



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT LOU-IS RESORT AND RESTAURANT, CITY OF BALANGA, BATAAN ON APRIL 10, 2017

PRESENT:

Hon. Jovy Z. Banzon, Acting Vice-Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member
Hon. Aristotle J. Gaza, Board Member
Hon. Rolando Z. Tigas, Board Member
Hon. Reynaldo T. Ibe, Jr., Board Member

SECOND DISTRICT:

Hon. Manuel N. Beltran, Board Member
Hon. Edgardo P. Calimbas, Board Member
Hon. Dante R. Manalaysay, Board Member
Hon. Jose C. Villapando, Sr., Board Member

Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)
Hon. Danilo B. Salonga, Board Member (IPM Representative)

ABSENT:

Hon. Dexter B. Dominguez, Board Member
Hon. Doroteo M. Austria, Board Member (FABC President) (O.B.)

PROVINCIAL ORDINANCE NO. 01
Series of 2017

AN ORDINANCE ESTABLISHING A PROPER SEWAGE TREATMENT AND SEPTAGE MANAGEMENT SYSTEM IN THE PROVINCE OF BATAAN PRESCRIBING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Panlalawigan of Bataan, in Regular Session duly assembled:

SECTION 1. TITLE. This Ordinance shall be called the "SEWAGE AND SEPTAGE ORDINANCE OF THE PROVINCE OF BATAAN";

SECTION 2. DECLARATION OF POLICY. It shall be the policy of the Province of Bataan to share in the responsibility of managing and improving the quality of water within its territorial jurisdiction. To meet this objective, the Province shall implement measures to prevent and control water pollution to promote health and ensure a balanced ecology;

SECTION 3. SCOPE AND APPLICATION. The following structures within this Province are covered by this Ordinance.

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Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

PROVINCIAL CAPITAL AWIGAN
CAPITOL-BATAAN
RELEASED
RECORDS DIVISION
27 APR 2017

- a. All residential structures including, but not limited to apartments, houses and/or lands on which another's dwellings which are located and used for residential purposes and shall include not only buildings, parts or units thereof used solely as dwelling places, boarding houses, dormitories, rooms and bed spaces offered for rent by their owners, and also those used for home industries, retail stores or other business purposes if the owner thereof and his or her family actually live therein and use it principally for dwelling purposes;
- b. Commercial establishments, including, but not limited to, restaurants, convenience stores, hardwares, malls, groceries, markets, carwash, condominiums, motels, hotels, resorts, recreational establishments, auto-repair shops ("talyer"), poultries and livestock rearing establishments, etc.;
- c. Industrial establishments, including, but not limited to, factories, manufacturing plants, etc.;
- d. Government structures including, but not limited to, barangay halls, government offices, etc.; and
- e. Institutional structures, including, but not limited to, schools, colleges and universities, hospitals, churches, etc.






SECTION 4. DEFINITION OF TERMS. As used in this Ordinance, the following terms shall mean:

- a. Cease and Desist Order (CDO) - A written order issued by the proper authority to an individual or business entity commanding such party to stop an activity purportedly in violation of a law or ordinance ("cease") and not to take it up again later ("desist"). The order may also warn that if the recipient does not stop the specified conduct or take certain actions within the deadline set therein, such party may be sued;
- b. Combined Drainage System - Refers to the conveyance of wastewater from the drainage through the interceptor lines going to the Sewage Treatment Plants;
- c. DENR - Refers to the Department of Environment and Natural Resources;
- d. Desludger - Refers to a person or organization duly licensed to undertake desludging of septage and who has met the qualifications to undertake this service;

