

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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OFFICE OF THE SECRETARY

'04 JUN 30 P8:00

SENATE

RECEIVED BY: Adel

S. No. 597

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

Although cholera has ceased to be a widespread disease in the country, it has remained endemic in the Philippines. At the same time, diarrhea remains the third leading cause of infant mortality in the country. It is also the second leading cause of child morbidity.

It is deplorable that the hundreds of deaths from cholera and diarrhea were caused by the lack of access to a safe supply of water. Based on Department of Health (DOH) figures, 11 million Filipinos have no access to safe drinking water. A recent survey of the National Statistics Office revealed that over two million households in the country get their water supply from unsafe sources, such as rivers, streams, creeks and collected rainwater. In Western Mindanao, more than 200,000 households have been waiting for years for the government to help them gain access to safe water.

To implement Sec. 9 of Republic Act (RA) 856, otherwise known as the Sanitation Code of the Philippines, the DOH issued the National Standards for Drinking Water. It was first promulgated in 1978 and was subsequently revised in 1993. The Philippine National Standards for Drinking Water (PNSDW) sets the requirements for the acceptable values of microbiological, physical, chemical and radiological composition of water. It serves as a guide for developers, operators of water supply systems, and health and sanitation authorities in maintaining the quality of drinking water.

Despite the issuance of the PNSDW, however, water being supplied to the public does not consistently meet the acceptable standards of quality. A water quality evaluation done by the Metropolitan Waterworks and Sewerage System (MWSS) in 1994 showed that 35 per cent of the samples collected from the public deep-wells in Metro Manila were non-potable. The non-potability of the water was attributed to the poor maintenance of public wells and degradation of their physical surroundings.

The 1993 report of the Local Water Utilities Administration (LWUA) on the water quality status of water districts showed that several water districts moreover, do not comply with the national standards for drinking water. Perceived, as a contributing factor to the "poor quality" of water supply is the lack of enforcement of the PNSDW and the absence of a monitoring mechanism to ensure water potability.


To ensure safety, this bill mandates that water supplied to the public must meet the requirements established by the Philippine National Standards for Drinking Water. The Secretary of Health shall have the primary authority to enforce the PNSDW. The bill aims to compel water suppliers to comply with the national standards by providing a reasonable period for compliance and by meting out penalties of P3,000-P10,000 for the first offense, and P10,000-P20,000 or revocation of license for subsequent offenses.

The Metro Manila Drinking Water Quality Committee was formed in 1993 to evaluate water quality in Metro Manila. It was composed of the MWSS Administrator, the Director of the Environmental Management Bureau, the Regional Director of the Department of Health (DOH)-NCR, and the Directors of the Environmental Health Service and the Bureau of Research and Laboratories of the DOH. The Committee has conducted regular surveillance of drinking water in Metro Manila and has provided corrective measures or technical advice during outbreaks of water-borne diseases.

This bill seeks to replicate the Drinking Water Quality Committee in every province to ensure a system of monitoring the potability of drinking water nationwide. The committee shall be composed of representatives from the DOH as the lead agency, the local health board, the LWUA, the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR), water suppliers, non-government organizations and consumer groups. Moreover, the bill also seeks to grant the President of the Republic of the Philippines emergency powers to take measures to protect public health and safety, upon receipt and confirmation of reports that a public water system or underground water source poses an imminent danger to public health, and that appropriate national and local authorities have failed to take remedial measures.

The protection of water sources is a key factor in ensuring the safety of water supply. Hence, this bill also provides for the development of a management plan for critical aquifer protection areas and the protection of underground sources of water.

Passage of this bill is earnestly sought to ensure the safety of our water supply for the health and welfare of our people.



MANUEL B. VILLAR, JR.

THIRTEENTH CONGRESS OF THE
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S. No. 597

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

**AN ACT PROMULGATING THE PHILIPPINE NATIONAL STANDARDS FOR
DRINKING WATER, PROVIDING PENALTIES FOR VIOLATIONS THEREOF,**

AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Short Title. - This Act may be cited as the "Safe Drinking Water Act of 2004."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect, conserve and develop its water resources. The establishment and maintenance of a comprehensive national regulatory system that will consider the quality of source waters, the protection afforded by water-shed management, treatment practices and other factors to ensure that drinking water is safe for human consumption shall be accorded importance as a national policy.

