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Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION

Third Regular Session

Bangsamoro Transition Authority
OFFICE OF MP AMIR S. MAWALLIL
RELEASED

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Name: ADELINA DIKATUN Signature: [Signature]
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BTA Bill No. 176

Date: 2/11/22
Time: 2:25
Signature: [Signature]

Introduced by **MPs AMILBAHAR S. MAWALLIL, ENGR. BAIN TAN A. AMPATUAN**
Co-authored by **MPs ATTY. LAISA MASUHUD ALAMIA, ATTY. SUHARTO M. AMBOLOD TO, ATTY. RASOL Y. MITMUG, JR., ENGR. DON MUSTAPHA A. LOONG, RASUL E. ISMAEL, ABRAHAM T. BURAHAN, SITTIE SHAHARA I. MASTURA, ATTY. PAISALIN P. TAGO**

AN ACT PROMOTING CLEAN WATER IN THE BANGSAMORO, INCLUDING SAFE DRINKING WATER, THROUGH EFFECTIVE WATER QUALITY MANAGEMENT, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Water. As ubiquitous as it may seem, especially in an archipelagic country, the Philippines has been marred with a myriad of water issues. Many of the water supplied to our homes contain toxins like mercury and feces¹ and are therefore unfit for domestic uses, let alone human consumption. But our country's problem with water extends beyond declining water quality. It includes issues on water access and is compounded by increasing water scarcity. As *Greenpeace* noted, our country ranks second lowest among Southeast Asian countries in terms of freshwater availability despite the abundance of freshwater resources.²

In the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), water remains a top concern despite the pouring of investments and development assistance in recent years. Decades of armed conflict and government neglect have made access to clean water in the region a luxury. In Sulu and Tawi-Tawi, for instance, the lack of potable water has been ongoing for generations. Hence, projects like the recently funded desalination machines to convert marine water to freshwater initiated by the Bangsamoro Government already go a long

¹ Andrews, G. (2018). Resolving the water pollution crisis in the Philippines: The implications of water pollution on public health and the economy. *Pepperdine Policy Review*, 10(2).

² Greenpeace Philippines (2007, October 8). Greenpeace launches 'project: clean water'. Greenpeace. <https://www.greenpeace.org/philippines/story/1367/greenpeace-launches-project-clean-water/>

way. However, even for areas with an abundance of freshwater, other issues continue to threaten the sustainability of the region's water sources. For instance, take Lake Lanao, one of, if not the most significant freshwater resource in the region. The image of residents enjoying and utilizing its pristine waters are long gone—only retained in stories of previous generations of people of the Lake.

In a 2021 survey conducted by the Ministry of Science and Technology in BARMM, seventy percent (70%) of the respondents said that the top issue in the region is the quality of water supply³—illustrating the importance of this issue to the Bangsamoro. Lack of or inadequate supply of water and declining water quality in the region have health, livelihood, development, ecological and other impacts.

The establishment of BARMM presents an opportunity to correct the decades of inaction of the government to address this perennial problem. Nevertheless, BARMM is also pressed to accelerate economic development in the region. And, we are not oblivious to the inherent tensions that exist between the economic development agenda and the interest to protect the environment, including our water resources. Thus, it is imperative that we, as members of the Bangsamoro Transition Authority, institutionalize mechanisms to ensure that our water resources are not only preserved but are restored even as we pursue economic development for our region. Water quality standards consistent with prevailing science and international standards must be set in the region. Moreover, there must be means to ensure strict compliance to and enforcement of guidelines on water quality management. These, among others, are just some of the policies needed that would serve as foundations for an effective water quality management system in the region.

Our duty as stewards, our responsibility to preserve and restore our water resources and guarantee access to clean water for the present and future generations of Bangsamoro, are of invaluable importance. Most especially to a region whose Peoples have not only practical uses, but also hold cultural, religious, and symbolic meanings to water resources.

In view of the foregoing, the passage of this bill is earnestly sought.

AMILBAHAR S. MAWALLIL
Member of the Parliament

³ Prudenciado, R. (2021, April 19). Bangsamoro's top issue on quality water supply aligns with council's research agenda. National Research Council of the Philippines. <https://nrccp.dost.gov.ph/latest-news/712-bangsamoro-s-top-issue-on-quality-water-supply-aligns-with-council-s-research-agenda>

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Third Regular Session

BTA Bill No. 176

Introduced by MPs **AMILBAHAR S. MAWALLIL, ENGR. BAIN TAN A. AMPATUAN**
Co-authored by MPs **ATTY. LAISA MASUHUD ALAMIA, ATTY. SUHARTO M. AMBOLOD TO, ATTY. RASOL Y. MITMUG, JR., ENGR. DON MUSTAPHA A. LOONG, RASUL E. ISMAEL, ABRAHAM T. BURAHAN, SITTIE SHAHARA I. MASTURA, ATTY. PAISALIN P. TAGO**

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CHAPTER I
PRELIMINARY PROVISIONS

Section 1. Title. – This Act shall be known as the “Safe Drinking Water Act of 2022”.

