Republic of the Philippines
Quezon City
CITY COUNCIL

MAIN OFFICE

ORDINANCE NO. 9816, S-73

ORDINANCE

REGULATING AND CONTROLLING THE DISCHARGE OF INDUSTRIAL AND OTHER WASTES INTO THE ATMOSPHERIC AIR OR BODY OF WATER WITHIN THE TERRITORIAL LIMITS OF QUEZON CITY FOR THE PURPOSE OF ABATEMENT AND PREVENTION OF POLLUTION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR 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, Tera-Perez, Roces and Sarino

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

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

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

SEC. 3. Except as otherwise provided, for the purpose of this Ordinance, whenever any of the following words or terms are used herein, or in any amendments thereto, they shall have the same meaning 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 ground infiltration and surface water as may be present;

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

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k. "Waste disposal" means the use of water for 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 [illegible], dump, or otherwise dispose into any canal, gutter, estero, [illegible] river or its tributaries, and/or the atmospheric air, [illegible] Quezon City, or cause, permit, suffer to be thrown, run, [illegible]ed, dumped, allow to seep, or otherwise dispose into such [illegible], gutter, estero, creek, river or its tributaries, and/or [illegible] atmospheric air any refuse, garbage, sewage, or other wastes [illegible]ated, or any untreated solid, liquid or gaseous substance, [illegible] shall cause or contribute to the pollution of the water of [illegible] river or its tributaries, or of the atmospheric air.

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

SEC. 6. No industrial establishment, firm, or factory of any [illegible] whatsoever, EMITTING WASTES into the air, water or land, shall [illegible] allowed to be established, erected, constructed, built and/or [illegible]ted within a radius of Five Hundred (500) meters around any [illegible] within the territorial jurisdiction of Quezon City, classi[illegible] as a residential zone of the city; PROVIDED, however, that [illegible] factory, industrial firm or establishment which prior to the [illegible]ctivity of this Ordinance, has been allowed to be established [illegible]erated within the aforesaid radius in accordance with the [illegible]ing ordinance, is hereby permitted to continue its operation [illegible]fied that it shall comply with other pertinent provisions of [illegible] Ordinance.

SEC. 7 -

(a) Before the corresponding licenses and/or permits may be [illegible] to new factories, industrial firms or establishments in [illegible]ordance with the existing ordinance, the latter shall be re[illegible]ed to submit for approval the pertinent plans and specifica[illegible]s of their pollution control structures or measures to the [illegible]onal Water and Air Pollution Control Commission, and a clear[illegible] certificate from said agency to the effect that the latter [illegible] made provisions for the construction or installation of [illegible]gate pollution control structures or measures for their fac[illegible]y site, plant and/or establishment, as the case may be, shall [illegible]ompany the application for such license or permit.

(b) Said factories, industrial firms or establishments [illegible]ll actually install or construct the structures and measures [illegible]ired in the preceding paragraph within a reasonable time [illegible] in no case longer than one year which shall not be shor[illegible]ed or extended from the date of issuance of the permit and/or [illegible]se, whichever is issued first.

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

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(d) No permit or license shall be issued nor renewed for the establishment, construction and/or operation of any factory, industrial firm or establishment without first complying with the provisions of this section; and any permits or licenses so issued or renewed in violation hereof shall be null and void, without prejudice to the criminal action that may be instituted against the person liable thereto.

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

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

(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 kept in a conspicuous place wherein the above activities are to be performed in such manner as to be clearly visible and accessible.

SEC. 10 -

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

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...nged into any canal, gutter, estero, creek, river or its tri-...ies; PROVIDED, that in the case of gas stations, leased from ...pany, the duty herein imposed shall devolve on said company.

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

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

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

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

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

SEC. 12. -

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

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

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

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...iod may be extended by the City Mayor upon request by the app...ant; PROVIDED, that no further extension shall be granted longer ...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 ...the date of effectivity hereof, permitting time for engineer...procurement, fabrication, installation, adjustment and final ...pletion, but in no case shall the completion thereof be longer ...three years from the effectivity of this Ordinance.

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

SEC. 13. The following penalties shall be imposed for vio...ions 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

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