



Republic of the Philippines
PROVINCE OF NUEVA ECIJA
Provincial Capitol Bldg.
Brgy. Singalat, City of Palayan
Tel. No.: (044) 940-7793

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 30TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA HELD VIA ZOOM, VIRTUAL ONLINE SESSION, ON

AUGUST 20, 2020

PRESENT:

VG. EMMANUEL ANTONIO M. UMALI	- Vice Governor
BM. RAFAEL ANDREW R. VILLANUEVA	- Member
BM. EMARY JOY D. PASCUAL	- Member
BM. JO-MARIO ANGELO E. MATIAS	- Member
BM. NAPOLEON P. INTERIOR, JR.	- Member
BM. EDUARDO JOSE B. JOSON, VII	- Member
BM. TERESITA A. PATIAG	- Member
BM. ERIC DANIEL F. SALAZAR	- Member (Presiding Officer Pro-Tempore)
BM. ESMERALDO B. ABALOS	- Member
BM. ROSELLER T. DE GUZMAN	- Member
BM. JOSEPH R. ORTIZ	- Member
BM. BELINDA E. PALILIO	- Member (President-PCL)
BM. MARY SWEET LIBERTY N. CRUZ	- Member (SK President)
BM. ARIEL P. MATIAS	- Member (President-LnB)

ORDINANCE NO. 62-S-2020

AN ORDINANCE REGULATING THE REMOVAL, HAULING AND DISPOSAL OF BIO-ASH GENERATED BY THE OPERATION OF BIOMASS POWER PLANTS WITHIN THE PROVINCE OF NUEVA ECIJA AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Biomass which includes plants and agricultural refuse is now being used worldwide by Biomass Power Plants to generate electricity as an alternative to fossil fuel;

WHEREAS, local Biomass Power Plants utilize and consume tons of Biomass daily, including rice husk, napier or elephant grass, and other plants and agricultural refuse to maintain their operations;

WHEREAS, the constant operation of Biomass Power Plants produce Bio-ash as a by-product, which must be promptly removed from the power plant area and disposed of properly and conscientiously;

WHEREAS, the irresponsible and un-conscientious removal, hauling and disposal of Bio-ash from Biomass Power Plants has been found to cause environmental pollution and/or degradation, and is particularly harmful to farms and other agricultural areas, blackening and contaminating rivers and lakes, damaging the ecosystem, and posing a serious threat to human health;

WHEREAS, Section 468(4)(i) of Republic Act 7160, otherwise known as the Local Government Code of 1991, empowers the Sangguniang Panlalawigan to “adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the Province, in consonance with approved standards on human settlements and environment sanitation”;

WHEREAS, Local Governments are likewise empowered under the General Welfare Clause of Republic Act 7160 to “promote health and safety”, and to “enhance the right of the people to a balanced ecology”; and

WHEREAS, the rampant, indiscriminate, reckless, haphazard and/or improper removal, hauling and disposal of Bio-ash from Biomass Power Plants, should be promptly addressed to protect the environment and safeguard public health;

NOW THEREFORE, upon suspension of the internal rules and on motion of Board Member Eric Daniel F. Salazar, duly seconded by all members present:

BE IT ORDAINED AND ENACTED BY THE SANGGUNIANG PANLALAWIGAN IN SESSION ASSEMBLED:

ORDINANCE NO. 62-S-2020

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Section 1. **Short Title.** This Ordinance shall known as the “**Biomass Power Plant Ordinance**”.

Section 2. **Definition of Terms.** For purposes of this Ordinance, the following terms are hereby defined:

- (a) **Biomass** is organic material usually derived from living or recently living organisms such as plants and animals that can be used as substitute for fossil fuels in the production of renewable energy. It includes rice husks, bagasse and other agricultural refuse, napier grass and other crops that are grown and harvested to provide fuel for Biomass Power Plants.
- (b) **Biomass Power Plant** is a facility which produces electricity by burning biomass solids in a steam generator that heats water to produce high-pressure steam which then flows through steam turbines that spin an electrical generator to generate electricity.
- (c) **Rice husks (or rice hulls)** are the hard protective coverings of grains of rice, which are removed from the rice seed as a by-product during the milling process.