Section 2. Declaration of Policy. – The Bangsamoro Government exercises authority over matters related to health in the Bangsamoro Region. It is the policy of the Bangsamoro Government to promote health and safety in the region, that includes providing an adequate supply of safe drinking water to its inhabitants.

Furthermore, the Bangsamoro Government recognizes the importance of pursuing a comprehensive framework of sustainable development anchored on the conservation, utilization, and development of natural resources, including all water sources in the region.

Towards this end, the Bangsamoro Government shall develop an effective system of water quality management aimed at protecting human health, preventing drinking water health hazards, and protecting, preserving, and reviving the quality of fresh, brackish, and marine waters in the region.

Section 3. Coverage. – This Act shall apply to water quality management in all water bodies and to all water supply systems within the Bangsamoro Region.

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

- a. Aquifer - means a layer of water-bearing rock located underground that transmits water in sufficient quantity to supply pumping wells or natural springs.
- b. Aquatic life - means all organisms living in freshwater, brackish and marine environment.
- c. Beneficial use - means the use of the environment or any element or segment thereof conducive to public or private welfare, safety and health; and shall include, but not be limited to, the use of water for domestic, municipal, irrigation, power generation, fisheries, livestock raising, industrial, recreational and other purposes.
 1. Use of water for domestic purposes - means the utilization of water for drinking, washing, bathing, cooking or other household needs, home gardens and watering of lawns or domestic animals;
 2. Use of water for municipal purposes - means the utilization of water for supplying water requirements of the community;
 3. Use of water for irrigation - means the utilization of water for producing agricultural crops;
 4. Use of water for power generation - means the utilization of water for producing electrical or mechanical power;
 5. Use of water for fisheries - means the utilization of water for the propagation of culture of fish as a commercial enterprise;
 6. Use of water for livestock raising - means the utilization of water for large herds or flocks of animals raised as a commercial enterprise;
 7. Use of water for industrial purposes - means the utilization of water in factories, industrial plants and mines, including the use of water as an ingredient of a finished product; and
 8. Use of water for recreational purposes - means the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of recreation.
- d. Classification/Reclassification of Philippine Waters - means the categorization of all water bodies taking into account, among others, the following: (1) existing quality of the body of water; (2) size, depth, surface area covered, volume, direction, rate of flow and gradient of stream; (3) most beneficial existing and future use of said bodies of water and lands bordering them, such as for residential, agricultural, aquacultural, commercial, industrial, navigational, recreational, wildlife conservation and aesthetic purposes; and (4) vulnerability of surface and groundwater to contamination from pollutive and hazardous wastes, agricultural chemicals and underground storage tanks of petroleum products.
- e. Civil Society - means non-government organizations (NGOs) and people's organizations (POs).

- f. Clean 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;
- g. Clean-up operations - means activities involving the removal of pollutants discharged or spilled into a water body and its surrounding areas, and the restoration of the affected areas to their former physical, chemical and biological state or conditions.
- h. Contamination - means the production of substances not found in the natural composition of water that make the water less desirable or unfit desirable or unfit for intended use.
- i. Ministry - means the Ministry of Environment, Natural Resources, and Energy.
- j. Discharge - includes, but is not limited to, the act of spilling, leaking, pumping, pouring, emitting, emptying, releasing or dumping of any material into a water body or onto land from which it might flow or drain into said water.
- k. Drinking water - means water intended for human consumption or for use in food preparation.
- l. Dumping - means any unauthorized or illegal disposal into any body of water or land of wastes or toxic or hazardous material: Provided, That it does not mean a release of effluent coming from commercial, industrial, and domestic sources which are within the effluent standards.
- m. Effluent - means discharge from known sources which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial and recreational facilities.
- n. Effluent standard - means any legal restriction or limitation on quantities, rates, and/or concentrations or any combination thereof, of physical, chemical or biological parameters of effluent which a person or point source is allowed to discharge into a body of water or land.
- o. Environmental management - means the entire system which includes, but is not limited to, conservation, regulation and minimization of pollution, clean production, waste management, environmental law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity, and environmental research.
- p. Environmental management system - means the part of the overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environment policy.
- q. Freshwater - means water containing less than 500 ppm dissolved common salt, sodium chloride, such as that in groundwater, rivers, ponds and lakes.
- r. Groundwater - means a subsurface water that occurs beneath a water table in soils and rocks, or in geological formations.
- s. Groundwater vulnerability - means relative ease with which a contaminant located at or near the land surface can migrate to the aquifer or deep well.
- t. Groundwater vulnerability map - means the identified areas of the land surface where groundwater quality is most at risk from human activities and shall reflect

the different degrees of groundwater vulnerability based on a range of soil properties and hydro geological criteria to serve as guide in the protection of the groundwater from contamination.