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- e. Desludging
 - Refers to the process of cleaning or removing the accumulated domestic septage from septic tanks;
- f. DILG
 - The Department of the Interior and Local Government;
- g. DOH
 - The Department of Health;
- h. Drainage
 - Artificial pipes or conduits provided by the LGU for carrying flood water (no sewage nor wastewater shall pass through drainage systems);
- i. Effluent
 - A general term denoting any wastewater, partially or completely treated or in its natural state, flowing out of a drainage canal, septic tank, building, manufacturing plant, industrial plant, treatment plant, etc.;
- j. Food Establishment
 - Refers to structure used by persons engaged in food business;
- k. EMB
 - Refers to the Environment Management Bureau of the DENR;
- l. Human Excreta
 - Refers to the human waste composed of urine and feces;
- m. Hygienic Septic Tank
 - Refers to a water-tight septic tank with no opening/s at the bottom slab so as not to allow the leaching of liquid or solid wastes to the surrounding soil or ground water;
- n. LLDA
 - Refers to the Laguna Lake Development Authority;
- o. WD
 - Refers to Water District;
- p. Pre-Treatment Facility
 - Refers to any apparatus or equipment used to modify the characteristics of effluent prior to a wastewater disposal system, and includes grease traps, oil separators, dilution pits and similar devices;
- q. Septage
 - Refers to a combination of scums, sludge and liquid wastes from household septic tanks, thickened and partially treated sewage removed from septic tanks;


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r. Septage Management

- Also known as "desludging," it involves the deposit of the household's sewage to a properly designed septic tank and collected by a desludging truck going to a Septage Treatment Plant (SpTP);

s. Septage Treatment Plant

- Refers to a series of structures purely for the process of treating septage in order to comply with the DENR effluent standards;

t. Septic Tank

- Refers to a water-tight receptacle that receives the discharge of a sanitary plumbing system, or parts thereof, and is designed and constructed to accomplish the sedimentation and digestion of the organic matter in the sewage within the period of detention or retention to allow the liquid to discharge to a leaching field, sewer lines, a combined sewerage network or directly to a secondary wastewater treatment facility, in accordance with the standards set forth by the Revised National Plumbing Code of the Philippines;

u. Sewage

- Refers to any wastewater containing human, animal or vegetable waste matter in suspension or solution, including human excreta and urine and may possibly contain liquids consisting of chemicals in solution;

v. Sewer or Sewer Lines

- Refers to artificial pipes or conduits provided by the water utilities for carrying sewage and wastewater;

w. Sewerage Disposal System

- Refers to the proper disposal of effluent using either a Sewerage System, Combined Drainage System or Septage Management, whichever is required or accepted by existing environmental laws and policies;

x. Sewerage System

- Involves the collection of sewage from households which will be conveyed through the sewer pipelines going to a Sewage Treatment Plant or STP;

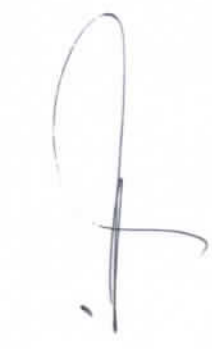

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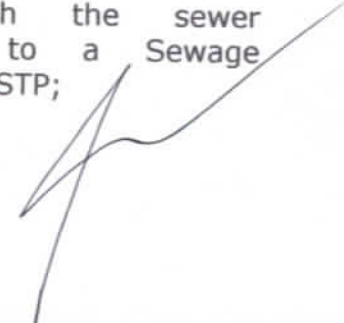












- y. Sludge - Refers to a solid particle of domestic sewage which settles at the bottom of the sedimentation tank, and is digested by anaerobic bacteria purely from domestic sources;
- z. Wastewater Treatment Plant - Refers to a series of structure that processes the treatment of sewage, mostly from domestic origin, but may include pre-treated liquid wastes from industries and similar establishments and may also accept the treatment of septage, provided there are facilities for accepting and pre-treating it; and
- aa. Water Utilities - Include water concessionaires, local water utilities, and other accredited water and wastewater services providers.

