UPDATED EFFLUENT STANDARDS FOR FIVE SELECTED PARAMETERS

Waterbody Classification

Freshwater

- Class AA – Public Water Supply Class I – Intended primarily for having watersheds, which are uninhabited and/or otherwise declared as protected areas, and which require only approved disinfection to meet the latest PNSDW
- Class A –Public Water Supply Class II – intended as sources of water supply requiring conventional treatment (coagulation, sedimentation, filtration and disinfection) to meet the latest PNSDW
- Class B – Recreational Water Class I – Intended for primary contact recreation (bathing, swimming, etc.)
- Class C

  1. Fishery Water for propagation and growth of fish and other aquatic resources;

  2. Recreational Water Class II- for boating, fishing, or similar activities; and

  3. For agriculture, irrigation and livestock.
- Class D – Navigational Waters

Marine Water

- Class SA

  1. Protected Waters – Waters designated as national and local marine parks, reserves, sanctuaries, and other areas established by law (PP 1801 and other existing laws), and/or declared as such by appropriate government agency, LGUs, etc.

  2. Fishery Water Class I – Suitable for shellfish harvesting for direct human consumption
- Class SB

  1. Fishery Water Class II – Waters suitable for commercial propagation of shellfish and intended as spawning areas for milkfish (Chanos chanos) and similar species

  2. Tourist Zones – for ecotourism and recreational activities

  3. Recreational Water Class I- Intended for primary contact recreation (bathing, swimming, skin diving, etc.)
- Class SC

  1. Fishery Water Class II – for the propagation and growth of fish and other aquatic resources and intended for commercial and sustenance fishing

  2. Recreational Water Class II – for boating, fishing, or similar activities

  3. Marshy and/or mangrove areas declared as fish and wildlife sanctuaties
- Class SD – Navigable waters

COMPARISON OF PROPOSED VALUES FOR AMMONIA-NITROGEN

Classification of RBW	DENR AO 2016-08 (mg/L)	Proposed Value of Innogy (mg/L)	Proposal of Industries as submitted to ARTA (mg/L)	Average of selected ASEAN countries (mg/L)	NEW AND APPROVED EMB VALUE (mg/L)	Remarks
A	0.5	3	10	7.52	2	Less Stringent
B	0.5	5	10	7.85	3	Less Stringent
C	0.5	5	10	7.85	4	Less Stringent
D	7.5	9	10	7.85	9	Less Stringent
SB	0.5	5	10	7.85	3	Less Stringent
SC	0.5	5	10	-	4	Less Stringent
SD	7.5	9	10	-	9	Less Stringent

COMPARISON OF PROPOSED VALUES FOR BORON

Classification of RBW	DENR AO 2016-08 (mg/L)	Proposed Value of Innogy (mg/L)	Proposal of Industries as submitted to ARTA (mg/L)	Average of selected ASEAN countries (mg/L)	NEW AND APPROVED EMB VALUE (mg/L)	Remarks
A	2	4	5	2.00	4	Less Stringent
B	2	4	5	3.33	4	Less Stringent
C	3	4	5	3.33	4	Less Stringent
D	12	15	5	3.33	12	Same/Retain
SB	2	4	5	3.33	4	Less Stringent
SC	20	25	5	-	25	Less Stringent
SD	80	100	5	-	100	Less Stringent

COMPARISON OF PROPOSED VALUES FOR COPPER

Classification of RBW	DENR AO 2016-08 (mg/L)	Proposed Value of Innogy (mg/L)	Proposal of Industries as submitted to ARTA (mg/L)	Average of selected ASEAN countries (mg/L)	NEW AND APPROVED EMB VALUE (mg/L)	Remarks
A	0.04	1	2	0.96	1	From Dissolved Copper to Total Copper (based on the agreement during the review)
B	0.04	1	2	1.25	1	
C	0.04	1	2	1.25	1	
D	0.08	2	2	1.25	2	
SB	0.04	1	2	1.25	1	
SC	0.04	1	2	-	1	
SD	0.08	2	2	-	2	

COMPARISON OF PROPOSED VALUES FOR PHOSPHATE

Classification of RBW	DENR AO 2016-08 (mg/L)	Proposed Value of Innogy (mg/L)	Proposal of Industries as submitted to ARTA (mg/L)	Average of selected ASEAN countries (mg/L)	NEW AND APPROVED EMB VALUE (mg/L)	Remarks
A	1	1	8	3.00	1	Same/Retain
B	1	1.5	8	4.50	1.5	Less Stringent
C	1	1.5	8	4.50	4	Less Stringent
D	10	3	8	4.50	10	Same/Retain
SB	1	2	8	4.50	2	Less Stringent
SC	1	2	8	-	4	Less Stringent
SD	10	3	8	-	10	Same/Retain

Boron is removed as Significant Effluent Quality Parameter for establishments whose wastewater is generated from a process that uses brackish or marine water as inputs and corresponding effluent is discharged into Classes SB, SC, and SD.