- u. Hazardous waste - means any waste or combination of wastes of solid liquid, contained gaseous, or semi-solid form which cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account toxicity of such waste, its persistence and degradability in nature, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or organism.
- v. Integrated Water Quality Management Framework - means the policy guideline integrating all the existing frameworks prepared by all government agencies contain the following; water quality goals and targets; (b) period of compliance; (c) water pollution control strategies and techniques; (d) water quality information and education program; (e) human resources development program.
- w. Margin - means a landward and outer limiting edge adjacent to the border of any water bodies or a limit beyond where beyond where saturation zone ceases to exist.
- x. National Water Quality Status Report - means a report to be prepared by the Board indicating: a) the location of water bodies, their quality, taking into account seasonal, tidal and others variations, existing and potential uses and sources of pollution per specific pollutant and pollution load assessment; b) water quality management areas pursuant to Section 5 of this Act; c) and water classification.
- y. Non-point source - means any source of pollution not identifiable as point source to include, but not be limited to, runoff from irrigation or rainwater, which picks up pollutants from farms and urban areas.
- z. Point source - means any identifiable source of pollution with specific point of discharge into a particular water body.
- aa. Pollutant- shall refer to any substance, whether solid, liquid, gaseous or radioactive, which directly or indirectly:
 - 1. alters the quality of any segment of the receiving water body to affect or tend to affect adversely any beneficial use thereof;
 - 2. is hazardous or potential hazardous to health;
 - 3. imparts objectionable odor, temperature change, or physical, chemical or biological change to any segment of the water body; or
 - 4. is in excess of the allowable limits, concentrations, or quality standards specified, or in contravention of the condition, limitation or restriction prescribed in this Act.
- bb. Potentially infectious medical waste - include isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.
- cc. Minister - means the Minister of Environment, Natural Resources, and Energy.

- dd. Septage - means the sludge produced on individual onsite wastewater disposal systems, principally septic tanks and cesspools.
- ee. Sewage - means water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, building, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as maybe present including such waste from vessels, offshore structures, other receptacles intended to receive or retain waste or other places or the combination thereof.
- ff. Sewerage - includes, but is not limited to, any system or network of pipelines, ditches, channels, or conduits including pumping stations, lift stations and force mains, service connections including other constructions, devices, and appliances appurtenant thereto, which includes the collection, transport, pumping and treatment of sewage to a point of disposal.
- gg. Sludge - means any solid, semi-solid or liquid waste or residue generated from a wastewater treatment plant, water supply treatment plant, or water control pollution facility, or any other such waste having similar characteristics and effects.
- hh. Surface water - means all water, which is open to the atmosphere and subject to surface runoff.
- ii. Treatment - means any method, technique, or process designed to alter the physical, chemical or biological and radiological character or composition of any waste or wastewater to reduce or prevent pollution.
- jj. Toxic amount - means the lowest amount of concentration of toxic pollutants, which may cause chronic or long-term acute or lethal conditions or effects to the aquatic life, or health of persons or which may adversely affect designated water uses.
- kk. Waste - means any material either solid, liquid, semisolid, contained gas or other forms resulting industrial, commercial, mining or agricultural operations, or from community and household activities that is devoid of usage and discarded.
- ll. Wastewater - means waste in liquid state containing pollutants.
- mm. Water body - means both natural and man-made bodies of fresh, brackish, and saline waters, and includes, but is not limited to, aquifers, groundwater, springs, creeks, streams, rivers, ponds, lagoons, water reservoirs, lakes, bays, estuarine, coastal and marine waters. Water bodies do not refer to those constructed, developed and used purposely as water treatment facilities and / or water storage for recycling and re-use which are integral to process industry or manufacturing.
- nn. 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.
- oo. 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.
- pp. Water quality guidelines - means the level for a water constituent or numerical values of physical, chemical, biological and bacteriological or radiological parameters which are used to classify water resources and their use, which does not result in significant health risk and which are not intended for direct enforcement

but only for water quality management purposes, such as determining time trends, evaluating stages of deterioration or enhancement of the water quality, and as basis for taking positive action in preventing, controlling or abating water pollution.

