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MAY 16 2005

DENR Administrative Order
No. 2005- 10

**SUBJECT: Implementing Rules and Regulations of the
Philippine Clean Water Act of 2004 (Republic
Act No. 9275)**

Pursuant to Section 32 of the Philippine Clean Water Act of 2004, and Executive Order No. 192 (1987), the Department of Environment and Natural Resources hereby adopts and promulgates the following rules and regulations, in coordination with the Committee on Environment and Natural Resources of the Senate and the Committee on Ecology of the House of Representatives, and other concerned agencies:

Rule 1. Title. These rules shall be known as the Implementing Rules and Regulations (IRR) of the Philippine Clean Water Act of 2004.

1.1 Reference. The text of Republic Act No. 9275 (CWA) is reproduced herein for reference purposes.

1.2 Effectivity of the CWA. The CWA was published on April 21, 2004 and subsequently took effect on May 6, 2004.

CHAPTER 1 GENERAL PROVISIONS

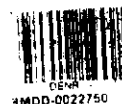
Article 1

Declaration of Principles and Policies

SECTION 1. Short Title. - This Act shall be known as the "Philippine Clean Water Act of 2004."

SEC. 2. Declaration of Policy. - The State shall pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters. To achieve this end, the framework for sustainable development shall be pursued. As such, it shall be the policy of the State:

- a) To streamline processes and procedures in the prevention, control and abatement of pollution of the country's water resources;
- b) To promote environmental strategies, use of appropriate economic instruments and of control mechanisms for the protection of water resources;



- c) To formulate a holistic national program of water quality management that recognizes that water quality management issues cannot be separated from concerns about water sources and ecological protection, water supply, public health and quality of life;
- d) To formulate an integrated water quality management framework through proper delegation and effective coordination of functions and activities;
- e) To promote commercial and industrial processes and products that are environment friendly and energy efficient;
- f) To encourage cooperation and self-regulation among citizens and industries through the application of incentives and market-based instruments and to promote the role of private industrial enterprises in shaping its regulatory profile within the acceptable boundaries of public health and environment;
- g) To provide for a comprehensive management program for water pollution focusing on pollution prevention;
- h) To promote public information and education and to encourage the participation of an informed and active public in water quality management and monitoring;
- i) To formulate and enforce a system of accountability for short and long-term adverse environmental impact of a project, program or activity; and
- j) To encourage civil society and other sectors, particularly labor, the academe and business undertaking environment-related activities in their efforts to organize, educate and motivate the people in addressing pertinent environmental issues and problems at the local and national levels.

Rule 2. Interpretation of the Declaration of Policy. The policy statements in Section 2 of the CWA shall be interpreted collectively, and all regulations issued pursuant to the CWA and decisions over disputes in specific cases shall be implemented or made with due consideration of this policy. Issues and cases shall be resolved in a fair and objective manner. The CWA and these rules shall be construed liberally in favor of protecting the quality of water resources and public health.

SEC. 3. Coverage of the Act. – This Act shall apply to water quality management in all water bodies: Provided, That it shall primarily apply to the abatement and control of pollution from land based sources: Provided, further, That the water quality standards and regulations and the civil liability and penal provisions under this Act shall be enforced irrespective of sources of pollution.

Rule 3. Applicability of the CWA to marine pollution and disposal of effluents on land.

3.1 Applicability of standards. In addition to regulating pollution of water bodies, the Department shall formulate and apply standards for the transport and disposal of effluent, sewage and septage offsite, whether offshore or on land as well as disposal of industrial wastewater on land. The DA shall develop guidelines for re-use of wastewater for irrigation purposes or as soil conditioner or fertilizer, provided that the discharge of effluents on land shall comply with conditions provided under Rule 14.6 herein.

3.2 Penalties. The penalties under Sec. 28 of the CWA shall apply to offenses committed under the Marine Pollution Decree (P.D. No. 979, as amended) and administrative penalties for aquatic pollution, without prejudice to criminal sanctions under the Fisheries Code.



3.3 Enforcement. The Department shall coordinate with the Philippine Coast Guard with respect to the enforcement of standards and regulations in offshore areas including the discharge of wastewater by ships.

Article 2

Definition of Terms

SEC. 4. Definition of Terms. - As used in this Act:

- a) **Aquifer** - means a layer of water-bearing rock located underground that transmits water in sufficient quantity to supply pumping wells or natural springs.
- b) **Aquatic life** - means all organisms living in freshwater, brackish and marine environments.
- c) **Beneficial use** - means the use of the environment or any element or segment thereof conducive to public or private welfare, safety and health; and shall include, but not be limited to, the use of water for domestic, municipal, irrigation, power generation, fisheries, livestock raising, industrial, recreational and other purposes.
 - 1. **Use of water for domestic purposes** - means the utilization of water for drinking, washing, bathing, cooking or other household needs, home gardens and watering of lawns or domestic animals;
 - 2. **Use of water for municipal purposes** - means the utilization of water for supplying water requirements of the community;
 - 3. **Use of water for irrigation** - means the utilization of water for producing agricultural crops;
 - 4. **Use of water for power generation** - means the utilization of water for producing electrical or mechanical power;
 - 5. **Use of water for fisheries** - means the utilization of water for the propagation of culture of fish as a commercial enterprise;
 - 6. **Use of water for livestock raising** - means the utilization of water for large herds or flocks of animals raised as a commercial enterprise;
 - 7. **Use of water for industrial purposes** - means the utilization of water in factories, industrial plants and mines, including the use of water as an ingredient of a finished product; and
 - 8. **Use of water for recreational purposes** - means the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of recreation.
- d) **Classification/Reclassification of Philippine Waters** – means the categorization of all water bodies taking into account, among others, the following: (1) existing quality of the body of water; (2) size, depth, surface area covered, volume, direction, rate of flow and gradient of stream; (3) most beneficial existing and future use of said bodies of water and lands bordering them, such as for residential, agricultural, aquacultural, commercial, industrial, navigational, recreational, wildlife conservation and aesthetic purposes; and (4) vulnerability of surface and groundwater to contamination from pollutive and hazardous wastes, agricultural chemicals and underground storage tanks of petroleum products.
- e) **Civil Society** - means non-government organizations (NGOs) and people's organizations (POs).
- f) **Cleaner production** - means the application of an integrated, preventive environmental strategy to processes, products, services to increase efficiency and reduce risks to humans and the environment;



- g) **Clean-up operations** - means activities involving the removal of pollutants discharged or spilled into a water body and its surrounding areas, and the restoration of the affected areas to their former physical, chemical and biological state or conditions.
- h) **Contamination** - means the introduction of substances not found in the natural composition of water that make the water less desirable or unfit for intended use.
- i) **Department** - means the Department of Environment and Natural Resources.
- j) **Discharge** includes, but is not limited to, the act of **spilling, leaking, pumping, pouring, emitting, emptying, releasing or dumping** of any material into a water body or onto land from which it might flow or drain into said water.
- k) **Drinking water** - means water intended for human consumption or for use in food preparation.
- l) **Dumping** - means 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 a release of effluent coming from commercial, industrial, and domestic sources which are within the effluent standards.
- m) **Effluent** - means 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.
- n) **Effluent standard** - means 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.
- o) **Environmental management** - means the entire system which includes, but is not limited to, conservation, regulation and minimization of pollution, clean production, waste management, environmental law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity, and environmental research.
- p) **Environmental management system** - means the part of the overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environmental policy.
- q) **Freshwater** - means water containing less than 500 ppm dissolved common salt, sodium chloride, such as that in groundwater, rivers, ponds and lakes.
- r) **Groundwater** - means a subsurface water that occurs beneath a water table in soils and rocks, or in geological formations.
- s) **Groundwater vulnerability** - means relative ease with which a contaminant located at or near the land surface can migrate to the aquifer or deep well.
- t) **Groundwater vulnerability map** - means the identified areas of the land surface where groundwater quality is most at risk from human activities and shall reflect the different degrees of groundwater vulnerability based on a range of soil properties and hydrogeological criteria to serve as guide in the protection of the groundwater from contamination.
- u) **Hazardous waste** - means any waste or combination of wastes of solid, liquid, contained gaseous, or semi-solid form which cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account toxicity of such waste, its persistence and degradability in nature, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or organism.



- v) **Industrial waste** - means any solid, semi-solid or liquid waste material with no commercial value released by a manufacturing or processing plant other than excluded material.
- w) **Integrated Water Quality Management Framework** -- means the policy guideline integrating all the existing frameworks prepared by all government agencies on water quality involving pollution from all sources. Specifically, the framework shall contain the following: (a) water quality goals and targets; (b) period of compliance; (c) water pollution control strategies and techniques; (d) water quality information and education program; (e) human resources development program.
- x) **Margin** - means a landward and outer limiting edge adjacent to the border of any water bodies or a limit beyond where saturation zone ceases to exist.
- y) **National Water Quality Status Report** -- means a report to be prepared by the Department indicating: (a) the location of water bodies, their water quality, taking into account seasonal, tidal and other variations, existing and potential uses and sources of pollution per specific pollutant and pollution load assessment; (b) water quality management areas pursuant to Section 5 of this Act; and (c) water classification.
- z) **Non-point source** - means any source of pollution not identifiable as point source to include, but not be limited to, runoff from irrigation or rainwater which picks up pollutants from farms and urban areas.
- aa) **Point source** - means any identifiable source of pollution with specific point of discharge into a particular water body.
- bb) **Pollutant** - shall refer to any substance, whether solid, liquid, gaseous or radioactive, which directly or indirectly:
 - (i) alters the quality of any segment of the receiving water body so as to affect or tend to affect adversely any beneficial use thereof;
 - (ii) is hazardous or potentially hazardous to health;
 - (iii) imparts objectionable odor, temperature change, or physical, chemical or biological change to any segment of the water body; or
 - (iv) is in excess of the allowable limits or concentrations or quality standards specified, or in contravention of the condition, limitation or restriction prescribed in this Act.
- cc) **Pollution control technology** - means pollution control devices or apparatus, processes, or other means that effectively prevent, control or reduce pollution of water caused by effluents and other discharges, from any point source at levels within the water pollution standards.
- dd) **Potentially infectious medical waste** - includes isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.
- ee) **Secretary** - means the Secretary of the Department of Environment and Natural Resources (DENR).
- ff) **Septage** - means the sludge produced on individual onsite wastewater-disposal systems, principally septic tanks and cesspools.
- gg) **Sewage** - means 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 vessels, offshore structures, other receptacles intended to receive or retain wastes, or other places or the combination thereof.



- hh) Sewerage - includes, but is not limited to, any system or network of pipelines, ditches, channels, or conduits including pumping stations, lift stations 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.
- ii) Sludge - means 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.
- jj) Surface water - means all water which is open to the atmosphere and subject to surface runoff.
- kk) Treatment - means any method, technique, or process designed to alter the physical, chemical or biological and radiological character or composition of any waste or wastewater to reduce or prevent pollution.
- ll) Toxic amount - means the lowest amount of concentration of toxic pollutants which may cause chronic or long-term acute or lethal conditions or effects to the aquatic life or health of persons or which may adversely affect designated water uses.
- mm) Waste - means any material either solid, liquid, semisolid, contained gas or other forms resulting from industrial, commercial, mining or agricultural operations, or from community and household activities that is devoid of usage and discarded.
- nn) Wastewater - means waste in liquid state containing pollutants.
- oo) Water body - means both natural and man-made bodies of fresh, brackish, and saline waters, and includes, but is 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 re-use which are integral to process industry or manufacturing.
- pp) Water pollution - means any alteration of the physical, chemical or biological or radiological properties of a water body resulting in the impairment of its purity or quality.
- qq) Water quality - means the characteristics of water which define its use in terms of physical, chemical, biological, bacteriological or radiological characteristics by which the acceptability of water is evaluated.
- rr) Water quality guidelines - means the level for a water constituent or numerical values of physical, chemical, biological and bacteriological or radiological parameters which are used to classify water resources and their use, which does not result in significant health risk and which are not intended for direct enforcement but only for water quality management purposes, such as determining time trends, evaluating stages of deterioration or enhancement of the water quality, and as basis for taking positive action in preventing, controlling or abating water pollution.
- ss) Water Quality Management Area Action Plan - includes, but not be limited to, the following: (a) goals and targets including sewerage or septage program; (b) schedule of compliance to meet the applicable requirements of this Act; (c) water pollution control strategies or techniques; (d) water quality information and education program; (e) resource requirement and possible sources; (f) enforcement procedures of the plan; and (g) rewards and incentives under Chapter 4 of this Act.

Rule 4. Additional terms used:

- 4.1 *Authorized inspection* – means inspection, whether announced or unannounced, conducted at any time by the multi-partite monitoring teams in relation to their function, or by a Department inspector where the inspector



presents a valid Department inspector's identification duly signed by the Secretary, EMB Director or EMB Regional Director to enter and inspect a pollution source. Inspections of effluents discharged outside the facility may be conducted at any time.