- (d) **Napier grass** (*Pennisetumpurpleum*, also known as elephant grass) is a species of perennial tropical grass native to the African grasslands, which is grown locally as feedstock and as biomass fuel.
- (e) **Bio-ash** is the ash solid residue resulting from the combustion or gasification of biomass for power generation.
- (f) **Bio-ash Landfill Facility** is a place or facility where Bio-ash may be safely stored or disposed of consistent with environment standards or protocols. Said facility should first be approved for conversion by this Sangguniang Panlalawigan and finally approved by the Department of Environment and Natural Resources.

Section 3. **Adoption of the applicable provisions of National Laws.** The applicable provisions of Republic Act No. 8749 (Philippine Clean Air Act of 1999), Republic Act No. 9513 (Renewable Energy Act of 2008), Republic Act No. 9003 (Ecological Solid Waste Management Act of 2000) and all existing Environmental regulations as prescribed by the Department of Environment and Natural Resources (DENR), Department of Energy (DOE), Department of Health (DOH), and/or any other concerned government agency, are hereby adopted.

Section 4. **Provisions in the matter of Hauling and Disposal of Bio-ash.** The following rules and regulations are hereby adopted, to wit:

- (a) No person, establishment, firm, or entity can engage in the hauling and disposal of Bio-ash without first securing a **Permit to Operate** from the Office of the Provincial Governor of Nueva Ecija.
- (b) Biomass Power Plants shall engage the services (for hauling and disposal of Bio-ash) **only** of persons, firms, or entities issued a Permit to Operate as prescribed herein.
- (c) Bio-ash can only be disposed of in a designated **Bio-ash Landfill Facility** approved for conversion by this Sangguniang Panlalawigan, and issued an Environmental Clearance Certificate by the Department of Environment and Natural Resources – Environmental Management Bureau (DENR-EMB).
- (d) The dumping/disposal of Bio-ash in any River, Stream, Forest Land, Public Land, Agricultural Land, Residential Area, or any place other than a duly designated and properly maintained Bio-ash Landfill Facility, is hereby strictly prohibited.
- (e) All Trucks or Vehicles used in the hauling of Bio-ash from the Biomass Power Plant to the designated Bio-ash Landfill Facility shall be duly **registered** with the Environment and Natural Resources Office (ENRO) of Nueva Ecija. To be eligible for registration, applicants shall submit to the ENRO proof of their vehicle registration with the Land Transportation Office (LTO). Moreover, said Trucks or Vehicles shall undergo annual **inspection** to determine their roadworthiness, and whether they are properly sealed to prevent spillage of Bio-ash during transit. Duly registered trucks or vehicles shall be issued a **sticker** which shall be prominently displayed in their windshield for random inspection during

actual hauling operations. The said sticker shall be subject to renewal yearly.

Section 5. Documentary Requirements for Permit to Operate a Bio-ash Landfill Facility. An applicant for Permit to Operate a Bio-ash Landfill Facility shall submit the following documentary requirements to the Office of the Provincial Governor, wit:

- (1) Proof of Registration with the Securities and Exchange Commission in the case of juridical entities;
- (2) Proof of Registration with the Bureau of Internal Revenue;
- (3) Business Permit issued by the City/Municipality where the bio-ash shall be disposed of; and
- (4) Environmental Compliance Certificate (ECC) from the Department of Environment and Natural Resources - Environmental Management Bureau (DENR-EMB);

Section 6. Monthly Report of Bio-ash Landfill Facility. All Bio-ash Landfill Facilities within the Province of Nueva Ecija shall submit a monthly report containing the daily volume (in kilo) of the hauled and disposed Bio-ash. The above report shall be submitted to the Environment and Natural Resources Office (ENRO) within the first week of every month. Proof of compliance herewith shall be required for the annual renewal of vehicle sticker referred to in Section 4(e).

