



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5451



Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

The Philippine Clean Air Act of 1999 is best remembered as, and continues to be, one of the outstanding landmark statutes of the Eleventh Congress. It was a strong statement in the global effort to address critical environmental problems foremost of which is air pollution. The law aims to achieve and maintain clean and healthy air for Filipinos. It was a strong piece of legislation that ushered in a real consciousness to protect Mother Earth in this country.

Two decades after the enactment of RA 8749 or The Clean Air Act, the global environment is still working on attaining sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems. In the Philippines, local government units have to address a myriad of concerns from waste management to local resource utilization. But the same basic principle remains: it is the duty of the State to protect and advance the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Indeed, it is sad to note that 20 years after the law was passed, the country's air pollution problem remains and our standards are still way below the standards set by the World Health Organization. Leading environmentalists have issued calls to immediately address the worsening problem and even celebrities and the youth added their voices to the collective call.

While the original law recognizes the primary responsibility of cleaning the habitat and environment to be primarily area-based, meaning a local government has the responsibility over the ecological condition of its area, a big number of local government units still take this portentous matter very lightly. And while the law recognizes the principle

that "polluters must pay," that is, those who cause the environment harm, must be held accountable for their offense, implementation has been lackluster as evidenced by a big number of smoke-belching vehicles on the road of the metropolis and other urban centers. And instead of doing away with burning and incinerators, many people still burn their trash that cause serious damage to the ozone layer. Jeepneys and buses emitting dark smoke are still brazenly plying the roads with the authorities turning a blind eye.

Thus, this bill seeks to provide better and higher standards for implementation by the government and the citizens. This representation believes that given the consensus that a clean and healthy environment is for the good of all, now and in the future, increasing air pollution must be concerning for all. This bill seeks to impose higher penalties on violators of the law and harness collective efforts of different government agencies to address the continuing, open and blatant disregard of environmental standards already imposed.

Balancing development and environmental protection is still a basic thesis for this proposal. The framework for sustainable development is still anchored on the performance and pursuit by the State of certain policies including formulating a holistic national program of air pollution management that shall be implemented by the government through proper delegation and effective coordination of functions and activities.

And, as with the original law, this bill stresses the recognition of rights of the people – to breathe fresh air, and to utilize and enjoy all natural resources according to the principle of sustainable development.

In view of the foregoing, immediate approval of this bill is earnestly sought.



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AN ACT
AMENDING FOR THE PURPOSE THE PROVISIONS OF REPUBLIC ACT NO. 8749,
OTHERWISE KNOWN AS THE "PHILIPPINE CLEAN AIR ACT OF 2009".

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

SECTION 1. Provisions of Section 5, Article 2, Chapter 1 of Republic Act No. 8749 otherwise known as the "Philippine Clean Air Act of 1999" is hereby amended to read as follows:

"Article 2

Definition of Terms

Section 5. Definitions – As used in this Act, the following shall be defined as follows:

x x x

- i) **"Greenhouse gases" ARE those GASEOUS CONSTITUENTS OF THE ATMOSPHERE, BOTH NATURAL AND ANTHROPOGENIC, that ABSORB AND EMIT RADIATION AT SPECIFIC WAVELENGTHS WITHIN THE SPECTRUM OF THERMAL INFRARED RADIATION EMITTED BY THE EARTH'S SURFACE, THE ATMOSPHERE ITSELF AND BY CLOUDS, THEREBY CAUSING THE GREENHOUSE EFFECT, OF which include WATER VAPOUR (H₂O), carbon dioxide (CO₂), methane (CH₄), oxides of nitrogen (N₂O) AND SULFUR, CHLOROFLUOROCARBONS, CARBON MONOXIDE (CO), TROPOSPHERIC OZONE (O₃) and the like;**

X X X

- t) "**Poisonous and toxic fumes**" mean any emissions and fumes which are beyond **NATIONALLY APPROPRIATE AND** internationally-accepted standards, including but not limited to World Health Organization (WHO) guideline values.

