



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
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MEMORANDUM

FOR : **The Directors**
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Forest Management Bureau
Land Management Bureau
Mines and Geosciences Bureau

FROM : **The OIC-Director**
Policy and Planning Service

SUBJECT : **DRAFT DENR ADMINISTRATIVE ORDER RE: AMENDING SECTION 10 OF DENR ADMINISTRATIVE ORDER NO. 2016-08 FOR THE GRANTING OF ONE (1) YEAR EXTENSION FOR ESTABLISHMENTS GIVEN A FIVE (5) - YEAR GRACE PERIOD IN THE APPROVED INDIVIDUAL COMPLIANCE ACTION PLAN (CAP) UNDER DAO 2016-08 WHICH WILL EXPIRE IN CY 2021**

DATE : **26 NOV 2020**

Forwarded herewith, for your concurrence, is the draft DAO entitled "*Amending Section 10 of DENR Administrative Order No. 2016-08 for the Granting of One (1) Year Extension for Establishments Given a Five (5) - Year Grace Period in the Approved Individual Compliance Action Plan (CAP) Under DAO 2016-08 Which Will Expire in CY 2021*".

The policy was drafted by the Environmental Management Bureau (EMB) to address the request of the Philippine Economic Zone Authority (PEZA) and other industries for an extension on the grace period under Section 10 of DAO 2016-08. This is attributed to the COVID-19 pandemic which adversely affected the local and global economy including cash flow, project implementation (such as construction activities), and operation of various establishments.

This policy was deliberated by the DENR-Policy Technical Working Group (PTWG) on 25 November 2020. Based on the agreement during the said meeting, the PTWG Secretariat shall draft the Completed Staff Work (CSW) and shall forward the revised draft policy for vetting by the Bureau Directors.

Salient Features of the draft DAO

Legal Basis

Pursuant to Sections 3 and 7 of DENR Administrative Order (DAO) No. 2016-08 (Water Quality Guidelines and General Effluent Standards (GES) of 2016), the GES shall apply to all point sources of pollution, regardless of volume, that discharge to receiving body of water or land and shall be used regardless of the industry category.

Section 10 of DAO 2016-08 provides a grace period of not more than five (5) years, provided that the establishment submits its CAP and periodic status of implementation to the DENR on the steps taken for the establishment's compliance schedule within the prescribed period.

Scope and Coverage

The extended grace period shall be limited to parameters wherein the values for the GES became stringent compared to the values in DAO 1990-35 and new significant effluent quality parameters identified for the sector as granted in the approved CAP. Establishments shall continue to submit their quarterly status of implementation and compliance verification shall be done by the EMB Regional Office.

Action Requested

Should you concur with the proposed DAO, please notify this Office in writing **on or before 03 December 2020**. Otherwise, your lack of feedback shall be considered as your concurrence or no objection to the said proposed policy, which we shall endorse for vetting by the Undersecretaries prior to the approval by the Secretary.

Attached is the draft DAO "*Amending Section 10 of DENR Administrative Order No. 2016-08 for the Granting of One (1) Year Extension for Establishments Given a Five (5) - Year Grace Period in the Approved Individual Compliance Action Plan (CAP) Under DAO 2016-08 Which Will Expire in CY 2021.*"

For your consideration and preferential action, please.


MELINDA C. CAPISTRANO



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DENR ADMINISTRATIVE ORDER

No. 2020 - _____

SUBJECT : AMENDING SECTION 10 OF DENR ADMINISTRATIVE ORDER NO. 2016-08 FOR THE GRANTING OF ONE (1) YEAR EXTENSION FOR ESTABLISHMENTS GIVEN A FIVE (5) - YEAR GRACE PERIOD IN THE APPROVED INDIVIDUAL COMPLIANCE ACTION PLAN (CAP) UNDER DAO 2016-08 WHICH WILL EXPIRE IN CY 2021

Pursuant to Sections 3 and 7 of DENR Administrative Order (DAO) No. 2016-08 (Water Quality Guidelines and General Effluent Standards (GES) of 2016), the GES shall apply to all point sources of pollution, regardless of volume, that discharge to receiving body of water or land and shall be used regardless of the industry category.

Section 10 of DAO 2016-08 provides a grace period of not more than five (5) years, provided that the establishment submits its CAP and periodic status of implementation to the DENR on the steps taken for the establishment's compliance schedule within the prescribed period.

The COVID-19 pandemic adversely affected the local and global economy including cash flow issues and delayed project implementation such as halted construction activities and stoppage in the operations of establishments. In view of the pandemic, an extension of one (1) year shall be added to the five (5)-year grace period indicated in the approved individual CAP under DAO 2016-08 for establishments provided that said approved CAP will expire within 2021.

The extended grace period shall be limited to parameters wherein the values for the GES became stringent compared to the values in DAO 1990-35 and new significant effluent quality parameters identified for the sector as granted in the approved CAP. Establishments shall continue to submit their quarterly status of implementation and compliance verification shall be done by the EMB Regional Office.

This DAO shall take effect fifteen (15) days after the publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administrative Register (ONAR).

ROY A. CIMATU
Secretary