators, and shall assist the public prosecutor in the litigation of the case.

Effluent shall conform to effluent standard set by the DENR. A Discharge Permit from concerned National Government Agen-

cies shall also be secured.

SECTION 4. REQUIRING MARKETS AND SLAUGHTERHOUSES TO PUT UP A SEWERAGE TREATMENT PLANT (STP) – Existing markets operating within the territorial jurisdiction of Quezon City are hereby required to secure permits from the Department, Market Development and Administration Department (MDAD), Department of Building Official (DBO) and other concerned City Departments/offices, and shall provide the necessary documentary requirements pertaining to their compliance to the construction of STP and the water quality it produces. Only newly constructed markets and slaughterhouses with corresponding permits and clearances from the Department, DBO and MDAD, etc. shall be allowed to operate. Non-compliance hereof shall cause the non-issuance of the Business Permit to markets and slaughterhouses.

SECTION 5. CLEAN-UP OPERATIONS – In addition to the penalties provided in this Code, any person who causes pollution in, or pollutes water bodies, shall be responsible to contain, remove and clean-up any pollution incident at his own expense to the extent that the same water bodies have been rendered unfit for utilization and beneficial use: Provided; that in the event emergency clean-up operations are necessary and the polluter fails to immediately undertake the same, the Department, in coordination with other government agencies concerned, shall conduct containment, removal and clean-up operations. Expenses incurred in said operations shall be reimbursed by the persons found to have caused such pollution upon proper administrative determination in accordance with this Code.

TITLE 2: SEWERAGE AND SANITATION

SECTION 6. COVERAGE –Towards this end, the City shall abide by the following Sewerage and Septage Management Principles.

a. All buildings and structures, whether residential, commercial, industrial establishments and government offices, institutions shall be required to have proper sewage treatment or septage management system.

b. Untreated excreta from residential areas without septic tanks and untreated wastewater from industrial and public establishments shall not be discharged to open drainage canals or piped drainage systems.

c. No wastewater shall be discharged to the environment without any proper treatment.

SECTION 7. EXISTING FACILITIES– All residential houses and buildings must have a hygienic septic tank that is compliant with the national standards. Provided, that no structure must be built on top of septic tank to ensure that it is accessible at all times.

Owners of commercial, industrial and institutional buildings or facilities shall have an operational wastewater treatment facility either onsite or by service off-site. The said facility shall conform to the standards of EMB-DENR and DOH.

SECTION 8. NEW FACILITIES– No building plan for residential dwelling units, commercial, industrial, institutional, or recreational structures shall be approved unless the design of the sanitary plumbing and septic tank or wastewater treatment facility conforms to the specifications as provided by national standards.

SECTION 9. SEPTAGE COLLECTION, TRANSPORT AND DISPOSAL – Only DENR and/or DOH accredited private entities complete with permits shall be allowed to provide septage collection and transport services. Collected septage shall only be disposed of and treated in a DENR and/or DOH accredited disposal/treatment facility with pertinent permits.

SECTION 10. MANDATORY DESLUDGING OF SEPTIC TANKS. All owners and users of septic tanks shall be required to desludge it on an average of once every three (3) to five (5) years or when the sludge volume is around one third (1/3) of the total volume of the septic tank, whichever comes earlier.

Septic tanks shall be accessible at all times. Further, no structure shall be built on top of any septic tank.

Inaccessible septic tanks shall be repaired, upgraded or replaced by a new one as maybe directed by the Department of Building Official to ensure accessibility and for purposes of desludging at the sole expense of its owner or user.

The inspection and opening of septic tanks shall only be done by the City Health Department, Barangay officials, representative of the Department of Building Official, MWSS or any of its concessionaires.

Violation of this provision shall subject the owner and/or user of the septic tank to the penalty as stipulated in Section 18.