X X X "

SECTION 2. Section 7, Article 1, Chapter 2 of R.A. 8749 is hereby amended to read as follows:

"Section 7. ***Integrated Air Quality Improvement Framework.*** – The Department shall, within six (6) months after the effectivity of this Act, establish, with the participation of **LOCAL GOVERNMENT UNITS (LGUs), NON-GOVERNMENT ORGANIZATIONS (NGOs), PEOPLE'S ORGANIZATIONS (POs)**, the academe and other concerned entities from the private sector, formulate and implement the Integrated Air Quality Improvement Framework for a comprehensive air pollution management and control program. The framework shall, among others, prescribe the emission reduction goals using permissible standards, control strategies, and control measures to be undertaken within a specified time period, including cost-effective use of economic incentives, management strategies, collective action, and environmental education and information, **TAKING INTO ACCOUNT FURTHER THE ALIGNMENT OF THESE EMISSION REDUCTION GOALS WITH THE COUNTRY'S NATIONALLY DETERMINED CONTRIBUTIONS TO ATTAIN A 1.5°C GLOBAL TEMPERATURE IN LINE WITH THE 2015 PARIS AGREEMENT ON CLIMATE CHANGE.**

The Integrated Air Quality Improvement Framework shall be adopted as the official blueprint with which all government agencies must comply with to attain and maintain ambient air quality standards. **THE SAID FRAMEWORK SHALL BE USED TO GUIDE OTHER STAKEHOLDERS, PARTICULARLY LGUS AND PRIVATE ENTITIES, IN ENSURING AIR POLLUTION MANAGEMENT AND CONTROL IN THEIR RESPECTIVE AIRSHEDS AS PROVIDED IN SECTIONS 8 AND 9 HEREOF."**

SECTION 3. Section 8, Article 1, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

"Section 8. ***Air Quality Control Action Plan.*** – Within six (6) months after the formulation of the framework, the Department shall, with public participation, formulate and implement an air quality control action plan consistent with Section 7 of this Act. **The AIR QUALITY CONTROL ACTION PLAN MUST BE REVISED EVERY FIVE (5) YEARS FROM THE START OF ITS FORMULATION AND shall:**

- a) Include enforceable emission limitations and other control measures, means or techniques, as well as schedules and time tables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;
- b) Provide for the establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor, compile and analyze data on ambient air quality;
- c) Include a program to provide for the following: (1) enforcement of the measures described in the subparagraph (a); (2) regulation of the modification and construction of any stationary source within the areas covered by the plan, in accordance with land use policy to ensure that ambient air quality standards are achieved;
- d) Contain adequate provisions, consistent with the provisions of this Act, prohibiting any source or other types of emissions activity within the country from emitting any air pollutant in amounts which will significantly contribute to the non-attainment or will interfere with the maintenance by the Department of any such ambient air quality standard required to be included in the implementation plan to prevent significant deterioration of air quality or to protect visibility;
- e) Include control strategies and control measures to be undertaken within a specified time period, including cost-effective use of economic incentives, management strategies, collection action, and environmental education and information;
- f) Designate airsheds, **ESPECIALLY IN AREAS NEAR COAL-FIRED POWER PLANTS**; and
- g) All other measures necessary for the effective control and abatement of air pollution.

The adoption of the plan shall clarify the legal effects on the financial, manpower and budgetary resources of the affected government agencies, and on the alignment of their programs with the plans, **INCLUDING THE ALIGNMENT WITH THE COUNTRY'S NATIONAL CLIMATE CHANGE ACTION PLAN.**

In addition to direct regulations, the plan shall be characterized by a participatory approach to the pollution problem. The involvement of private entities, **NGOs AND THE ACADEME** in the monitoring and testing of emissions from mobile and/or stationary sources shall be considered.

Likewise, the LGUs, with the assistance from the Department, shall prepare and develop an action plan consistent with the Integrated Air Quality Improvement Framework to attain and maintain the ambient air quality standards within their respective airsheds as provided in Section 9 hereof.

The local government units shall develop and submit to the Department a procedure for carrying out the action plan for their jurisdiction. The Department, however, shall maintain its authority to independently inspect the enforcement procedure adopted. The Department shall have the power to closely supervise all or parts of the air quality action plan until such time the local government unit concerned can assume the function to enforce the standards set by the Department.

A multi-sectoral monitoring team with broad public representation shall be convened by the Department for each LGU to conduct periodic inspections of air pollution sources to assess compliance with the emission limitations contained in their permits."

