

LAW RESEARCH

MALAYA
March 05, '03
p. B-17

73rd Regular Session

ORDINANCE NO. SP-1731, S-2006
(PO2006-115)

AN ORDINANCE PROHIBITING ANY PERSON TO DISCHARGE OR DISPOSE ANY UNTREATED WASTE WATER, SLUDGE, OIL, CHEMICAL OR OTHER WASTES TO ANY PART OF QUEZON CITY THAT WILL ENDANGER THE ENVIRONMENTAL CONDITION OF THE CITY'S RIVERS, CREEKS AND WATERWAYS WITH THE CORRESPONDING PENALTIES THEREOF.

Introduced by Councilors RESTITUTO B. MALAÑGEN, ANTONIO E. INTON, JR., ERIC Z. MEDINA, RAMON P. MEDALLA, EDCEL B. LAGMAN, JR., FRANCISCO A. CALALAY, JR., JORGE B. BANAL, JR., ROMMEL R. ABESAMIS and JOSEPH P. JUICO.

Co-Introduced by Councilors Bernadette Herrera-Dy, Joseph P. Juico, Winston "Winnie" T. Castelo, Voltaire Godofredo L. Liban III, Dante M. De Guzman, Bayani V. Hipol and Xyrus L. Lanot.

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

WHEREAS, Section 458 (1) (vi) of RA 7160, otherwise known as the Local Government Code of 1991, states that: "The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall:

(vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, x x x and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or ecological imbalance"

WHEREAS, there is a need to protect and preserve the environmental condition of the City's water (surface or ground).

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. This Ordinance prohibits any person and/or establishment to discharge or dispose any untreated waste water, sludge, oil, chemical, or other wastes that will endanger the environmental condition of the rivers, creeks and waterways within Quezon City.

To prescribe all industries, establishments and other entities to install pollution control devices. The following are:

- i. Major Industries and Establishments with wastewater discharge: Wastewater Treatment Plant.
- ii. Petroleum Based Establishments: (gasoline stations, carwash, shops, auto repair shop, garages (bus) and the likes): oil and water separator.
- iii. Establishment: Septic and Sludge Excavation Business (handling and transport) Sealed container. Disposal: authorized licensed and/or approved Disposal and treatment site facility
- iv. Restaurants (stands alone): grease traps and septic tank
- v. Piggeries/Livestock Farm: Sealed concrete holding tanks (less than 100 heads or backyard operation)
- vi. Residential: Septic tank
- vii. Dental Clinic, Veterinary, Small Hospitals/Medical Clinic: Sealed container
- viii. Morgue/mortuaries: No biological discharge of septic tank/sealed container
- ix. Vehicle: No discharge of any used oil, coolant, or any petroleum-based liquids to drainage or body of water by any person using or conducting maintenance repair.

SECTION 2. As used in this Ordinance, the following terms are hereby defined as follows:

- a. Water Pollution – means any alteration of the physical, chemical and biological properties of any water resource, or any discharge thereto of any liquid, gaseous or solid wastes as well or is likely to create or to render such water resource harmful, detrimental or injurious to public health, safety or welfare, or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.
- b. Pollutant – any material that alters the physical, chemical and biological properties of any water resource.
- c. Sewage – means the water-carrier human or animal wastes from residences, buildings and industrial establishments, or other places, together with such water infiltration and surface water as may be present. The admixture of sewage and industrial wastes or other wastes as hereafter defined shall also be considered as "sewage".
- d. Industrial Waste – means any liquid, gaseous or solid matter, or other waste substance or a combination thereof as a result of any process of industry manufacturing trade or business or from the development, processing or recovery of any natural resources which may cause or tend to cause pollution, or to contribute to the pollution of the water, air and land resources of the city.

- e. "Other waste" – means garbage, refuse, wood residue, sand, lime cinders, ashes, offal, night-oil, tar, dye, stuffs, acids, chemical and other substances, not sewage or industrial waste which may cause or tend to cause pollution or contribute to the pollution of the water resource of the City.
- f. Untreated Waste Water – any liquid industrial waste that does not pass through any treatment process and discharged into a receiving body of water or sewer/sewage system that may cause or tend to cause pollution, or contribute to the pollution of the water of the city.
- g. Sewage System or sewerage system – means pipeline or conduits, pumping stations, force mains, constructed drainage ditches, and all other construction, devices, and appurtenances used for collecting or conducting sewage and industrial waste or other wastes, to a point of treatment, discharge or ultimate disposal.
- h. Treatment Work – means any method, construction device or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting or disposing of sewage, industrial waste or other wastes or for the recovery of by-product from such sewage, industrial waste or other wastes.
- i. Sewage Work – means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of sewage industrial waste or other wastes or for the recovery of by-products from such sewage, industrial waste or other wastes.
- j. Outlet – means the terminus of the sewage works or point of emergence in the water, air and land resources of any sewage, industrial waste or other wastes.
- k. Person or Persons – includes any being, natural or judicial, susceptible of rights and obligations or of being the subject of legal relations.

SECTION 3. Any person found violating this Ordinance shall be penalized as follows:

- a. Individual:
 - First Offense : A fine of One Thousand Pesos (P1,000.00);
 - Second Offense : A fine of Three Thousand Pesos (P3,000.00) and/or an imprisonment of ten (10) days, or both, at the discretion of the court;
 - Third Offense : A fine of Five Thousand Pesos (P5,000.00) and/or an imprisonment of one (1) month, or both, at the discretion of the court.
- b. Establishment:
 - A fine of Five Thousand Pesos (P5,000.00) for the outright violation of this ordinance and an additional One Thousand Pesos (P1,000.00) per day in case of continuous violation and/or closure of the establishment until compliance.

In cases of spillage of any waste, it is the responsibility of the establishment to make the necessary action to contain and recover the waste that has been spilled and to return the body of water that was affected to its original state, and to report about the incident immediately to the proper local government agency. Failure to comply with this provision will consummate to additional penalties and sanction.

SECTION 4. The fines imposed under this Ordinance must be paid to the City Treasurer's Office within five (5) days from the issuance of the Ordinance Infraction Receipt (OIR); otherwise, the case shall be filed with the court of proper jurisdiction.

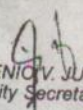
SECTION 5. All existing Ordinances or parts thereof which are inconsistent with any provisions or part of this Ordinance are hereby repealed and modified accordingly.

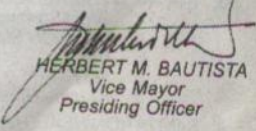
SECTION 6. If for any reason or reasons that any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 7. This Ordinance shall take effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation.

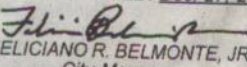
ENACTED: November 13, 2006.

ATTESTED:


EUGENIO V. JURILLA
City Secretary



HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

APPROVED: Dec. 27, 2006


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on November 13, 2006, was finally PASSED on Third/Final Reading by the City Council on November 20, 2006.


EUGENIO V. JURILLA
City Secretary