SECTION 11. DESIGN OF SEPTIC TANKS– All septic tanks shall be designed to exclude rainwater/flow from downspouts and such other requirements and specifications as provided by national standards. The City Building Official is mandated to ensure that appropriate standard designs of septic tanks are enforced in the evaluation and processing of plans, permits and inspection procedures.

SECTION 12. REGULATION OF DESLUDGERS– Liquid and/or solid materials removed from septic tanks shall be transported by a DENR/DOH accredited septage hauler/pumper to the approved septage treatment facilities pursuant to the regulations prescribed by the Department of Health (DOH). Unless otherwise provided by law, no septage hauler/pumper shall be allowed to collect, transport and unload or dispose of septage in other places, including bodies of water, agricultural fields, and the drainage system within the City.

SECTION 13. PERMITTING REQUIREMENTS–All entities engaged in desludging activities are required to secure Permit to Transport from the DENR, Environmental Sanitation Clearance (ESC) from the DOH, Sanitary Permit from the City Health Department, Quezon City Environmental Clearance from the Department and other pertinent permits as may be deemed necessary as part of the requirements for issuance of

annual business permit from Quezon City.

SECTION 14. INSTITUTIONAL ARRANGEMENTS

a. Construction and Design of Septage Facilities –The Department of Building Official shall designate field inspectors that will check on the general design, construction and maintenance requirements such as leakage/seepage of septic tanks, stps/wwtfs in houses, subdivisions, buildings, commercial and business establishments for new and existing structures to ensure compliance with the existing laws as to wastewater and septage management.

b. Database –The City Health Department shall keep a comprehensive database of all households with and without septic tanks and those who have desludged their septic tanks and other relevant data that may be deemed necessary. The Department, on the other hand, shall keep a database of all business establishments, buildings with septage facilities and who have availed the services of relevant service providers and other pertinent data that may be deemed necessary.

c. Transport, Treatment and Disposal of Septage – the Department and City Health Department shall enforce the rules and regulations set forth by the DENR and DOH in handling, transporting, treatment and disposal of septage.

d. Sanitary Permits – the City Health Department shall issue Sanitary Permits for all treatment/disposal and collection facilities and develop their own procedures for periodic inspections of facilities and equipment, and training programs for septage workers.

e. Opening and Desludging of Septic Tanks – The City Health Department together with barangay officials, representatives from the DBO, MWSS and its concessionaires and/or other accredited service providers shall be responsible for the opening

and desludging of septic tanks.

f. Sewer Line Connection– The DBO shall coordinate with the MWSS and its concessionaires in the mandatory connection to existing sewer lines and to impose penalty for any illegal connection/tapping.

g. Illegal Structures on Waterways –The City Engineering Department shall perform regular monitoring of illegal construction to prevent encroachment of easement and waterways and implement removal of the same in coordination with other concerned City Departments/Offices.

h. Information and Education Campaign–The Department and the City Health Department shall implement an information and education campaign about the proper wastewater and septage management to increase the level of awareness and commitment of the public to address problems on water pollution control, sewerage and sanitation.

SECTION 15. MANDATORY CONNECTION OF FACILITIES TO SEWERLINES – Buildings or premises producing sewage shall connect to the sewer main lines in all areas where it exists.

The DBO and City Health Department shall oversee the MWSS or its concessionaires to ensure connection of the existing sewage line found in all subdivisions, condominiums, commercial centers, hotels, sports and recreational facilities, hospitals, market places, public buildings, industrial complex and other similar establishments including households to available sewerage system. Provided, that the said connection shall be subject to sewerage services charge/fees in accordance with existing laws, rules or regulations unless the sources had already utilized their own sewerage system.

SECTION 16. MAINTENANCE OF DRAINAGE – The City Engineering Department shall maintain its drainage system in a sanitary state and in good condition.

SECTION 17. PROHIBITED ACTS

1. Refusal to desludge as required by this Code.

2. Refusal of any person/establishment to connect its sewage lines to available sewerage lines.

3. Dumping/discharging of sludge and septage in public places such as road, sidewalks, parks and establishments and in any bodies of water such as drainage, canals, creeks, esteros, rivers or causing or permitting the same.

