

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1296

Introduced by **Honorable Carmelo F. Lazatin**

EXPLANATORY NOTE

The passage of RA 9275 or the Clean Water Act of 2004 is a legislative milestone in recognizing the importance of our water resources in lieu of our quest for sustainable national development. It defined the parameters and mechanisms on how our society should deal with the years of neglect, apathy and programs failures on the issue of water as an important economic resource.

Four years after the passage of RA 9275, issues and concerns were identified that impede the sound and effective implementation of the said law.

With the above background, this legislative proposal is one answer to the many issues and concerns in our effort to conserve and protect the aforementioned resource. While there is no substitute for a well informed public on the need to conserve water and on the importance of employing cleaner production technologies to mitigate pollution; the provisions of this bill for engineering interventions such as the necessity of a programmatic sewerage system and facilities like wastewater and septage treatment facility, delineation of responsibilities between and among local government units, local water district offices and other concerned government agencies, and the formation of public-private partnerships for program sustainability are equally important to achieved our goals set forth in RA 9275.

Having all the above considerations, the timely passage of this bill in this 15th Congress is earnestly sought.


CARMELO F. LAZATIN
First District, Pangasinana

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“AN ACT PROVIDING FOR THE CONSTRUCTION OF SEWERAGE SYSTEMS AND WASTEWATER AND SEPTAGE TREATMENT FACILITIES IN THE COUNTRY, THE TIME FRAME FOR THEIR ESTABLISHMENT, AND DEFINING THE ROLE OF LOCAL WATER DISTRICTS AND PRIVATE WATERWORKS UTILITIES IN WATER CONSERVATION AND WASTEWATER MANAGEMENT.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Title. – This Act shall be known as the “Sewerage Systems and Wastewater and Septage Treatment Facility Act of 2010.”

Section 2. Declaration of Principles and Policies.– It shall be policy of the State to safeguard public health and to promote the protection of the environment through sustainable utilization of natural resources such as, but not limited to, water resource in such manner that the protection of public health and of the environment will further contribute to hasten economic development.

To achieve this policy, the State shall:

- (a). Promote efficient and earth-friendly practices and technologies in the use of water resources;
- (b). Encourage all members of the society to minimize wastewater generation and to adopt various measures on how to control and abate water pollution.
- (c). Educate and promote the concept of shared responsibility among the members of the society in the implementation of programs, projects and activities on water quality management and on controlling water pollution;
- (d). Foster and build public-private linkages and partnerships in promoting and sustaining water conservation and wastewater management program, projects and activities, and

(e). Mobilize various government, quasi-government and private institutions to pool resources in order to institute water quality management programs and establish efficient and effective sewerage systems and wastewater and septage treatment facilities.

Section 3. Scope of the Act. It is the prime objective of this Act that every city and municipality shall have a programmatic water conservation and wastewater management system through the establishment of a centralized sewerage system, and a wastewater and septage treatment facility in their respective locality within five (5) years upon the effectivity of this Act.

Section 4. Definition of Terms. As used in this Act:

- a. Cleaner production- means the application of an integrated, preventive environmental strategy to processes, products, services to increase efficiency and reduce risk to humans and the environment.
- b. Facility- this refers to the sewerage and wastewater treatment facility.
- c. Local water district or local water district office- any district, city, municipality, province, investor-owned public utility or cooperative corporation which owns or operates a water system serving an urban center in the Philippines, except that said term shall not include the Metropolitan Waterworks and Sewerage System (MWSS) or its concessionaires.
- d. Local waterworks utility- this refers to any private corporations supplying water to a city or municipality other than the local water district.
- e. Septage- means the sludge produced on individual onsite wastewater disposal systems, principally septic tanks and cesspools.
- f. Sewerage system or system- means pipe lines or conduits, pumping stations, force mains, constructed drainage ditches, and all other constructions, devices, and appurtenances used for collecting or conducting sewage, and industrial wastes or other wastes to a point of treatment, discharge or ultimate disposal.
- g. Water conservation- the protection, development, and efficient management of water resources for beneficial purposes.
- h. Water pollution- means any alteration of the physical, chemical, biological, or radiological properties of a water body resulting in the impairment of its purity or quality.
- i. Water quality - means the characteristics of water, which define its use in characteristics by terms of physical, chemical, biological, bacteriological or radiological characteristics by which the acceptability of water is evaluated.
- j. Wastewater - means waste in liquid state containing pollutants.
- k. Wastewater and septage treatment facility - means a facility 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.

ARTICLE II ROLE OF LOCAL WATER DISTRICTS AND OTHER AGENCIES

Section 5. *Role of Local Water District Office.*

It shall be the responsibility of the local water districts, within its area of business jurisdiction, to commence constructing an effective sewerage system and wastewater and septage treatment facility within twelve (12) months after the effectivity of this Act and such system and facility should be operational within four (4) years after the start of construction.

Under this mandate, the local water district is expected to lead, with the support of the concerned local government unit, Department of Public Works and Highways (DPWH) and the Department of Environment and Natural Resources (DENR), in the conduct of feasibility studies, environmental impact assessment studies and all other necessary planning preparations prior to the construction of the sewerage system and wastewater and septage treatment facility.