SECTION 4. Section 9, Article 1, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

"Section 9. ***Airsheds.*** – Pursuant to Section 8 of this Act, the designation of airsheds shall be on the basis of, but not limited to, areas with similar climate meteorology and topology which affect the interchange and diffusion of pollutants in the atmosphere, or areas which share common interest or face similar development programs, prospects, or problems. **THE DEPARTMENT AND THE CORRESPONDING EMB REGIONAL OFFICES SHALL DESIGNATE AN AIRSHED IN AREAS WITH EXISTING OR PROPOSED COAL FIRED POWER PLANTS.**

For a more effective air quality management, a system of planning and coordination shall be established and a common plan shall be formulated for each airshed.

To effectively carry out the formulated action plans, a Governing Board is hereby created, hereinafter referred to as the Board.

The Board shall be headed by the Secretary of the Department of Environment and Natural Resources as chairman. The members shall be as follows:

- a) Provincial Governors from areas belonging to the airshed;
- b) City/Municipal Mayors from areas belonging to the airshed;
- c) A representative from each concerned government agency;
- d) **REPRESENTATIVE FROM THE ACADEME;**
- e) Representatives from people's organizations;
- f) Representatives from nongovernment organizations; and

g) Representatives from the private sector.

The Board shall perform the following functions:

- a) Formulation of policies;
- b) Preparation of a common action plan;
- c) Coordination of functions among its members;
- d) Submission and publication of an annual Air Quality Status Report for each airshed; **AND**

E) CONSULTATION WITH THE LOCAL CITIZENS RESIDING NEAR THE AIRSHED, AND OTHER CONCERNED ORGANIZATIONS OR SECTORS IN RELATION TO THE ABOVE OTHER FUNCTIONS AND IMPLEMENTATION OF THE AIRSHED ACTION PLANS.

Upon consultation with appropriate local government authorities, the Department shall, **EVERY FIVE (5) YEARS**, revise the designation of airsheds utilizing eco-profiling techniques and undertaking scientific studies.

Emissions trading may be allowed among pollution sources within an airshed."

SECTION 5. Section 10, Article 1, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

"Section 10. ***Management of Nonattainment Areas.*** – The Department shall designate areas where specific pollutants have already exceeded ambient standards as nonattainment areas. **THE DEPARTMENT SHALL PUBLISH AND ANNOUNCE INFORMATION ON THESE DESIGNATED AREAS.** The Department shall prepare and implement a program that will prohibit new sources of exceeded air pollutants without a corresponding reduction in existing sources.
x x x"

SECTION 6. Section 11, Article 1, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

"Section 11. ***Air Quality Control Techniques.*** - Simultaneous with the issuance of the guideline values and standards, the Department, through the research and development program contained in this Act and upon consultation with the appropriate advisory committees, government agencies and LGUs, shall issue, **AND EVERY FIVE (5) YEARS THEREAFTER**, revise information on air pollution control techniques. Such information shall include: x x x"

SECTION 7. Section 12, Article 1, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

"Section 12. ***Ambient Air Quality Guideline Values and Standards.*** – The Department, in coordination with other concerned agencies, shall review and/or revise and publish annually a list of hazardous air pollutants with corresponding

ambient guideline values and/or standard necessary to protect public health and safety, and geneal welfare. The initial list and values of the hazardous air pollutants shall be as follows:

a) For National Ambient Air Quality Guideline for Criteria Pollutants:

| Pollutants | µg/NCM | SHORT TERM ^a | | µg/NCM | LONG TERM ^b | |
|---|------------------|-------------------------|-----------------------|--------|------------------------|---------------------|
| | | ppm | Averaging Time | | ppm | Averaging Time |
| Suspended Particulate Matter ^c - TSP | 230 | | 24 hours | 90 | -- | 1 year ^d |
| - PM | 10 ^e | 75 | 24 hours | 60 | 30 | 1 year |
| PM | 2.5 ^f | 37.5 | 24 hours | | 15 | 1 year ^g |
| Sulfur dioxide | 180 | 0.07 | 24 hours | 80 | 0.03 | -- |
| Nitrogen dioxide | 150 | 0.08 | 24 hours | -- | -- | -- |
| Photochemical oxidants | 140 | 0.07 | 1 hour | -- | -- | -- |
| As ozone | 60 | 0.03 | 8 hours | -- | -- | -- |
| Carbon monoxide | 35 mg/Ncm | 30 | 1 hour | -- | -- | -- |
| | 10 mg/Ncm | 9 | 8 hours | -- | -- | -- |
| Lead ^h | 1.5 | -- | 3 months ⁱ | 1.0 | -- | 1 year |

^a Maximum limits represented by ninety-eight percentile (98%) values not to exceed more than once a year.