4. Desludging and transporting of septage without valid permits and accreditation from authorized permitting agencies as provided in this Code.

5. Hiring/availing the services of illegal/non-accredited desludger, transporter by any person or establishment to desludge septic tank.

SECTION 18. PENALTIES

1. Any owner and/or user of a non-complying establishment who fails to comply or violates the provisions of Section 17 (1),(2), hereof, within one (1) year from the date of its effectivity shall be liable to pay the following fine for every violation thereof as follows:

a. First Offense– One Thousand Pesos (P1,000.00) and issuance of Notice of Violation (NOV).
b. Second Offense– Three Thousand Pesos (P3,000.00) and issuance of Cease and Desist Order (CDO) by BPLO upon endorsement of concerned agency.
c. Third Offense – Five Thousand Pesos (P5,000.00) and issuance of Closure Order by BPLO upon endorsement of concerned agency.

2. For non-complying residences, the owner and/or user thereof

shall be liable to pay a fine of One Thousand Pesos (P1,000.00) for every count of violation.

3. Any person/establishment who violates Section 17 (3),(4),(5) hereof shall pay an administrative fine of Five Thousand Pesos (P5,000.00) for every person involved in the violation and imprisonment of 3 months but not more than 6 months at the discretion of the court. Any equipment/paraphernalia that was used in this illegal activity shall be confiscated.

CHAPTER VII
NUISANCE

SECTION 1. NUISANCE DEFINED – As used in this Chapter, nuisance refers to any act, omission, establishment, business, condition of property, or any else which:

a. Injures or endangers the health or safety of others; or

b. Annoys or offends the senses; or

c. Obstructs or interferes with free passage of any public highway or street, or any body of water; or

d. Hinders or impairs the use of property.

SECTION 2. PROHIBITION AGAINST NUISANCES –For the purpose of this Chapter, the following shall be considered nuisances within the purview of the Department and shall be prohibited:

a. Excessive noise generated by business establishments and residences which exceeds the maximum allowable noise levels as provided in Section 6, Chapter VII of this Code that disturb the peace and quiet of the area.

b. Foul or objectionable odor emitted by cargo trucks or motor vehicles that transport any freight, load or delivery.

c. Foul odor emanating from residences or any business operation that adversely affect health and sanitation.

d. Vehicles, machinery, equipment or structures situated along public streets or sidewalks that affects and obstructs the convenient passage of motor vehicles and passers-by.

e. Public or private places that shall be used and maintained as a disposal site of refuse or any other noxious waste unless the site has been designated for such purpose and with the approval of concerned National Agencies.

f. Stockades, cages or pens for fighting cocks, pigs and other animals raised and intended for commercial purposes that shall be constructed, operated and maintained adjacent to any place of human habitation.

g. Livestock and dogs or pets, including birds under the control of the owner or keeper which disturb the peace and quiet of the neighborhood by constant barking or whining, or cause unnecessary noise, and that causes or emits foul odor due to disease or uncleaned animal waste.

h. Allowing dogs or pets, including birds by the owner/keeper to defecate (animal excreta) in public places or outside of the owner's property.

i. Storing and drying of manure and other annoying materials/ merchandise in places or areas not designated under existing zoning laws and local zoning ordinances.

j. Growth of weeds, grasses and bushes outside or within the premises of the establishment, abandoned houses or in any public or private vacant lots that shall become breeding grounds for snakes and other harmful insects or animals.

k. Animal excreta.

l. Other similar cases.

SECTION 3. IMPOUNDING AREA – Any dog, cat, or any stray animal seized by the authorized representative of the Barangay or City Health Department through the City Veterinary Services Division shall be brought to the duly assigned Impounding Area for temporary animal custody and confinement. The City Veterinary Services Division shall take care of the animals while in captivity.