- 4.2 **Bureau** – refers to the Environmental Management Bureau of DENR.
- 4.3 **Commercial Wastewater** - means all the wastewater generated by trading or business establishment and/or any other related firms or companies, which include but not limited to restaurants, shopping malls, commercial laboratories, hospitals, markets, commercial condominiums, hotels, gasoline stations, and other establishments.
- 4.4 **Ecological Sanitation** – or ECOSAN is an approach with the objective of closing the nutrient loop between sanitation and agriculture. It includes all of the following ecological principles: (1) conscious conservation of resources; (2) recycling and reuse; (3) minimization of energy and water use; (4) pollution prevention; and, (5) rendering the recyclables (human and animal excreta and grey water) safe for reuse.
- 4.5 **Effluent quota** - refers to the maximum allowable pollution load that an establishment can discharge without affecting the present state or condition of the water body.
- 4.6 **Household Domestic Wastewater** - means the waste water discharges generated from household (single-residential structures) dwelling units specifically from toilets, kitchens, washing areas and other similar sanitary conveniences or facilities.
- 4.7 **Industrial Wastewater** - means all the wastewaters from any producing, manufacturing, processing, trade or business or any other operations/activities from industrial establishments.
- 4.8 **Land Application** - refers to the incorporation and/or application of effluent through available conventional irrigation methods for the distribution of material(s) into the land surface for the purpose of pollutant removal, assimilation and utilization.
- 4.9 **Loading Limit** - refers to the allowable pollutant loading limit per unit of time which the discharger is permitted to discharge into any receiving body of water or land resources.
- 4.10 **Loading Limit Compliance** - refers to the establishment or industry performances and practices in complying the stipulated allowable pollutant loading and other permit conditions for waste water discharge.
- 4.11 **New sources of pollution** – includes existing sources that have expanded or modified their production processes resulting in an increase in pollution load.
- 4.12 **Pre-Treatment Standards** – standards issued by the Bureau, upon recommendation of the WTP operator/water district or concessionaire, for treatment of wastewater prior to discharge into the sewerage system operated by the concerned WTP operator/water district or concessionaire.
- 4.13 **Rural Areas** – areas outside of component and highly urbanized cities as defined under the local government code.
- 4.14 **Sanitation facilities** - refers to on-site facilities such as toilets and septic tanks for safe disposal of human waste.
- 4.15 **Specific point of discharge** - refers to any discharges coming from a discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container,



rolling stock, concentrated animal feeding operation, or vessel or other floating craft.

4.16 **Total pollution load** - refers to the summation of the pollution load from all point and non-point sources, including natural sources.

CHAPTER 2
WATER QUALITY MANAGEMENT SYSTEM
Article 1
General Provisions

SEC. 5. Water Quality Management Area. - The Department, in coordination with National Water Resources Board (NWRB), shall designate certain areas as water quality management areas using appropriate physiographic units such as watershed, river basins or water resources regions. Said management areas shall have similar hydrological, hydrogeological, meteorological or geographic conditions which affect the physicochemical, biological and bacteriological reactions and diffusions of pollutants in the water bodies, or otherwise share common interest or face similar development programs, prospects, or problems.

Said management area shall be governed by a governing board composed of representatives of mayors and governors of member LGUs, and representatives of relevant national government agencies, duly registered nongovernmental organization, water utility sector, and business sector. The Department representative shall chair the governing board. In the case of the LGUs with memberships on more than one (1) management board, the LGU shall designate only one (1) single representative for all the management areas where it is a member.

The governing board shall formulate strategies to coordinate policies necessary for the effective implementation of this Act in accordance with those established in the framework and monitor the compliance with the action plan.

Each management area shall create a multi-sectoral group to establish and effect water quality surveillance and monitoring network including sampling schedules and other similar activities. The group shall submit its report and recommendation to the chairman of the governing board.

A technical secretariat for each management area is hereby created which shall be part of the Department and shall provide technical support to the governing board. They shall be composed of at least four (4) members who shall have the following minimum qualifications:

- a) One (1) member shall be a member of the Philippine Bar;
- b) One (1) member shall be a Chemical Engineer, Chemist, Sanitary Engineer, Environmental Engineer or Ecologist or have significant training and experience in chemistry;
- c) One (1) member shall be a Civil Engineer or Hydrologist or have significant training and experience in closely related fields and mainly experience on ground water, respectively; and
- d) One (1) member shall be a Geologist or Biologist or have significant training and experience in closely related fields.



The areas within the jurisdiction of the Laguna Lake Development Authority (LLDA) shall be designated as one management area under the administration of LLDA in accordance with R.A. No. 4850, as amended: Provided, however, That the standards promulgated pursuant to this Act and wastewater charge system established pursuant hereof shall be enforced in said area.

Rule 5. Designation and Management of Water Quality Management Areas (WQMA)

5.1 Procedure for designation of WQMA;

5.1.1 Initiating the process of designation. The Regional Offices of the Department shall initiate the process of designation by evaluating information using the criteria to be developed by the Department. However, any concerned government agency, including local government units, Protected Area Management Boards, watershed councils, Fisheries and Aquatic Resources Management Councils, government corporations with relevant concerns, or civil society, may propose the designation of a WQMA in their area to the Department and submit the relevant information. The concerned agency or organization shall follow the general procedure for designation outlined herein and coordinate with the Department throughout the process of consultations and data gathering.

5.1.2 Other considerations for designation. The Department shall also consider practical manageable size, integrated development or management plans, inter-LGU working relationships and existence of similar management areas or bodies in the designation of the WQMA.

5.1.3 Requirements for the proposal. The proposal for WQMA designation shall include a map of the area, technical description/justification, and management rationale including major threats to water quality.

5.1.4 Role of NWRB. The NWRB shall provide relevant technical data necessary for determining the appropriate boundaries of the WQMA. The NWRB shall work closely with the Department in the determination of such boundaries.

5.1.5 Convening of key stakeholders. The Regional Office of DENR shall inform and consult the Regional Development Council, LGUs, NGOs, water utilities and business sectors as well as Protected Areas Management Boards, watershed councils, Fisheries And Aquatic Resources Management Councils or government corporations with relevant concerns, where appropriate and relevant to a proposed WQMA, before the formal designation of the WQMA.

5.1.6 Public Consultations. The Department shall disseminate the proposal for WQMA designation in the proposed area and conduct public consultations after due notice. Consultations shall also cover areas contiguous to the proposed WQMA.



5.1.7 Designation by the Secretary. The designation of the WQMA shall be made by the Secretary upon recommendation of the Bureau, based on the proposal, technical studies and consultations. In the first year of implementation, the Secretary may designate WQMA based on previously identified priority areas. Thereafter, these initial WQMA may be subject to review and consultations for re-adjustment of boundaries and representation in the governing board, if necessary.

5.2 Re-designation of WQMA. When necessary, and only after undertaking necessary studies and conducting consultations with relevant local government authorities, the Secretary of the Department, upon recommendation of the Bureau, shall revise the designation of WQMA, re-adjust its boundaries or reconstitute its membership for adequate representation.

5.3 Membership in the Governing Board.

5.3.1 Appointment of Representatives. National agencies and local government units shall appoint their permanent and alternate members to the Board. The representative shall be able to make commitments. In case a local government unit belongs to more than one WQMA, the LGU shall designate the same representative for all the management areas where it is a member. National agencies shall likewise designate the same representatives to contiguous WQMA to ensure consistency and complementation of policies and activities.

5.3.2 Non-government Members. Within six (6) months from the designation of a particular WQMA, representative(s) from civil society, water utility and private business sectors in the WQMA or with recognized interests in the area shall be chosen from among themselves through sectoral assemblies convened for the purpose. Such assemblies shall be open to all accredited civil society or private business organizations in the proposed area. The Secretary may provide for several members from each non-government sector to ensure that significant sub-sectors are represented, depending on the size of the WQMA and complexity of the problems or issues faced. Each sub-sector shall choose their representative.

5.3.3 Terms of Membership. Members representing national government agencies shall serve permanently unless replaced by their appointing authority. Elected officials of local government units shall serve for such time as may be permitted by their terms of office, while their representatives shall serve for as long as they are authorized by the local government unit. Non-government members shall serve for a maximum of three (3) years, unless re-nominated. The representatives of the water utility sector shall serve for as long as they are authorized by the agency. When a representative from the civil society or business sector is incapacitated or resigns, the sector or sub-sector represented shall nominate a new representative who shall serve a full term.



5.3.4 Compensation and expenses. Members shall serve without compensation, except for actual and necessary expenses (i.e. travel) incurred in the performance of their duty, which shall be charged to the operational budget of the WQMA.

5.3.5 Chair of the Governing Board. The Secretary shall designate the Deputy representative as Chair of the Governing Board. However, the governing boards may choose a co-chair or alternate chair from among the member local chief executives to preside over regular meetings.

5.3.6 Meetings. The Governing Board shall meet quarterly or more often, as provided in the Governing Rules.

5.4 Functions of the Board. Each Governing Board shall perform the following functions within its jurisdiction:

5.4.1 Prepare and publish on a regular basis a Water Quality Status

5.4.2 Report for the WQMA and submit a copy to the Department for consolidation into the National Water Quality Status Report;

5.4.3 Formulate strategies to coordinate policies/regulations/local legislation necessary for the effective implementation of this Act in accordance with those established in the Framework;

5.4.4 Review the initial WQMA Action Plan prepared by the Department and draft a common and integrated compliance plan. Thereafter, prepare a draft Action Plan for succeeding periods for submission to the Department;

5.4.5 Monitor and facilitate the compliance of local governments with the WQMA Action Plan;

5.4.6 Coordinate relevant activities among its members and member agencies and facilitate resolution of conflicts; and

5.4.7 Undertake complementary interventions for non-point sources, considering their greater contribution to pollution.

5.5 Governing Rules. Governing Rules shall be issued by the individual Governing Boards. These governing rules shall be submitted to the Department, through the Regional Office, for comment to advise the Governing Board of possible conflict in policies and laws of national application.

5.6 Technical Working Groups. Technical working groups may be formed by the Governing Board to ensure broad-based participation in the work of the Governing Board. The Board shall identify the members of the TWG.

5.7 Multi-sectoral group. The Governing Rules shall provide for the creation and operation of a multi-sectoral group for water quality monitoring and surveillance. The Board shall ensure that the operations of the group do not unnecessarily duplicate the regular monitoring functions of government agencies and local governments. Inspections conducted by the multi-sectoral group shall be duly authorized by the chairman or co-chairman. Members of the inspection team must be adequately trained and formally deputized.



- 5.8 **Technical Secretariat.** The technical secretariat of the WQMA shall be based in the Regional Office of the Department. The Department may designate the same qualified personnel to serve in the secretariat of contiguous WQMA.
- 5.9 **Funding for Activities.** An amount of not more than ten percent (10%) of the total amount accruing to the Area Water Quality Management Fund annually shall be allocated for the operational expenses of the governing board, its secretariat and multi-sectoral water quality surveillance and monitoring network.
- 5.10 **LLDA as WQMA.** The LLDA governing board shall consist of the members of the LLDA board of directors and representatives from the sectors provided in Sec. 5 of the CWA. The jurisdiction, powers and functions of the governing board of the LLDA-WQMA shall be limited by the CWA, without prejudice to the powers and functions of the board of directors under R.A. 4850, as amended.

SEC. 6. Management of Non-attainment Areas. - The Department shall designate water bodies, or portions thereof, where specific pollutants from either natural or man-made source have already exceeded water quality guidelines as non-attainment areas for the exceeded pollutants. It shall prepare and implement a program that will not allow new sources of exceeded water pollutant in non-attainment areas without a corresponding reduction in discharges from existing sources: Provided, That if the pollutant is naturally occurring, e.g. naturally high boron and other elements in geothermal areas, discharge of such pollutant may be allowed: Provided, further, That the effluent concentration of discharge shall not exceed the naturally occurring level of such pollutant in the area: Provided, finally, That the effluent concentration and volume of discharge shall not adversely affect water supply, public health and ecological protection. The Department shall, in coordination with NWRB, Department of Health (DOH), Department of Agriculture (DA), governing board and other concerned government agencies and private sectors shall take such measures as may be necessary to upgrade the quality of such water in non-attainment areas to meet the standards under which it has been classified.

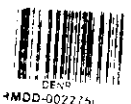
Upgrading of water quality shall likewise include undertakings which shall improve the water quality of a water body to a classification that will meet its projected or potential use.

The LGUs shall prepare and implement contingency plans and other measures including relocation, whenever necessary, for the protection of health and welfare of the residents within potentially affected areas.

Rule 6. Non-Attainment Areas.

6.1 General

- 6.1.1 **Designation of Non-Attainment Areas.** Within six (6) months from the effectivity of this IRR, the Department, in coordination with the local governments concerned, shall designate and delineate as non-attainment areas water bodies or portions thereof where specific



pollutants from either natural or man-made sources have already exceeded water quality guidelines issued pursuant to this Act.

6.1.2 Review of Area Designation. The Department shall revise and/or retain non-attainment area designations as additional data becomes available. Results from reviews of area designations will be made available for public comment/review.

6.1.3 Upgrading of Water Quality. The Department shall, within six (6) months from the designation of non-attainment areas, and in coordination with the NWRB, Department of Health (DOH), Department of Agriculture (DA), Governing Board and other concerned government agencies and private sectors, design and implement a plan specifically aimed to upgrade the water quality of water bodies designated as non-attainment areas to meet the guidelines under which they have been classified and to improve their classification to a level that meet their projected or potential use. The plan may include more stringent effluent standards that shall be applicable only to the non-attainment area.