- qq. Water Quality Management Area Action Plan - includes, but not be limited to, the following: (a) goals and targets including sewerage or septage program, (b) schedule of compliance to meet the applicable requirements of this Act; (c) water pollution control strategies or techniques; (d) water quality information and education program; e) resource requirement and possible sources; f) enforcement procedures of the plan and (g) rewards and incentives.

CHAPTER 2 WATER QUALITY MANAGEMENT SYSTEM

ARTICLE 1 GENERAL PROVISIONS

Section 5. Creation of the Bangsamoro Water Resources Board. – There is hereby created a Bangsamoro Water Resources Board (BWRB), hereinafter referred to as “Board,” that shall be attached to the Ministry of Environment, Natural Resources, and Energy (MENRE) for purposes of policy and program coordination.

Section 6. Composition of the Board. – The Board shall be composed of the following:

- a. Minister of Environment, Natural Resources, and Energy, *Chairperson*;
- b. Minister of Health, *Vice-Chairperson*;
- c. Minister of Public Works;
- d. Minister of Interior and Local Government;
- e. Minister of Indigenous People’s Affairs;
- f. Minister of Agriculture, Fisheries, and Agrarian Reform;
- g. Ministry of Science and Technology;
- h. Minister of Finance, Budget and Management; and
- i. Director General, BWRB Secretariat.

Section 7. Powers and Functions. – The Board shall be the policy-making and coordinating body on matters related to the water sector in the Bangsamoro Autonomous Region. It shall have the following powers and functions:

- a. Formulate policies and plans in relation to the water sector, including water-related activities that impact the region, within the framework of Integrated Water Resources Management (IWRM);
- b. Coordinate the planning, monitoring and evaluation of all water sector programs in the region;
- c. Regulate the utilization and allocation of water resources based on a comprehensive framework of sustainable development;

- d. Protect the inhabitants and the environment by setting standards and targets for water quality and supply services, tariffs, monitoring and enforcing compliance, and imposing sanctions and penalties for violations thereof;
- e. Prepare a Regional Water Quality Status Report within twelve (12) months from the effectivity of this Act: Provided, That the Board shall thereafter review or revise and publish annually, or as the need arises, said report;
- f. Develop a comprehensive Water Quality Management System within two (2) years following the effectivity of this Act;
- g. Prepare a Water Quality Management Framework within two (2) years following the completion of the status report;
- h. Craft a ten (10) year Water Quality Management Action Plan, together with relevant ministries and agencies, within twelve (12) months following the completion of the framework for each designated WQMA. Such action plan shall be reviewed by the water quality management area governing board every five (5) years or as the need arises;
- i. Prepare and publish a national groundwater vulnerability map incorporating the prevailing standards and methodologies, within two (2) years after the effectivity of this Act;
- j. Develop within twelve (12) months from the effectivity of this Act water quality guidelines in the region after due consultation with the concerned stakeholder sectors: Provided, that the water quality guidelines shall be based on but not less stringent than the national guidelines, and adopts the prevailing science and international standards. Provided, finally, That the Board, in coordination with appropriate agencies shall review said guidelines every five (5) years or as need arises;
- k. Review existing and set regional effluent standards within twelve (12) months following the promulgation of the Implementing Rules and Regulations of this Act, and every five (5) years thereafter or sooner as determined by the Board, that shall be published in the Schedule: Provided, That in the interim, standards set by the national government shall apply: Provided, further, That when new and more stringent standards are set in accordance with this Section, the Board may establish a grace period with a maximum of three (3) years: Provided, finally, That such grace period shall be limited to the moratorium on the issuance of cease and desist and/or closure order against the industry's operations except in the event such operation poses serious and grave threat to the environment, or the industry fails to institute retooling, upgrading or establishing an environmental management system (EMS).
- l. Establish within twelve (12) months from the effectivity of this Act, internationally-accepted procedures for sampling and analysis of pollutants and in coordination with other concerned agencies, formulate testing procedures and establish an accreditation system for laboratories;
- m. Within eighteen (18) months from the effectivity of this Act and every two (2) years thereafter, categorize point and non-point sources of water pollution;
- n. Classify groundwater sources within twelve (12) months from the effectivity of this Act;