SECTION 4. INSTITUTIONAL ARRANGEMENT FOR NUISANCE.

a. Nuisance caused by business establishments shall be under the jurisdictional function of the Department.

b. Nuisance emanating from residences and caused by human or animals shall be under the jurisdictional function of the City Health Department.

c. Nuisance caused by obstruction on streets, public places, waterways, and that hinders or impairs the use of property shall be under the jurisdictional function of the DPOS and/or Engineering Department.

SECTION 5. FINES AND PENALTIES – Any person or business establishment found violating Section 2 of this Chapter shall be imposed with a fine of One Thousand Pesos (P1,000.00) and issuance of Notice of Violation for the first offense; Three Thousand Pesos (P3,000.00) and Issuance of Cease and Desist Order (CDO) for the second offense and Five Thousand Pesos (P5,000.00) and issuance of Closure Order for the third offense.

SECTION 6. NOISE NUISANCE – The maximum allowable noise quality standards (in decibels) in general areas shall be as follows:

Area Category	Morning 5am – 9am	Daytime 9am – 6pm	Evening 6pm – 10pm	Night time 10pm – 5am
Class AA	45 db	50 db	45 db	40 db
Class A	50 db	55 db	50 db	45 db
Class B	60 db	65 db	60 db	55 db
Class C	65 db	70 db	65 db	60 db
Class D	70 db	75 db	70 db	65 db

Class AA – A Section or contiguous area which requires quietness within 100 meters from schools, nursery schools, hospitals, and homes for the aged.

Class A – A Section or contiguous area that is primarily used for residential purposes.

Class B – A Section or contiguous area that is primarily a commercial area.

Class C – A Section primarily reserved as a light industrial area.

Class D – A Section primarily reserved as a heavy industrial area.

SECTION 7. NOISE RESTRICTIONS / PROHIBITIONS

1. Activities that generate excessive noise classified as not permissible in areas as provided in the existing City Zoning Ordinance shall be prohibited. However, such activities that are permissible in the zone class shall be regulated under this Code. These includes but not limited to:

a. Restobars with live bands, music performers, videoke/ karaoke/KTV/Piped-in music and the like.
b. Comedy bars

c. Repair shops of any kind
d. Vulcanizing and Welding Shops
e. Metal/Wood/Plastic Works and Fabricators
f. Building Constructions and relevant Infrastructures
g. Noise from machineries including automobiles and motorcycles
h. Such other activities that generates excessive noise.

2. Noise Restrictions in Residential Areas. The use of component or sound system, motorcycle stereo, videoke machines, and karaoke machines shall be prohibited from 10:00p.m. to 6:00a.m. except during Christmas and New Year's Day. However, during special occasions like birthday, wedding day, wedding anniversary, death anniversary, barangay fiestas, sitio or purok fiestas, Arawng Barangay, anniversary celebration or commemoration by any civic, or non-government organization, events during elections, or any special occasion identified by the City Mayor, the use of loud sound-producing equipment may be allowed from 6:00a.m. to 12:00a.m. or as may be determined by the Barangay Chairman.

Provided that, all religious observances, rites, practices, celebrations and commemorations including but not limited to Ramadan, shall not be included in the prohibition in case it will need the use of a sound system.

SECTION 8. STANDARDS FOR SOUND-PROOFING OF BUSINESS ESTABLISHMENTS–Any person, natural, or juridical, within the territorial jurisdiction of Quezon City, who is engaged in the business and/or operating with live bands, videoke or karaoke bars, discotheque houses, or similar establishment using loud speaker systems, shall be required to install soundproofing measures of walls, roofings, ceilings and floors.

Provided, that, all existing business establishment subject to this Section are hereby given six (6) months within which to comply with the provisions hereof. Provided, further, that the provisions hereof shall immediately apply to all establishments which shall be constructed, established and operated upon approval of this Code.

SECTION 9. EXEMPTION TO SOUNDPROOFING–Business establishments as mentioned in Section 8 maybe exempted in the soundproofing measure if the activity conforms with the ambient noise quality standards under this Code and its operation has no outstanding complaint of noise nuisance.