6.1.4 Contingency Plan. The Department shall provide technical assistance to LGUs in the preparation and implementation of contingency plans and other measures necessary for the protection of health and welfare of the residents within areas potentially affected by the water quality of water bodies designated as non-attainment areas.

6.2 Existing Pollution Sources In Non-Attainment Areas

6.2.1 Identification of existing sources. The Bureau shall identify, as part of the plan to upgrade water quality, existing sources of water pollutants in designated non-attainment areas, including pollutants that are naturally occurring in the area.

6.2.2 Non-compliance. Pollution sources that are not in compliance with the effluent standards for the non-attainment area shall be subject to strict monitoring, without prejudice to the penalties and administrative remedies provided herein.

6.2.3 Naturally Occurring Pollutants. In areas where the concentration of specific naturally occurring pollutants is higher than the relevant water quality guideline, the discharge of such specific pollutant by existing point sources may be allowed only if the resultant total pollution load shall not adversely affect water supply, public health and ecological protection.

6.3 New Sources of Water Pollutants in Non-Attainment Areas

6.3.1 Limitation on new sources. No new sources of pollution for the specific pollutants for which the area is designated as non-attainment shall be allowed, unless there is a corresponding reduction in

discharges from existing sources and the total pollution load from all sources including the new source will not exceed the targets in the plan to upgrade of water quality as required by law and Rule 6.1.3.

6.3.2 *Lowest Achievable Effluent Rate.* New sources shall install and operate water pollution control technology that will provide the lowest achievable effluent rate (LAER) of the pollutant for which the area is designated non-attainment. The affected firm shall propose technologies it believes will meet the intent of this regulation. The Bureau shall approve the use of lowest achievable effluent rate control technologies.

6.3.3 *Effluent Averaging and Effluent Trading.* New sources subject to the non-attainment provisions may not use effluent trading or effluent averaging for compliance purposes.

SEC. 7. National Sewerage and Septage Management Program. - The Department of Public Works and Highways (DPWH), through its relevant attached agencies, in coordination with the Department, local government units (LGUs) and other concerned agencies, shall, as soon as possible, but in no case exceeding a period of twelve (12) months from the effectivity of this Act, prepare a national program on sewerage and septage management in connection with Section 8 hereof.

Such program shall include a priority listing of sewerage, septage and combined sewerage-septage projects for LGUs based on population density and growth, degradation of water resources, topography, geology, vegetation, programs/projects for the rehabilitation of existing facilities and such other factors that the Secretary may deem relevant to the protection of water quality. On the basis of such national listing, the national government may allot, on an annual basis, funds for the construction and rehabilitation of required facilities.

Each LGU shall appropriate the necessary land, including the required rights-of-way/road access to the land for the construction of the sewage and/or septage treatment facilities.

Each LGU may raise funds to subsidize necessary expenses for the operation and maintenance of sewerage treatment or septage facility servicing in their area of jurisdiction through local property taxes and enforcement of a service fee system.

Rule 7. National Sewerage and Septage Management Program (NSSMP). The DPWH shall, within twelve (12) months from the effectivity of the CWA, prepare a National Sewerage and Septage Management Program. The NSSMP shall be a framework plan which will be formulated to address various national issues on sanitation and treatment and disposal of wastewater, focusing on, among others, objectives, strategies, targets, institutional mechanism, financing mechanism, technology implementation, programming, monitoring and evaluation and other key national concerns. The program shall also include guidelines on sludge management for companies engaged in desludging operations.



7.1 Involvement of other Agencies.

7.1.1 Role of the DENR. The Department shall coordinate with DPWH and LGUs in complying with Sec. 7 of the CWA, contributing specific environmental criteria and data for the prioritization of sanitation, sewerage, septage management and combination of different systems and projects. It shall likewise present to LGUs, water concessionaires, water districts and other water utilities sustainable options such as community-based natural treatment systems, ecological sanitation concepts, water recycling and conservation systems and other low-cost innovative means to manage sewage and septage as a complement to other sewerage and sanitation programs.

7.1.2 Roles and responsibilities of other agencies. The DOH shall provide specific health criteria and data; the MWSS and LWUA shall contribute inputs relative to the responsibilities of concessionaires and water districts in sewerage, septage and sanitation management; the IEC program shall be developed through the assistance of the Dep. Ed, CHED and PIA. The League of Municipalities/Cities/Provinces shall contribute specific inputs reflecting the interests of LGUs. The LWUA and water districts may also submit to DPWH a listing of sewerage, septage and combined sewerage-septage projects for LGUs.

7.2 Role of LGUs. Each LGU, through the enactment of an ordinance, shall appropriate the necessary land including the required rights-of-way/road access to the land for the construction of the sewage and/or septage treatment facilities in accordance with the Local Government Code. It may enact ordinances adjusting local property taxes or imposing a service fee system to meet necessary expenses for the operation and maintenance of sewerage treatment or septage management facility servicing their area of jurisdiction. The LGUs shall submit to DPWH a priority listing of their projects based on realistic assessment of resources, including proposals for counterpart contributions. Such counterpart proposals shall be considered by the DPWH in prioritizing projects for implementation.

7.3 Exemptions from wastewater charges and liabilities. LGUs undertaking or about to undertake pilot ecological sanitation (ECOSAN) technologies and other sanitation technologies shall be exempt from wastewater charges or other liabilities for seven years from effectivity of the Act and shall be assisted by DENR in securing any necessary permits. Provided, that effluents from such pilot-testing activities shall meet effluent standards.

7.4 Provision of Lands and of Rights-of-Way by LGUs. Each LGU, through the enactment of an ordinance, shall appropriate the necessary land including the required rights-of-way/road access to the land for the construction of the sewage and/or septage treatment facilities in accordance with the Local Government Code.



- 7.5 ***Funding for the Operation and Maintenance of Sewerage Treatment and Septage Facilities.*** Each LGU may enact ordinances adjusting local property taxes or imposing a service fee system to meet necessary expenses for the operation and maintenance of sewerage treatment or septage management facility servicing their area of jurisdiction.

SEC. 8. Domestic Sewage Collection, Treatment and Disposal. - Within five (5) years following the effectivity of this Act, the agency vested to provide water supply and sewerage facilities and/or concessionaires in Metro Manila and other highly urbanized cities (HUCs) as defined in Republic Act No. 7160, in coordination with LGUs, shall be required to connect 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: Provided, further, That all sources of sewage and septage shall comply with the requirements herein.

In areas not considered as HUCs, DPWH in coordination with the Department, DOH and other concerned agencies, shall employ septage or combined sewerage-septage management system.

For the purpose of this section, DOH, in coordination with other government agencies, shall formulate guidelines and standards for the collection, treatment and disposal of sewage including guidelines for the establishment and operation of centralized sewage treatment system.

Rule 8. Domestic sewage management.

- 8.1 ***Sewerage and Sanitation Projects.*** All projects/activities involving the collection, transport, treatment and disposal of sewage shall be in accordance with the guidelines on sanitation set by DOH. In case sewage, septage, or sludge is collected, transported, treated and disposed by a third party, the final disposal of the treated sewage, septage or sludge shall comply with the relevant standards issued by DOH. Provided, that reuse of treated sludge for agricultural purposes shall comply with the standards set by DENR and DA.
- 8.2 ***Pre-treatment Standards.*** For effluents that go through sewerage treatment systems, the Department may impose either Pre-treatment Standards for Existing Sources (PSES) and/ or Pre-treatment Standards for New Sources (PSNS), upon the recommendation of the operators of sewerage system/ wastewater treatment facilities. Separate standards for combination of different systems effluent should be set by the Department. Provided, that all sources of domestic wastewater including industries, except households, shall abide by the standards set pursuant to this Rule. The DPWH and DENR shall inform LGU building officials of the requirements in the CWA pertinent to issuing building permits, sewerage regulations, municipal and city planning. In the absence of pre-treatment standards, the operators of sewerage system/ wastewater



treatment facilities may require, by contract, effluent sources to meet standards for wastewater discharged into or treated by their facilities.

- 8.3 *Mandatory Connection to Existing Sewerage Lines.*** The DPWH shall coordinate with the water service providers and concessionaires in Metro Manila and other HUCs in preparing a compliance plan for mandatory connection of the identified establishments and households to the existing sewerage system. Mandatory connection under this Rule shall take into consideration the capacity of the sewerage system to accommodate the total wastewater load. Provided, that in areas where sewerage lines are not yet available upon the effectivity of this IRR, all sources of pollution shall connect to sewerage lines once said lines are made available by the agency concerned. Water concessionaires shall ensure compliance with effluent standards formulated pursuant to the Act. Provided finally, that for industries with domestic wastewater, a one-year phase-in period is given to restructure the drainage system to connect to existing wastewater treatment facility.
- 8.4 *Role of MWSS and Water Concessionaires in Metro Manila.*** In case of Metro Manila and other MWSS franchise areas being serviced by the water concessionaires, sewerage facilities and sewage lines shall be provided by water concessionaires in coordination with the LGUs in accordance with their concession agreements. Prior to connection to the main sewage line, secondary lines should already be in-place coming from pre-treatment facilities or directly from sources.
- 8.5 *Actions against Non-connection to Available Sewerage System.*** The Department shall withhold permits or refuse issuance of ECC for establishments that fail to connect their sewage lines to available sewerage system as required herein. Also, the Department shall request the LGUs, water districts and other appropriate agencies, in writing, to sanction persons who refuse connection of sewage lines to available sewerage systems, including non-issuance of Environmental Sanitation Clearance by DOH, in accordance with the Clean Water Act and other existing laws. Provided, further, that the water district shall deprive the property owner of any and all services provided by the water district should the property owner persist in refusing to connect with the water district's sewerage system pursuant to Sec. 29 of P.D. No. 198.
- 8.6 *Role of Water Supply Utilities.*** In the case of HUCs, non-HUCs and LGUs where water districts, water utilities and LGU water works have already been constituted and operational, the water supply utility provider shall be responsible for the sewerage facilities and the main lines pursuant to P.D. No. 198 and other relevant laws. In areas where there are no existing facilities, the LGUs, water districts or water utilities may adopt septage management program or other sanitation alternatives.



- 8.7 ***Areas without concessionaires or water districts.*** In the case of HUCs, non-HUCs and LGUs where water districts and water corporations have not yet been constituted and operational, the concerned LGU shall employ septage management system or other sanitation programs.

SEC. 9. National Water Quality Management Fund. - A water quality management fund, to be administered by the Department, in coordination with other concerned agencies, as a special account in the National Treasury is hereby established. The fund shall be used to finance the following:

- a) Finance containment and clean-up operations of the government in water pollution cases;
- b) Guarantee restoration of ecosystems and rehabilitation of affected areas;
- c) Support research, enforcement and monitoring activities;
- d) Provide technical assistance to the implementing agencies;
- e) Grant rewards and incentives;
- f) Support information and educational campaign; and
- g) Such other disbursements made solely for the prevention, control or abatement of water pollution and management and administration of the management areas in the amounts authorized by the Department.

The fines imposed and damages awarded to the government by the Pollution Adjudication Board (PAB), proceeds of permits issued by the Department under this Act, donations, endowments and grants in the form of contributions to the national government under this Act shall form part of the fund. Such donations, endowments and grants shall be exempt from donor's taxes and all other taxes, charges or fees imposed by the government and shall be deductible from the gross income of the donor for income tax purposes.

Disbursements from the fund shall be subject to the usual accounting and budgeting rules and regulations.

Rule 9. National Water Quality Management Fund

9.1 ***Uses of the Fund.*** Consistent with Sec. 9 of the CWA, the NWQMF may be used for activities of the Department that are in direct support of objectives outlined in the National Water Quality Action Plan (NWQAP). This can mean support, grant, and finance or otherwise assist activities such as, but not limited to:

- a) purchase of equipment related to water quality monitoring, reporting or management;
- b) running costs for special campaigns, monitoring, enforcement or public awareness raising;
- c) costs for special events related to water quality monitoring, enforcement etc.
- d) research on water-related issues; and,
- e) for remediation and rehabilitation of the area damaged as a result of violations; for this purpose the fine paid shall accrue to the area where the violation was committed.
- f) hiring of staff for research, enforcement and monitoring activities.



9.2 **Decision Making on the Use of the NWQMF.** The Department through the Bureau shall formulate a detailed set of criteria (project design, management, reporting and accounting) for qualified or eligible projects and activities to be supported by the NWQMF. The Department will ensure the publication of an Annual Report, which specifies income and expenditure of the NWQMF, together with a summary of initiatives supported and refused. This Annual Report will be available within two (2) months after the end of the fiscal year.

9.3 **Accrual of Permit Fees.** Permit fees collected under Section 14 of the CWA shall accrue to the NWQMF.

SEC. 10. The Area Water Quality Management Fund. - The area water quality management fund is hereby established for the maintenance and upkeep of the water bodies in a water quality management area. The fund shall be utilized for the grant of rewards and incentives for entities whose effluent discharges are better than the water quality criteria of the target classification of the receiving body of water, loans for acquisitions and repairs of facilities to reduce quantity and improve quality of wastewater discharges, and regular maintenance of the water bodies within the management area.