SECTION 5. PRINCIPLES OF SEWERAGE AND SEPTAGE MANAGEMENT. The Province of Bataan shall abide by the following sewerage and septage management principles:

- a. Untreated excreta from residential areas without septic tanks and untreated wastewater from commercial, industrial, institutional and public establishments shall not be allowed to be discharged to open drainage canals or piped drainage systems;
- b. All buildings and structures, whether residential, commercial, industrial, governmental and institutional, shall be required to have proper sewage treatment or septage management system which shall provide, among others, that:
 - i. All residential structures shall have hygienic septic tanks;
 - ii. All commercial and industrial establishments and hospitals shall have hygienic septic tanks or wastewater treatment facility based on the determination of the DENR and/or DOH;
 - iii. All governmental and institutional structures, except hospitals, shall have hygienic septic tanks or wastewater treatment facilities based on the number of individuals regularly occupying the structure. If there are two hundred twelve (212) occupants or less, these structures should have a hygienic septic tank; otherwise, they shall be required to have wastewater treatment facilities; and
 - iv. Commercial, industrial, governmental and institutional structures that are required to have wastewater treatment facilities shall have operational wastewater treatment facilities either on-site or by service off-site.


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- c. No wastewater shall be discharged to waterways without any proper treatment;
- d. For sewerred areas or areas with sewer pipelines, no wastewater other than those from residential structures shall be allowed to discharge on the sewers or sewer pipelines, unless such wastewater is serviced by a pre-treatment facility to at least be of domestic wastewater quality;
- e. All food establishments (e.g., restaurants, eatery, food chains, etc.) discharging organic and inorganic wastes shall be required to have oil and grease traps installed in their respective kitchen areas; and
- f. All septic tanks must be accessible at all times for easy siphoning. Further, no structure shall be built on top of any septic tank.

SECTION 6. PROPER SEWAGE DISPOSAL SYSTEM REQUIREMENTS. All residential, commercial, industrial, institutional and governmental establishments in the Province, both old and new, are required to have proper sewage disposal systems based on the principles set forth in Section 5 hereof;

- a. For existing structures:
 - i. Residential, commercial, industrial, institutional and governmental structures with inaccessible and/or non-compliant septic tank shall opt for any of the following:
 - (a) Remodeling or restructuring to make the septic tank accessible and compliant with the national standards within one (1) year upon the effectivity of this Ordinance; or
 - (b) Connection to existing sewer lines of water utilities, as applicable; or
 - (c) Construction of communal or shared septic tank.
 - ii. Commercial, industrial, institutional and governmental establishments that are required to have wastewater treatment facilities should comply with such requirement within one (1) year from the effectivity of this Ordinance; and
 - iii. No business owner shall be issued a renewed business permit unless he/she has obtained the necessary clearances and permits such as discharge permits and environmental sanitation clearances as may be prescribed by existing laws or as maybe required by the DENR, LLDA and/or DOH and its instrumentalities.

b. New structures:

- i. No building permit shall be issued for residential, commercial, industrial, institutional and governmental structures unless the design of the hygienic septic tank or wastewater treatment facility in the building plan conforms with existing environmental laws and policies; and


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- ii. No business owner shall be issued new business permit unless he/she has obtained the necessary clearances and permits such as discharge permits and environmental sanitation clearances as may be prescribed by existing laws or as maybe required by the DENR, LLDA, and/or DOH and its instrumentalities.

SECTION 7. DESIGN OF SEPTIC TANKS. All septic tanks shall be designed to exclude storm/rain water of flow from downspouts and such other requirements and specifications as provided by national standards. The Building Official, pursuant to Presidential Decree No. 1096, otherwise known as the National Building Code of the Philippines, and its Revised Implementing Rules and Regulations (IRR), is mandated to ensure that appropriate standard designs of septic tanks shall be enforced in the plan approvals and inspection procedures;

SECTION 8. MANDATORY PERIODIC DESLUDGING OF SEPTIC TANKS. All owners and users of septic tanks shall be required to dislodge once every five (5) years, or when the sludge volume is around [one-half (1/2), or two-thirds (2/3), or three-fourth (3/4)] of the total volume of the septic tank, whichever comes earlier, which shall be done within sixty (60) days from discovery thereof;