SECTION 10. PROHIBITIONS AGAINST THE OPERATION OF LOUD CAR STEREO SYSTEMS, AMPLIFIERS, POWER HORNS, PUBLIC ADDRESS AND SPEAKER SYSTEMSAND LOUD TRICYCLE MUFFLERS – It shall be unlawful to operate car stereo systems, amplifiers, power horns, horns with varying sounds, and other similar devices to be used indiscriminately through the emission of exceptionally-loud, startling, or disagreeable sound, and powerful music on all types of motor vehicles, both private and public including buses, jeepneys, taxis, FX, tricycles, motorcycles, pedicabs, and the like while plying the thoroughfares and streets of Quezon City. Provided, That a public address and speaker system utilized in open public places employing loud noise during public gatherings or similar activities shall be covered by a valid permit. Likewise, tricycles operating with substandard muffler system emitting loud, excessive, disturbing and unhealthful sound plying the streets of Quezon City shall be apprehended.

SECTION 11. FINES AND PENALTIES IN VIOLATION OF SECTION 6, 7, and 8–Any person or business establishment found violating said sections shall be imposed with a fine of One Thousand Pesos (P1,000.00) and issuance of Notice of Violation for the first offense; Three Thousand Pesos (P3,000.00) and Issuance of Cease and Desist Order (CDO) for the second offense and Five Thousand Pesos (P5,000.00), confiscation of sound source and issuance of Closure Order for the third offense.

SECTION 12. ADMINISTRATIVE PROCEDURE AND IMPOSABLE ADMINISTRATIVE FINES – Any entity who violates Section 2, 6,7, and 8 hereof shall be cited and informed by the duly authorized inspection team regarding the nature of infringement committed with corresponding administrative fines to be paid. If the violator is a corporation or other corporate entities, the president, manager, or person responsible for its op-

eration shall be held liable.

Refusal to pay the fines shall authorize the Head to cause the institution of summary proceedings against the violator, or the filing of necessary criminal charges in court.

1. First Offense – An imprisonment of not less than fifteen days (15), or not more than thirty (30) days.
2. Second Offense – An imprisonment of not less than forty-five (45) days but not more than sixty (60) days.
3. Third Offense – An imprisonment of not less than ninety (90) days but not more than 120 days.

SECTION 13. ADMINISTRATIVE PROCEDURE AND IMPOSABLE ADMINISTRATIVE FINES FOR VIOLATING SECTION 10– Any person who violates the provision of Section10 of this Chapter shall be cited and informed by the duly authorized inspection team regarding the nature of infringement committed with corresponding administrative fines to be paid.

1. First Offense –Five Hundred Pesos(P500.00)
2. Second Offense – One Thousand Pesos (P1,000.00)
3. Third Offense –One Thousand Five Hundred Pesos (P1,500.00)

Refusal to pay the fines shall authorize the Head to cause the institution of summary proceedings against the violator, or the filing of necessary criminal charges in court.

1. First Offense – An imprisonment of not less than fifteen days (15), or not more than thirty (30) days.
2. Second Offense – An imprisonment of not less than forty-five (45) days but not more than sixty (60) days.
3. Third Offense – An imprisonment of not less than ninety (90) days but not more than 120 days.

SECTION 14. COMPLAINT ON NUISANCE– A complaint on nuisance shall be done in writing and signed by the community, neighborhood or considerable number of persons. Such complaint shall be acted upon in accordance with this Code.

