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Republic of the Philippines
Quezon City
CITY COUNCIL

ORDINANCE NO. 9816, S-73

ORDINANCE

EGULATING AND CONTROLLING THE DISCHARGE OF INDUSTRIAL AND OTHER ASTES INTO THE ATMOSPHERIC AIR OR BODY OF WATER WITHIN THE TERRI-ORIAL LIMITS OF QUEZON CITY FOR THE PURPOSE OF ABATEMENT AND PRE-ENTION OF POLLUTION, PROVIDING PENALTIES FOR ITS VIOLATION, AND OR OTHER PURPOSES.

Introduced by Councilor Estanislao G. Alinea, Jr.
Sponsored by Councilors Paredes, Alinea, J. Perlas, Jr., Castelo, dela Cruz, Francisco (Fred Montilla), Genito, Kookooritchkin (Ronald Remy), Montenegro, Paculdo, Vera-Perez, Roces and Sarino

Be it ordained by the Council of Quezon City in session assembled:

SECTION 1. This Ordinance shall be known as the "Pollution ontrol Ordinance" for Quezon City.

SEC. 2. The enforcement of the provisions of this Ordinance hall be under the supervision and control of the Mayor, who shall e assisted by a Pollution Control Committee to be composed of the ayor, who shall be its Chairman, and the City Health Officer, the ity Engineer, a representative from the City Council and two (2) epresentatives from the private industry, as members.

SEC. 3. Except as otherwise provided, for the purpose of this rdinance, whenever any of the following words or terms are used erein, or in any amendments thereto, they shall have the same eaning ascribed to them in this section:

a. "Pollution" means such alteration of the physical, chemical and/or biological properties of any water and/or atmospheric air within the territorial limits of Quezon City or any such discharge of any liquid, gaseous or solid substances into any of the water and/or atmospheric air within its boundaries as will or is likely to create or render such water and/or atmospheric air harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses, or to livestock, wild animals, birds, fishes or other aquatic life therein;

b. "Person" means any individual, private institution, industry, co-partnership, association, firm, trust or any other entity whatsoever;

c. "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such water infiltration and surface water as may be present;

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The admixture of sewage as above defined and industrial astes or other wastes as hereafter defined, shall be considered s "Sewage";

d. "Industrial Waste" means any liquid, gaseous or solid matter, or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business or from the development, processing or recovery of any natural resources;

e. "Other Wastes" means garbage, refuse, wood residues, sand lime, cincers, ashes, offal, night soil, tar, dyestuffs, acids, chemicals, and other substances not sewage or industrial waste, which may cause or tend to cause pollution, or contribute to the pollution of the waters and/or atmospheric air within Quezon City;

f. "Air Pollution" means the discharging from stacks, chimney openings, buildings, structures, open fires, vehicles, process or any other source of any smoke, soot, fly ash, cinders, fumes, gases, vapors, odors or any other matter in such place, manner, or concentration inimical to the health, safety, or welfare of the public, business, or property or in excess of the limitations established in the Rules and Regulations of the National Water and Air Pollution Control Commission as published in the official Gazette on July 10, 1967;

g. "Sewage system or sewerage system" means pipe lines 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 ultimate disposal or discharge;

h. "Outlet" means the terminus of a sewage works or point of emergency into the waters and/or atmospheric air of any sewage, industrial waste or other wastes;

i. "Treatment works" means any method, construction, devices or appliances 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-products from such sewage, industrial waste or other wastes;

j. "Sewage works" 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 or

the disposal of sewage industrial waste or other wastes, either before or after treatment.

SEC. 4. It shall be unlawful for any person to throw, run rain, dump, or otherwise dispose into any canal, gutter, estero, reek, river or its tributaries, and/or the atmospheric air, ithin Quezon City, or cause, permit, suffer to be thrown, run, rained, dumped, allow to seep, or otherwise dispose into such anal, gutter, estero, creek, river or its tributaries, and/or he atmospheric air any refuse, garbage, sewage, or other wastes ntreated, or any untreated solid, liquid or gaseous substance, hat shall cause or contribute to the pollution of the water of aid river or its tributaries, or of the atmospheric air.

SEC. 5. For purposes of the preceding section, the Rules nd Regulations of the National Water and Air Pollution Control ommission as published in the Official Gazette on July 10, 1967 s regards the quality standards, classifications, specifications, nd usages of waters, and the maximum allowable discharge of untreated wastes and/or effluent into the atmospheric air, river r its tributaries, creeks, canals and esteros shall be followed nd be made applicable thereto.