- o. Classify or reclassify all water bodies according to their beneficial usages: Provided, that in the interim, the national laws and policies shall apply: Provided, further, that such classification or reclassification shall take into consideration the operation of businesses or facilities that are existing prior to the effectivity of the Act: Provided, furthermore, that the Board may authorize the use of the water for other purposes that are more restrictive in classification: Provided, finally, That discharges resulting from such use shall meet the effluent standards set by the Board;
- p. Exercise jurisdiction over all aspects of water pollution, determine its location, magnitude, extent, severity, causes, effects and other pertinent information on pollution, and to take measures, using available methods and technologies to prevent and abate such pollution;
- q. Exercise supervision and control over all aspects of water quality management;
- r. Establish a cooperative effort in partnership with the government, LGUs, academic institutions, civil society and the private sector to attain the objectives of this Act;
- s. Report, on an annual basis, to the Parliament the quality status of water bodies and other pertinent information and recommend possible legislation, policies and programs for environmental management and water pollution control;
- t. Issue rules and regulations for the effective implementation of the provisions of this Act;
- u. Issue orders against any person or entity and impose fines, penalties and other administrative sanctions to compel compliance with water quality the provisions of this Act;
- v. Undertake appropriate protocol with other concerned agencies for immediate coordinated responses to water-related emergency incidents;
- w. Issue permits, clearances and similar instruments pursuant to this Act;
- x. Direct the conduct of research on the state, quality, and sustainable development of water resources in the region; and
- y. Exercise such powers and perform such functions as may be necessary in carrying out the objectives and provisions of this Act.

The Board shall, after due consultation with the public, gradually devolve to the LGUs, and to the governing Councils the authority to administer some aspects of water quality management and regulation, including, but not to be limited to, permit issuance, monitoring and imposition of administrative penalties, when, upon the Board's determination, the LGU or the governing Council has demonstrated readiness and technical capability to undertake such functions.

Section 8. Internal Rules and Procedures. – In its first regular session, the Board shall promulgate and adopt its internal rules and procedures.

Section 9. Board Secretariat. – There shall be a BWRB Secretariat charged with the general conduct of operations of the Board. It shall be the implementing arm of the Board and shall be headed by a Director General who shall be appointed by the Chief Minister.

The Board shall immediately formulate the organizational and manpower structure of the BWRB Secretariat to be approved by the Chief Minister.

Section 10. Water Quality Management Area. – The Board shall designate certain areas in the region as water quality management areas (WQMA) using appropriate physiographic units such as watershed, river basins or water resources regions.

Designation of the water quality management areas shall be based on similar hydrological, hydrogeological, meteorological or geographic conditions which affect the physicochemical, biological and bacteriological reactions and diffusions of pollutants in the water bodies, or otherwise share common interest or face similar development programs, prospects or problems, or such other criteria to be determined by the Board.

Section 11. Creating the WQMA Council. – Designated WQMAs shall be governed by a Council composed of the following:

- a. Ministry representative, *Chairperson*;
- b. Representatives of chief executives of member local government units (LGUs);
- c. Representatives of relevant ministries;
- d. Duly registered non-governmental organization working on water resources and issues;
- e. Representative of water utility sector; and
- f. Representative of the business sector.

In the case of the LGUs with memberships on more than one (1) management board, the LGU shall designate only one (1) single representative for all the management areas wherein it is a member.

Section 12. Shared Ownership and Governance. – There shall be a multi-sectoral group to be established in each WQMA. The multi-sectoral group shall serve as the local monitoring network of the Council and shall conduct surveillance and monitoring activities to ensure compliance with water quality, effluent, and water supply services quality standards and parameters set out in the Schedule.

Section 13. Technical Committee. – There shall be a Technical Committee, hereinafter referred to as the “Committee,” for each WQMA that shall provide technical support to the Council. The Committee shall be composed of at least four (4) experts in relevant fields from private, non-government, and academic or research institutions.

The exact membership, qualifications, and chairpersonship of the Committee shall be determined by the Council based on their WQMA’s context and needs.

Section 14. Water Quality Management System. – Within two (2) years following the effectivity of this Act, the Board shall develop a set of policies, processes, and procedures

that shall make up the comprehensive Bangsamoro Water Quality Management System, hereinafter referred to as the "System," consistent with the objectives of this Act. The System shall guide the Board and Councils in managing the WQMAs and non-attainment areas. In developing the System, right to water, public health, environmental and ecological protection, and sustainable development shall be the primary considerations of the Board.

Proposals for new or changes to existing policy, process, or procedure that is meant to improve the System but is beyond the authority of the Board shall be presented as a recommendation to the Bangsamoro Parliament ("Parliament" for brevity) for its consideration. Towards this end, the Board shall submit a report of the comprehensive System to the Parliament, including any such proposal, not later than three (3) years from the effectivity of this Act.

