



Republic of the Philippines
Department of Environment and Natural Resources

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DEPARTMENT ADMINISTRATIVE ORDER NO. 25
Series of 2004

SUBJECT: AMENDING CHAPTER V, ARTICLE I OF THE IMPLEMENTING RULES AND
REGULATION OF PD 984 BY DELETING THE AUTHORITY TO CONSTRUCT AND
CONVERSION OF **PERMIT TO OPERATE TO DISCHARGE PERMIT** FOR WATER
POLLUTION SOURCE/CONTROL FACILITIES

In order to expedite compliance of establishments having water pollution source/control facilities with the DENR standards and requirements, and considering that the knowledge on the field of water pollution control has been greatly enhanced by experience and adequate information/references from local and foreign sources, the "Authority to Construct" requirement of Article I, Chapter V of the Implementing rules and regulations of PD 984 is hereby removed and consistent with the recently approved RA 9275 (Clean Water Act of 2004) and DAO 2003-39 (IRR of the DENR-EMB National Environmental User's Fee of 2002) the Permit to Operate requirement is hereby converted to Discharge Permit, in order to manage and regulate discharges.

The entire Article I of Chapter V of the Implementing Rules and Regulations of PD 984 is hereby repealed. Chapter V Article I shall now read as follows:

1. Application for Discharge Permit

An application for a Discharge Permit shall be filed by the owners or operators of facilities that discharge regulated effluents. Applications shall be made in a format prescribed by the Department through the Bureau (EMB), filed in triplicate copies including the following:

FOR ORIGINAL DISCHARGE PERMIT

1. An engineering report covering the plant description and operations, the types and quantities of all waste materials generated, whether liquid, gaseous or solid, the proposed waste control facilities, the treatment objectives, the design criteria and other relevant information. The design criteria, if warranted, shall be based on the results of laboratory and pilot plant scale studies. The design efficiencies of the proposed treatment facilities and the quantities and types of pollutants in the treated effluents or emissions shall be indicated. Where confidential records are involved, the Bureau may limit the full disclosure of the same after personal discussions with the applicant;
2. A vicinity map adequately identifying the street address, if any, the location or premises of the installation;
3. Plant and Drainage layout indicating the sources of wastewater discharge and point of disposal;
4. The plan and specifications of the installation and its control facilities (preferably in standard size of 50 cm by 90 cm) duly certified by a registered sanitary engineer, chemical engineer or any appropriate engineer or a combination of any two or all of them as may be required by the Bureau depending upon the nature of the construction, operation or activity sought to be covered by the Permit. The plans shall

clearly show in adequate detail the arrangement, location and size of the pollution control equipment or facilities, including their accessories, cross-sections and construction details. The specification shall be in sufficient detail so that, when read in conjunction with the plans, they clearly reveal the proposed means and methods for the control of pollution and their expected performance efficiency.

5. Results of laboratory analysis of effluent.

FOR RENEWAL:

Only duly accomplished application form.

2. Action on the Application for Discharge Permit

Within twenty five (25) days from submission of the complete requirements, the Department through the Bureau shall act on the application for Discharge Permit by approving or denying the same in writing. The Department through the Bureau may deny an application having incomplete requirements when the applicant fails or refuses to complete the same despite being given reasonable time to do so.

In case the application is denied, the applicant may, within fifteen (15) days from notice, file a petition for reconsideration.

Applications for a Discharge Permit shall be available for public review at the Department Regional Office for the Region in which the applicant's facility is located. Any interested person may oppose the application for a Discharge Permit in writing before its approval. In such a case, the Bureau may conduct a public hearing on the application.

3. Temporary Discharge Permit


For purposes of sampling and testing of new facilities, the Department through the Bureau, upon submission of satisfactory report, may issue a Temporary Discharge Permit not to exceed ninety (90) days, provided that the applicant has a pending application for a Discharge Permit. Once the results show compliance with the standards, a regular permit shall be issued.

4. Life and General Condition of Permits

A permit duly issued by the Department through the Bureau shall be valid for a period of five (5) years, unless suspended or revoked sooner. It may be renewed by filing an application for renewal at least thirty (30) days before its expiration date and upon payment of the required fees and compliance with requirements. Issuance of the permit shall not relieve the permittee from complying with other requirements of the Act and these Rules and that commencement of the work or operation under such permit shall be deemed acceptance of all the conditions therein specified.