SEC. 6. No industrial establishment, firm, or factory of any ind whatsoever, EMITTING WASTES into the air, water or land, shall e allowed to be established, erected, constructed, built and/or perated within a radius of Five Hundred (500) meters around any lace within the territorial jurisdiction of Quezon City, classified as a residential zone of the city; PROVIDED, however, that ny factory, industrial firm or establishment which prior to the ffectivity of this Ordinance, has been allowed to be established r operated within the aforesaid radius in accordance with the xisting ordinance, is hereby permitted to continue its operation rovided that it shall comply with other pertinent provisions of his Ordinance.

SEC. 7 -

(a) Before the corresponding licenses and/or permits may be issued to new factories, industrial firms or establishments in accordance with the existing ordinance, the latter shall be required to submit for approval the pertinent plans and specifications of their pollution control structures or measures to the National Water and Air Pollution Control Commission, and a clearance certificate from said agency to the effect that the latter have made provisions for the construction or installation of adequate pollution control structures or measures for their factory site, plant and/or establishment, as the case may be, shall accompany the application for such license or permit.

(b) Said factories, industrial firms or establishments shall actually install or construct the structures and measures required in the preceding paragraph within a reasonable time but in no case longer than one year which shall not be shortened or extended from the date of issuance of the permit and/or license, whichever is issued first.

(c) Factories, industrial firms, and establishments which are already in existence and have secured the license and/or permits mentioned in the first paragraph of this section, are hereby required to provide for, install and construct adequate waste treatment works for their industrial wastes and other wastes within one year, which shall neither be shortened nor extended, from the date of effectivity of this Ordinance.

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(d) No permit or license shall be issued nor renewed for the tablishment, construction and/or operation of any factory, indus- ial firm or establishment without first complying with the pro- sions of this section; and any permits or licenses so issued or newed in violation hereof shall be null and void, without pre- dice to the criminal action that may be instituted against the rson liable thereto.

SEC. 8. It shall be the duty of the City Mayor to investi- te and/or inspect personally or thru authorized representative the factory, industrial firm or establishment mentioned in the ceding section has complied with the required construction and stallation of adequate pollution control structures or measures, the adequate waste treatment works. If after inspection and vestigation, it will be found that the requirements heretofore ntioned have not been complied with notwithstanding the expira- on of the time given, the municipal license and/or permit shall revoked or suspended, as the case may be, by the City Council which the City Mayor shall submit his findings of his authorized presentative, and his recommendation on the matter.

SEC. 9. No person shall be allowed or permitted to perform y of the following activities within the territorial jurisdic- on of Quezon City unless a written permit is first obtained m the National Water and Air Pollution Control Commission for discharge into the canal, gutter, estero, creek, river or s tributaries, or into the atmospheric air, of industrial wastes other wastes which could cause or contribute to the pollution reof;

(1) the construction, installation, modification or operation of any sewage works or any extension or addition thereto;

(2) the increase in volume or strength of any wastes in excess of the permissive discharge under any existing permit;

(3) the construction, installation, or operation of any industrial or commercial establishments or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes directly into the canal, gutter, estero, creek, river or its tributaries, or into the atmospheric air, or would otherwise alter the physical, chemical or biological properties of the waters or atmospheric air in any manner not already lawfully authorized;

(4) the construction or use of any new outlet for the discharge of any waste, gaseous or liquid, directly into the waters or atmospheric air.

The permit issued by the agency herein mentioned must be t in a conspicuous place wherein the above activities are to performed in such manner as to be clearly visible and access- le.

SEC. 10 -

(a) Owners, proprietors, operators, and/or managers of soline or oil service station operating and have their place business within the territory of Quezon City are hereby re- ired to provide for and install adequate oil-water separators of industrial and other wastes which may be

MAIN OFFICE

discharged into any canal, gutter, estero, creek, river or its tributaries; PROVIDED, that in the case of gas stations, leased from a company, the duty herein imposed shall devolve on said company.

(b) Such oil-water separator shall be made of strong oil and water-resistant materials and shall be of sufficient size and shape as to be capable of containing and handling the full volume of wastes in said establishment or place of business without any spillage or leakage thereto.

(c) Any article, machine, equipment, device, or contrivance intended as oil-water separator shall, before its operation or installation, be registered first with the National Water and Air Pollution Control Commission and written permit for its construction and/or operation shall first be obtained from said Office. Such permit shall be firmly affixed upon the article, machine, equipment, device, or contrivance, in such manner as to be clearly visible and accessible.

(d) Gasoline and oil service stations which are already existing and in operation prior to the effectivity of this ordinance are hereby given a period of one year within which to comply with the provisions hereof, PROVIDED, that in the case of gas stations, leased from a company, the duty herein imposed shall devolve on said company.

(e) No municipal permit and/or license shall be issued nor renewed in favor of any gasoline or service station unless the oil-water separator as required by this section had been installed or constructed; and permits or licenses so issued or renewed in violations hereof shall be considered null and void, without prejudice to criminal action that may be instituted to the offending party.