^b Arithmetic mean

^c SO₂ and Suspended Particulate Matter are sampled once every six days when using the manual methods. A minimum of twelve sampling days per quarter or forty-eight sampling days each year is required for these methods. Daily sampling may be done in the future once continous analyzers are procured and become available.

^d Limits for Total Suspended Particulate Matter with mass median diameter less than 25-50 µm.

^e Limits for Suspended Particulate Matter based on World Health Organisation (WHO) guidelines

^f Limits for Suspended Particulate Matter based on World Health Organisation (WHO) guidelines

^g Annual Geometric Mean.

^h Provisional limits for Suspended Particulate Matter with mass median diameter less than 10 microns and below until sufficient monitoring data are gathered to base a proper guideline.

ⁱ Evaluation of this guideline is carried out for 24-hour averaging time and averaged over three moving calendar months. The monitored average value for any three months shall not exceed the guideline value.

x x x"

SECTION 8. Section 14, Article 1, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

"Section 14. ***Air Quality Management Fund.*** - An Air Quality Management Fund to be administered by the Department as a special account in the National Treasury is hereby established to finance containment, removal, and clean-up operations of the Government in air pollution cases, guarantee restoration of ecosystems and rehabilitate areas affected by the acts of violators of this Act, to support research, enforcement and monitoring activities and capabilities of the relevant agencies, as well as to provide technical assistance to the relevant agencies. Such fund may likewise be allocated per airshed for the undertakings herein stated, **AND TO LOCAL HEALTH CLINICS AND HOSPITALS TO BENEFIT LOCAL CITIZENS, RESIDENTS, OR WORKERS, SPECIFICALLY TO ADDRESS CASUALTIES**

INCLUDING, BUT NOT LIMITED TO, CARDIO-RESPIRATORY PROBLEMS, BROUGHT ABOUT BY VIOLATORS OF THIS ACT.

The Fund shall be sourced from the fines imposed and damages awarded to the Republic of the Philippines by the Pollution Adjudication Board (PAB), proceeds of licenses and permits issued by the Department under this Act, emission fees and from donations, endowments and grants in the form of contributions. Contributions to the Fund shall be exempted from donor taxes and all other taxes, charges or fees imposed by the Government.”

SECTION 9. Section 15, Article 1, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

“Section 15. ***Pollution Research and Development Program.*** – The Department, in coordination with the Department of Science and Technology (DOST), other agencies, the private sector, the academe, NGOs and POs, shall establish a National Research and Development Program for the prevention and control of air pollution. The Department shall give special emphasis to research on and the development of improved methods having industry-wide application for the prevention and control of air pollution. Such a research and development program shall develop air quality guideline values and standards in addition to internationally-accepted standards, **WHICH SHALL BE REVIEWED PUBLISHED, WITH THE HELP OF THE DEPARTMENT, EVERY FIVE (5) YEARS.** It shall also consider the socio-cultural, political and economic implications of air quality management and pollution control.

SECTION 10. Section 19, Article 3, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

“Section 19. ***Pollution From Stationary Sources.*** – The Department shall, within two (2) years from the effectivity of this Act, and **EVERY TWO (2) YEARS THEREAFTER,** review, revise, and publish emission standards, to further improve the emission standards for stationary sources of air pollution. Such emission standards shall be based on mass rate of emission for all stationary sources of air pollution based on internationally-accepted standards, but not be limited to, nor be less stringent than such standards and with standards set forth in this section. The standards, whichever is applicable, shall be the limit on the acceptable level of pollutants emitted from a stationary source for the protection of the public’s health and welfare.