In case a local water district cannot itself fund the needed capitalization to construct the facility and for the purpose of raising financial capital, the local water district, upon the approval of its Board of Director, may:

- (a) Borrow funds from local or foreign financial institutions;
- (b) Enter into a joint-venture agreement or in any other form of business partnership to any interested private group/s to raise the required capital of the facility. Provided, that such joint-venture agreement or business partnership does not violate any provisions of the Omnibus Investment Code of 1987;
- (c) Accept grants, aids and donations from legitimate local and foreign sources.

5.1 *Clustering and Resource Pooling.*

Neighboring LGUs and their respective local water districts, for reasons of capital limitations, may cluster themselves, pool their resources together and enter into an agreement to have one common wastewater and septage treatment facility. Provided, that cooperating LGUs and local water districts shall bear equally the cost of constructing and maintaining the facility and the LGU hosting the facility shall receive an incentive, in any form or kind, as agreed upon by the cluster.

The said incentive of the host LGU shall be used for the economic livelihood, beautification and/or infrastructure projects of those communities near the facility.

In an event where an adverse impact occurred in the construction or in the maintenance of the facility, all member water districts in the cluster shall bear equally the cost of such impact.

5.2. *On areas where other waterworks utilities exist aside from the local water district.*

In cities and municipalities where there are other waterworks utilities supplying water other than the local water district, the said waterworks utilities and local water district are required to reach an accord of cooperation leading to a shared program with regards to the connection of sewerage lines and to the construction and maintenance of sewerage system, and the wastewater and septage treatment facility.

5.3. *On areas without local water districts.*

In the absence of a local water district in a city or municipality, the LGU or if there is a private waterworks utility supplying water in that area may assumed the responsibilities tasked by this Act to the local water district

offices.

Section 6. Role of Local Government Units.

6.1. Provinces:

- (a). Assist component cities and municipalities in the formulation and development of their respective water conservation and wastewater management program;
- (b). Extend technical and material support to its component cities and municipalities in connecting their existing sewerage lines and in the construction of new sewerage lines.

6.2. Highly urbanized cities, Component cities and municipalities:

- (a). The formulation of the local water conservation and wastewater management program, with coordination of the local water district, shall be the responsibility of the concerned local government unit;
- (b). Assist the local water district office in building linkages to other government and private institutions to raise capital in the construction of the local wide sewerage system, and wastewater and septage treatment facility;
- (c). Enact local ordinances relevant to the efficient and effective implementation of this Act specifically in the construction and maintenance of sewerage system and wastewater treatment facility;
- (d). Provide manpower, logistical and technical support to the local water district in the construction of the sewerage system, and wastewater and septage treatment facility.
- (e). Appropriate the necessary land, including the required rights-of-way/road access to the land for the construction of the wastewater and septage treatment facility.

Section 7. Role of National Government Agencies

7.1. Department of Public Works and Highways

The DPWH, through its district offices, shall assist the local government units and the local water district offices in their planning and construction of a centralized sewerage systems in their respective localities.

7.2. Department of Environment and Natural Resources

- (a). Extend technical assistance to local government units and local water district offices in evaluating the appropriateness of a local or foreign wastewater and septage treatment technology.
- (b). Provide adequate information materials, technical and other support services to local water districts regarding the preparation and development of feasibility studies, in the issuance of permits such as the Environmental Compliance Certificate and all other required studies prior to the actual construction of the project. Provided, that the program implementer notifies the department of their request for such technical assistance.
- (c). Exercise such powers and perform such other functions as may be necessary to carry out the objectives of this Act.

7.3. Department of Science and Technology

The DOST, in coordination with the concerned local government unit and local water district office, shall prepare a program for the evaluation, verification, development and public dissemination of water pollution prevention and cleaner production technologies.

ARTICLE III

CONSTRUCTION OF SEWERAGE SYSTEM AND WASTEWATER AND SEPTAGE TREATMENT FACILITY

Section 8. Connection of sewerage lines

Local water district offices and/or private waterworks utilities, in coordination with local government units (LGUs), are required to connect all existing sewerage lines found in 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 upon the effectivity of this Act.

Section 9. Centralize wastewater and septage treatment facility

After one (1) year to the effectivity of this Act, all existing sewerage system and those to be constructed after the passage of this Act shall be connected to a centralized wastewater and septage treatment facility. Provided, that, in no way the facility shall be constructed without the necessary permits such as, but not limited to, an Environmental Compliance Certificate (ECC) as provided in Presidential Decree No. 1586.

Section 10. Maintenance of wastewater and septage treatment facility.

As stipulated in Sec. 5 of this Act, the local water district shall be responsible in maintaining the facility within the environmental standards set forth by existing laws, rules and regulations.

The local water district office in the exercise of this responsibility shall, at all times, practice transparency and in a given schedule or period shall open the facility for public visitation.

Section 11. Sewerage service fee

The local water district and/or private waterworks utilities may charge a sewerage service fee, in accordance to with existing laws, rules or regulations, to recover the cost of connecting the sewerage lines and for the construction and maintenance of the centralized wastewater and septage treatment facility.

Section 12. Seperability Clause.- If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

Section 13. Repealing Clause.- All laws, executive orders or issuances, or any parts thereof inconsistent herewith are hereby repealed or amended accordingly.

Section 14. Effectivity Clause.- This Act shall take effect upon its publication in at least two (2) newspaper of general circulation.

Approved,