

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod (SP) of the City of Naga, Cebu held on May 16, 2018 at the SP Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OTHELLO M. CHIONG
HON. ALEXANDER R. LARA
HON. VIRGILIO M. CHIONG
HON. AURELIO B. ALINSONORIN
HON. AFSHIN MARK K. SEÑOR
HON. CARMELINO N. CRUZ, JR.
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. PORFERIO V. RESABA, JR.
HON. JUSTINO L. DAKAY

- Vice Mayor/Presiding Officer
- Sangguniang Panlungsod Member
- ABC President

On Leave:

HON. DELFIN R. SEÑOR
HON. RODRIGO A. NAVARRO

- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member



ORDINANCE NO. 2018-003

Hon. Virgilio M. Chiong - Sponsor
SP Committee Chairman on Environment and Natural Resources

AN ORDINANCE ESTABLISHING THE SYSTEM OF OPERATIONS IN THE CITY OF NAGA SEPTAGE TREATMENT FACILITY AND CREATING THE CITY SEPTAGE AND SEWERAGE MANAGEMENT AND MONITORING OFFICE

EXPLANATORY NOTE

The Philippine Clean Water Act of 2014 encourages the local government units (LGUs) to establish and maintain wastewater treatment plants servicing their areas using their local property taxes and enforcement of a service fee system.

It has been observed that almost all residences, institutions, and commercial establishments in the City of Naga, Cebu use septic tanks for wastewater treatment and disposal and these septic tanks had been constructed several years ago which are not properly designed and maintained invariably contributing to our wastewater problems.

To conform with the mandate of existing laws and to raise the environment standards for water and sanitation, the City of Naga initiated the establishment of the first septage treatment facility to be known as the CITY OF NAGA SEPTAGE TREATMENT FACILITY.

The establishment of the City of Naga Septage Treatment Facility complements the long-term goals of the City which are embodied in the City's Comprehensive Development Plan distinctly providing the city's direction in terms of economic and infrastructure development.

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Panlungsod of the City of Naga, in a session duly assembled:

SECTION 1. TITLE. This Ordinance shall be known as "AN ORDINANCE ESTABLISHING THE SYSTEM OF OPERATIONS IN THE CITY OF NAGA SEPTAGE TREATMENT FACILITY AND CREATING THE CITY SEPTAGE AND SEWERAGE MANAGEMENT AND MONITORING OFFICE."

SECTION 2. SCOPE. This Ordinance shall apply to buildings and structures whether public or private, residential or commercial, proposed/planned or existing. However, properties or businesses that have onsite wastewater treatment facilities approved by the City Environment and Natural Resources Officer (C-ENRO) shall be exempted from this Ordinance.

SECTION 3. LEGAL BASES.

The 1987 Philippine Constitution mandates that the government shall promote the quality of life of the people. Towards this end, Section 16 of R. A. 7160 otherwise known as the Local Government Code of 1991 provides that the local government units shall pursue undertakings to enhance economic prosperity, among other concerns and promote health and safety.

The Code on Sanitation of the Philippines provides that septic tanks must be water-tight, inspected once a year, cleaned when the sludge has reduced the liquid capacity by 50%, and the sludge must be treated/disposed of properly. It is unlawful to discharge untreated effluent of septic tanks and/or sewage treatment plants to bodies of water without approval of the Secretary of Department of Health.

Clean Water Act (CWA) – The CWA provisions on LGU's role in maintaining good water quality. By 2020, LGUs are mandated to have their own septage and sewerage services in place. All industrial, commercial and residential buildings should be connected to existing sewerage systems in highly urbanized cities (HUCs). For non-HUCs septage management systems shall be employed. LGUs are required to provide land for treatment facilities.

Operations Manual on the Rules and Regulations Governing Domestic Sludge and Septage – All septage haulers and septage treatment entities must secure an Environmental Sanitation Clearance (ESC) from the Center for Health Development of the DOH. Proper collection, treatment and disposal of the septage are required.

Plumbing Code of the Philippines – It is unlawful for any person to deposit into any plumbing fixture connected to the excreta and storm drainage systems any oils, greases or other things which could cause damage to the drainage system or public sewer.

Local Government Code – Barangays are primarily responsible for general hygiene and sanitation services. Provinces, municipalities and cities are responsible for building drainage and sewerage infrastructure.