Section 7. Monthly Report of Biomass Power Plant. All Biomass Power Plants within the Province of Nueva Ecija shall submit a monthly report reflecting the daily volume (in kilo) of Biomass obtained (input) as well as the daily volume (in kilo) of Bio-ash disposed (output). The said report shall be submitted to the Environment and Natural Resources Office (ENRO) within the first week of every month.

Section 8. Prior approval of this Sangguniang Panlalawigan in the reclassification of land into a Bio-ash Landfill Facility, a condition prerequisite.

All land within the territorial jurisdiction of Nueva Ecija sought to be applied for reclassification into a Bio-ash Landfill Facility, shall first be examined, considered and approved by this Sangguniang Panlalawigan as a necessary prerequisite prior to any DENR permit or approval, to avoid the unnecessary proliferation of Bio-ash Landfill Facilities all over this Province.

All pending applications for Bio-ash Landfill Facility approval within the Province of Nueva Ecija, presently filed with the Department of Environment and Natural Resources (DENR), shall first be redirected to this Sangguniang Panlalawigan for consideration and approval, to comply under this Section 8, before further consideration can be made by the Department of Environment and Natural Resources (DENR).

Section 9. Mandatory Implementation of the Biomass Power Plant Ordinance on all Barangays. All Barangay Officials, beginning with the Punong Barangay, shall continuously monitor, immediately report in writing within 72 hours, any violation of the provisions of this Ordinance to the Governor's Office and the Environment and Natural Resources Office (ENRO), and strictly implement the Biomass Power Plant Ordinance within their territorial jurisdiction.

Section 10. No Special or Temporary Permit. All Special or Temporary Permit (or any other form of permit that will result to the circumvention of this ordinance), issued by any government agency, prior to, or after the effectivity of this ordinance, shall be deemed contrary to the spirit and letter of this Ordinance and therefore shall be considered revoked and unlawful.

Section 11. Penalties. Violation of the provisions of this Ordinance shall be penalized as follows:

(a) For Violation of Section 4 (a, b, c and d), Section 6 and Section 7:

- (1) A fine of **FOUR THOUSAND PESOS (Php 4,000.00)** for the first offense.
- (2) A fine of **FIVE THOUSAND PESOS (Php 5,000.00)** for the second and every succeeding offense.
- (3) A Biomass Power Plant that shall be penalized for more than four (4) times shall be recommended by the Provincial Government to the Department of Energy (DOE) for closure.

(b) For Violation of Section 4 (e):

- (1) A fine of **FIVE THOUSAND PESOS (Php 5,000.00)** for the first offense.
- (2) A fine of **FIVE THOUSAND PESOS (Php 5,000.00)** for the second and succeeding offenses and **impounding/confiscation** of the unregistered truck or vehicle.

(c) For Violation of Section 5 and 8:

No future Permit to Operate shall be issued by the Provincial Local Government Unit. Closure of the illegal facility shall be immediately implemented. The involved property shall be banned for any future application for a Bio-ash Landfill Facility.

(d) For Violation of Section 9:

Any Barangay Official found in violation of Section 9 shall be charged with Administrative Sanctions under the Local Government Code and a Criminal Case under the Revised Penal Code if acting in conspiracy with violators.

The above penalties are without prejudice to any criminal liability that may be incurred by the offender under Republic Act No. 8749 (Philippine Clean Air Act of 1999) and the Revised Penal Code.

(e) For Violation of Section 10:

Any Public Official or employee found in violation of Section 10 shall be charged with Administrative Sanctions under the Local Government Code and a Criminal Case under the Revised Penal Code if acting in conspiracy with violators.