Section 15. Regional and Local Sewerage and/or Septage Management Programs.

– The Ministry of Public Works, in coordination with the Board, local government units (LGUs) and other concerned agencies, shall, as soon as possible, but in no case exceeding a period of twelve (12) months from the effectivity of this Act, prepare a regional and local programs on sewerage and/or septage management.

Such programs shall include a priority listing of sewerage, septage and combined sewerage-septage projects for LGUs based on population density and growth, degradation of water resources, topography, geology, vegetation, program/projects for the rehabilitation of existing facilities and such other factors that the Secretary may deem relevant to the protection of water quality. Based on such national listing, the Bangsamoro Government may allot, on an annual basis, funds for the construction and rehabilitation of required facilities.

Each LGU shall appropriate the necessary land, including the required rights-of-way/road access to the land for the construction of the sewage and/or septage treatment facilities.

Each LGU may raise funds to subsidize necessary expenses for the operation and maintenance of sewerage treatment or septage facility servicing their area of jurisdiction through local property taxes and enforcement of a service fee system.

Section 16. Regional Water Quality Management Fund. – A water quality management fund, to be administered by the Board, in coordination with other concerned agencies, as a special account in the Bangsamoro Treasury Office is hereby established. It shall be used to finance the following:

- a. Containment and clean-up operations of the government in water pollution cases;
- b. Restoration of ecosystems and rehabilitation of affected areas;
- c. Research, enforcement and monitoring activities;
- d. Technical assistance to the implementing agencies;
- e. Rewards and incentives;
- f. Information and educational campaign; and

- g. Such other disbursements made solely for the prevention, control or abatement of water pollution and management and administration of the management areas in the amounts authorized by the Board.

The fines imposed and damages awarded to the government, proceeds of permits issued by the Board under this Act, donations, endowments and grants in the form of contributions to the national government under this Act shall form part of the fund. Such donations, endowments and grants shall be exempt from donor's taxes and all other taxes, charges or fees imposed by the government and shall be deductible from the gross income of the donor for income tax purposes.

Section 10. The Area Water Quality Management Fund. – An area water quality management fund, to be administered by the Council of the corresponding management area, is hereby established for the maintenance and upkeep of the water bodies in a water quality management area. The fund shall be utilized for the grant of rewards and incentives for entities whose effluent discharges are better than the water quality criteria of the target classification of the receiving body of water or private water utility whose water quality supply is better than the parameters set in the Schedule, loans for acquisitions and repairs of facilities to reduce quantity and improve quality of wastewater discharges, and regular maintenance of the water bodies within the management area.

An amount of not more than ten percent (10%) of the total amount accruing to the funds annually shall be allocated for the operational expenses of the governing board, its secretariat and multi-sectoral water quality surveillance and monitoring network.

ARTICLE 2

WATER POLLUTION PERMITS, CHARGES, AND STANDARDS

Section 11. Wastewater Charge System. – The Board, in consultation with experts and the public, shall implement a wastewater charge system in all management areas including the Lake Lanao areas through the collection of wastewater charges/fees. The system shall be established based on payment to the government for discharging wastewater into the water bodies.

Section 12. Discharge Permits. – The Board shall require owners or operators of facilities that discharge regulated effluents pursuant to this Act to secure a permit to discharge. The discharge permit shall be the legal authorization granted by the Board to discharge wastewater: Provided, That the discharge permit shall specify among others, the quantity and quality of effluent that said facilities are allowed to discharge into a particular water body, compliance schedule and monitoring requirement.

As part of the permitting procedure, the Board shall encourage the adoption of waste minimization and waste treatment technologies when such technologies are deemed cost-effective. The Board shall also develop procedures to relate the current water quality guideline

or the projected water quality guideline of the receiving water body/ies with total pollution loadings from various sources, so that effluent quotas can be properly allocated in the discharge permits. For industries without any discharge permit, they may be given a period of twelve (12) months after the effectivity of the implementing rules and regulations promulgated pursuant to this Act, to secure a discharge permit.

Effluent trading may be allowed per management area.

Section 13. Water Quality Schedule. – The Board shall establish water quality requirements for different uses of water, especially drinking water. To this end, the Board shall set parameters, including microbial, physio-chemical, radiological, chemical, and such other parameters that the Board may determine for different categories of water.

Further, the Board shall set effluent standards for different industry types guided by prevailing international standards.

These standards shall be available in a Schedule to be prepared by the Board in consultation with other ministries, agencies, non-government and private organizations, affected stakeholders, and experts, within twelve (12) months from the promulgation of the Implementing Rules and Regulations of this Act and reviewed every five (5) years thereafter or sooner as determined by the Board.