The inspection and opening of septic tanks for desludging purposes shall only be done by Sanitary Inspectors and/or Barangay Officials duly authorized by the Provincial Building Official and/or representative of the water utility, with the express consent of the owner or user. The actual desludging must be done only by the water utility or a private desludging company duly accredited by the DOH and/or DENR-EMB;

Inaccessible septic tanks shall be repaired, upgraded or replaced by a new one as maybe directed by the Provincial Building Official to ensure its accessibility and for purposes of desludging at the sole expense of its owner or user. (Note: see Section 6, 1 (a-c);

Violation of this provision shall subject the owner and/or user of the septic tank to the penalties as stipulated in Section 15 of this Ordinance. (Note: include this in the penalties provision);

SECTION 8-A. RIGHT OF ENTRANCE AND INSPECTION. No person, after being duly notified, shall interfere with or obstruct the entrance to any premises, establishment, dwelling unit or vessel, of the proper provincial officials or their duly authorized representatives in the discharge of their official functions under this Ordinance;

SECTION 9. REGULATION ON DESLUDGERS. Only the DENR and/or DOH-accredited private entities complete with permits shall be allowed to provide septage collection and transport services. Collected septage shall only be disposed and treated in a DENR and/or DOH-accredited disposal or treatment facilities with pertinent permits;

Liquid and/or solid materials removed from septic tanks shall be transported only by a DOH/DENR-accredited septage hauler or pumper to the approved septage treatment facility pursuant to the regulations prescribed by the DOH. Unless otherwise provided by law, no septage hauler or pumper


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shall be allowed to collect, transport and upload or dispose of septage in other places, including bodies of water, agricultural fields and the drainage system within the Province;

SECTION 9-A. PERMITTING REQUIREMENTS. All entities applying for Business and Building Permits or to be engaged in desludging activities are required to secure Sanitary Permits from the Provincial Health Department, supported by Permits to Transport from the DENR, Environmental Sanitation Clearances from the DOH, and other pertinent permits as may be deemed necessary and as part of the requirements for the issuance of building permits and annual business licenses from the Province;

SECTION 10. INSTITUTIONAL ARRANGEMENTS. The Provincial Environment and Natural Resources Office (PENRO) or any office as authorized by the Governor shall have the following responsibilities in implementing this Ordinance:

- a. Inspection
 - Request the Provincial Building Official to designate field inspectors that will check on the general design, construction and maintenance requirements of septic tanks and/or wastewater treatment facilities in residential, commercial, industrial, governmental and institutional structures;
- b. Maintenance of Database
 - Coordinate with the Provincial Planning and Development Office in the formation and maintenance of a robust database of the list of all homeowners with hygienic septic tanks and with the Provincial Business Processing and Licensing Office for the database of all business establishments with adequate wastewater treatment facilities;
- c. Transportation of Septage
 - Issue necessary clearances in coordination with the Provincial Health Office for the implementation of an accreditation system, in consonance with the rules and regulations set forth by DENR-EMB and DOH, and follow existing operational guidelines set forth by the DENR/DOH for the handling, transportation, treatment and disposal of septage for private desludging service providers who intend to operate in the Province;
- d. Issuance of Sanitary Permits
 - Coordinate with the Provincial Health Office on the issuance of sanitary permits for all septage treatment and collection facilities, and development of


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- a protocol for periodic inspection of such facilities, including but not limited to equipment, training programs, and safety;
- e. Enforcement on Sewer Connection - Assist the water utilities and other appropriate authorities in the enforcement of sewer connection and imposition of penalties for non-disconnection and illegal sewer tapping; and
- f. Information, Education, Communication (IEC) - Coordinate with the Provincial Environment and Natural Resources Office or its equivalent for the conduct of massive IEC activities in collaboration with appropriate public or private agencies on proper wastewater management to increase level of awareness and commitment of the public to proper sewage treatment or septage management.