The above penalties are without prejudice to any criminal liability that may be incurred by the offender under Republic Act No. 8749 (Philippine Clean Air Act of 1999) and the Revised Penal Code.

Section 12. Repealing Clause. All Ordinances or Resolutions inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 13. Separability Clause. Should any provision of this ordinance or any part thereof be declared invalid, the other provisions, insofar as they separable from the invalid ones, shall remain in full force and effect.

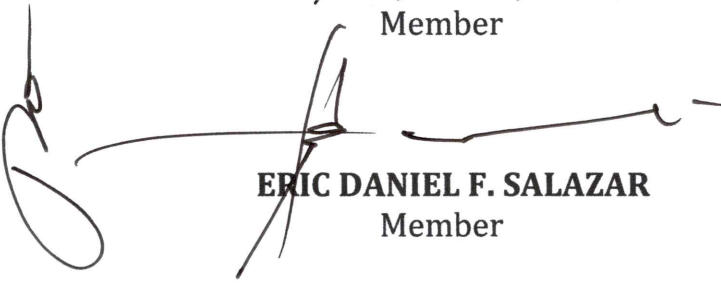
Section 14. Effectivity Clause. This Ordinance shall take effect upon approval and publication as required by law.

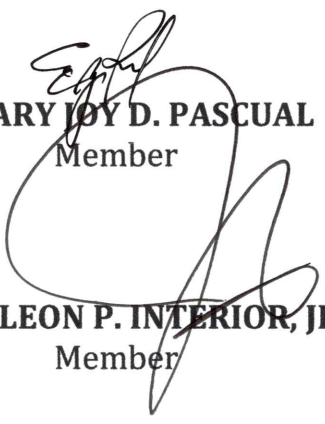
APPROVED, August 20, 2020.

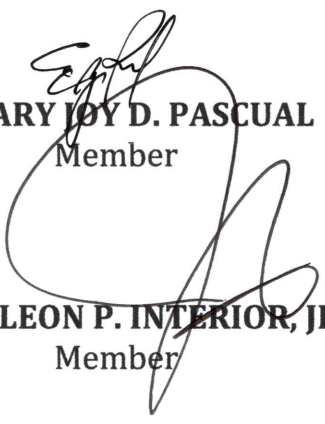

RAFAEL ANDREW R. VILLANUEVA
Member

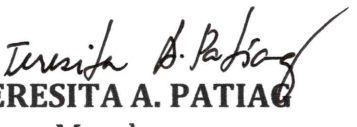

JO-MARIO ANGELO E. MATIAS
Member

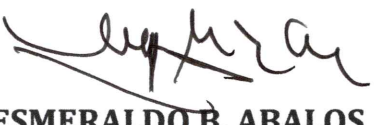

EDUARDO JOSE B. JOSON, VII
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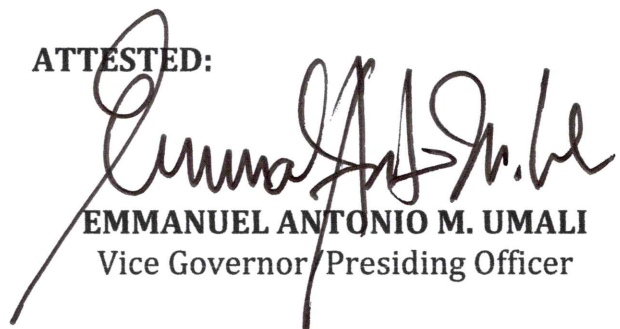

ARIEL L. MATIAS
Member (LnB President)


MARY SWEET LIBERTY N. CRUZ
Member (SK President)

I **HEREBY** certify to the correctness of the foregoing ordinance.


ATTY. NORBERTO D. CORONEL
Secretary to the Sangguniang
Panlalawigan

ATTESTED:


EMMANUEL ANTONIO M. UMALI
Vice Governor / Presiding Officer

Approved: 

AURELIO M. UMALI

Governor
SEP 10 2020

Date