ARTICLE 3 FINANCIAL LIABILITY MECHANISM

Section 13. Environmental Guarantee Fund and Other Financial Liabilities for Environmental Rehabilitation. – The Board shall adopt the requirement of an environmental guarantee fund (EGF) pursuant to Presidential Decree No. 1586 and its implementing rules and regulations, and the Philippine Clean Water Act of 2004. However, the Board may recommend an additional financial liability scheme for environmental rehabilitation on top of the EGF if it deems the latter insufficient to carry out the objectives of this Act.

Section 14. Primary Responsibility Over Clean-up Operations. – Any person who causes pollution in or pollutes water bodies in excess of the applicable and prevailing standards shall be responsible to contain, remove and clean-up any pollution incident at his own expense to the extent that the same water bodies have been rendered unfit for utilization and beneficial use: Provided, That in the event emergency clean-up operations are necessary and the polluter fails to immediately undertake the same, the Board, in coordination with other government agencies concerned, shall conduct containment, removal and clean-up operations. Expenses incurred in said operations shall be reimbursed by the persons found to have caused such pollution upon proper administrative determination in accordance with this Act. Reimbursements of the cost incurred shall be made to the Water Quality Management Fund or to such other funds where said disbursements were sourced.

Section 15. Programmatic Environmental Impact Assessment. – The Board shall implement programmatic compliance with the environmental impact assessment system.

Programmatic compliance with the environmental impact assessment system shall be guided by carrying capacity assessments determined from ecological profiles. Ecological profiles shall identify environmental constraints and opportunities in programmatic areas. Programmatic assessment shall also consider cumulative impacts and risks.

Consistent with the provisions of the Local Government Code, the Board may enter into agreement with LGUs to incorporate programmatic environmental impact assessment into the preparation, updating or revision of local land use plans and area development plans.

CHAPTER 3 INCENTIVES AND REWARDS

Section 16. Rewards. – Rewards, monetary or otherwise, shall be provided to individuals, private organization and entities, including civil society, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in water quality management. Said rewards shall be sourced from the Water Quality Management Fund herein created.

Section 17. Incentives Scheme. – The Board shall develop an incentive scheme is for the purpose of encouraging LGUs, water districts (WDs), enterprises, or private entities, and individuals, to develop or undertake an effective water quality management, or actively participate in any program geared towards the promotion thereof as provided in this Act.

CHAPTER 4 CIVIL LIABILITY/PENAL PROVISIONS

Section 18. Prohibited Acts. – The following acts are hereby prohibited:

- a. Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along the margins of any surface water, where, the same shall be liable to be washed into such surface water, either by tide action or by storm, floods or otherwise, which could cause water pollution or impede natural flow in the water body;
- b. Discharging, injecting or allowing to seep into the soil or sub-soil any substance in any form that would pollute groundwater. In the case of geothermal projects, and subject to the approval of the Board, regulated discharge for short- term activities (e.g. well testing, flushing, commissioning, venting) and deep re-injection of geothermal liquids may be allowed: Provided, That safety measures are adopted to prevent the contamination of the groundwater;

- c. Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;
- d. Disposal of potentially infectious medical waste into sea water by vessels unless the health or safety of individuals on board the vessel is threatened by a great and imminent peril;
- e. Unauthorized transport or dumping into sea waters of sewage sludge or solid waste as defined under Republic Act No.9003;
- f. Transport, dumping or discharge of prohibited chemicals, substances or pollutants listed under Republic Act No.6969;
- g. Operate facilities that discharge or allow to seep, willfully or through gross negligence, prohibited chemicals, substances or pollutants listed under R. A. No. 6969 into water bodies or wherein the same shall be liable to be washed into such surface, ground, coastal, and marine water;
- h. Undertaking activities or development and expansion of projects, or operating wastewater/sewerage facilities in violation of Presidential Decree. No.1586 and its implementing rules, and regulations;
- i. Discharging regulated water pollutants without the valid required discharge permit pursuant to this Act or after the permit was revoked for any violation of condition therein;
- j. Non-compliance of the LGU with the Water Quality Framework and Management Area Action Plan. In such a case, sanctions shall be imposed on the local government officials concerned;
- k. Refusal to allow entry, inspection and monitoring by the government in accordance with this Act;
- l. Refusal to allow access by the Board or other authorized government agency to relevant reports and records in accordance with this Act;
- m. Refusal or failure to submit reports whenever required by the Board in accordance with this Act;
- n. Refusal or failure to designate pollution control officers whenever required by the Board in accordance with this Act;
- o. Directly using booster pumps in the distribution system or tampering with the water supply in such a way as to alter or impair the water quality;
- p. Failure to comply with the order of the Board to meet water quality standards within a reasonable time as may be determined by the Board;
- q. Willfully and deceptively supplying water to constituents that is not within the standards set in the Schedule; and
- r. Non-performance of any government official, personnel, or agency of their duties and responsibilities as set forth in this Act, its Implementing Rules and Regulations, and other policies under the Water Quality Management System.