SECTION 11. USER FEES AND OTHER FUNDING OPTIONS. Fees for desludging and septage treatment for all residential, commercial, industrial, governmental and institutional structures services by water utilities shall be incorporated in the water billing statements;

The Province may appropriate or raise funds to subsidize the necessary expenses for the establishment and/or operation and maintenance of sewerage treatment or septage facility through appropriate local property taxes and enforcement of a service fee system. Further, the Province may pursue funding assistance from both local and foreign sources, either public or private, through mutual agreements, subject to existing accounting and auditing rules and regulations;

SECTION 12. MANDATORY SEWER LINE CONNECTIONS AND SEWERAGE PROJECTS. Buildings or premises producing sewage shall connect to the sewer main lines in all areas where they exist;

The Province shall provide assistance in securing the necessary permits, right-of-way acquisition and conducting of IEC activities to the water utilities in laying down sewer lines within the Province and in connecting the existing sewage line found in certain structures to the available sewerage system;

Only domestic wastewater sources shall connect to existing sewer lines. Commercial buildings and structures are required to pre-treat all wastewater from their structures to "domestic wastewater quality" in accordance with the requirements set forth in the Philippine Clean Water Act of 2004 (RA 9275) before the same is discharged. Said connection to existing sewer lines shall be subject to sewerage service charges or fees, if any, in accordance with existing laws, rules or regulations as identified by the water utilities;

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SECTION 13. PROHIBITED ACTS. The following acts are prohibited:

- a. Refusal to desludge as required by this Ordinance;
- b. Refusal of new and existing residential, commercial, industrial, governmental and institutional facilities to connect to available sewer lines;
- c. Littering, throwing or dumping of waste matters, septage and untreated wastewater in public places such as roads, parks, drainages, canals, rivers and other natural and artificial waterways and other open area or causing or permitting the same;
- d. Desludging and transporting of septage without the necessary permits and accreditation from the authorized permitting agencies; and
- e. Hiring or availing the services of illegal/non-accredited desludger or transporter by any person or establishment to desludge septic tanks or dispose of their wastewater.

SECTION 14. MONITORING AND EVALUATION. The Provincial Building Official, in coordination with the Provincial Health Officer, the Provincial Environment and Natural Resources Officer (PENRO), the Provincial Business Processing and Licensing Officer (PPLO) or their equivalent, shall be required to evaluate the compliance of the facilities one (1) year after the effectivity of this Ordinance. All these facilities must conform to the standards of the DENR-EMB, LLDA and/or DOH;

The same Officers shall come-up with an annual list of violators to be posted in three (3) conspicuous places and in the local government website, if any. The same list shall be submitted to the Provincial Treasurer and the PPLO for the imposition of appropriate penalties, copy furnished the Provincial DILG Office;

SECTION 15. PENALTIES. Any owner or actual occupant of residential, commercial, industrial, governmental and institutional structures who fails to comply with the provisions of this Ordinance shall incur the following fines and penalties for every violation:

- a. For Residential Homeowners: in all cases, after issuance of Notice of Violation (NOV):
 - i. First Offense - Attendance in a seminar on the Provincial Septage Management Program;
 - ii. Second Offense - Fine of ₱3,000.00 and rendition of Environment-Related Community Service;
 - iii. Succeeding Offenses - Fine of ₱5,000.00 and/or imprisonment of not less than one (1) day nor more than six (6) months, or both such fine and imprisonment at the discretion of the Court and Environment-Related Community Service.


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b. For Business Owners: In all cases, after issuance of Notice of Violation (NOV):

- i. First Offense - Fine of ₱5,000.00 and attendance in a seminar on the Provincial Septage Management Program and thirty (30) days business suspension;
- ii. Succeeding Offense/s - Fine provided in RA 9275, otherwise known as the Clean Water Act and/or imprisonment of not less than one (1) day nor more than six (6) months, or both such fine and imprisonment at the discretion of the Court, and issuance of a Cease-and-Desist Order (CDO) as herein defined.