5. Grounds for Suspension or Revocation of Discharge Permits.

After due notice and hearing, the Regional Office may suspend or revoke any existing and valid permit issued under these regulations on any of the following grounds:

- a. Non-compliance with or violation of any provisions of PD 984/RA 9275 or these Implementing Guidelines and/or permit conditions;
 - b. Non-submission of quarterly self-monitoring reports;
 - c. Falsification of information stated in the application for permit, which led the Regional Office to issue the permit;
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- d. Refusal to allow lawful inspections under Section 23 (k), (l),(m), (n) and (o) of the RA 9275 ;
- e. Non-payment of Permit Fees; and
- f. Other lawful and valid causes as provided for in these Implementing Guidelines.

6. Effect of Disapproval of Application or Suspension or Revocation of Discharge Permit

Disapproved applications or suspended or revoked discharge permits shall not grant any right or privilege to the applicant or former permit holder to discharge its wastewater into the environment. If the applicant continues to discharge despite disapproval of application or suspension/revocation of a wastewater discharge permit, the Secretary or his duly authorized representative shall immediately issue an Ex-parte Cease and Desist Order directing the discharger to discontinue from further discharging its wastewater into its immediate receiving water body or its tributaries or land resources, or stoppage of discharger's operations, and impose fines and penalties at existing rate applicable and provided for by law, without prejudice to criminal prosecution under the Clean Water Act of 2004, and other applicable laws.

If the quality of wastewater being discharged exceeds the existing allowable DENR Effluent Standards provided for under DENR Administrative Order No.35 series of 1990, the matter shall be referred to the Pollution Adjudication Board (PAB) for the issuance of an ex-parte Cease and Desist Order and imposition of penalty of fines.

7. Posting of Permit

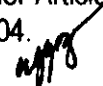
The permit holder/discharger shall display its permit within the premises of the plant or installation in a noticeable place and in such a manner as to be a clearly visible and accessible.

8. Transfer of Permit

The Permit shall be non-transferable. Provided, however, in case of sale or transfer of ownership or control of the establishment and/or facilities, the transferee shall notify the Regional Office within fifteen (15) working days of the fact of transfer of ownership or control, providing the name and address of the transferee and attaching the document evidencing the transfer and file an application for transfer of the permit in his name provided that there is no change in the nature of the business. The permit shall expire according to the original expiry date.

9. Plant Operational Problems

In the event that the permittee is temporarily unable to comply with any of the conditions of the Discharge Permit due to a breakdown of the installation covered by the permit for any cause, he or his pollution control officer shall immediately notify within 24 hours from occurrence of such breakdown the Department through the Bureau of such cause(s), and the steps being taken to solve the problem and prevent its recurrence, including the estimated duration of the breakdown, the intent toward reconstruction or repair of such installation and such other relevant information or data as may be required by the Department through the Bureau. The Department through the Bureau shall be immediately notified when the condition causing the failure or breakdown has been corrected and such source equipment or facility is again in operation. In such a case, the permittee may be subject to the payment of fines or penalties as provided for under Article VII, Section 53 of IRR of PD 984 and Section 28 of RA 9275 or the Clean Water Act of 2004.



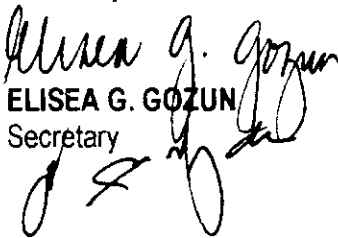
10. Self Monitoring and Reporting

The Self-Monitoring Reports (SMR) are necessary requirements to allow for the continuance of the Permit. The evaluation of the existing Permits and the basis for its renewal, shall be based upon the information provided in the Self-Monitoring Report (SMR) of the Permit holder.

The frequency of submission, format and specification of the SMR as stipulated in DAO 27, Series of 2003 shall strictly be followed. Failure to submit and to fill-up all the required information and follow the required format can lead to non-acceptance of the SMR with the attending and appropriate penalties to be imposed on the Permit holder.

All administrative orders, memorandum circulars, memorandum orders and other pertinent guidelines whose provisions are inconsistent herewith are hereby repealed, modified or amended accordingly.

This Order shall take effect fifteen (15) days from its publication in a newspaper of general publication.


ELISEA G. GOZUN
Secretary

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AUGUST 27, 2004