An amount of not more than ten percent (10%) of the total amount accruing to the funds annually shall be allocated for the operational expenses of the governing board, its secretariat and multi-sectoral water quality surveillance and monitoring network.

This fund shall initially be sourced from the fines incurred by the establishments located in rural areas before the effectivity of this Act. Thereafter, the fees collected under the wastewater charge system established under Section 13 of this Act, donations, endowments and grants for water quality management of the area shall accrue to the fund.

Disbursements from the fund shall be subject to the usual accounting and budgeting rules and regulations. This fund shall be managed by the Board of the corresponding management area.

Rule 10. Area Water Quality Management Fund

10.1 **Area Water Quality Management Fund.** The Area Water Quality Management Fund (AWQMF) for each Water Quality Management Area shall be administered by each WQMA governing board for the maintenance and upkeep of the water bodies in a water quality management area.

10.2 **Uses of AWQMF.** The AWQMF will be used for activities of the WQMA that are in direct support of objectives outlined in the National Water Quality Action Plan (NWQAP) for the area. Consistent with Sec. 10 of the CWA, this can mean support, grant, and finance or otherwise assist activities such as, but not limited to:

- a) purchase of equipment related to water quality monitoring, reporting or management;
- b) costs for special campaigns, monitoring, enforcement or public awareness raising;



- c) costs for special events related to water quality monitoring, enforcement etc.;
- d) hiring of staff for the Technical Secretariat of the WQMA
- e) operating costs of the Governing Board, its Technical Secretariat and multi-sectoral water quality surveillance and monitoring network which shall be an amount of not more than ten percent (10%) of the total amount accruing to the AWQMF annually. Ninety percent (90%) of the accruals shall be used for a) to d) above.

10.3 Custody of the Fund. Funds for the AWQMF shall be directly deposited in a Special Account under the name of the WQMA with any government depository bank in the area.

10.4 Decision Making on the Use of the AWQMF. The governing board of the WQMA shall formulate a detailed set of criteria (project design, project management, project reporting and project accounting) of qualified or eligible projects and activities to be supported by its AWQMF.

10.5 Disbursement. Disbursements from the fund shall be allowed only for activities/ projects identified in the WQMA action plan, and only after a request for funding has been received and approved by the governing board.

10.6 Annual report. Each governing board shall ensure the publication of an annual report which specifies income and expenditure of the AWQMF, together with a summary of initiatives supported and refused. This annual report shall be available within two (2) months after the end of the fiscal year.

10.7 Interim measures. Prior to designation of WQMA, the PAB shall keep a record of fines collected for eventual remittance to the appropriate WQMA. The PAB shall retain the fines collected in a special account, under authority of the CWA, in trust for the various WQMA yet to be designated.

SEC. 11. Water Quality Variance for Geothermal and Oil and Gas Exploration. - The Department may provide variance in water quality criteria and standards for geothermal exploration that encounters reinjection constraints: Provided, That there shall be provision for adequate protection of beneficial use of water bodies downstream of the geothermal project: Provided, further, That this provision may be applied to oil and gas exploration as determined by the Department.

Rule 11. Water Quality Variance for Geothermal and Oil and Gas Exploration. The Department, in consultation with the Department of Energy and other concerned agencies, shall formulate water quality criteria and standards specifically for geothermal exploration that encounters re-injection constraints, that provides adequate protection to other users of water bodies downstream of the geothermal project. Provided, further, that the Department may formulate analogous water quality criteria and standards for oil and gas exploration.



SEC. 12. Categories of Industry Sector. – Within twenty-four (24) months from the effectivity of this Act, and every two (2) years thereafter, the Department shall, through due public consultation, revise and publish a list of categories of industry sector for which effluent standards will be provided for each significant wastewater parameter per industry sector.

The Department shall provide additional classification based on other parameters specifically associated to discharge of a particular industry which shall be included in the listing of categories prescribed in the preceding paragraph.

Rule 12. Categories of Industry Sector. Within twenty-four (24) months from the effectivity of the Act, the Department, after public consultation, shall revise and publish a list of categories of industry sectors. The list shall provide additional categories or sub-categories based on other parameters specifically associated with the pollution discharge of a particular industry. The Department may treat micro-, small and medium-sized enterprises (MSME) as a separate industry category for purposes of setting effluent standards and imposition of fees. Said listing shall be reviewed, revised and published every 2 years thereafter.

12.1 Effluent Standard per Industry Sector. Effluent standards per industry sector are industry-specific, technology-based standards that limit the amount of industrial wastewater pollutants being discharged into waters either directly to surface waters or indirectly through existing sewerage and treatment systems or those to be established under this law. Although the guidelines are developed based upon particular technologies, these rules will not require that dischargers use the technologies on which the standards were based. Individual facilities may meet the requirements using whatever combination of treatment technologies and process changes they choose.

12.2 Means to Determine Effluent standards. The Bureau shall plan for the collection and analysis of information pertaining to wastewater characteristics (e.g., pollutants discharged, wastewater flows), wastewater treatment technologies (e.g., pollution prevention techniques, in-process and end-of-pipe treatment systems), average volumes of discharge, concentrations of industries in one area, discharges peculiar to such industries and self-monitoring reports of similar facilities in the industry to evaluate appropriate technology-based limitations and standards in these priority industries. Consistent with equal protection, the Bureau shall prepare a formal justification for industry-specific standards for significant pollutants that are less stringent than the general effluent standards. In no case shall industry standards endanger public health or welfare. Provided, further that such standards shall not be inconsistent with regulations in non-attainment areas set by the Department or WQMA Governing Board. Provided finally that such standards shall be calibrated based on the classification of the receiving water body or specific land use restrictions of a specific land area, if any.

12.3 Monitoring of industries. Once established, the industry specific regulations shall serve as a basis for all monitoring or self-monitoring reports that shall be generated.



Article 2
Water Pollution Permits and Charges

SEC. 13. Wastewater Charge System. – The Department shall implement a wastewater charge system in all management areas including the Laguna Lake Region and Regional Industrial Centers through the collection of wastewater charges/fees. The system shall be established on the basis of payment to the government for discharging wastewater into the water bodies. Wastewater charges shall be established taking into consideration the following:

- (a) To provide strong economic inducement for polluters to modify their production or management processes or to invest in pollution control technology in order to reduce the amount of water pollutants generated;
- (b) To cover the cost of administering water quality management or improvement programs;
- (c) Reflect damages caused by water pollution on the surrounding environment, including the cost of rehabilitation;
- (d) Type of pollutant;
- (e) Classification of the receiving water body; and
- (f) Other special attributes of the water body.

The fee shall be based on the net waste load depending on the wastewater charge formula which shall be established with due public consultation within six (6) months from the effectivity of this Act: Provided, That net waste load shall refer to the difference of the initial waste load of the abstracted water and the waste load of the final effluent discharge of an industry: Provided, further, That no net waste load shall be lower than the initial waste load: Provided, finally, That wastewater charge system shall not apply to wastewater from geothermal exploration.

Industries whose water effluent are within standards promulgated pursuant to this Act, shall only be charged with minimal reasonable amount which shall be determined by the Department after due public consultation, giving account to volumetric rate of discharge and the effluent concentration.

Rule 13. Wastewater Charge System. A wastewater charge system is hereby implemented in all areas including non-attainment areas, the Laguna Lake Region and Regional Industrial Centers through the collection of wastewater discharge fees from all sources of wastewater discharges to include, but not limited to, effluent from wastewater treatment plant (WTP) and sewage treatment plant (STP), and discharges from water treatment facilities.

13.1 The Wastewater Discharge Fee Formula. The waste water discharge fee shall be computed based on the net waste load following the formula:

$$WDF = L_n \times R$$

Where: R is the rate per kilogram (PhP/kg) which is initially fixed at P5.00 per kilogram for priority pollutant parameter (e.g. BOD or TSS)



L_n refers to the net waste load (kg/year), computed further as follows:

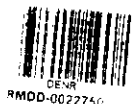
$$L_n \text{ (BOD5/TSS)} = [(C_f - C_a) (Q_f \times N_f)] \times 0.001$$

Where: C_f is the average daily effluent concentration limit (mg/l) for priority pollutant parameter (BOD or TSS); Q_f is the average daily volumetric flowrate measurement or final discharge effluent (m³/day) and N_f is the total number of discharge days in a year (days/year). C_a is the average water quality concentration limit for priority pollutant parameter (BOD or TSS) of abstracted or intake water (mg/l).

BOD concentration shall be used in the formula for wastewaters that have high organic or biodegradable materials. The TSS concentration shall be used for high inorganic or non-biodegradable materials. P5.00 per kilogram BOD or TSS shall be charged.

The formula shall be applied to all industrial and commercial wastewaters. However, the model shall be reviewed, revised and evaluated by the EMB /DENR as the need arises and subject to public consultations.

- 13.2 Fees for discharge of effluents for agricultural purposes.** Fees for discharge of effluents for agricultural purposes shall be assessed fixed fee, provided that the wastewater shall not drain into any water bodies. Provided further, that the conditions under Rule 14.6 are met. Once the standards for land discharge have been developed, the wastewater discharge fee shall be applied. Discharge on land other than for agricultural purposes shall be outright charged a wastewater discharge fee based on the above formula. Applicable conditions under Rule 14.6 shall apply.
- 13.3 Wastewater reused for irrigation and other agricultural purposes.** The Department of Agriculture, through its implementing agencies and bureaus shall provide guidelines for the safe re-use of wastewater for irrigation and other agricultural purposes. Such guidelines shall form the basis for the department to set standards for disposal on land and computation of the wastewater discharge fee.
- 13.4 Schedule for Implementation.** Unless otherwise stated herein, the wastewater charge system shall be implemented immediately in all areas upon the effectivity of this IRR.
- 13.5 Discharge fee surcharge.** New sources of pollution subject to the non-attainment provisions will be assessed a twenty percent (20%) surcharge (i.e., 120% of base) on the annual discharge fee for the pollutant(s) for which the area is designated non-attainment. New sources include existing sources of pollution that expand their operations resulting in



increase in effluent volume, or in concentration of the pollutant(s) for which the area is designated as non-attainment.

- 13.6 Expansion of Coverage.** The Department may expand coverage of the charge system to cover other pollutants after due consultations with the affected sectors. The Department shall prioritize application of the charge system on criteria pollutants that have exceeded guideline values in non-attainment areas.
- 13.7 Wastewater Recycled with Zero Discharge.** Industries that recycle their wastewater without discharge into any water body or land shall pay only the permit fee under Rule 14 below.
- 13.8 Wastewater Charges in ECOZONE.** The wastewater discharge fee shall be paid by the operator of the wastewater treatment plant located within ECOZONES. Provided, that industries within ECOZONES that are not connected to the WTP shall be liable for the wastewater charges individually.
- 13.9 Sewerage Treatment Plant.** The operator of sewerage treatment plant shall pay the wastewater charges for effluents from the treatment facilities. Provided, that the operator may claim contributions or sewerage fees from residences, establishments or industries that use the facilities. Establishments and industries discharging to and contributing for maintenance of the sewerage system and treatment facilities shall be exempt from paying the wastewater discharge fee.
- 13.10 Fees Collected from LLDA Area.** Wastewater discharge fees collected from the LLDA area shall accrue to the LLDA fund, provided that the funds are used for such purposes provided under the CWA and these rules.

SEC. 14. Discharge Permits. – The Department shall require owners or operators of facilities that discharge regulated effluents pursuant to this Act to secure a permit to discharge. The discharge permit shall be the legal authorization granted by the Department to discharge wastewater: Provided, That the discharge permit shall specify among others, the quantity and quality of effluent that said facilities are allowed to discharge into a particular water body, compliance schedule and monitoring requirement.

As part of the permitting procedure, the Department shall encourage the adoption of waste minimization and waste treatment technologies when such technologies are deemed cost effective.

The Department shall also develop procedures to relate the current water quality guideline or the projected water quality guideline of the receiving water body/ies with total pollution loadings from various sources, so that effluent quotas can be properly allocated in the discharge permits. For industries without any discharge permit, they may be given a period of twelve (12) months after the effectivity of the implementing rules and regulations promulgated pursuant to this Act, to secure a discharge permit.

Effluent trading may be allowed per management area.



Rule 14. Wastewater Discharge Permit. The discharge permit shall specify the quantity and quality of effluents that the permittee is allowed to discharge as well as the validity of the permit. The quantity and quality shall be based on the installed capacity of the facility.

14.1 Who May Apply for a Wastewater Discharge Permit. Any person that shall discharge in any manner wastewater into Philippine waters and/or land shall secure a wastewater discharge permit from the Regional Office of the Bureau. As such, a person shall file an application in two (2) copies using prescribed forms.

