

(b) *Commission Action*—The Commission, in accordance with its procedural policies, shall review and approve an abatement program.

(c) *Progress Reports*—Each discharger shall submit reports on its abatement program to the Commission in such form and time as directed by the Commission.

#### CHAPTER IV

### MISCELLANEOUS REGULATIONS

#### ARTICLE 1

#### Noise Control Regulations

SEC. 74. *Definitions*.—The following words and phrases when used in this Chapter, unless the context clearly indicates otherwise, shall have the following meanings:

(a) "Level" means the total sound level of all noise as measured with a sound level meter using "A" weighting network. The unit of measurement is the Decibel "A".

"Weighting Network" means the frequency response of a sound level meter, the purpose of which is to provide a means of compensating for variation in the response of the human ear to frequency and intensity. The "A" network, for example, disregards the low frequency.

(b) "Activity" means any act or combination of sound.

(c) "Air Compressor" means a device which draws in air or gas, compresses it and delivers it at high pressure.

(d) "Ambient Noise" means the all-encompassing noise associated with a given environment, being usually composed of sounds from sources near and far.

(e) "Apparatus" means any mechanism which prevents, controls, detects, measures or records the production of sound.

(f) "Construction" means any or all activity except tunnelling, necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility line including such as line grading, excavating and filling.

(g) "Construction Device" means any device designed and intended for use in construction, including, but not limited to, any air compressor, pile driver, manual tool, bulldozer, pneumatic hammer, steam shovel, derrick, crane, steam or electric hoist.

(h) "Circulation Device" means any device which circulates a gas or fluid, including, but not limited to, any air conditioner, pump, cooling water, fan or blower.

(i) "Claxon" means any manually, mechanically or electrically powered device, other than an emergency signal device, including but not limited to, a motor vehicle horn which is intended to, and when operated, actually does emit a sound signal.

(j) "Paving Breaker" means any powered construction device intended to cut a trench pavement, sub-base macadam, gravel, concrete or hard ground.

(k) "Decibels" is a measure of sound level and is equal to 10 times the logarithm of the square of a measured sound pressure level (SPL) divided by a reference sound pressure. The sound pressure is given in microbar, with the reference pressure taken as 0.0002 microbar which is generally the minimum the human ear can sense.

Decibel "A" (dBA) is the measure of the total sound level when using the "A" level network.

(l) "Device" means any mechanism which is intended to produce or which actually produces sound when operated or handled.

(m) "Dwelling" means any building or structure occupied in whole or in part either as the temporary or permanent residence of one or more natural persons.

(n) "Muffler" means an apparatus generally consisting of, but not limited to, a series of chambers of baffles for the purpose of transmitting gases while reducing sound levels.

(o) "Noise" means an erratic, intermittent, or statistically random oscillation, or any unwanted sound.

(p) "Sound" means an oscillation in pressure, stress particle displacement, particle velocity, etc., in a medium whose internal forces (e.g. elastic, viscous) of the superposition of such propagated oscillation which evokes an auditory sensation.

(q) "Sound Level Meter" means any instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound level.

(r) "Sound Pressure Level" (SPL), in decibels means sound level that is 20 times the logarithm to the base 10, of the ratio of the pressure of the sound to the reference pressure,  $2 \times 10^{-4}$  microbar.

(s) "Sound Reproduction Device" means any device intended primarily for the production or reproduction of sound including, but not limited to, any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system.

(t) "Sound Signal" means any sound produced by a sound signal device to transmit information.

(u) "Sound Signal Device" means a device designed to produce a sound signal when operated, including, but not limited to, any claxon, air horn whistle, bell, gong, siren, but not an emergency signal device.

(v) "Emergency Signal Device" means any gong, siren, whistle, or any air horn or any similar device the use of which by authorized emergency vehicles, is permitted.

(w) "Emergency" means a public calamity or an exposure of any person or property to imminent danger.



(x) "Sound Source" means any activity or device as herein defined.

(y) "Unnecessary Noise" means 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.

**SEC. 75. General Requirements and Restrictions.**—The following shall be the general requirements and restrictions on noise level:

(a) *Best Practicable Technology*.—The best available and practicable technology shall be used to control noise emissions.

(b) *Noise Level Violations*.—No person shall build, erect, construct, install, or implant any new source, or operate, modify, or rebuild an existing source, or by any other means cause or undertake any activity, which would result in the emission of noise, or which will, as determined by the Commission, result in ambient noise level greater than the ambient standards. Neither shall he emit or cause or suffer to be emitted noise greater in volume, intensity, or quality than the levels prescribed for allowable noise without first obtaining a clearance from the Commission. Any person who shall do any such activity shall be liable under these Rules and Regulations.

(c) *Malfunction Reporting*.—In the event of failure or breakdown of any emission source, noise pollution control equipment or related facility in such a manner as to cause the emission of noise level in violation of these Rules and Regulations, the person in charge of such source, equipment or facility shall notify the Commission in writing 24 hours of such failure or breakdown, indicating all pertinent facts and other relevant information including the estimated duration of breakdown, the steps taken, if any, to correct the defects, and thereafter to submit a report whether such source equipment or facility has resumed operation.

**SEC. 76. Prohibited Acts.**—The following shall constitute as prohibited acts punishable under these Rules and Regulations:

(a) *Operation of Sound Reproduction Devices*.—No person shall operate or use or cause to be operated any sound reproduction device for any of the following purposes:

(1) To attract attention to any performance, show, sale, display or merchandise in connection with any commercial or business enterprise including those engaged in the sale of radios, television sets, phonographs, tape recorders, phonograph records or tapes, in front or outside of any business building, place or premises, abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place from any stand, platform

or other structure, or from any airplane or other device used for flying, or on boat, or the public streets, parks or places, except the incidental sound for which a permit has been issued.