SEC. 11. In case of doubt in the implementation and enforcement of the provisions of Section eight, nine and ten of this Ordinance, the City Mayor shall consult the National Water and Air Pollution Control Commission and secure the latter's advice and/or recommendation on the matter.

SEC. 12. -

(a) No municipal license, permit or privilege shall be issued or granted to any person, corporation or entity for the establishment and construction of any subdivision and/or housing project within the municipality or any portion thereof unless the former has included a provision for the construction, installation or putting up of a centralized sewerage system and sewage treatment plant for collecting, containing and treating of sewage and other effluents being disposed or emitted from each household; PROVIDED, that before finally issuing or granting such license, permit or privilege, the applicant shall be required to submit the plant and specifications of the sewage treatment plant for approval by the National Water and Air Pollution Control Commission and the Metropolitan Waterworks and Sewerage System in accordance with ordinance applicable on the matter.

(b) The application for municipal license, permit or privilege shall not be entertained nor given due course unless accompanied by at least two (2) copies of the plans and specifications of the sewage treatment plant duly approved by the above-mentioned agency.

(c) The sewerage system and treatment plant herein required shall be constructed and completed within two years from the issuance or grant of the license, permit or privilege, which

MAIN OFFICE

riod may be extended by the City Mayor upon request by the applicant; PROVIDED, that no further extension shall be granted longer than one year therefrom.

(d) Subdivision and/or housing projects already in existence the time of the enactment of this Ordinance are hereby required comply with the requirement of this section within two years rom the date of effectivity hereof, permitting time for engineering, procurement, fabrication, installation, adjustment and final mpletion, but in no case shall the completion thereof be longer han three years from the effectivity of this Ordinance.

(e) The City Mayor shall, personally, or thru his authorized epresentative, periodically inspect the progress of the construction of the sewerage system and sewage treatment plant, and hould he find that the same has not been complied with or has ot been completed notwithstanding the lapse of the time mentioned bove or any extension thereto granted, he shall have the authority o cancel and/or revoke the license, permit or privilege so issued r granted.

SEC. 13. The following penalties shall be imposed for violations of this ordinance:

(a) For violation of the provisions of Section 4 of this Ordinance, a fine of not less than One Hundred Pesos (₱100.00) nor more than Two Hundred Pesos (₱200.00) or imprisonment of not less than two (2) months nor more than six (6) months, or by both such fine and imprisonment, in the discretion of the court, shall be imposed.

(b) For performing, suffering or allowing to be performed any of the activities enumerated in Section 9 without the required permit from the National Water and Air Pollution Control Commission, a fine of not less than One Hundred Pesos (₱100.00) nor more than Two Hundred Pesos (₱200.00) or imprisonment of not less than two (2) months nor more than six (6) months or by both such fine and imprisonment, in the discretion of the court, shall be imposed.

(c) For failure to comply with and complete the works or structures required in Section 7, sub-sections (b) and (c); Section 10, sub-section (d) and Section 12, sub-section (c), within the time limits set forth therein, a fine of not less than One Hundred Pesos (₱100.00) nor more than Two Hundred Pesos (₱200.00) or imprisonment of not less than two (2) months nor more than six (6) months or by both such fine and imprisonment in the discretion of the Court shall be imposed.

(d) For willfully making, issuing, possessing or attempting to make, issue or use any forged, invalid, or counterfeit municipal license or permit for the purpose of evading the requirements of this Ordinance, or falsely or fraudulently representing as valid and in force any license or permit which has been suspended, cancelled or revoked pursuant to this Ordinance, a fine of not less than One Hundred Pesos (₱100.00), or imprisonment from two (2) months, to not more than six (6) months or both, in the discretion of the Court.

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The owner/owners or proprietors or operator of business establishment or service station and in case of corporation or company, the general manager, and in case of partnership, the managing partner, shall be responsible and liable for any violation of this Ordinance.

SEC. 14. In the event that any section, paragraph, sentence, clause or word of this Ordinance, or the application thereof to any person or circumstance is declared unconstitutional or invalid for any reason, the remainder of said Ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

SEC. 15. All ordinances, resolutions, or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed.

SEC. 16. This Ordinance shall take effect thirty (30) days after its approval; PROVIDED, that the first six (6) months of its effectivity shall be a transition period within which time an educational campaign on its provisions shall be conducted; and Provided, Further, that the transition period shall not be counted in determining the periods within which to comply with the provisions of this Ordinance.

ENACTED May 7, 1973.

(SGD.) CARLOS L. ALBERT
Vice Mayor
Presiding Officer

ATTESTED:

(SGD.) FELIPE L. TING
City Secretary

APPROVED: August 7, 1973

(SGD.) N. S. AMORANTO
City Mayor

true copy
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