SECTION 4. DECLARATION OF POLICY AND NAMING OF THE CITY OF NAGA'S SEPTAGE FACILITY. It is the policy of the City of Naga to improve sanitation and reduce the prevalence of waterborne diseases by establishing a Septage Management Program which will promote and regulate periodic septic tank cleaning, as well as septage transport, treatment, re-use and disposal. To this end, the newly constructed septage facility of the City of Naga is hereby named as City of Naga Septage Treatment Facility.

SECTION 5. DEFINITION OF TERMS. As used in this Ordinance, the terms below shall be defined as follows:

- a. C-ENRO - refers to the City Environment and Natural Resources Office;
- b. CHO - refers to the City Health Office of the City Government of Naga, Cebu;
- c. CPDO - refers to the City Planning and Development Office of the City of Naga, Cebu;
- d. CSSMMU - refers to the City Septage and Sewerage Management and Monitoring Unit;
- e. City of Naga Septage Treatment Facility - refers to the facility of the City of Naga for the treatment of septage and its proper disposal.
- f. Desludging - refers to the process of removing accumulated sludge or septage from the septic tank;
- g. DENR - refers to the Department of Environment and Natural Resources;

- h. Discharge - includes but not limited to the act of spilling, leaking, pumping, pouring, emitting, capturing, releasing or dumping of any material into a water body or onto land which might flow or drain into said water;
- i. Disposal Fee - refers to the fee imposed by the City of Naga for the desludging/hauling service it will render;
- j. DOH - refers to the Department of Health;
- k. Domestic Sewerage - refers to human waste and liquid household waste. This is also called as sanitary sewage;
- l. Effluent - denotes to any discharge from known sources which is passed into a body of water or land, or wastewater flowing out of a manufacturing and/or industrial plant including domestic, commercial, and recreational facilities;
- m. EMB - refers to the Environmental Management Bureau;
- n. Environmental Sanitation Clearance - the clearance issued by the Secretary of the DOH or his duly authorized representative, allowing the collection, handling, transport, treatment and disposal of domestic sludge or septage;
- o. Sanitary Engineer - a person duly registered with the Board of Examiners for Sanitary Engineers (R.A. 1364) and who heads the sanitation division or section or unit of the provincial/city/municipal health office or employed with the DOH or its regional field health units.
- p. Septage - refers to the sludge produced on an individual onsite wastewater disposal systems, principally septic tanks and cesspools;
- q. Septic Tank - refers to a water-tight receptacle which receives the discharge of a plumbing system or part thereof, and is designed to accomplish the partial removal and digestion of the suspended solid matter in the sewerage through a period of detention. Its construction shall be in accordance with specifications prescribed by the Building, Plumbing, and Sanitation Code;
- r. Service Provider - refers to any individual, partnership or corporation, public or private, that is authorized and accredited to engage in the collection, desludging, handling, transporting, treating, and disposing of septage or sludge from septic tanks, cesspools, portalets and sewerage treatment plant;
- s. Sewage - any wastewater containing human, animal or vegetable waste matter in suspension or solution excluding human excreta and urine and may possibly liquids consisting of chemicals in solution;
- t. Sewer - an artificial pipe or conduit for carrying sewage and wastewater;
- u. Sewerage - refers to any system or network of pipeline, ditches, channels, conduits including pumping stations, lift stations, service connections including other infrastructure that conveys sewage. It encompasses components such as receiving drains, manholes, storm overflows. Screening chambers of the combined sewer;
- v. Sludge-refers to the waste in liquid state containing pollutants; and
- w. Wastewater- refers to the waste in liquid state containing pollutants.

SECTION 6. SEPTAGE MANAGEMENT SYSTEM

A. EXCRETA DISPOSAL SYSTEM. All houses/ buildings shall have an appropriate disposal system for treatment of domestic sewage.

1. ESTABLISHMENT OF SEPTIC TANK IN EVERY HOUSEHOLD. Each household shall have an individual septic tank which shall be designed by the Sanitary Engineer or Master Plumber. It shall be duty of the owner to inform the City Engineer/City Building Official of the newly constructed septic tank so it can be inspected and approved by the latter.

In barangays where there are small houses made of light materials or where the tenements are merely temporary in nature and are closely built to one another, the barangay shall develop a communal septic tank or other affordable alternative sanitation adaptable to the local needs which shall be determined and approved by the CHO and the CSSMMU.

2. ESTABLISHMENTS OF SEPTIC TANKS FOR INDUSTRIAL, COMMERCIAL, INSTITUTIONAL ESTABLISHMENTS. Septic tanks for industrial, commercial and institutional establishments must be designed by the Sanitary Engineer or Master Plumber.