THE DEPARTMENT SHALL ALSO REVIEW, REVISE, AND PUBLISH EMISSION STANDARDS EVERY FIVE (5) YEARS FOR EMERGING TYPES OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO HAZARDOUS POLLUTANTS

(E.G. POLYCYCLIC AROMATIC HYDROCARBONS OR PAHS), GREENHOUSE GASES (E.G. METHANE, TROPOSPHERIC OZONE, CHLOROFLUOROCARBONS), AND SHORT-LIVED CLIMATE POLLUTANTS OR SLCPS (E.G. BLACK CARBON).

With respect to any trade, industry, process and fuel-burning equipment or industrial plant emitting air pollutants, the concentration at the point of emission shall not exceed the following limits:

x x x

Provided, That the maximum limits in mg/NCM particulates in said sources shall be:

1. Fuel Burning Equipment
 - a. Urban or Industrial Area 100 mg/NCM
 - b. Other Area 150 mg/NCM
2. Cement Plants (Kilns, etc.) 150 mg/NCM
3. Smelting Furnaces 100 mg/NCM
4. Other Stationary Sources ^a 150 mg/NCM

^a Other Stationary Sources means a trade, process, industrial plant, or fuel burning equipment other than thermal power plants, industrial boilers, cement plants, incinerators and smelting furnaces.

x x x "

SECTION 11. Section 24, Article 5, Chapter 2 of R. A. 8749 is hereby amended to read as follows:

"Section 24. ***Pollution From Smoking.*** – Smoking inside a public building or an enclosed public place including public vehicles and other means of transport or in any enclosed area outside of one's private residence, private place of work or any duly designated smoking area is hereby prohibited under this Act **AND EXECUTIVE ORDER NO. 26 - PROVIDING FOR THE ESTABLISHMENT OF SMOKE-FREE ENVIRONMENTS IN PUBLIC AND ENCLOSED PLACES.** This provision **UNDER THE CLEAN AIR ACT AND EXECUTIVE ORDER NO. 26** shall be implemented **STRICTLY** by the LGUs.

SECTION 12. Section 26, Article 1, Chapter 3 of R. A. 8749 is hereby amended to read as follows:

"Section 26. ***Fuels and Additives.*** –

x x x

Every two (2) years thereafter, the specifications of unleaded gasoline and of automotive and industrial diesel fuels shall be reviewed and revised for further improvement in formulation, **AND PUBLISHED** in accordance with the provisions of this Act.

x x x

SECTION 13. Section 30, Article 2, Chapter 3 of R. A. 8749 is hereby amended to read as follows:

"Section 30. **Ozone-Depleting Substances.** – Consistent with the terms and conditions of the Montreal Protocol **AND ITS KIGALI AMENDMENT ON** Substances that Deplete the Ozone Layer, **THE PARIS AGREEMENT**, and other international agreements and protocols to which the Philippines is a signatory, the Department shall phase out ozone-depleting substances.

EVERY FIVE (5) YEARS THEREAFTER, THE DEPARTMENT, ALONG WITH DOST, shall publish a list of substances which are known to cause harmful effects on the stratospheric ozone layer.

SECTION 14. Section 31, Article 2, Chapter 3 of R. A. 8749 is hereby amended to read as follows:

"Section 31. **Greenhouse Gases.** – The Philippine Atmospheric, Geophysical and Astronomical Service Administration (PAGASA) shall regularly monitor meteorological factors affecting environmental conditions including ozone depletion and greenhouse gases and coordinate with the Department in order to effectively guide air pollution monitoring and standard-setting activities.

The Department, together with **THE CLIMATE CHANGE COMMISSION**, concerned agencies and local government units, shall fully implement **THE National CLIMATE CHANGE ACTION Plan** consistent with the United Nations Framework Convention on Climate Change and other international agreements, conventions and protocols, on the reduction of greenhouse gas emissions in the country.

SECTION 15. Section 34, Chapter 4 of R. A. 8749 is hereby amended to read as follows:

"Section 34. **Lead Agency.** – The Department, unless otherwise provided herein, shall be the primary government agency responsible for the implementation and enforcement of this Act. **THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF HEALTH AT LEAST ONCE A YEAR REGARDING PUBLIC HEALTH IMPACTS, CASUALTIES, CONCERNS, AND MITIGATION PROCEDURES WITH REGARDS TO PROBLEMS WITH AIR QUALITY CAUSED BY ANY VIOLATIONS OF THIS ACT.** To be more effective in this regard, the Department's Environmental Management Bureau (EMB) shall be converted from a staff bureau to a line bureau for a period of no more than two (2) years, unless a separate, comprehensive environmental management agency is created."

