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MEMORANDUM CIRCULAR NO. 001
Series of 2012

TO : All EMB Regional Directors
FROM ; The OIC-Director
SUBJECT : Clarification on the Applicability of Effluent Regulations

This is in line with the uniform implementation of the Philippine Clean Water Act (CWA) of 2004, particularly Section 27 (c and i) and Rule 34, Section 33, Chapter 7 of the Implementing Rules and Regulations of the CWA which provides that "The standards set in DAOs 34 and 35, series of 1990 shall remain in effect under the CWA or until such time that a new standard is established by the DENR."

In view hereof, the following are the clarification on the implementation of effluent regulations:

1. All establishments regardless of volume of discharge shall obtain a valid Discharge Permit from the DENR - EMB Regional Offices.
2. The effluent standards for heavy metals and toxic substances in Table 1 of DAO 35, series of 1990 are applicable to all establishments, regardless of volume.
3. Establishments are required to comply with the effluent standards set forth in Tables 2A and 2B of DAO 35, series of 1990, except those discharging 30 or less than 30 m³/day.

However, Tables 2A and 2B will still apply regardless of volume if any of the following conditions set forth in MC 27, series of 1994 are present:

- Department of Environment and Natural Resources
- a. If the quality of the RBW has consistently exceeded the WQ criteria for Class 'D' and Class SD, for inland and marine waters, respectively, for at least six months preceding the date in question.
 - b. If the industrial establishment is within the catchment basin of a lake or a water body proclaimed by the DENR for rehabilitation under the Rivers Revival Program such as Pasig River, Tullahan-Tenejeros River, etc.
 - c. If the discharge is considered strong wastewater or that which has BOD in the raw wastewater of at least 3,000 mg/L.
 - d. If the discharge causes consistent deterioration of the receiving body of water with respect to its classification for at least one month singly or in combination with other dischargers within the catchment
 - e. If the RBW is declared by the DENR as non-suitable for any amount of discharge.

For your guidance and strict compliance.


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