Upon completion of the construction of the septic tank, the covering shall be done only in the presence of a representative of the Office of the Building Official (OBO) and a representative of the CSSMMU. As proof thereof, a certificate of inspection and compliance shall be part of the requirements for the issuance of the Occupancy Permit.

OTHER REQUIREMENTS:

1. Pre-Treatment For Commercial Entities - commercial entities producing substances of commercial nature such as oil or fuel residue, metals or high volumes of fats and grease, are required to pre-treat all wastewater from their structures to "domestic wastewater quality" in accordance with the requirements set forth in the Philippine Clean Water Act of 2004 (RA 9275).

2. Industrial Establishments - All industrial establishments are required to submit or present latest Discharge Permit issued by the DENR-EMB VII.

3. Subdivisions - All subdivisions that will be developed during the effectivity of this Ordinance shall be required to install appropriate sewerage facilities including a wastewater treatment.

Prior to the submission of the Subdivision Plan to the Sangguniang Panlungsod, it shall first be submitted to the Local Building Official for approval of the sewage disposal system.

The plot shall contain all pertinent information relative to the installation of sewage disposal systems. Proper disposal of sewage in subdivisions shall conform with the provisions of this Ordinance.

B. DESLUDGING AND TRANSFER OF SEPTAGE TO THE SEPTAGE TREATMENT FACILITY.

MANDATORY DESLUDGING OF SEPTIC TANKS. To ensure that the septic tank is working properly, there shall be mandatory desludging of septic tanks before the sludge level reaches 50% of the digestive volume or every 3-5 years, whichever comes earlier. Provided that a household with less than (10) members shall be required to desludge every five (5) years.

Liquid and/or solid materials removed from the septic tanks shall be transported by a septage hauler/pumper to the CITY OF NAGA SEPTAGE TREATMENT FACILITY following the DOH regulations on desludging and transport of sludge.

Disposal of sludge must be done by any DOH/DENR accredited individuals, companies, private or public in any DOH/DENR-approved disposal facility or to the CITY OF NAGA SEPTAGE TREATMENT FACILITY.

There shall be no hauler or pumper, which shall be allowed to unload or dispose of septage into bodies of water, land, drainage systems and other places in the City of Naga.

C. SEPTAGE TREATMENT FACILITY. The City shall allocate funds to support the capital expenditures as well as operating and maintenance expenses for the mechanized treatment facility in the City of Naga which shall be known as the CITY OF NAGA SEPTAGE TREATMENT FACILITY.

SECTION 7. GENERAL DESIGN, CONSTRUCTION AND MAINTENANCE REQUIREMENTS OF SEPTIC TANKS.

A. GENERAL DESIGN. The general design, construction and maintenance requirement of septic tanks shall be in accordance with the provisions of the Plumbing Code of the Philippines specifically under Section 4 of its Implementing Rules and Regulations, the National Building Code of the Philippines and its related codes.

The septic tank shall be designed to be the depository of all wastewater generated within the building or structure.

Existing septic tanks of building or structures which are inaccessible for desludging shall be repaired or upgraded by the owners so it can be desludged. If repairs are not possible, the owners are directed to build a new septic tank that will comply with the provisions set herein.

B. ACCESS TO THE SEPTIC TANK. There shall be at least one maintenance compartment, with a minimum side dimension of 500 mm. All maintenance holes shall extend through the tank cover and shall extend to finished grade. Manhole covers shall be designed with durable and fully-coated or non-corrosive handles for easy lifting. Septic tank access covers should be secured from unauthorized entry, either through safety screws, locks or a tank lid that weighs 15kg or more.

C. OUTLET FROM THE SEPTIC TANK. The design, construction and location of structures receiving effluent from septic tanks shall conform to the National Plumbing Code of the Philippines. Effluent treatment is further required but will be covered by a separate ordinance.

SECTION 8. ADMINISTRATION AND ENFORCEMENT. There shall be created a City Septage and Sewerage Management and Monitoring Unit (CSSMMU) with the City Mayor as the Chairperson or her designated representative; the City Administrator as the Vice-Chairperson and the representatives from the following offices as Members:

1. City Engineer;
2. City Planning and Development Officer;
3. City-Environment and Natural Resources;
4. City Sanitation Officer;
5. City Health Officer;
6. General Services Officer;
7. City Treasurer;
8. City Attorney;
9. Metro Cebu Water District Representative;
10. NGO which will be appointed by the City Mayor from the accredited NGO members of the City; and
11. An authorized representative of the Enviro-consult who may be invited to provide technical advice to the City.