14.2 First time application. Persons applying for the first time shall submit such documents, information and data as may be required by the Regional Office including but not limited to the following, to be contained in a verified Engineer's Report prepared by a registered chemical or sanitary engineer or pollution control officer:

- a) vicinity map identifying the street address, location or plant premise;
- b) the nature of project or business;
- c) production capacity; quantity or volume and the generic name(s) of product(s);
- d) the nature and character of the applicant's wastewater and its physical and chemical composition;
- e) total daily volume of discharge of raw wastewater;
- f) treatment process and estimated treatment efficiency;
- g) the total daily volume of water consumption and discharge of final treated wastewater or effluent;
- h) the name of receiving body of water and its official water classification and in case of land discharge, the nearest receiving body of water and its official water classification;
- i) information on flow measurement equipment and procedure;
- j) Pollution prevention/ Environmental Management System plan or program.
- k) DENR ID Number as hazardous waste generator (if applicable)
- l) statement of the cost incurred in the installation and maintenance of wastewater treatment facility, if any.
- m) quality and quantity of abstracted water
- n) copy of the Environmental Compliance Certificate (ECC) from the Department or Certificate of Non-Coverage (CNC), as applicable.

Failure to submit the necessary requirements shall be sufficient ground for the disapproval of the application.

14.3 Renewal of discharge permits. Existing permittees shall submit the following in the application for renewal of discharge permit:

- a) copies of the quarterly self-monitoring reports for the immediately preceding year;
- b) A copy of the Certificate of Accreditation of the Pollution Control Officer duly issued by the Department, or appointment /designation as such by the Managing Head;



- c) Official Receipts for the payment of the applicable Permit Fee and the Wastewater Discharge Fee.
- d) Other documents that may be required related to land application.

Failure to submit the necessary requirements shall be sufficient ground for the disapproval of the application.

14.4 Processing of the Application for a Wastewater Discharge Permit. The Regional Office shall act on the application for a Wastewater Discharge Permit within thirty (30) working days from receipt of all the requirements.

14.5 Permit Fee. The applicant shall pay an annual permit fee following the schedule below:

Volumetric Rate of Discharge	Amount annual fee (pesos)		
Zero discharge	2,000.00		
	Without Heavy Metals	Heavy	With Heavy Metals
Below 10 m ³ /day	2,000.00		2,600.00
>10 m ³ /d – 30 m ³ /day	2,200.00		2,800.00
>30 m ³ /d – 100 m ³ /day	2,500.00		3,100.00
>100 m ³ /d – 150 m ³ /day	2,700.00		3,300.00
>150 m ³ /d	3,300.00		3,900.00

14.6 Requirements for the Approval and Issuance of a Wastewater Discharge Permit for Discharge of Effluents for Agricultural Purposes. The said permit shall be issued pursuant to Section 14. Provided that the following conditions shall be met before such permit is issued:

- a) Certified true copy of land ownership or notarized copy of agreement between the owner of the land where the effluent is to be applied and the discharger /permittee.
- b) The wastewater that shall be used for land application shall not contain toxic or hazardous substances (as defined in RA 6969).
- c) No wastewater applied for agricultural purposes shall directly or indirectly seep or drain into groundwater or nearby surface waters which will affect the quality of such ground and/or surface water
- d) A certification from the Department of Agriculture (DA) stating that “the quantity, quality and distribution methodology of application are suited for agricultural purposes” shall be submitted
- e) Land application shall be used only during periods of low surface water flow to enhance loading limits compliance.



- f) Submission of a baseline groundwater quality data and self-monitoring report within the discharge areas, and installation of at least one groundwater monitoring well which shall be drilled in each dominant direction of groundwater movement.
- g) Submission of an emergency plan – which shall respond to emergencies that can prevent or minimize damage to equipment, land, groundwater, etc., and/or public health.
- h) The plan shall highlight the design considerations, systems operation, treatment/ monitoring of soil, crops, effluent and groundwater before/after irrigation. Such requirements shall be in addition to section 14.2

14.7 Motion for Reconsideration. In case the application is denied a motion for reconsideration may be filed at the regional office within fifteen (15) working days from the date of receipt of a written notice of such disapproval. The Regional Office shall decide upon the petition within thirty (30) working days from the date of receipt of the motion.

14.8 Appeals. The decisions of the Regional Office may be appealed to the Secretary within fifteen (15) working days from receipt of written notice of such decision. Said appeal shall not stay the execution of the decision of the Regional Office unless ordered otherwise by the Secretary. The decision of the Secretary is final and executory.

14.9 Effectivity of the Discharge Permit. The Discharge Permit shall be valid for a maximum period of Five (5) years from the date of its issuance, renewable for 5-year periods. The Department may, however, renew the discharge permit valid for a longer period if the applicant has adopted waste minimization and waste treatment technologies, consistent with incentives currently provided has been paying the permit fees on time.

14.10 Geographically Targeted Permitting. The Regional Offices of the Bureau shall adopt a system of scheduling the expiration and renewal of permits on designated months of the year for identified clusters of LGUs in order to efficiently process applications. During the transition phase, the permit fee assessed shall be pro-rated to the period of effectivity of the permit.

14.11 Grounds for suspension or revocation of permits. After due notice and hearing, the Department thru the Bureau may suspend or revoke any existing and valid permit on any of the following grounds:

- a) Non-compliance with or gross violation of any provision of the Act, these rules and regulations and/ or permit conditions;
- b) Deliberate or negligent submission of false information in the application for permit that led to the issuance of the permit;
- c) Deliberate or negligent submission of false monitoring data or report required in the discharge permit.



- d) Refusal to allow lawful inspection conducted by the Department thru the Bureau of duly authorized personnel;
- e) Non-payment of the appropriate wastewater discharge fees within a 30-day cure period from the date such payment is due;
- f) Other grounds provided by law.

14.12 *Effect of Disapproval of Application or Suspension or Revocation of Wastewater Discharge Permit.* Disapproved applications or suspended or revoked wastewater discharge permits shall not grant any right or privilege to the applicant or former permit holder to discharge its wastewater into any water body(ies) and/or land. Any discharge shall be a ground for the immediate issuance of a cease and desist order.

14.13 *Posting of Permit.* The permittee shall display the permit on the facility or installation in such manner as to be clearly visible and accessible at all times. In the event that the permit cannot be so placed, it shall be mounted in an accessible and visible place near the installation covered by the permit. Any person who shall willfully deface, alter, forge, counterfeit, or falsify any permit shall be punished in accordance with law.

14.14 *Transfer of Permits.* In case of sale or legal transfer of a facility covered by a permit, the permittee shall notify the Department through the Bureau of such and the name and address of the transferee within thirty (30) days from the date of sale or transfer. In case of failure to do so, he shall be liable for any violation of these Rules and Regulations that the transferee may commit by reason of such transfer. It shall be the duty of the transferee to file an application for transfer of the permit in his name within ten (10) days from notification of the Department through the Bureau.

14.15 *Plant Operational Problems.*

14.15.1 In the event that the permittee is temporarily unable to comply with any of the conditions of the Wastewater Discharge Permit due to a breakdown of the any installation covered by the permit, for any cause, he or his pollution control officer shall immediately notify the Regional Office of such breakdown within 24 hours from occurrence of such breakdown. While the necessary installation is not operational, the facility shall temporarily cease to discharge if the breakdown will result in a discharge of more than 10% of the prescribed standard, or pose an imminent danger to the environment or public health. Failure to do so shall result in maximum penalty imposed by law and liability for damages.

14.15.2 Within seven (7) working days from such notification, the permittee shall submit a report to the Regional Office detailing the cause(s) of such breakdown, and the steps being taken to solve the problem and/or to prevent its recurrence. The report shall include the estimated duration of the breakdown, the intent



toward reconstruction or repair of such installation and such other relevant information or data as may be required by the Bureau.

14.15.3 Within five (5) working days of the receipt of the report, the Regional Office shall evaluate the proposed measures that will be undertaken by the permittee. The assessment shall determine if the proposed measures is sufficient to prevent significant harm to the environment. The assessment, including the circumstances surrounding the breakdown, shall serve as the basis of the imposition of additional requirements, corrective and/or rehabilitative measures as well as fines, penalties and other enforcement actions on the part of the Bureau.

14.15.4 Upon completion of the necessary repair or rehabilitation works, the Regional Office shall be notified within three (3) working days. Within seven (7) days of the receipt of such notification, the regional office concerned shall determine whether the facility would be allowed to discharge and assessed the fine, if applicable.

14.16 Self-Monitoring Reports. The Regional Offices shall require the permittee to submit a quarterly self-monitoring report on a prescribed form under oath signed by the Managing Head and the Pollution Control Officer or any registered chemical or sanitary engineer as designated/assigned by the Managing Head as PCO. Specifically, the report shall contain the quality and quantity of wastes discharged daily or periodically, as the case may be; the characterization and laboratory analyses conducted, preferably by a duly licensed and recognized/accredited laboratory by the Department; and such other material information the Regional Office may require from the permittee. The DENR Regional Offices shall validate information in the SMRs.

The self-monitoring report shall be submitted to the Regional Offices within fifteen (15) calendar days after the end of each quarter.

14.17 Procedures for Effluent Quota Allocation. The Bureau shall develop procedures to relate the current water quality guideline or the projected water quality guideline of the receiving water body/ies with total pollution loadings from various sources. Upon the formulation of these procedures, effluent quotas shall be properly allocated in the discharge permits.

14.18 Pollution sources connected to sewerage systems. Pollution sources currently discharging to existing sewerage systems with operational wastewater treatment facilities shall be exempt from the permit requirement. Provided that, in the absence of, or pending the establishment of a sewerage system, pollution sources shall be covered by the permit requirement.



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- 14.19 Effluent Trading.** Effluent trading may be allowed among water pollution sources within a WQMA subject to regulations to be issued by the Department.

Article 3
Financial liability mechanism

SEC. 15. Financial Liability for Environmental Rehabilitation. - The Department shall require program and project proponents to put up environmental guarantee fund (EGF) as part of the environmental management plan attached to the environmental compliance certificate pursuant to Presidential Decree No. 1586 and its implementing rules and regulations. The EGF shall finance the maintenance of the health of the ecosystems and specially the conservation of watersheds and aquifers affected by the development, and the needs of emergency response, clean-up or rehabilitation of areas that may be damaged during the program's or project's actual implementation. Liability for damages shall continue even after the termination of a program or project and, until the lapse of a given period indicated in the environmental compliance certificate, as determined by the Department.

The EGF may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, self-insurance and any other instruments which may be identified by the Department. The choice of the guarantee instrument or combinations thereof shall depend, among others, on the assessment of the risks involved and financial test mechanisms devised by the Department. Proponents required to put up guarantee instruments shall furnish the Department with evidence of availment of such instruments from accredited financial instrument providers.

Rule 15. Financial Liability.

15.1 Environmental Guarantee Fund. The Bureau shall set the amount that will constitute the Environmental Guarantee Fund that will be deposited by the proponent in a separate account to be audited and inspected together with compliance reviews conducted by government, the LGU or the Multi-Sectoral Monitoring teams as set up under rules and regulations on the Environmental Impact Assessment System or the Environmental Compliance Certificate. The MMT may set up guidelines in the use of the fund to ensure its use for purposes intended by the law. The proponent may choose to assign the fund to a trustee who may be chosen jointly by the Bureau and the Proponent. There shall only be one (1) EGF to be set up for each program or project as required in the ECC, covering all environmental concerns, as may be required by existing laws mandating an EGF.

15.2 Additional costs. In the event that the fund is used up for emergency response, clean up or rehabilitation or the ECC requires monitoring at a specified time after the program's termination and additional remediation or monitoring is needed, the additional expense shall be for the account of the proponent.



15.3 Risk Assessment. The EIA shall include a risk assessment, where applicable, which shall be reviewed by the EIARC and made the basis of the amount of the EGF or other instruments as specified in the law.

15.4 Precedent. The Department may adopt the practice of precedent setting when it comes to EGF ruling

SEC. 16. Clean-Up Operations. - Notwithstanding the provisions of Sections 15 and 26 hereof, any person who causes pollution in or pollutes water bodies in excess of the applicable and prevailing standards 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 Act. Reimbursements of the cost incurred shall be made to the Water Quality Management Fund or to such other funds where said disbursements were sourced.

Rule 16. Clean-Up Operations. Whenever the Department discovers any act or omission that has caused pollution of a water body, the Department shall issue an order for the perpetrator of the act or omission to contain, remove or clean-up the pollution at his own expense. If the perpetrator fails to act within the period specified in the order, the Department may undertake the clean-up and deputize other government agencies as well as private volunteers to conduct containment and clean-up.

16.1 Determination of liability for clean-up. The administrative determination of the cause of the pollution and the parties responsible for it shall be incorporated in the proceedings in the PAB, if any. In the absence of a complainant and a PAB proceeding, the Secretary may authorize the EMB Director to make the determination with due notice and hearing and call necessary parties to provide evidence thereto.

16.2 Use of EGF. The EGF established in accordance with Sec. 15 of the CWA and Rule 15 above shall not constitute full remediation of damage or injury caused to the environment or public health by a program or project and shall not be a bar to any administrative, civil or criminal complaints for such damage or injury.

16.3 Reimbursement for clean-up costs. The costs of clean-up may be sourced from the perpetrator, the program or project's EGF, any insurance policies that may be applicable or from the Water Resources Management Fund in that order of priority. If sourced from the WRMF, reimbursement shall be made to the same fund after determination of causation and liability by the means established herein.