COMPARISON OF PROPOSED VALUES FOR SULFATE

Classification of RBW	DENR AO 2016-08 (mg/L)	Proposed Value of Innogy (mg/L)	Proposal of Industries as submitted to ARTA (mg/L)	Average of selected ASEAN countries (mg/L)	EMB PROPOSED VALUE (mg/L)	Remarks
A	500	500	800	400.00	500	Same/Retain
B	500	500	800	400.00	500	Same/Retain
C	550	550	800	400.00	550	Same/Retain
D	1000	1000	800	400.00	1000	Same/Retain
SB	500	-	800	-	-	Remove as Significant Effluent Quality Parameters for **Marine Waters**
SC	550	-	800	-	-	
SD	1000	-	800	-	-	

SUMMARY OF COMPARISON BETWEEN DAO 2016-08 and EMB Proposed Values

	Less Stringent	Stringent	Same	Remark
Ammonia-Nitrogen	7	-	-	
Boron	6	-	1	
Copper (Dissolved)	-	-	-	Dissolved Copper to Total Copper
Phosphate	4	2	1	
Sulfate	4	-	-	

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January 27, 2021

EMB MEMORANDUM CIRCULAR
No. 2021 - 01

SUBJECT : CLARIFICATION ON THE IMPLEMENTATION OF SECTION 10 OF DENR ADMINISTRATIVE ORDER NO. 2016-08

Pursuant to Republic Act No. 9275, otherwise known as the "*Philippine Clean Water Act of 2004*", and its implementing rules and regulations, and to provide clarification on the proper interpretation of Section 10 of DENR Administrative Order No. 2016-08, otherwise known as Water Quality Guidelines and General Effluent Standards of 2016, this Memorandum is hereby issued to guide the stakeholders.

The law provides that:

> SEC. 19. Lead Agency. — The Department shall be the primary government agency responsible for the implementation and enforcement of this Act unless otherwise provided herein. As such, it shall have the following functions, powers and responsibilities:
>
> x x x x x
>
> f) Review and set effluent standards every five (5) years from the effectivity of this Act or sooner as determined by the Department: *Provided*, That in the interim, the provisions of DENR Administrative Order No. 35 of the Department shall apply: *Provided, further*, That when new and more stringent standards are set in accordance with this section, the Department may establish a grace period with a maximum of five (5) years: *Provided*, finally, That such grace period shall be limited to the moratorium on the issuance of cease and desist and/or closure order against the industry's operations except in the event such operation poses serious and grave threat to the environment, or the industry fails to institute retooling, upgrading or establishing an environmental management system (EMS) (underscoring ours)[1].

Further, DENR Administrative Order No. 2016-08 provides:

> Section 10.0. Grace Period. A grace period of not more than five (5) years may be given, provided that the establishment submits Compliance Action Plan and periodic status of implementation to the DENR on the steps taken for the establishment's compliance schedule within the prescribed grace period. Cases wherein grace period may be given shall be limited to any of the following:
>
> a) Values for the GES have become stringent compared to the values in DAO 1990-35. In such cases, DAO 1990-35 shall apply during the grace period.
> b) New significant effluent quality parameters were identified for the sector
>
> Such grace period shall include, but not limited to, moratorium on the issuance of cease and desist and/or closure order, fines, and other penalties against the establishment's operations.[2]

Hence, in clarifying, the grace period already commenced from the time DAO 2016-08 has been effective, or when the new and more stringent standards are set. As a consequence, the grace period shall be lifted on June 18, 2021, which includes all its advantages.

In view of this, the following is provided:

1. All establishments with covered by the above provisions which submitted their respective CAP before June 18, 2021 is entitled to the advantages of the grace period until the same is lifted. However, establishments which failed to submit their respective CAP cannot avail of the advantages of the grace period;

2. CAPs approved with work plans extending beyond June 18, 2021, may only be benefited by the advantages of the grace period until the same is lifted;

3. Upon the lifting of the grace period, regular compliance is expected. Hence, any violation committed by establishments from June 18, 2021, either with approved CAP or otherwise, shall be subject to imposable penalties provided under RA. 9275 and its implementing rules and regulations.

EMB Memorandum Circular No. 2019-001[3], and all other related previous issuances of this Office inconsistent with this clarification are herein revoked.

This Memorandum Circular shall take effect immediately after its 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).

ENGR. WILLIAM P. CUÑADO
Director

Out of the 842 establishments with data on parameters under the Compliance Action Plan

Parameter Applied for Grace Period under the CAP	No. of Establishments
Ammonia-Nitrogen	693
Phosphate	672
Boron	3
Sulfate	10
Dissolved Copper	4

Thank you