SECTION 9. POWERS, FUNCTIONS AND DUTIES OF THE CSSMMU. The CSSMMU is vested with the following powers, functions and duties:

- a. The CSSMMU shall formulate the City of Naga's Septage and Sewerage Management Plan and the Implementing Rules and Regulations of this Ordinance;
- b. The CSSMMU is vested with authority to enter all properties and premises in coordination with barangay officials to inspect and obtain data with respect to the presence or absence of septic tanks, whether the septic tanks are accessible or inaccessible, whether there are toilets and other relevant data for the City of Naga's Septage and Sewerage Management Plan.

- c. The CSSMMU shall formulate guidelines for the implementation of an accreditation system to private desludging service providers that would like to operate within the territorial jurisdiction of the City of Naga, including but not limited to securing an Environmental Sanitation Clearance and in accordance with the Implementing Rules and Regulations of P. D. 856, Chapter XVII and set forth by the Department of Health with respect to handling, transporting, treatment and disposal of septage;
- d. The CSSMMU shall cause the implementation or installation of communal septic tanks in depressed or low income areas;
- e. The CSSMMU shall enforce mandatory de-sludging, proper septage tank construction and proper de-sludging, treatment and disposal of sludge; and
- f. The CSSMMU shall exercise such other functions necessary for the effective and efficient implementation of this Ordinance.

SECTION 10. RIGHT OF ENTRANCE AND INSPECTION. No person shall interfere with the authorized city officials or its representatives in the exercise of its official functions under this Ordinance after being duly notified in writing.

SECTION 11. REGULAR MEETINGS and QUORUM.

- a. Regular meeting of the CSSMMU shall be held at least once a month but not more than twice a month unless a special meeting is called by the chairperson.
- b. Quorum shall constitute majority of the members present.

SECTION 12. ACCREDITATION OF DESLUDGERS. Only desludgers accredited by the CSSMMU shall be allowed to desludge and transport septage or sludge to the CITY OF NAGA SEPTAGE TREATMENT FACILITY. There shall be an annual accreditation fee to be paid to the City Treasurer by the desludgers which amount shall be determined by the CSSMMU.

SECTION 13. REGULATION OF DESLUDGERS.

- a. Only DENR and/or DOH accredited private entities complete with permits shall be allowed to provide septage collection and transport services. Collected septage shall only be disposed and treated in a DENR and/or DOH accredited disposal/treatment facility with pertinent permits or in the CITY OF NAGA SEPTAGE TREATMENT FACILITY.
- b. Liquid and/or solid materials removed from septic tanks shall be transported only by a DOH/DENR accredited septage hauler/pumper to the approved septage treatment facility pursuant to the regulations prescribed by the DOH. Unless, otherwise provided by law, **No septage** hauler/pumper shall be allowed to collect transport and upload or dispose of septage in other places, including bodies of water, agricultural fields and the drainage system within the City of Naga.
- c. All entities engaged in desludging activities are required to secure Permit to Transport from the DENR, Environmental Sanitation Clearance from the DOH, sanitary Permit from the CHO, and other pertinent permits as may be deemed necessary as part of the requirements for issuance of annual business permit from the City of Naga.

SECTION 14. MANIFEST SYSTEM. All desludgers whether public or private upon transporting the sludge and septage to the CITY OF NAGA SEPTAGE TREATMENT FACILITY shall be required to present a Manifest Receipt, which shall be filed by the C-ENRO.

Private desludgers shall extract only sludge. The service provider must complete the Manifest Receipt in triplicate copies: one (1) copy for the Service Provider; one (1) for the CITY OF NAGA SEPTAGE TREATMENT FACILITY; and one (1) for the Customer by providing the following required information:

SECTION 18. PROHIBITED ACTS. The following shall be prohibited acts.

- 18.1 Transporting of septage without permit;
- 18.2 Failure of desludgers to secure accreditation;
- 18.3 Non-submission of monthly reports to CSSMMU;
- 18.4 Failure of desludgers to comply with the presentation of Manifest Receipt;
- 18.5 Issuance of unregistered Manifest by the desludgers;
- 18.6 Improper disposal of septage by desludgers;
- 18.7 Failure to discharge septage when required;
- 18.8 Non-conformity to the standard design and requirements of septic tanks;
- 18.9 Absence of sanitary toilets/septic tanks in residential, industrial, institutional buildings;
- 18.10 Operating a septage and sewerage treatment/disposal facility without permit;
and
- 18.11 Violation of Section 12 of this Ordinance.

