

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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CITY ORDINANCE NO. 1022
February 15, 2023

AN ORDINANCE REGULATING THE TRANSPORT, STORAGE, REUSE, RECYCLING, REPROCESSING OR DISPOSAL OF USED/ WASTE COOKING OIL AND GREASE TRAP WASTE BY RESTAURANTS, CAFETERIAS, KITCHENETTES, CANTEENS, FOOD OUTLETS, FOOD CHAINS, FOOD COURTS, FOOD STALLS, AND OTHER SIMILAR ESTABLISHMENTS IN BACOLOD CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Section 15 of Article II of the 1987 Philippine Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 16 of Article II of the 1987 Philippine constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as "The Local Government Code of 1991" provides that "every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare";

WHEREAS, pursuant to Republic Act 6969 or the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990", the State adopts as a policy to regulate, restrict or prohibit the manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment and to provide advancement and facilitate research and studies on toxic chemicals;

WHEREAS, the Department of Environment and Natural Resources (DENR) Revised Procedures and Standards for the Management of Hazardous Wastes (Revising DAO 2004-36) (DENR Administrative Order No, 2013-22) classifies Used/Waste Cooking oil and Grease trap Waste Oil, including sludge, as a hazardous waste;

WHEREAS, Under the measure, it shall be unlawful for any person or entity to buy or sell or illegally disposed used cooking oil, except for industrial purposes, such as, lubricant, soap-making and weather-proofing of exterior woodwork, among others.

WHEREAS, the DENR has identified used cooking oil as presenting an unreasonable risk and/or injury to health or the environment and identified said substance as a hazardous waste which shall be properly regulated whereby its storage, treatment, transport, export, processing, reprocessing, recycling and disposal are required to be covered or done with permits issued by the DENR;



NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in session assembled that:

Section 1. TITLE - This Ordinance shall be known as the "BACOLOD COOKING OIL AND GREASE TRAP REGULATION ORDINANCE".

Section 2. DECLARATION OF POLICY. - It is hereby declared the policy of Bacolod City Government to prevent and/or minimize the health hazards on ground and water pollution caused by the improper disposal, transport, storage, reuse, recycling, or reprocessing of used/waste cooking oil and grease trap waste by food establishments and other responsible entities.

Section 3. SCOPE - This ordinance shall be enforceable to all food establishments using cooking oil or vegetable oil for food preparation, and are generating grease trap waste such as but not limited to: restaurants, cafeteria, kitchenettes, canteens, food outlets, food chains, food courts, food stalls, and other similar establishments within the territorial jurisdiction of Bacolod City.

This Ordinance shall likewise apply to all persons, whether natural or juridical, who are engaged in the transport, storage, reuse, recycling, reprocessing, and disposal of used/waste cooking oil and grease trap waste.


Section 4. MANAGEMENT OF USED/ WASTE COOKING OIL AND GREASE TRAP WASTE

1. All used/waste cooking oil and grease trap waste from any food establishment shall be transported, stored, reused, recycled, reprocessed, treated, and disposed only through the following:

- a. Waste transporter and/or a Treatment, Storage, and Disposal (TSO) Facility duly accredited with the Department of Environment and Natural Resources;
- b. Bacolod City Government, through DPS/ ENRO and in coordination and/or partnership with the DENR-EMB, and the Accredited Service Providers for the collection, transport, treatment and disposal.

Section 5. ENVIRONMENTAL CLEARANCE- All private, commercial or business establishment in Bacolod City that generates used/waste cooking oil and grease trap waste, and all service providers engaged in the transport, storage, treatment and disposal of the same, that operates within the territorial jurisdiction of Bacolod Solid Waste Management Office shall register their respective business activity for purposes of monitoring and ensuring their compliance to the provisions of Republic Act No. 6969, and its Implementing Rules and Regulations, and other relevant environmental laws, rules and regulations.

The City Environment and Natural Resources Office is hereby identified to be the lead agency in implementing this order and as such the said office is mandated to institute steps to ensure the proper storage, treatment, transport, export, processing, reprocessing, recycling and disposal of used cooking oil.



Section 6. ALTERNATIVE USE FOR THE USED/WASTE COOKING OIL AND GREASE TRAP WASTE.

The CENRO shall study and recommend to the City Mayor the best use for the collected used/waste cooking oil and grease trap waste as an alternative source of energy or for any industrial usage.

To this end, the City Mayor is hereby authorized to enter into an agreement with a third party capable of converting the used/ waste cooking oil and grease trap waste into an alternative source of energy like biodiesel or other forms of fuel energy, or for any industrial usage.

Section 7. PENAL CLAUSE

Any person found violating the provision of this Ordinance shall be penalized in the following manner:

1. First Offense - Two Thousand Pesos (P2,000.00);
2. Second Offense - Three Thousand Pesos (P3,000.00) and/or imprisonment of not more than five (5) days at the discretion of the court;
3. Third Offense - Five Thousand Pesos (P5,000.00) and revocation of business permit and/or imprisonment of not more than five days (5) at the discretion of the court.

Section 8. SEPARABILITY CLAUSE. - If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

Section 9. REPEALING CLAUSE. - All laws, decrees, orders, issuances and rules and regulations or parts thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 10. EFFECTIVITY. - This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Bacolod City.

CARRIED BY THE VOTE OF:

Affirmative :

Councilors : Jude Thaddeus A. Sayson, Israel P. Salanga, Em L. Ang, Vladimir S. Gonzalez, Renecito S. Novero, Jason Isidro S. Villarosa, Claudio Jesus Raymundo A. Puentevella, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villaflor.

Negative : None.

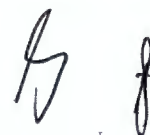
Official Leave : Councilor Al Victor A. Espino

Author : Councilor Claudio Jesus Raymundo A. Puentevella.

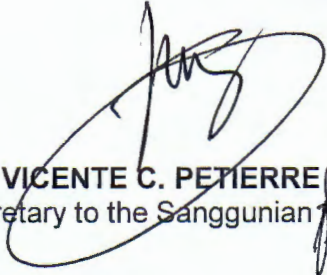
Passed : February 15, 2023 (33rd Regular Session of the 11th Council)

Comments : P a s s e d .

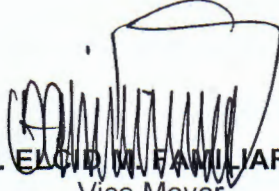
Councilor Cindy T. Rojas was not around when this Ordinance was passed.



ATTESTED:




ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian



HON. ELCID M. FAMILIARAN
Vice Mayor
Presiding Officer

APPROVED: FEBRUARY 27, 2023



ALFREDO ABELARDO B. BENITEZ
City Mayor

VCP/CGT/lt

SERVICES SECTION

DATE: 2/27/2023 TIME: 1:20 PM.