SEC. 17. Programmatic Environmental Impact Assessment. - The Department shall implement programmatic compliance with the environmental impact assessment system, as in the following types of development:



- (a) development consisting of a series of similar projects, or a project subdivided into several phases and/or stages whether situated in a contiguous area or geographically dispersed; and
- (b) development consisting of several components or a cluster of projects co-located in an area such as an industrial estate, an export processing zone, or a development zone identified in a local land use plan.

Programmatic compliance with the environmental impact assessment system shall be guided by carrying capacity assessments determined from ecological profiles. Ecological profiles shall identify environmental constraints and opportunities in programmatic areas. Programmatic assessment shall also take into account cumulative impacts and risks.

Consistent with the provisions of the Local Government Code, the Department may enter into agreement with LGUs to incorporate programmatic environmental impact assessment into the preparation, updating or revision of local land use plans and area development plans.

Rule 17. Programmatic Environmental Impact Assessment

17.1 Requirements. Developments that are subject of Programmatic EIA shall comply with the requirements of Presidential Decree No. 1586 and its implementing rules and regulations on programmatic compliance with the EIA system.

17.2 Programmatic EIA in Local Land Use Plans and Area Development Plans. The Bureau shall coordinate with and provide technical assistance to planning development officers of LGUs in incorporating Programmatic EIA in local land use plans and area development plans.

SEC. 18. Environmental Impact Assessment System Programmatic Compliance with Water Quality Standards. – The Department may allow each regional industrial center established pursuant to Republic Act No. 7916 (PEZA law) to allocate effluent quotas to pollution sources within its jurisdiction that qualify under an environmental impact assessment system programmatic compliance program in accordance with Presidential Decree No. 1586 and its implementing rules and regulations.

Special Economic Zones. Each (ZONE) established: at quota allocation subject to the approval of pollution sources programmatic EIA in

Rule 18. Allocation of Effluent Quotas within Special Economic Zones. The Executive Committee of Special Economic Zone (ECOZ) pursuant to Republic Act No. 7916 may formulate effluent allocation system that shall be implemented within its jurisdiction subject to the approval of the Bureau. Provided, that allocation of effluent quotas to pollution sources shall apply only to developments that qualify under a Programmatic EIA in accordance with Rule 17 above.

**CHAPTER 3
INSTITUTIONAL MECHANISM**

Government agency otherwise provided facilities:

SEC. 19. Lead Agency. - The Department shall be the primary government agency responsible for the implementation and enforcement of this Act unless otherwise provided herein. As such, it shall have the following functions, powers and responsibilities:



- a) Prepare a National Water Quality Status Report within twenty-four (24) months from the effectivity of this Act: Provided, That the Department shall thereafter review or revise and publish annually, or as the need arises, said report;
- b) Prepare an Integrated Water Quality Management Framework within twelve (12) months following the completion of the status report;
- c) Prepare a ten-year Water Quality Management Area Action Plan within twelve (12) months following the completion of the framework for each designated water management area. Such action plan shall be reviewed by the water quality management area governing board every five (5) years or as the need arises;
- d) Prepare and publish a national groundwater vulnerability map incorporating the prevailing standards and methodologies, within twenty four (24) months after the effectivity of this Act;
- e) Enforce, review and revise within twelve (12) months from the effectivity of this Act water quality guidelines after due consultation with the concerned stakeholder sectors: Provided, That the Department, in coordination with appropriate agencies shall review said guidelines every five (5) years or as need arises;
- f) Review and set effluent standards every five (5) years from the effectivity of this Act or sooner as determined by the Department: Provided, That in the interim, the provisions of DENR Administrative Order No. 35 of the Department shall apply: Provided, further, That when new and more stringent standards are set in accordance with this section, the Department may establish a grace period with a maximum of five (5) years: Provided, finally, That such grace period shall be limited to the moratorium on the issuance of cease and desist and/or closure order against the industry's operations except in the event such operation poses serious and grave threat to the environment, or the industry fails to institute retooling, upgrading or establishing an environmental management system (EMS).
- g) Establish within twelve (12) months from the effectivity of this Act, internationally-accepted procedures for sampling and analysis of pollutants and in coordination with other concerned agencies, formulate testing procedures and establish an accreditation system for laboratories;
- h) Within eighteen (18) months from the effectivity of this Act and every two (2) years thereafter, categorize point and non-point sources of water pollution;
- i) Classify groundwater sources within twelve (12) months from the effectivity of this Act;
- j) Classify or reclassify all water bodies according to their beneficial usages: Provided, That in the interim, the provisions of DENR Administrative Order No. 34 shall apply: Provided, further, That such classification or reclassification shall take into consideration the operation of businesses or facilities that are existing prior to the effectivity of the Act: Provided, furthermore, That the Department may authorize the use of the water for other purposes that are more restrictive in classification: Provided, finally, That discharges resulting from such use shall meet the effluent standards set by the Department;
- k) Exercise jurisdiction over all aspects of water pollution, determine its location, magnitude, extent, severity, causes, effects and other pertinent information on pollution, and to take measures, using available methods and technologies to prevent and abate such pollution;
- l) Exercise supervision and control over all aspects of water quality management;
- m) Establish a cooperative effort in partnership with the government, LGUs, academic institutions, civil society and the private sector to attain the objectives of this Act;



- n) Disseminate information and conduct educational awareness and value formation programs and campaigns on the effects of water pollution on health and environment, water quality management, and resource conservation and recovery to encourage an environmentally action-oriented society in coordination with government agencies identified in Section 22 (f);
- o) Promote and encourage private and business sectors especially manufacturing and processing plants the use of water quality management systems equipment, including but not limited to, industrial wastewater treatment collection and treatment facilities;
- p) Report, on an annual basis, to Congress the quality status of water bodies and other pertinent information and recommend possible legislation, policies and programs for environmental management and water pollution control;
- q) Issue rules and regulations for the effective implementation of the provisions of this Act;
- r) Issue orders against any person or entity and impose fines, penalties and other administrative sanctions to compel compliance with water quality regulations and the provisions of this Act;
- s) Undertake appropriate protocol with other concerned agencies for immediate coordinated responses to water related emergency incidents;
- t) Issue permits, clearances and similar instruments pursuant to this Act; and
- u) Exercise such powers and perform such other functions as may be necessary to carry out the objectives of this Act.

The Department shall gradually devolve to the LGUs, and to the governing boards the authority to administer some aspects of water quality management and regulation, including, but not to be limited to, permit issuance, monitoring and imposition of administrative penalties, when, upon the Department's determination, the LGU or the governing board has demonstrated readiness and technical capability to undertake such functions.

Rule 19. DENR as Lead Agency. The Department of Environment and Natural Resources shall take the lead in the preparation, implementation and enforcement of the following mandates under the Act:

19.1 National water quality status report. The national water quality status report shall identify (a) the location of water bodies, their water quality, taking into account seasonal, tidal and other variations, existing and potential uses and sources of pollution per specific pollutant and pollution load assessment; (b) water quality management areas pursuant to Section 9 of this Act; and (c) water classification. WQMA governing boards shall regularly submit to the Department a water quality status report of their area. Such local reports shall form the basis for the Department to issue updates or revisions of the national water quality status report. It shall be prepared in consultation with relevant sectors.

19.2 Integrated Water Quality Management Framework. An IWQMF shall be prepared by the Department in coordination with relevant agencies. Said IWQMF shall be evaluated at the end of every five (5) years or as the need arises. It may contain, but not be limited to, the following: a) assessment of policies and institutional arrangements and capacities relevant to water quality management including the strategy of



devolution to LGUs, b) management strategies, c) sustainable financing strategies, and d) performance monitoring.

19.3 Water Quality Management Area Action Plan for each WQMA. For each designated water quality management area established in accordance to the Act, the Department through its regional offices, in coordination with NWRB, members of local government units (LGUs) and other concerned sectors, shall, within twelve (12) months following the completion of the Framework, formulate a ten (10) year water quality management area action plan, herein referred to as the action plan, for the purpose of translating the framework into action plans at the local level. Such action plan shall be reviewed by the water quality management area governing board every five (5) years or as the need arises. The action plan shall include, but not be limited to, the following: a) goals and targets including sewerage or septage program; b) schedule of compliance to meet the applicable requirements of this Act; c) water pollution control strategies or techniques; d) water quality information and education program; e) resource requirement and possible sources; f) enforcement procedures of the plan; and g) rewards and incentives under Chapter 4 of this Act.

19.4 Groundwater vulnerability mapping. The Department, through the Mines and Geosciences Bureau, in coordination with the NWRB, shall publish a national baseline groundwater vulnerability map series on a scale of 1:250,000 which will reflect the different degrees of groundwater vulnerability based on a range of soil properties and hydrogeological criteria to serve as guide in the protection of the groundwater from contamination. Groundwater vulnerability map for highly urbanized cities (HUC) shall be prepared within the first twelve (12) months after synthesizing the following existing data: nature of confining soil and rock layer above the aquifer, aquifer permeability, recharge areas and topography. The MGB shall publish a standard guide/methodology to groundwater vulnerability mapping and ranking of relative vulnerability of groundwater to contamination together with the maps. Environmentally critical projects or activities within high vulnerability areas may be required a site specific and detailed groundwater vulnerability map on a minimum scale of 1:50,000, subject to the guidelines promulgated by the MGB and subject to Presidential Decree No. 1586 and its implementing rules and regulations. For this purpose, the MGB shall: (a) conduct an assessment and mitigation of water-related geo-hazards including groundwater contamination; (b) establish and maintain a water resource data bank; and (c) exercise such other duties and functions as may be necessary to carry out the provisions of this Section.

19.5 Water quality guidelines. Within twelve (12) months from the effectivity of this Act, the Department, in coordination with the DOH, DA and other government agencies, private sectors and academic research institutions, shall review and/or revise and publish water quality guidelines accurately reflecting the latest scientific knowledge on the following matters: a) effects of pollutants on public health, biological



diversity, aquatic life, productivity and stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of waterways, bio-accumulation of chemicals; b) concentration and dispersal of pollutants, including naturally occurring pollutants in highly mineralized areas, through physical, chemical and biological processes; pollution loading may also be used together with the concentration scheme; and, c) beneficial uses of the receiving water body. The Department, in coordination with concerned government agencies, and upon prior consultation with the private sector, shall review and/or revise every five (5) years or as the need arises the water quality guidelines set pursuant to the Act. In the interim, the guidelines set under DAO 34, as amended, shall remain valid.

19.6 *Effluent Standards.* The effluent standards shall take into consideration the protection of public health and welfare as well as protection and propagation of balanced ecosystem as well as best available and practicable technology for water pollution prevention and abatement. The Bureau shall evaluate whether DAO 35 standards need to be updated based on its performance of monitoring and enforcement functions in the past as well as the current data on water quality of receiving waters. In case it deems appropriate that the standards be updated, it shall formulate the general standards for effluent discharge applicable to all point sources except when industry specific standards are in effect in accordance with Rule 12.1 hereof. The grace period shall only be issued upon determination by the Department that the industry's operation would require significant retooling, upgrading or as may be necessary for the establishment of an EMS to include, but not be limited to, installation of water pollution device, shift to less pollutive materials, or modification or shift to cleaner production, and after a thorough and transparent evaluation. Covered industries are required to submit periodic reports to the Department on steps taken for the establishment of an EMS including compliance schedule within the prescribed grace period. In the interim, the standards set in DAO 35, as amended, shall remain valid.

19.7 *Procedures for sampling and analysis of pollutants.* The Department, in coordination with other government agencies and private sectors, shall, within two (2) years from the effectivity of this Act, adopt alternative internationally accepted test procedures for the sampling and analysis of pollutants: Provided, that continuous evaluation of emerging test procedures shall be conducted to broaden the list of available test procedures: Provided, further, that such procedures shall be prescribed as the acceptable system of sampling and analysis.

19.8 *Accreditation system of laboratories.* The Department, in coordination with DOST, DTI, DOH and other concerned agencies, academe, professional associations, and the private sector shall likewise, within one (1) year after the adoption of the test procedures, formulate, maintain and manage a system of accreditation for laboratories. The Department

shall encourage and assist state universities in setting up such accredited laboratories.

19.9 Categories of point and non-point sources. The Department, in coordination with relevant agencies, shall issue and publish, within eighteen (18) months from the effectivity of this Act, guidelines on the (a) identification and evaluation of the nature and extent of non-point sources of pollution; and (b) processes, procedures and methods to control pollution resulting therefrom. In case of pollution coming from agricultural and aquacultural activities, the Department, in coordination with the DA, shall set guidelines for the prevention, control and abatement of said pollution. LGUs concerned with non-point agricultural sources may issue ordinances to regulate the sale, application and disposal of agricultural inputs, as well as establish programs and regulations for the prevention of soil erosion.

19.10 Classification of groundwater sources. The Bureau shall coordinate with the NWRB and other relevant agencies in the classification of groundwater sources.