CHAPTER VIII
QUEZON CITY ENVIRONMENTAL CLEARANCE

SECTION 1.QUEZON CITY ENVIRONMENTAL CLEARANCE – Every owner/operator of business, industrial, commercial or agricultural establishment with potential source of pollution/nuisance (air, water, odor, noise, smoke) shall secure an Environmental Clearance for purposes of enforcement and implementation of existing rules and regulations on environmental concerns and industrial safety of the public, upon payment of an annual fee in accordance with the following schedule:

BUSINESS ACTIVITY	Inspection Fee
1. All Big-Scale Manufacturing Industries	P1,500.00
2. Funeral Parlor with crematorium/embalming services and other similar activities	P1,500.00
3. Sewage/Hazardous waste collector, transporter and treater	P1,500.00
4. Fuel Depot and Fuel Storage Facilities	P1,000.00
5. Sanitary Waste Landfills and Toxic Waste Treatment Disposal Sites	P1,000.00
Hotels / Motels / Apartelles / Inns	P1,000.00
Welding Shops / Auto Repair and Painting Shops / Printing Shops/ Machine Shops	P1,000.00
Furniture Shops / Refrigerator Repair Shops	P1,000.00
Garbage Contractors / Garbage Truck Terminals / Transfer Stations	P 800.00
Private Hospitals and Laboratories	P 800.00
Shopping Centers / Malls / Markets / Talipapa	P 800.00
Housing Development Projects, i. e.,Residential Subdivision, Parks (Memorial Parks included), Condominiums	P 800.00

High-Rise Buildings	P 800.00
Private Schools	P 800.00
Fast Food Chains / Restaurants	P 800.00
Amusement/Recreational Places, e.g., Sport Centers, KTV, Videoke, Golf courses and similar establishments	P 600.00
Small-Scale Manufacturing Industries	P 500.00
Transport Terminals / Garage / Trucking Services	P 500.00
Filling Stations and LPG Filling Stations	P 500.00
Substations / Cell Sites	P 500.00
Foundry Shops and similar activities	P 500.00
Animal Farms / Piggery exceeding 25 heads	P 500.00
Carwash / Laundry Services / Funeral Parlors	P 500.00
Junkshops	P 500.00
LPG Retailers (10 tanks and above)	P 300.00
Medical Clinics/ with Lying-In Clinics	P 300.00
Animal Farms / Piggery exceeding 25 heads	P 300.00
Other activities, projects as maybe determined by the DEPARTMENT, has been the subject of complaints / inspection	P 300.00

SECTION 2. ENVIRONMENTAL PROTECTION OFFICER (EPO) – All owners/operators of business, industrial, commercial or agricultural establishments/building shall appoint or designate an Environmental Protection Officer (EPO) duly accredited by the Department for purposes of supervision and enforcement of existing rules and regulations for the protection of the environment and to promote general welfare and shall pay an Annual Accreditation Fee of Three Hundred Pesos (P300.00).

SECTION 3. OTHER PERMITTING REQUIREMENTS – Other permitting requirements deemed necessary for submission prior to the issuance of Environmental Clearance shall be required, such as, but not limited to:

1. Environmental Compliance Certificate from EMB-DENR
2. Certificate of Non-Coverage from EMB-DENR
3. Permit to Operate from EMB- DENR

4. Discharge Permit from LLDA
5. LLDA Clearance from LLDA
6. Hazardous Waste Generator I.D.

SECTION 4. ADMINISTRATIVE PROVISION– The duly authorized inspection team of the Department shall conduct an inspection of all industrial, commercial, and agricultural business establishments in order to determine their propriety of operation pursuant to the existing laws, rules and regulations. Quezon City Environmental Clearance shall be issued to the owner after such inspection was conducted and found to be compliant to such existing laws, rules and regulations.

SECTION 5. ADMINISTRATIVE PROCEDURE AND IMPOSABLE ADMINISTRATIVE FINES ON ADMINISTRATIVE PROVISIONS – Business establishment found without local and/or national permits at the time of inspection shall constitute violation of the provisions of this Code and shall be duly informed and cited thereat by the authorized inspection team regarding the nature of infringement committed with corresponding fines to be paid. If the violator is a corporation or other corporate entities, the president, manager, or person responsible for its operation shall be held liable. Provided, that, if the business establishments can show proof of payment of application for national permits, a six months grace period shall be extended to such business establishments.

