

[REPUBLIC ACT NO. 9275, March 22, 2004]

**AN ACT PROVIDING FOR A COMPREHENSIVE WATER QUALITY
MANAGEMENT AND FOR OTHER PURPOSES**

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

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

Declaration of Principles and Policies

SECTION 1. *Short Title.* — This Act shall be known as the "Philippine Clean Water Act of 2004."

SEC. 2. *Declaration of Policy.* — The State shall pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters. To achieve this end, the framework for sustainable development shall be pursued. As such, it shall be the policy of the State:

- a. To streamline processes and procedures in the prevention, control and abatement of pollution of the country's water resources;
- b. To promote environmental strategies, use of appropriate economic instruments and of control mechanisms for the protection of water resources;
- c. To formulate a holistic national program of water quality management that recognizes that water quality management issues cannot be separated from concerns about water sources and ecological protection, water supply, public health and quality of life;
- d. To formulate an integrated water quality management framework through proper delegation and effective coordination of functions and activities;
- e. To promote commercial and industrial processes and products that are environment friendly and energy efficient;
- f. To encourage cooperation and self-regulation among citizens and industries through the application of incentives and market-based instruments and to promote the role of private industrial enterprises in shaping its regulatory profile within the acceptable boundaries of public health and environment;
- g. To provide for a comprehensive management program for water pollution focusing on pollution prevention;
- h. To promote public information and education and to encourage the participation of an informed and active public in water quality management

and monitoring;

- i. To formulate and enforce a system of accountability for short and long-term adverse environmental impact of a project, program or activity; and
- j. To encourage civil society and other sectors, particularly labor, the academe and business undertaking environment-related activities in their efforts to organize, educate and motivate the people in addressing pertinent environmental issues and problems at the local and national levels.

SEC. 3. *Coverage of the Act.* — This Act shall apply to water quality management in all water bodies: *Provided,* That it shall primarily apply to the abatement and control of pollution from land based sources: *Provided, further,* That the water quality standards and regulations and the civil liability and penal provisions under this Act shall be enforced irrespective of sources of pollution.

ARTICLE 2

Definition of Terms

SEC. 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 environments.
- 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. *Cleaner production* — means the application of an integrated, preventive environmental strategy to processes, products, services to increase efficiency and reduce risks 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 introduction of substances not found in the natural composition of water that make the water less desirable or unfit for intended use.
- i. *Department* — means the Department of Environment and Natural Resources.
- 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 discharges from known source 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 environmental 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 hydrogeological 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. *Industrial waste* — means any solid, semi-solid or liquid waste material with no commercial value released by a manufacturing or processing plant other than excluded material.
- w. *Integrated Water Quality Management Framework* — means the policy guideline integrating all the existing frameworks prepared by all government agencies on water quality involving pollution from all sources. Specifically, the framework shall contain the following: (a) water quality goals and targets; (b) period of compliance; (c) water pollution control strategies and techniques; (d) water quality information and education program; and (e) human resources development program.
- x. *Margin* — means a landward and outer limiting edge adjacent to the border of any water bodies or a limit beyond where saturation zone ceases to exist.
- y. *National Water Quality Status Report* — means a report to be prepared by the Department indicating: (a) the location of water bodies, their water quality, taking into account

seasonal, tidal and other 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; and (c) water classification.

- z. *Non point source* — means any source of pollution not identifiable as point source to include, but not be limited to, run-off from irrigation or rainwater which picks up pollutants from farms and urban areas.
- aa. *Point source* — means any identifiable source of pollution with specific point of discharge into a particular water body.
- bb. *Pollutant* — shall refer to any substance, whether solid, liquid, gaseous or radioactive, which directly or indirectly:
 - i. alters the quality of any segment of the receiving water body so as to affect or tend to affect adversely any beneficial use thereof;
 - ii. is hazardous or potentially hazardous to health;
 - iii. imparts objectionable odor, temperature change, or physical, chemical or biological change to any segment of the water body; or
 - iv. is in excess of the allowable limits or concentrations or quality standards specified, or in contravention of the condition, limitation or restriction prescribed in this Act.
- cc. *Pollution control technology* — means pollution control devices or apparatus, processes, or other means that effectively prevent, control or reduce pollution of water caused by effluents and other discharges, from any point source at levels within the water pollution standards.
- dd. *Potentially infectious medical waste* — includes 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.
- ee. *Secretary* — means the Secretary of the Department of Environment and Natural Resources (DENR).
- ff. *Septage* — means the sludge produced on individual onsite wastewater-disposal systems, principally septic tanks and cesspools.
- gg. *Sewage* — means water-borne human or animal wastes, excluding oil or oil wastes, removed from residences, buildings, institutions, industrial and commercial establishments together with such groundwater, surface water and storm water as may be present including such waste from vessels, offshore structures, other receptacles intended to receive or retain wastes, or other places or the combination thereof.
- hh. *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 involves the collection,