19.11 Classification and re-classification of water bodies. For the purpose of these rules and regulations, all water bodies shall be classified according to their beneficial usage. Five (5) years after the effectivity of these rules and regulations and every ten (10) years thereafter, the Bureau, in coordination with NWRB and other appropriate government agencies, and upon prior public hearing, shall review and/or revise and publish classification or reclassification of Philippine waters according to their potential beneficial use, taking into account, among others, the following: (a) existing quality of the body of water; (b) size, depth, surface area covered, volume, direction, rate of flow and gradient of stream; (c) most beneficial existing and future use of said bodies of water and lands bordering them, such as for residential, agricultural, aquacultural, commercial, industrial, navigational, recreational, wildlife conservation and aesthetic purposes; and (d) vulnerability of surface and groundwater to contamination from pollutive and hazardous wastes, agricultural chemicals and underground storage tanks of petroleum products. All reclassifications of water shall be adopted upon affirmative findings by the Department's regional office concerned that:

- (a) The proposed reclassification will establish the present and future most beneficial use of the waters;
- (b) Such reclassification is clearly in the public interest; and
- (c) The proposed designated use is attainable, upon consideration of environmental, technological, social, economic, institutional and climate change factors.

19.12 Information and Dissemination Campaigns. The Department shall coordinate with Department of Education (DepEd), Commission on Higher Education (CHED), Department of the Interior and Local Government (DILG) and Philippine Information Agency (PIA) in the preparation and implementation of a comprehensive and continuing



public education and information program pursuant to the objectives of the Act.

SEC. 20. Role of Local Government Units. - Local government units shall share the responsibility in the management and improvement of water quality within their territorial jurisdictions.

Each local government unit shall within six (6) months after the establishment of the water quality management area action plan prepare a compliance scheme in accordance thereof, subject to review and approval of the governing board.

Each local government unit shall, through its Environment and Natural Resources Office (ENRO) established in Republic Act No. 7160, have the following powers and functions:

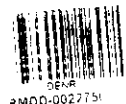
- a) Monitoring of water quality;
- b) Emergency response;
- c) Compliance with the framework of the Water Quality Management Action Plan;
- d) To take active participation in all efforts concerning water quality protection and rehabilitation; and
- e) To coordinate with other government agencies and civil society and the concerned sectors in the implementation of measures to prevent and control water pollution: Provided, however, That in provinces/cities/municipalities where there are no environment and natural resources officers, the local executive concerned may, with the approval of the Secretary of the DENR 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 sufficient experience in environmental and natural resources management, conservation and utilization.

Rule 20. Role of LGUs. The Department shall provide assistance to local government units in the performance of their obligations under the law:

20.1 Role in WQMA and WQMA Action Planning. The local government unit shall prepare, within 6 months from receipt of the WQMA Action Plan, a compliance scheme listing activities and timetables for achieving the objectives of the WQMA Action Plan in their territorial jurisdiction. The compliance scheme shall be presented and discussed by the governing board to ensure consistency with the WQMA Action Plan and complementation with compliance schemes of contiguous LGUs. The Department shall actively encourage LGUs to participate in the process of designation of WQMAs and in the Governing Board.

20.2 Role in Non-attainment areas. The Department, in coordination with other concerned agencies, shall assist LGUs prepare a contingency plan to protect the public from the adverse impacts of pollution in non-attainment areas.

20.3 Role in sewerage and septage management. The Department shall assist LGUs identify projects for inclusion in the sewerage and septage management program. Such project proposals shall include the counterpart commitments of the LGU for implementation and shall be submitted to DPWH for prioritization. The LGU shall ensure that such



projects are known to and included in the decisions made by the building, planning and environment departments of each LGU.

20.4 Role in programmatic compliance with EIA. The Department shall assist LGUs who express intention to implement programmatic compliance with EIA regulations in their jurisdictions.

20.5 Role in compliance monitoring and enforcement. Upon the request of a Sangguniang Bayan or Barangay, the DENR shall assist in the drafting or ordinances for more effective and efficient enforcement and compliance with the Clean Water Act and employ strategic measures that would maximize the impact of meager resources.

20.6 Capability Building for LGUs. The DENR shall assist LGUs in determining and prioritizing their capability requirements and in raising the required resources to undertake the capability building, including coordinating with the DILG and the DBM in determining possible sources and allowable disbursements that may be used for such capability building. Such capability building shall also take into consideration effective monitoring and strategic enforcement and ensure LGU and barangay training in water sampling and other measures that would indicate the need for intervention and enforcement of pollution laws.

20.7 Role in harmonizing jurisdictions. As the common member of many other integrated management units, LGU representatives to Regional Development Councils, Protected Area Management Boards, Watershed Management Councils, airsheds and the like shall ensure that these bodies are aware of actions taken in the WQMA and that conflict among jurisdictions and decisions are kept to a minimum. Whenever a conflict arises between a decision made in two or more of these bodies, it shall be the duty of the common LGU representatives to establish a process for harmonization.

SEC. 21. Business and Industry Role in Environmental Management. - The Department and the LGUs, in coordination with the appropriate government agencies, and in consultation with the business and industrial sectors including chambers of commerce, shall formulate appropriate incentives for the adoption of procedures that will preserve and protect our water bodies through the introduction of innovative equipment and processes that reduce if not totally eliminate the discharge of pollutants into our water bodies.

Rule 21. Formulation and adoption of appropriate incentives. The Department shall create a task force that will study and formulate appropriate incentives for the utilization of innovative equipment and processes that reduce if not totally eliminate the discharge of wastewater. Said task force shall be chaired by the Director of the Bureau and will have, as members, representatives of LGUs, other relevant government agencies and the private sector.

SEC. 22. Linkage Mechanism. - The Department and its concerned attached agencies including LLDA shall coordinate and enter into agreement with other government agencies,



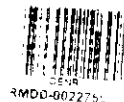
industrial sector and other concerned sectors in the furtherance of the objectives of this Act. The following agencies shall perform the functions specified hereunder:

- (a) Philippine Coast Guard in coordination with DA and the Department shall enforce water quality standards in marine waters, set pursuant to this Act, specifically from offshore sources;
- (b) DPWH through its attached agencies, such as the MWSS, LWUA, and including other urban water utilities for the provision of sewerage and sanitation facilities and the efficient and safe collection, treatment and disposal of sewage within their area of jurisdiction;
- (c) DA, shall coordinate with the Department, in the formulation of guidelines for the re-use of wastewater for irrigation and other agricultural uses and for the prevention, control and abatement of pollution from agricultural and aquaculture activities: Provided, That discharges coming from non-point sources be categorized and further defined pursuant to this Act: Provided, further, That the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA shall be primarily responsible for the prevention and control of water pollution for the development, management and conservation of the fisheries and aquatic resources;
- (d) DOH shall be primarily responsible for the promulgation, revision and enforcement of drinking water quality standards;
- (e) DOST, in coordination with the Department and other concerned agencies, shall prepare a program for the evaluation, verification, development and public dissemination of pollution prevention and cleaner production technologies; and
- (f) Department of Education (DepEd), Commission on Higher Education (CHED), Department of the Interior and Local Government (DILG) and Philippine Information Agency (PIA) shall assist and coordinate with the Department in the preparation and implementation of a comprehensive and continuing public education and information program pursuant to the objectives of this Act.

Rule 22. Lead role of DENR. The Department shall monitor, remind in writing, assist where possible, other government agencies who are mandated to perform tasks to implement the CWA.

SEC. 23. Requirement of Record-keeping, Authority for Entry to Premises and Access to Documents. – The Department or its duly authorized representative shall, after proper consultation and notice, require any person who owns or operates any pollution source or who is subject to any requirement of this Act to submit reports and other written information as may be required by the Department.

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. Pursuant to this Act, the Department, through its authorized representatives, shall have the right to: (a) enter any premises or to have access to 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 discharge.



In cases of fish kill incidence, the Bureau of Fisheries of the DA, in the course of its investigation, may enter the premises of an establishment reported to have caused said incident.

Rule 23. Record Keeping, Inspection, Monitoring and Entry

23.1 Required Relevant Reports and Records. The Bureau or its duly accredited entity shall, after proper consultation and notice, require any person who owns or operates any pollution 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 effluent, in accordance with the methods, locations, intervals and manner prescribed by the Bureau; (e) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of discharge is impractical; and (f) provide such other information as the Bureau may reasonably require.

23.2 Right of Entry, Inspection and Testing. Pursuant to the Act, the Bureau, 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 proceeding paragraph;
- b) inspect any pollution or waste source, control device, monitoring equipment or method required; and
- c) test any discharge.

The Bureau may authorize the LGU as its representative for this purpose.

23.3 Records Available to the Public. Any record, report or information obtained under this Rule shall be made available to the public, except upon a satisfactory showing to the Bureau 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 Bureau's industrial rating system.

SEC. 24. Pollution Research and Development Programs. – The Department, in coordination with the DOST, other concerned agencies and academic research institutions, shall establish a national research and development program for the prevention and control of water pollution. As part of said program, the DOST shall conduct and promote the coordination and acceleration of research, investigation, experiments, training, surveys and studies relating to the causes, extent, prevention and control of pollution among concerned government agencies and research institutions.

Rule 24. Pollution Research and Development Program

24.1 National Research and Development Program for the Prevention and Control of Water Pollution. Within twelve (12) months following the effectivity of these Rules, the Department through the Bureau, 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 Water Pollution.

- 24.2 Close coordination with DOST.** The Department through the Bureau shall closely coordinate and facilitate the issuance of joint guidelines, where necessary, with DOST specifically with respect to research, investigation, experiments, trainings, surveys and studies relating to the causes, extent, prevention and control of pollution as part of the National Research and Development Program for the Prevention and Control of Water Pollution.

CHAPTER 4 INCENTIVES AND REWARDS

SEC. 25. Rewards. - Rewards, monetary or otherwise, shall be provided to individuals, private organization and entities, including civil society, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in water quality management. Said rewards shall be sourced from the Water Quality Management Fund herein created.

Rule 25. Rewards. Based on fixed criteria, the Department shall establish indicators for water quality management success. It shall convene an interagency committee to assess and evaluate nominees for rewards as well as to grant incentives as provided in Sec. 26 and Rule 26. Whenever it is clearly determined that the actions of an identifiable entity, group or individual has achieved significant success or identified a demonstrable project, technology, process or technique that can cause such success, a nomination for such entity, group or individual may be made to the interagency group who shall endorse the nomination to the Secretary for approval. The committee should determine annually what resources are available for rewards and who is eligible for rewards.

SEC. 26. Incentives Scheme. - An incentive scheme is hereby provided for the purpose of encouraging LGUs, water districts (WDs), enterprises, or private entities, and individuals, to develop or undertake an effective water quality management, or actively participate in any program geared towards the promotion thereof as provided in this Act.

A. Non-fiscal Incentive

1. Inclusion in the Investments Priority Plan (IPP). – Subject to the rules and regulations of the BOI, industrial wastewater treatment and/or adoption of water pollution control technology, cleaner production and waste minimization technology shall be classified as preferred areas of investment under its annual priority plan and shall enjoy the applicable fiscal and non-fiscal incentives as may be provided for under the Omnibus Investment Code, as amended.

Fiscal Incentives

- 1. Tax and Duty Exemption on Imported Capital Equipment** - Within ten (10) years upon the effectivity of this Act, LGUs, WDs, enterprises or private entities shall enjoy tax-and-duty-free importation of machinery, equipment and spare parts used for industrial wastewater treatment/collection and treatment facilities: Provided,



That the importation of such machinery, equipment and spare parts shall comply with the following conditions:

- a) They are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices;
 - b) They are reasonably needed and will be used actually, directly and exclusively for the above mentioned activities; and
 - c) Written endorsement by the Department that the importation of such machinery, equipment and spare parts would be beneficial to environmental protection and management: Provided, further, That the sale, transfer or disposition of such machinery, equipment and spare parts without prior approval of the Board of Investments (BOIs) within five (5) years from the date of acquisition shall be prohibited, otherwise the LGU concerned, WD, enterprise or private entity and the concerned vendee, transferee or assignee shall be solidarily liable to pay twice the amount of tax and duty exemption given it.
2. **Tax Credit on Domestic Capital Equipment** - Within ten (10) years from the effectivity of this Act, a tax credit equivalent to one hundred percent (100%) of the value of the national internal revenue taxes and customs duties that would have been waived on the machinery, equipment, and spare parts, had these items been imported shall be given to enterprises or private entities and individuals, subject to the same conditions and prohibition cited in the preceding paragraph.
3. **Tax and Duty Exemption of Donations, Legacies and Gifts** - All legacies, gifts and donations to LGUs, WDs, enterprises, or private entities and individuals, for the support and maintenance of the program for effective water quality management shall be exempt from donor's tax and shall be deductible from the gross income of the donor for income tax purposes.

Imported articles donated to, or for the account of any LGUs, WDs, local water utilities, enterprises, or private entities and individuals to be exclusively used for water quality management programs shall be exempted from the payment of customs duties and applicable internal revenue taxes.

Industrial wastewater treatment and/or installation of water pollution control devices shall be classified as pioneer and preferred areas of investment under the BOI's annual priority plan and shall enjoy the applicable fiscal and non-fiscal incentives as may be provided for under the Omnibus Investment Code, as amended.

B. Financial Assistance Program

Government financial institutions such as the Development Bank of the Philippines, Land Bank of the Philippines, Government Service Insurance System, and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to LGUs, WDs, enterprises, or private entities engaged in sewage collection and treatment facilities.