1. Renewal of Quezon City Environmental Clearance – Renewal of Quezon City Environmental Clearance issued by the Department shall be secured within the first month of the current year pursuant to the existing City Revenue Code and Local Government Code. Failure to renew such clearance within the prescribed period shall pay a fine of P5,000.00, and P5,000.00 for every succeeding year of non-renewal.

2. Imposable Administrative Fines for noncompliance

   a. First Offense –One Thousand(1,000.00) Pesos and advise for cessation of operation until such time the violator fully complies within thirty (30) days with the requirements of

the existing laws, rules and regulations.

b. Second Offense –Three Thousand (3,000.00) Pesos and the cessation of operation until such time the violator fully complies within thirty (30) days with the requirements of the existing laws, rules and regulations.
c. Third Offense –Five Thousand(5,000.00) Pesos and the imposition of a Closure Order.

Refusal to pay the fines shall authorize the Head to cause the institution of summary proceedings against the violator, or the filing of necessary criminal charges in court.

CHAPTER IX
INSTITUTIONAL ARRANGEMENTS

SECTION 1.The following offices shall have the original authority to hear administrative cases, to impose Cease and Desist Order and recommend for the issuance of Closure Order to the BPLO and impose penalties for violation of the pertinent provisions of the QC Environment Code:

Chapter III Biodiversity Management	PDAD
Chapter IV Solid Waste Management	EPWMD
Chapter V Air Pollution	EPWMD
Chapter V Air Pollution (Title 3 Ban on Smoking)	CHD
Chapter VI Nuisance	CHD AND/OR EPWMD AND/OR DPOS
Chapter VII Noise Nuisance	EPWMD AND/OR CHD
Chapter VIII Water Pollution	EPWMD AND/OR CHD AND/OR DBO AND/OR ENGINEERING DEPT.
Chapter IX QC Environmental Clearance	EPWMD

SECTION 2. THE DEPARTMENT – Administrative cases on pollution and other forms of nuisance as referred to in the preceding section shall be adjudicated by the Department. As such, the Department is hereby authorized to perform the following:

a) To hear and deliberate pollution cases whenever necessary;
b) Imposition of fines and penalties as provided in this Code;
c) To issue a Cease and Desist Order on pollution source (e.g. machine) installed by the concerned business establishments that causes pollution/nuisance and that such equipment/ machine has no corresponding permits from the national government and/or local government;
d) Recommend the issuance of a Cease and Desist Order (CDO) and/or Closure Order (CO) of business to the Business Permits and Licensing Office;
e) To revoke or suspend Environmental Clearances issued by the Department;
f) To recommend to the proper government agencies the filing of appropriate administrative charges against the violators of this Code;
g) To assist the public prosecutor in the litigation of cases, if needed.

SECTION 3. QC ENVIRONMENTAL PROTECTION APPEALS BOARD (QC EPAB) –The EPAB is hereby created with the following member Departments/Offices to be represented by its Head/Chief or their designated representatives:

a. The Department (EPWMD) – Chairperson
b. City Health Department – Member
c. City Building Official – Member
d. Business Permits and Licensing Office – Member
e. City Engineering Department - Member
f. Parks Development and Administration Department – Member
g. Market Development and Administration Department – Member
h. City Planning and Development Office – Member
i. Department of Public Order and Safety – Member

j. City Legal Department – Member
k. Other Offices as may be deemed necessary.

The EPAB shall have the following powers and responsibilities:

a) To hear and deliberate cases of violation of this Code on appeal from the decision of a concerned office in QC especially in cases where the decision of the Department on pollution cases is being contested by concerned respondents and/or complainants whenever necessary;
b) To impose fines and penalties as provided in this Code;
c) To issue a Cease and Desist Order on pollution source (e.g. machine) installed by the concerned business establishments that causes pollution/nuisance and that such equipment/machine has no corresponding permits from the national government and/or local government;
d) Recommend the issuance of a Cease and Desist Order (CDO) and/or Closure Order (CO) of business to the Business Permits and Licensing Office;
e) To recommend revocation or suspension of Quezon City Environmental Clearances issued by the Department;
f) To recommend to the proper government agencies the filing of appropriate administrative charges against the violators of this Code;
g) To assist the public prosecutor in the litigation of cases, if needed.