In the case of a residential building or household, the penalty shall be imposed on the head of the family or household. If the violator is a juridical person, the penalty of imprisonment, attendance in seminar and/or rendition of community service, as the case may be, shall be imposed on the President, Manager, Executive Officer or person responsible for its operations;

Violators shall be assessed annually to monitor their compliance. Likewise, continued violation shall merit the imposition of increasing penalties for each assessed violation;

The city/municipality shall post in its bulletin board and website the names of persons or entities who violate this Ordinance for more than two (2) times. Failure to comply with the herein provisions shall result in the revocation, cancellation or non-renewal of business permits for commercial establishments;

SECTION 15-A. NO-CONTEST PROVISION. For the purpose of efficient implementation of this Ordinance, it is hereby provided that any person, natural or juridical who is apprehended or cited for violation of any of its provisions and who does not wish to contest the same and is willing to pay voluntarily the fine imposed upon him/her and/or to perform the required attendance in a seminar or rendition of community service prior to the filing of formal charge with the proper Court, shall be allowed to pay said fine with the Provincial Treasurer's Office and/or perform the aforesaid activities in order to avoid being criminally prosecuted pursuant to this Ordinance;

SECTION 15-B. GRACE PERIOD. Owners or users of existing septic tanks constructed not in accordance with the foregoing standards shall be given a period of one (1) year from the effectivity of this Ordinance to comply with the herein requirements either by constructing a new one, or retro-fitting or repairing the existing ones. The cost of the construction, retro-fitting or repair shall be borne by the owner or users. Should the owners or users fail or refuse to so construct a new one, or retro-fit, or repair within the period provided in this Section, the Province shall undertake the same for the account of the owner or user;

SECTION 15-C. FUNDING. The Provincial Government shall allocate necessary funds to support the implementation of this Ordinance,


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SECTION 16. SEPARABILITY CLAUSE. In the event that any part or provision of this Ordinance is held unconstitutional or invalid, other parts or provisions not otherwise affected shall remain in full force and effect;

SECTION 17. REPEALING CLAUSE. All other Ordinances or provisions thereof inconsistent herewith are hereby repealed or modified accordingly;

SECTION 18. EFFECTIVITY. This Ordinance shall take effect ___ days after its publication in a newspaper of local circulation.

ENACTED BY THE SANGGUNIANG PANLALAWIGAN OF BATAAN, in its Regular Session, held on April 10, 2017.

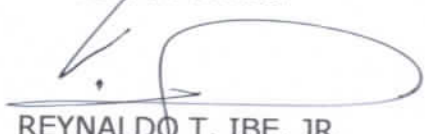
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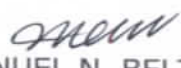

SEVERINO P. SALAZAR
Secretary to the SP


BENJAMIN C. SERRANO, JR.
Board Member

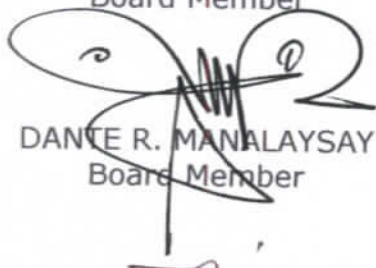

ARISTOTLE J. GAZA
Board Member



ROLANDO Z. TIGAS
Board Member



REYNALDO T. IBE, JR.
Board Member



MANUEL N. BELTRAN
Board Member


EDGARDO P. CALIMBAS
Board Member



DANTE R. MANALAYSAY
Board Member


JOSE C. VILLAPANDO, SR.
Board Member

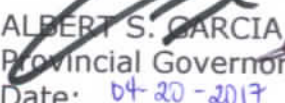

NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)


DANILO B. SALONGA
Board Member
(IPM Representative)

ATTESTED:


JOVY Z. BANZON
Acting Vice-Governor
(Presiding Officer)

APPROVED:


ALBERT S. GARCIA
Provincial Governor
Date: 04-20-2017