SECTION 19. REPORT AND MONITORING SYSTEM. Each of the service providers shall retain its records for a minimum of five years. Each of the service providers shall also submit a quarterly report to the C-ENRO on before the 15th of the month following the end of the quarter which shall include, but are not limited to the following:

- 19.1 Pumping activity and volume recorded in the logbook;
- 19.2 Filled out Manifest Receipts;
- 19.3 Notes on deficiencies of the septic tank (cracks, missing pipes or fitting, improper manholes or access ports);
- 19.4 Inventory tools; and
- 19.5 Desludging schedule.

SECTION 20. PENALTIES.

- A. Any person or entity who shall violate Sections 18.1 up to Section 18.6 and Section 18.10 shall be punished a fine of P3,000.00 for the first offense; a fine of P4,000.00 and suspension of accreditation for six months for the second offense; and a fine of P5,000.00, cancellation of accreditation, or imprisonment of not less than one (1) month, but not more than six (6) months upon discretion of the court.
- B. For individual residents/households violating Sections 18.7 up to Section 18.9 shall be punished with a fine of One Thousand Pesos (P1,000.00) for the first offense; fine of Two Thousand Pesos (P2,000.00) for the second offense; and a fine of Three Thousand Pesos (P3,000.00) or imprisonment of less than one (1) month, but not more than three (3) months upon discretion of the court.
- C. For commercial and industrial entities violating Sections 18.7 up to Section 18.9 shall be punished with a fine of Three Thousand Pesos (P3,000.00) for the first offense; fine of Four Thousand Pesos (P4,000.00) for the second offense; and a fine of Five Thousand Pesos (P5,000.00) and suspension of business permit until full compliance.
- D. Any person or entity who shall violate Section 18.10, Section 12 and other provisions of this Ordinance shall be punished with a fine of One Thousand Pesos (P1,000.00) for the first offense; fine of Two Thousand Pesos (P2,000.00) for the second offense; and a fine of Three Thousand Pesos (P3,000.00) or imprisonment of less than one (1) month, but not more than three (3) months upon discretion of the court. If the violation is committed by a juridical person, the manager or the person-in-charge in the management shall be held criminally responsible.

SECTION 21. SEPTAGE MANAGEMENT TRUST FUND. Unless otherwise decided by the CSSMMU, the user's fees and desludging fees collected from private desludgers shall be held as Septage Management Trust Fund by the City Treasurer's Office and shall be used to pay for the operation and maintenance of the CITY OF NAGA SEPTAGE TREATMENT FACILITY.

Said fund shall only be disbursed upon proper authorization from the CSSMMU and approval of the City Treasurer's Office, subject to the usual accounting and auditing regulations.

SECTION 22. APPROPRIATION. Apart from the Septage Management Trust Fund, the City of Naga shall allocate the necessary funds to support the capital expenditures for the City of Naga Septage Treatment Facility that may be necessary to carry out this Ordinance, and for the operation and maintenance expenses of the said facility and for facilitating the enforcement of this Ordinance and the implementation of the City Septage Management Plan.

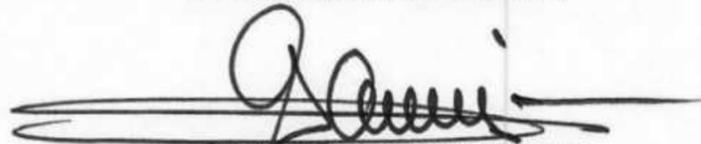
SECTION 23. SEPARABILITY CLAUSE. If for any reason, any portion of this Ordinance be declared unconstitutional or invalid by a competent authority, its other provisions shall remain thereof.

SECTION 24. REPEALING CLAUSE. All other ordinances, rules and regulations or parts thereof which are in conflict with or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 25. EFFECTIVITY. This Ordinance shall take effect upon compliance of its publication in a newspaper of local circulation and posting in three conspicuous public places within the territorial jurisdiction of the City of Naga.

UNANIMOUSLY APPROVED this 16th day of May 2018, on motion of Hon. Virgilio M. Chiong, seconded by Hon. Pablo A. Abangan.

CERTIFIED CORRECT:



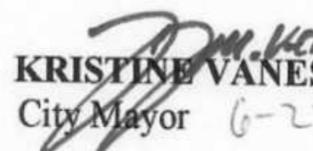
GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY



OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:



KRISTINE VANESSA T. CHIONG
City Mayor 6-27-19