



Republic of the Philippines
Department of Environment and Natural Resources

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DENR Administrative Order No. 2002 - 16
Series of 2002

JUN 11 2002

SUBJECT: DENR-EMB National Environmental User's Fee of 2002

WHEREAS, Section 16 Article II of the 1987 Constitution upholds the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, the Philippine Strategy for Sustainable Development has adopted sustainable development as the cornerstone in achieving and maintaining economic growth without degradation of the environment;

WHEREAS, Executive Order No.192 empowers the Department of Environment and Natural Resources (DENR) for the application of the true value system in environmental cost implication relative to their utilization, development and conservation of natural resources;

WHEREAS, Presidential Decree No.984 mandated the DENR through Executive Order 192 to implement the control of air, water and land pollution ;

WHEREAS, Presidential Decree No.1586 mandates the DENR to undertake periodic compliance monitoring inspection of these establishments falling within the environmental impact statement system to guarantee that these establishments meet the terms and conditions of the environmental compliance certificate (ECC);

WHEREAS, the DENR piloted the Environmental User's Fee through Laguna Lake Development Authority resulting in a significant reduction of pollution loading from the industrial and commercial establishments within the Laguna Bay region that were identified from this pilot program;

WHEREAS, the regular "Command and Control Strategy "combined with" the "Environmental User's Fee Approach" through the DENR Wastewater Discharge Permitting system is recognized as one of the effective approach in operationalizing the goal of control and reduction of water pollution;

NOW, THEREFORE, foregoing premises considered and pursuant to the provisions Section 6 (d) and 6 (g) of Presidential Decree 984 otherwise known as the Pollution Control Decree of 1976 and by virtue of Executive Order No. 192 Series of 1987, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to promulgate and adopt the Environmental User's Fee nationwide

Section 1. Title. This Administrative Order shall be known as the "**DENR-EMB National Environmental User's Fee of 2002**".

Section 2. Statement of Policy. The National Environmental User's Fee (NEUF) is hereby adopted by the DENR through the current National Pollution Control Law (PD 984) permitting system of the Department. The NEUF is being adopted and promulgated in order:

- a. To reduce water pollution and improve the ambient quality of water bodies;
- b. To encourage firms to pursue the least-cost means of pollution reduction and internalize the philosophy of self-regulation;
- c. To implement the concept of Environmental User's Fee nationwide.

Section 3. Scope. This Order shall apply to all development projects, installations, and activities that discharge industrial / commercial wastewater and pose a threat into Philippine waters and or land resources, which cover industrial and commercial establishments.

Section 4. Definition of Terms. When used in this Order, the following terms and phrases shall have the indicated meanings unless clearly stated otherwise:

- a. *Commercial Wastewater* refers to any liquid waste generated by trading or business establishment and or any other related firms or companies which include but not limited to restaurants, shopping malls, commercial laboratories, hospitals, markets, commercial condominiums, hotels, gasoline stations, and other establishments engaged in the collection and disposal of wastewater sludge.
- b. *Discharger* refers to any person or persons, natural or juridical, discharging liquid wastes, and /or other wastes into the environment.
- c. *Industrial Wastewater* refers to any liquid waste resulting from any activity, process of industry, manufacturer or from the development, processing or recovery of any natural resources.
- d. *Land Resources* refers to the integrated components of soil, hydrology, topography, geology and vegetation together which form the basis of man's use of the environment for agriculture, forestry and human settlements.
- e. *National Environmental User's Fee (NEUF)* refers to one of the market-based instruments applied by the DENR in the permitting system, this is the fee levied to the dischargers for using the environment specifically the water and /or land resources for waste disposal purposes or receptacle facility according to each unit of discharge
- f. *Permitting System* refers to the entire schemes and methods in regulating the Department's legal authorization for all of industrial and commercial wastewater dischargers and also known as the NEUF permitting system based on powers and function of National Pollution Control Law Section 6 letter (d) and (g).
- g. *Wastewater* refers to waste in liquid state that contains pollutants or waste substances.
- h. *Water Resources* refers to all bodies of waters such as but not limited to rivers, streams, watercourse/waterways, ponds, reservoirs, lakes, estuarines, marine and groundwater within the territory of the Philippines

Section 5. Implementation and Enforcement. For guidance and proper implementation of the NEUF system, the Implementing Rules and Regulations (IRR) shall be formulated by the EMB Central Office. A Technical Working Committee to be headed by the EMB Director and selected technical and legal personnel from EMB shall be created to draft and prepare the said IRR subjected to public consultations. The final draft of the IRR shall be completed within six months upon the effectivity of this Order.

In addition, all the EMB Regional Offices are mandated to implement this Order and its IRR pursuant to the provisions of Section 7 hereof.

Section 6. Phase-in Implementation. Upon the effectivity of this Order and its implementing rules and regulations, the EMB-NCR shall implement the NEUF system. Specific and selected pollutants or parameters shall be prioritized based on the current data and information of the said Regional Office.

Section 7. Transitory Provision. This DENR Administrative Order and its IRR shall be implemented within the National Capital Region, except in areas under the territorial jurisdiction of the Laguna Lake Development Authority, commencing from the year of effectivity of this Order.

However on the third year of implementation of such NEUF system, all EMB Regional Offices shall undertake the implementation.

The current 1978 permitting system (National Pollution Control Commission-WTP Permit to Operate) are still in-effect until the provision of this Section come into force.

Section 8. Repealing Clause. All Orders, rules and regulations inconsistent with or contrary to the provisions of this Order are hereby repealed or modified accordingly.

Section 9. Effectivity. This Order shall take effect 30 days after its publication in the Official Gazette or any newspaper of general circulation.


HEHERSON T. ALVAREZ
Secretary

JUL 11 2002

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