SECTION 16. Section 36, Chapter 4 of R. A. 8749 is hereby amended to read as follows:

“Section 36. *Role of Local Government Units.* – Local government units (LGUs) shall share the responsibility in the management and maintenance of air quality within their territorial jurisdiction. Consistent with Sections 7, 8 and 9 of this Act, LGUs shall implement air quality standards set by the Board in areas within their jurisdiction; Provided, however, That in caseS where the Board has not be duly constituted and has not promulgated its standards, the standards set forth in this Act shall apply,

The Department shall provide the LGUs with technical assistance, trainings and a continuing capability-building program to prepare them to undertake full administration of the air quality management and regulation within their territorial jurisdiction. **THE DEPARTMENT, ALONG WITH OTHER CONCERNED AGENCIES, SHALL ENDEAVOR TO PROVIDE ADDITIONAL FINANCIAL SUPPORT TO LGUS TO DEVELOP AND IMPLEMENT CLEAN AIR ACTION PLANS, CONSISTENT WITH THEIR LOCAL CLIMATE ACTION PLANS AND CLEAN AIR QUALITY OBJECTIVES AND/OR TARGETS.**

SECTION 17. Section 37, Chapter 4 of R. A. 8749 is hereby amended to read as follows:

“Section 37. *Environment and Natural Resources Office.* – There **SHALL** be an established Environment and Natural Resources Office in every province, city, or municipality, which shall be headed by the environment and natural resources officer and shall be appointed by the Chief Executive of every province, city, or municipality in accordance with the provisions of Section 484 of Republic Act No. 7160. **THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) SHALL ENSURE THE ESTABLISHMENT OF THIS OFFICE, SECURING AN ANNUAL BUDGET PER OFFICE AND ENSURING THE COMPLIANCE AMONG ITS OFFICERS.** Its powers and duties, among others, are:

- a) To prepare comprehensive air quality management programs, plans and strategies within the limits set forth in Republic Act No. 7160 and this Act which shall be implemented within its territorial jurisdiction upon the approval of the *sanggunian*;
- b) To provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to air quality;
- c) To take the lead in all efforts concerning air quality protection and rehabilitation;
- d) To recommend to the Board air quality standards which shall not exceed the maximum permissible standards set by national laws;

- e) To coordinate with other government agencies and non-government organizations in the implementation of measures to prevent and control air pollution; and
- f) Exercise such other powers and perform such duties and functions as may be prescribed by law or ordinance; *Provided, however,* that in provinces/cities/municipalities where there are no environment and natural resources officers, the local executive concerned may designate any of his official and/or chief of office preferably the provincial, city or municipal agriculturist, or any of his employee; *Provided, finally,* That in case an employee is designated as such, he must have a sufficient experience in environmental and natural resources management, conservation and utilization."

SECTION 18. Section 38, Chapter 4 of R. A. 8749 is hereby amended to read as follows:

"Section 38. *Record-keeping, Inspection, Monitoring and Entry by the Department.* – The Department or its duly accredited entity shall, after proper consultation and notice, require any person who owns or operates any emission source or who is subject to any requirement of this Act to: (a) establish and maintain relevant records; (b) make relevant reports; (c) install, use and maintain monitoring equipment or methods, (d) sample emission, in accordance with the methods, locations, intervals, and manner prescribed by the Department; (e) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; (f) provide such other information as the Department may reasonably require; **AND (g) COMPLY WITH AND IMPLEMENT DENR ADMINISTRATIVE NO. 2007-22 FOR CONTINUOUS EMISSIONS MONITORING SYSTEMS (CEMS) AND CONTINUOUS OPACITY MONITORING SYSTEMS (COMS), MOST ESPECIALLY FOR EXISTING COAL FIRED POWER PLANTS.**

IN THE INTEREST OF PUBLIC HEALTH, OPERATORS OF COAL POWER PLANTS ARE ENJOINED TO PUBLISH THE RESULTS OF THEIR AIR QUALITY MONITORING RESULTS, INCLUDING QUARTERLY CEMS AND COMS RESULTS IN COMPLIANCE WITH DAO 2007-22, AND THE DEPARTMENT AND ITS REGIONAL AND LOCAL OFFICES SHALL ENSURE COMPLIANCE THERETO BY SAID OPERATORS.