(2) To make noise emanating from the sound reproduction device, while on railroad or ferry or any other public conveyance, audible to another person.

(3) To create unnecessary noise, except when the noise is a result of the operation or use of any claxon or air horn installed in a motor vehicle to signal imminent danger, or of any steam whistle attached to any stationary boiler to give notice of the time to start and stop work or to signal imminent danger.

(b) *Animal Noise*.—No person shall permit an animal or pet, including birds, under his control to cause unnecessary noise.

(c) *Construction, Commercial and Industrial Activities*.—No person shall engage in or permit any person to be engaged in construction, commercial and industrial activities where excessive noise is created, except when such activities are for the purpose of averting disasters or other emergencies, preventing danger to human life, safeguarding public safety or protecting national interest and similar incidents.

(d) *Handling Containers and Construction Materials*.—No person shall handle, transport or cause to be handled or transported in any public place, any container or construction material in such a way as to create unnecessary noise.

(e) *Exhaust Noise*.—No person shall cause or permit the discharge into the open air of the exhaust of any steam engine, diesel engine, internal combustion engine, turbine engine or similar device so as to create in excess of 90 dB measured on acceleration at 10 meters distance.

(f) *Noise Emission near Schools, Hospitals, Courts*.—No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street adjacent to any hospital, school or court of justice.

**SEC. 77. Noise-Sensitive Zone.**—The Commission, in consultation with appropriate government agencies, may designate noise-sensitive zones in any geographical area in the country where no person shall cause the creation of unnecessary noise.

**SEC. 78. Ambient Noise Quality Standards.**—

(a) *Classification of General Areas*:

For purposes of establishing ambient noise quality standards, areas within any city, region or center of urban living shall be classified by the Commission as follows:

Class AA—a section or contiguous area which requires quietness, such as areas within 100 meters



from school sites, nursery schools, hospitals, and special homes for the aged.

Class A—A section or contiguous area which is primarily used for residential purposes.

Class B—A section or contiguous area which is primarily a commercial area.

Class C—A section primarily reserved as a light industrial area.

Class D—A section which is primarily reserved as a heavy industrial area.

(b) The maximum allowable noise levels in general areas shall be those as indicated in Table I.

#### Environmental Quality Standards for Noise in General Areas

Category of Area	Daytime	Morning and Evening	Night time
AA	50 db	45 db	40 db
A	55 "	50 "	45 "
B	65 "	60 "	55 "
C	70 "	65 "	60 "
D	75 "	70 "	65 "

(1) The standards are applied to the arithmetic median of at least seven readings at the point of maximum noise level.

(2) The division of the 24-hr. period shall be as follows:

- ✓ Morning ————— 5:00 A.M. to 9:00 A.M.
- ✓ Daytime ————— 9:00 A.M. to 6:00 P.M.
- ✓ Evening ————— 6:00 P.M. to 10:00 P.M.
- Nighttime ————— 10:00 P.M. to 5:00 A.M.

#### SEC. 79. Measurement of Noise Level.

(a) Noise level shall be measured by a standard sound level meter that meets the specifications of the American National Standards Institute (ANSI) S1.4-1971, or other specifications accepted by the Commission. The weighting network with "A" characteristics shall be used for measurement.

(b) The method of measurement of noise shall be as follows:

(1) The figure indicated by a sound level meter where its indicator shows no fluctuations or only small fluctuations.

(2) Where the indicator of a sound level meter records periodic or intermittent fluctuations with the highest peaks almost regular, the average of the highest peaks for respective fluctuations is recorded.

(3) Where the indicator of a sound level meter records irregular and big fluctuations, the figure on the higher end of the 90 percent range of the levels is recorded.

(c) For point of fixed sources of pollution, the noise level shall be measured at the boundary line of the factory site or establishment, or at (30) meters from the boundary of a construction site.

#### ARTICLE 2

#### Prevention and Control of Pollution from Solid, Toxic and Hazardous Wastes

SEC. 80. Definitions.—The following words and phrases, when used in this Chapter, unless the context clearly indicates otherwise, shall have the following meanings:

(a) "Solid Waste" means all putrescible, non-putrescible and discarded materials (except human excrement), including, but not limited to, food waste, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, sewage treatment sludge in non-liquid form, incinerator ash and residue, commercial, industrial and agricultural waste; and special wastes, whether combustible or non-combustible, such as paper, rags, cartons, wood, tin cans, lawn clippings, glass, crockery or litter of any kind.

(b) "Toxic and Hazardous Waste" means materials which are inherently dangerous to the human body or to animals, including, but not limited to, materials that are toxic or poisonous; corrosive; irritants, strong sensitizers; flammable; explosive, i.e. generate power through decomposition, heat or other means; infectious, i.e. represent a potential source for the transmission of diseases to humans, domestic animals or wildlife; radioactive, i.e. containing sufficient radioactivity to require labels; and pesticides.

SEC. 81. General Prohibitions.—The following shall constitute prohibited acts punishable under these Rules and Regulations:

(a) No person shall store, collect, process, transport or dispose solid waste in such a manner as to cause pollution of the environment.

(b) No person shall dispose of toxic hazardous wastes without first securing a written authority from the Commission.

#### SEC. 82. Guidelines.—

(a) Solid waste shall be stored, collected, processed, transported and disposed of in such a manner as to control dust emission, windblown material, odors and prevent harborage for vermin and insects. The solid waste shall be stored in such a way that it is not a health or a safety hazard, unsightly and cannot be considered a public nuisance.

(b) Toxic and hazardous wastes shall be handled in accordance with approved methods as set by the Commission and in accordance with prescribed applicable rules and regulations, ordinances or laws.

(c) The producer of hazardous wastes shall make