Section 19. Fines, Damages and Penalties. – Unless otherwise provided herein, any person who commits any of the prohibited acts provided in the immediately preceding Section or violates any of the provision of this Act or its implementing rules and regulations, shall be

fined in the amount of not less than TEN THOUSAND (P10,000.00) nor more than TWO HUNDRED THOUSAND PESOS (P200,000.00) for every day of violation. The fines herein prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines: Provided, That the Board may order the closure, suspension of development or construction, or cessation of operations or, where appropriate disconnection of water supply, until such time that proper environmental safeguards are put in place and/or compliance with this Act or its rules and regulations are undertaken. This paragraph shall be without prejudice to the issuance of an ex parte order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case.

Failure to undertake clean-up operations, willfully, or through gross negligence, shall be punished by imprisonment of not less than two (2) years and not more than four (4) years and a fine not less than FIFTY THOUSAND PESOS (P50,000.00) and not more than ONE HUNDRED THOUSAND PESOS (P100,000.00) per day for each day of violation. Such failure or refusal which results in serious injury or loss of life and/or irreversible water contamination of surface, ground, coastal and marine water shall be punished with imprisonment of not less than six (6) years and one day and not more than twelve (12) years, and a fine of FIVE HUNDRED THOUSAND PESOS (P500,000.00) per day for each day during which the omission and/or contamination continues.

In case of gross violation of this Act, the Board shall issue a resolution recommending that the proper government agencies file criminal charges against the violators. Gross violation shall mean any of the following:

- a. Deliberate discharge of toxic pollutants identified pursuant to national and regional laws in toxic amounts;
- b. Five (5) or more violations within a period of two (2) years; or
- c. Blatant disregard of the orders of the Board, such as the non-payment of fines, breaking of seals or operating despite the existence of an order for closure, discontinuance or cessation of operation.

In which case, offenders shall be punished with a fine of not less than FIVE HUNDRED THOUSAND PESOS (P500,000.00) but not more than THREE MILLION PESOS (P3,000,000.00) per day for each day of violation or imprisonment of not less than six (6) years but not more than ten (10) years, or both, at the discretion of the court. If the offender is a juridical person, the president, manager and the pollution control officer or the official in charge of the operation shall suffer the penalty herein provided.

Section 20. Administrative Sanctions Against Non-compliance with the Water Quality Management Area Action Plan. – Local government officials concerned shall be subject to administrative sanctions in case of failure to comply with their action plan accordance with the relevant provisions of R.A. No. 7160.

CHAPTER 5 ACTIONS

Section 21. Administrative Action. – Without prejudice to the right of any affected person to file an administrative action, the Board shall, on its own instance or upon verified complaint by any person, institute administrative proceedings in the proper forum against any person who violates:

- a. Standards or limitations provided by this Act; or
- b. By any such order, rule or regulation issued by the Board with respect to such standard or limitation.

CHAPTER 6 FINAL PROVISIONS

Section 22. Appropriations. – Upon the effectivity of this Act, such sum as may be necessary for the initial implementation of this Act shall be determined by the Ministry of Finance, Budget and Management in consultation with the MENRE.

Thereafter, the amount necessary to effectively carry out the provision of this Act shall be included in the General Appropriations Act of the Bangsamoro of the year following its enactment into law and thereafter.

Section 23. Implementing Rules and Regulations. – The MENRE, in consultation with other ministries, shall promulgate the Implementing Rules and Regulations (IRR) of this Act not later than one (1) year after effectivity of this Act. Upon the organization of the Board, it may adopt such IRR or amend the same with two-thirds or more of its members voting in favor.

Section 24. Separability. – If any Section or part of this Act is held unconstitutional or invalid, all other Sections or provisions not otherwise affected shall remain in full force and effect.

Section 25. Repealing Clause. – All ordinances, executive orders, administrative orders, or other rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 26. Effectivity. – This Act shall take effect fifteen (15) days after publication.

Adopted,

AUTHOR:



AMILBAHAR S. MAWALLIL

Member of the Parliament

Certified correct:

PROF. RABY B. ANGKAL

Secretary-General

Attested by:

HON. PANGALIAN M. BALINDONG

Speaker