Pursuant to this Act, the Department, through its authorized representatives, shall have the right of: a) entry or access to any premises including documents and relevant materials as referred to in the herein preceding paragraph; b) inspect any

pollution or waste source, control device, monitoring equipment or method required; and c) test any emission.

Any record, report or information obtained under this section shall be made available to the public, except upon a satisfactory showing to the Department by the entity concerned that the record, report, or information, or parts thereof, if made public, would divulge secret methods or processes entitled to protection as intellectual property. Such record, report or information shall likewise be incorporated in the Department's industrial rating system."

SECTION 19. Section 45, Chapter 6 of R. A. 8749 is hereby amended to read as follows:

"Section 45. ***Violation of Standards for Stationary Sources.*** – For actual exceedance of any pollution or air quality standards under this Act or its rules and regulations, the Department, through the Pollution Adjudication Board (PAB), shall impose a fine of not more than **ONE HUNDRED SEVENTY-FIVE THOUSAND PESOS (PHP 175,000.00)** for every day of violation against the owner or operator of a stationary source until such time that the standards have been complied with.

x x x "

SECTION 20. Section 46, Chapter 6 of R. A. 8749 is hereby amended to read as follows:

"Section 46. ***Violation of Standards for Motor Vehicles.*** – No motor vehicle shall be registered with the DOTC unless it meets the emission standards set by the Department as provided in Section 21 hereof.

Any vehicle suspected of violation of emission standards through visual signs, such as, but not limited to smoke-belching shall be subjected to an emission test by duly authorized testing center for this purpose, the DOTC or its authorized testing center, shall establish a roadside inspection system. Should it be shown that there was no violation of emission standards, the vehicle shall be immediately released. Otherwise, a testing result indicating an exceedance of the emission standards would warrant the continuing custody of the impounded vehicle unless the appropriate penalties are fully paid, the license plate is surrendered to the DOTC pending the fulfillment of the undertaking by the owner/operator of the motor vehicle to make the necessary repairs so as to comply with the standards. A pass shall herein be issued by the DOTC to authorize the use of the motor vehicle within a specified period that shall not exceed seven (7) days for the sole purpose of making the necessary repairs on the said vehicle. The owner/operator of the vehicle shall be required to correct its defects and show proof of compliance to the appropriate pollution control office before the vehicle can be allowed to be driven on any public or subdivision roads.

In addition, the driver and **OWNER/operator** of the apprehended vehicle shall undergo a seminar on pollution control and management conducted by the DOTC and shall also suffer the following penalties:

- a) **First offense** – a fine not to exceed **THREE THOUSAND FOUR HUNDRED PESOS (PHP 3,400.00)**,
- b) **Second offense** – a fine not less than **SIX THOUSAND EIGHT HUNDRED PESOS (PHP 6,800.00)**, and
- c) **Third offense** – **ONE (1) YEAR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION (MVR) AND A FINE OF TEN THOUSAND PESOS (PHP 10,000.00)**

Any violation of the provisions of Section 21 paragraph (d) with regard to national inspection and maintenance program, including technicians and facility compliance shall be penalized with a fine of not less than **FIFTY THOUSAND (PHP 50,000.00)** or cancellation of license of both the technician and the center, or both, as determined by the DTI.

All law enforcement officials and deputized agents accredited to conduct vehicle emissions testing and apprehensions shall undergo a mandatory training on emission standards and regulations. For this purpose, the Department, together with the DOTC, DTI, DOST, Philippine National Police (PNP) and other concerned agencies and private entities shall design a training program, **INCLUDING ADMINISTRATIVE PENALTIES FOR ERRING LAW ENFORCEMENT OFFICIALS AND DEPUTIZED AGENTS IN THE CONDUCT OF EMISSIONS TESTING AND APPREHENSIONS.**

SECTION 21. Repealing Clause. – Any law presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 22. Effectivity Clause. – This Act shall effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,