The EPAB shall take the lead in preparing and formulating the Rules of Pleading, Procedures and Practice to govern the adjudication of environmental cases and interrelationship of all offices handling cases involving violation of this Code. These Rules shall be issued within sixty (60)days from approval of this Code.

SECTION 4. THE BUSINESS PERMITS AND LICENSING OFFICE (BPLO) – The Business Permits and Licensing Office shall issue a Cease and Desist Order (CDO) and/or Closure Order to the concerned business establishment as recommended by the Department or the EPAB

for noncompliance on its directives.

CHAPTER X
PUBLIC INFORMATION AND EDUCATION

SECTION 1. CONDUCT OF PUBLIC INFORMATION AND EDUCATION CAMPAIGNS – The Department shall, in coordination with the barangays, conduct a massive continuing information and educational campaign on environmental protection. Such program shall:

1. Aim to develop public awareness of the ill-effects of, and the community-based solutions to, environmental problems;

2. Concentrate on activities which are feasible and which will have the greatest impact on the environmental problems of Quezon City; and

3. Encourage the general public, NGOs and people's organizations to publicly endorse and patronize environmentally acceptable products and technologies.

CHAPTER XI
COLLECTION AND DISPOSITION OF FINES

SECTION 1. COLLECTION AND DISPOSITION OF FINES– The fines collected in violation of this Code shall accrue in favour of the following:

c. 50% to the City Government General Fund
d. 40% to the Department for Research and Development Fund for environmental protection.
e. 10% for the incentive program of the Department for its personnel

CHAPTER XII
FINAL PROVISION

SECTION 1. IMPLEMENTING RULES AND REGULATIONS – The Environmental Protection and Waste Management Department (EPWMD) in consultation with key stakeholders (City Health Department, Business Permits and Licensing Office, Department of the Building Official, Parks and Development and Administration Department and other concerned Departments), shall take the lead in the preparation of the implementing rules and regulations within ninety (90) days after approval of this Code.

SECTION 2. ACCESSORY PENALTIES – In addition to the imposable penalties for any violation of this Environment Code, all improvements introduced, and all the tools, equipment, devices and all conveyances used in the commission of the offense shall be confiscated in favor of the City Government.

SECTION 3. COMMUNITY SERVICE – If the violator cannot pay the fine or penalty provided in the preceding section, the Court may impose thirty (30) days community service.

SECTION 4. APPROPRIATIONS –For the effective implementation of this Code and upon availability of funds, a sum sufficient in amount shall be appropriated and included in the annual budget and/or supplemental budget of the City Government.

SECTION 5. SEPARABILITY CLAUSE – If any provision, section, or part of this Code is declared unconstitutional by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or parts which shall continue to be in force and effect.

SECTION 6. APPLICABILITY CLAUSE – All other matters relating to the impositions in this Code shall be governed by pertinent provisions of existing laws and other ordinances.

SECTION 7. REPEALING CLAUSE – All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Code are hereby repealed or amended accordingly.

SECTION 8. EFFECTIVITY – This Code shall take effect within fifteen (15) days following its publication in any newspaper of general publication.

ENACTED: September 1, 2014.

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MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

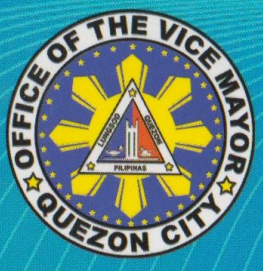
Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: _____
HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 1, 2014 and was PASSED on Third/Final Reading on September 8, 2014.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III



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