C. Extension of Grants to LGUs

Cities and municipalities which shall establish or operate sewerage facilities may be entitled to receive grants for the purpose of developing technical capabilities.



Rule 26. System Of Incentives

- 26.1 Scope and Procedures.** The incentives granted herein shall also be granted to other equipment associated with water pollution control and monitoring such as testing devices and kits, technology and domestic innovations such as gray and black water recycling systems and constructed wetlands. The Department in coordination with the DTI, DOF, NEDA and other concerned agencies shall develop the guidelines on tax incentives provided under the Act within twelve months after the effectivity of this Rules.
- 26.2 Financial Assistance Programs.** Within twelve months after the effectivity of these Rules, the Department shall coordinate with government financial institutions such as the Development Bank of the Philippines, Land Bank of the Philippines, Government Service Insurance System, and such other government institutions providing financial services concerning possible programs and projects for water pollution abatement and control and for financial services that these financial institutions may extend to LGUs, water districts, enterprises, or private entities engaged in sewage collection and treatment facilities.
- 26.3 Philippine Environment Partnership Program and Industrial Ecowatch System.** The Philippine Environment Partnership Program created pursuant to DENR Administrative Order No. 2003-14 and the Industrial Ecowatch System under DENR Administrative Order No. 2003-26 which support industry self-regulation and promote mandatory self-monitoring towards improved environmental performance through the provision of incentives and packages of assistance shall be applicable to establishments governed under the Act.

CHAPTER 5 CIVIL LIABILITY/PENAL PROVISIONS

SEC. 27. Prohibited Acts. - 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 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 sub-soil any substance in any form that would pollute groundwater. In the case of geothermal projects, and subject to the approval of the Department, regulated discharge for short-term activities (e.g. well testing, flushing, commissioning, venting) and deep re-injection of geothermal liquids may be allowed: Provided, That safety measures are adopted to prevent the contamination of the groundwater;**
- c) **Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;**



- d) Disposal of potentially infectious medical waste into sea water by vessels unless the health or safety of individuals on board the vessel is threatened by a great and imminent peril;
- e) Unauthorized transport or dumping into sea waters of sewage sludge or solid waste as defined under Republic Act No. 9003;
- f) Transport, dumping or discharge of prohibited chemicals, substances or pollutants listed under Republic Act No. 6969;
- g) Operate facilities that discharge or allow to seep, willfully or through gross negligence, prohibited chemicals, substances or pollutants listed under R. A. No. 6969, into water bodies or wherein the same shall be liable to be washed into such surface, ground, coastal, and marine water;
- h) Undertaking activities or development and expansion of projects, or operating wastewater/sewerage facilities in violation of P.D. No. 1586 and its implementing rules and regulations;
- i) Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of any condition therein;
- j) Noncompliance of the LGU with the Water Quality Framework and Management Area Action Plan. In such a case, sanctions shall be imposed on the local government officials concerned;
- k) Refusal to allow entry, inspection and monitoring by the Department in accordance with this Act;
- l) Refusal to allow access by the Department to relevant reports and records in accordance with this Act;
- m) Refusal or failure to submit reports whenever required by the Department in accordance with this Act;
- n) Refusal or failure to designate pollution control officers whenever required by the Department in accordance with this Act; and
- o) Directly using booster pumps in the distribution system or tampering with the water supply in such a way as to alter or impair the water quality.

Rule 27. Prohibitions and Penalties.

27.1 Elements of the offenses. The following elements constitute the prohibited acts as provided in the CWA:

a) Pollution of Water body - Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies 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) Groundwater pollution - Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute groundwater. In the case of geothermal projects, and subject to the approval of the Department, regulated discharge for short-term activities (e.g. well testing, flushing, commissioning, venting) and deep re-injection of geothermal liquids may be allowed: Provided, That safety measures are adopted to prevent the contamination of the groundwater;



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- c) **Facility discharge without permit** - Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;
 - d) **Disposal of infectious waste from vessel** - Disposal of potentially infectious medical waste into sea water by vessels (unless the health or safety of individuals on board the vessel is threatened by a great and imminent peril;
 - e) **Unauthorized transport** - Unauthorized transport or dumping into sea waters of sewage sludge or solid waste as defined under Republic Act No. 9003;
 - f) **Chemical dumping** - Transport, dumping or discharge of prohibited chemicals, substances or pollutants listed under Republic Act No. 6969;
 - g) **Illegal facility** - Operate facilities that discharge or allow to seep, willfully or through gross negligence, prohibited chemicals, substances or pollutants listed under R. A. No. 6969, into water bodies or wherein the same shall be liable to be washed into such surface, ground, coastal, and marine water;
 - h) **Sewerage Development/expansion against ELA** - Undertaking activities or development and expansion of/projects, in violation of P.D. No. 1586 and its implementing rules and regulations; or operating wastewater/sewerage facilities in violation of P.D. No. 1586 and its implementing rules and regulations;
 - i) **Illegal discharge** - Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of any condition therein.
- 27.2 The LGUs may employ its power to issue ordinances if any other acts detrimental to water quality need to be prohibited. It may likewise use its powers under the Local Government Code to ensure compliance.
- 27.3 Upon a finding by the PAB of a violation of Sec. 27 of the Clean Water Act and the determination of its perpetrator, it shall determine the amount of fine to be imposed, accompanied by all the necessary records and any physical evidence. The Secretary shall issue the order for the payment of the fine within 10 days from the PAB recommendation and cause the order to be served to the perpetrator by personal service or registered mail.
- 27.4 The increases in fine shall be applied to the minimum and maximum amounts and shall automatically be computed to apply every three years on the date of the effectivity of the law.
- 27.5 The continuation of the violation for which a daily fine shall be imposed shall not be construed to be a continuation of the discharge or pollutive activity but the continuation of the existence of the pollution.



Environmental safeguards in Sec. 28 shall include clean-up operations as provided for in Sec. 16.

- 27.6 The Secretary upon the recommendation of the PAB (Pollution Adjudication Board) may issue an order to the Local Water District or private water supplier to disconnect the water service of the violator.
- 27.7 Upon verified complaint by any person, or on its own instance, the Department, shall institute administrative proceedings against any person who violates standards provided by this act or any order, rule or regulation issued by it with respect to such standard.
- 27.8 Official reports, undertaken by the person filing or from inspection teams shall be sufficient basis of the complaint. Other evidence on the violation may be presented to the Department. Failure of the party complained against to appear upon due notice shall not be a bar to the presentation of evidence in making a decision on the matter presented before it.
- 27.9 Such proceedings may be filed with the Pollution Adjudication Board, or the Environmental Management Bureau or any other agency with jurisdiction over aspects of the violation or which may revoke or suspend a given permit such as but not limited to Protected Area Management Boards, the local government or other local administrative bodies.

SEC. 28. Fines, Damages and Penalties. - Unless otherwise provided herein, any person who commits any of the prohibited acts provided in the immediately preceding section or violates any of the provision of this Act or its implementing rules and regulations, shall be fined by the Secretary, upon the recommendation of the PAB in the amount of not less than Ten thousand pesos (P10,000.00) nor more than Two hundred thousand pesos (P200,000.00) for every day of violation. The fines herein prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines: Provided, That the Secretary, upon recommendation of the PAB may order the closure, suspension of development or construction, or cessation of operations or, where appropriate disconnection of water supply, until such time that proper environmental safeguards are put in place and/or compliance with the Act or its rules and regulations are undertaken. This paragraph shall be without prejudice to the issuance of an ex parte order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case.

Failure to undertake clean-up operations, willfully, or through gross negligence, shall be punished by imprisonment of not less than two (2) years and not more than four (4) years and a fine not less than Fifty thousand pesos (P50,000.00) and not more than One hundred thousand pesos (P100,000.00) per day for each day of violation. Such failure or refusal which results in serious injury or loss of life and/or irreversible water contamination of surface, ground, coastal and marine water shall be punished with imprisonment of not less than six (6) years and one (1) day and not more than twelve (12) years, and a fine of Five hundred thousand pesos (P500,000.00) per day for each day during which the omission and/or contamination continues.



In case of gross violation of this Act, the PAB shall issue a resolution recommending that the proper government agencies file criminal charges against the violators. Gross violation shall mean any of the following:

- (a) deliberate discharge of toxic pollutants identified pursuant to Republic Act No. 6969 in toxic amounts;
- (b) five (5) or more violations within a period of two (2) years; or
- (c) blatant disregard of the orders of the PAB, such as the non-payment of fines, breaking of seals or operating despite the existence of an order for closure, discontinuance or cessation of operation.

In which case, offenders shall be punished with a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Three million pesos (P3,000,000.00) per day for each day of violation or imprisonment of not less than six (6) years but not more than ten (10) years, or both, at the discretion of the court. If the offender is a juridical person, the president, manager and the pollution control officer or the official in charge of the operation shall suffer the penalty herein provided.

For violations falling under Section 4 of Presidential Decree No. 979 or any regulations prescribed in pursuance thereof, such person shall be liable for a fine of not less than Fifty thousand pesos (P50,000.00) nor more than One million pesos (P1,000,000.00) or by imprisonment of not less than one (1) year nor more than six (6) years or both, for each offense, without prejudice to the civil liability of the offender in accordance with existing laws. If the offender is a juridical entity, then its officers, directors, agents or any person primarily responsible shall be held liable: Provided, That any vessel from which oil or other harmful substances are discharged in violation of Section 4 of Presidential Decree No. 979 shall be liable for penalty of fine specified in the immediately preceding paragraph and clearance of such vessel from the port of the Philippines may be withheld until the fine is paid and such penalty shall constitute a lien on such vessel which may be recovered in proceedings by libel in rem in the proper court which the vessel may be. The owner or operator of a vessel or facility which discharged the oil or other harmful substances will be liable to pay for any clean-up costs.

Provided, finally, That water pollution cases involving acts or omissions committed within the Laguna Lake Region shall be dealt with in accordance with the procedure under R. A. No. 4850 as amended.

Rule 28. Graduated Penalty Schedule. The PAB shall formulate a graduated penalty schedule. Violations committed in non-attainment areas shall be meted the maximum penalty provided by law.

SEC. 29. Administrative Sanctions Against Non-compliance with the Water Quality Management Area Action Plan. - Local government officials concerned shall be subject to administrative sanctions in case of failure to comply with their action plan in accordance with the relevant provisions of R. A. No. 7160.

Rule 29. Administrative sanctions

29.1 Criminal liability for non-compliance. WQMA Boards or other entities may file administrative actions against any local government officials who fail to comply with their action plans in order to force compliance, or to apply other sanctions specified in the Local Government Code.



- 29.2 **Implementation problems.** In case the action plan is found to be impossible to implement given available resources, the officials responsible for it shall take necessary measures to revise it immediately to make it more realistic, using the same process originally taken.

CHAPTER 6 ACTIONS

SEC. 30. Administrative Action. - Without prejudice to the right of any affected person to file an administrative action, the Department shall, on its own instance or upon verified complaint by any person, institute administrative proceedings in the proper forum against any person who violates:

- a) Standards or limitations provided by this Act; or
- b) By any such order, rule or regulation issued by the Department with respect to such standard or limitation.

Rule 30. Filing of complaints. Any person may file a verified complaint with the Department against any person who violates standards or limitations or any order, rule or regulation issues under this Act. The proceedings shall follow the Administrative Code, the Local Government Code and any specific procedures within the agency to which the respondent is accountable.

CHAPTER 7 FINAL PROVISIONS

SEC. 31. Appropriations. - An amount of One hundred million pesos (P100,000,000.00) shall be appropriated from the savings of the National Government to the Department for the initial implementation of this Act. Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 32. Implementing Rules and Regulations. - The Department, in coordination with the Committees on Environment and Ecology of the Senate and the House of Representatives, respectively and other concerned agencies, shall promulgate the implementing rules and regulations for this Act, within one (1) year after the enactment of this Act: Provided, That rules and regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of water pollution not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the implementing rules and regulations shall be published and be the subject of public consultations with affected sectors.



There shall be a mandatory review of the implementing rules and regulations and standards set pursuant to the provisions of this Act.

SEC. 33. Joint Congressional Oversight Committee. - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act and to review the implementing rules and regulations promulgated by the Department. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Committee on Environment of the Senate and the Committee on Ecology of the House of Representatives.

SEC. 34. Repealing Clause. - Presidential Decree No. 984 is hereby repealed. Republic Act Nos. 6969 and 4850 as amended, Presidential Decree Nos. 1586, 1152, 979 and 856 are hereby amended and modified accordingly. All other laws, orders, issuance, rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

Rule 34. Repeal of existing rules. The standards set in DAO 34 and 35 shall remain in effect under the CWA or until such time that a new standard is established by the Department. DAO 2003-39 and 2004-25 are hereby repealed, the substance of these rules having been incorporated in this IRR. All other regulations inconsistent herewith are modified accordingly.

SEC. 35. Separability Clause. - If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

Rule 35. Separability. Should any provision in these implementing rules and regulations be subsequently declared unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SEC. 36. Effectivity. - This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Rule 36. Effectivity of the rules. These implementing rules and regulations shall take effect immediately upon filing with the Office of the National Administrative Register and publication in two (2) national newspapers of general circulation.

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MICHAEL T. DEFENSOR
Secretary