SEC. 3. Definition of Terms. - For purposes of this Act, the following terms are defined as follows:

a. "Aquifer" - areas where ground water exists in sufficient quantities to supply well's or springs.

b. "Contaminant" - any physical, chemical, biological, or radiological substance not normally found in water that makes the water less desirable or unfit for human consumption.

c. "Drinking Water" - water intended for direct human consumption or for use in food preparation.

d. "Critical aquifer protection area" - shall refer to all or part of an area for which an application or designation as a sole or principal source aquifer has been submitted and approved by the National Water Resources Board;

e. "Ground Water" - a major source of fresh water; it starts as rain, then soaks through the grounds surface and fills up the tiny spaces between rocks and soil.

f. "Lead free" - (1) shall refer to solders and flux containing not more than 0.2 percent lead, and (2) shall refer to pipes and pipe fittings containing not more than 8.0 percent lead.

g. "Level I (Point Source)" - a protected well or a developed spring with an outlet but without a distribution system, generally adaptable for rural areas where the houses are thinly scattered. A Level I facility normally serves around 15 to 25 households and its outreach must not be more than 250 meters from the farthest user. The yield or discharge is generally from 40 to 140 liters per minute.

h. "Level II (Communal Faucet System or Stand-posts)" - a system composed of a source, a reservoir, a piped distribution network and communal faucets, located at not more than 25 meters from the farthest house. The system is designed to deliver 40-80 liters of water per capita per day to an average of 100 households; with one faucet per 4 to 6 households. Generally suitable for rural and urban areas where houses are clustered densely to justify a simple piped system.

i. "Level III (Waterworks System or Individual House Connections)" - a system with a source, a reservoir, a piped distribution network and household taps. It is generally suited for densely populated urban areas. This level of facility requires a minimum treatment of disinfection.

j. "Public water system" - a system for the provision to the public of pipe or point source water facility for human consumption, if such system has at least fifteen service connections or regularly serves twenty-five individuals.

The term includes:

j.1. Any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection thereto; and

j.2. Any collection of pre-treatment storage facilities not under the control of the operator of the system, which are used primarily in connection with such system.

k. "Secretary" - shall refer to the Secretary of the Department of Health.

l. "Water Quality" - the term is used to define the bacteriological, chemical, physical, biological, or radiological composition which evaluates the acceptability of the water.

m. "Water Supplier" - an entity, government * or private, responsible for source development, water abstraction, treatment and distribution of water.

ARTICLE II

PHILIPPINE NATIONAL STANDARDS FOR DRINKING WATER

SEC. 4. Philippine National Standards for Drinking Water. - Drinking water supplied to the public must meet the requirements established by the Philippine National Standards for Drinking Water of the Department of Health, which sets the acceptable values for the microbiological, physical, chemical, and radiological composition of the water to ensure its safety and potability. The Philippine National Standards for Drinking Water shall cover water supply systems classified as Level I, Level II and Level III; bottled drinking water; and emergency supplies of drinking water.

The selection of treatment processes to meet micro-biological and chemical requirements shall be made after careful detailed survey of the source, watershed and their distribution system in accordance with the treatment techniques and criteria prescribed by the Secretary and with the rules and regulations issued by the Department of Environment and Natural Resources on water usage and classification.

The Secretary of Health shall have the primary authority to enforce the Philippine National Standards for Drinking Water.

The Secretary shall continuously review, and if necessary, revise and update the Philippine Standards for Drinking Water with the end in view of advancing public health by improving water quality. To achieve such objective, the Department of Health, in coordination with the Department of Environment and Natural Resources, the Metropolitan Waterworks and Sewerage System, the Local Water Utilities Administration and other scientific organization, shall conduct research studies such as, but not limited to monitoring the changes in the acceptable or safe level of water contaminants; determining the existence of unknown water contaminants that may have adverse effect on health; and on exploring indigenous water treatment techniques. Toward the same end, the Department of Health, in cooperation with local government units, shall upgrade water laboratory facilities and services in water quality surveillance.

The Department of Health shall also conduct training and provide technical assistance to local government units, water sanitary engineers and water suppliers on the implementation of the Philippine National Standards for Drinking Water.

SEC. 5. Drinking Water Quality Committee. - A Drinking Water Quality Committee composed of representatives from the Department of Health as the lead agency, the Local Water Utilities Administration, the Department of Environment and Natural Resources, the Department of Public Works and Highways, the Metropolitan Waterworks and Sewerage System, the local government unit, water suppliers, non-government organizations and consumer groups shall be formed in every province to monitor and assess the potability and safety of drinking water. The Drinking Water Quality Committee shall cause the:

- 1) Regular collection and examination of water samples from representative sampling points within the water distribution system in the province;
- 2) Evaluation of laboratory results and their compliance based on the Philippine National Standards for Drinking Water;
- 3) Conduct of immediate sanitary surveys and ocular inspection for suspected contaminated sources;
- 4) Application of measures to control deficiency in the water supply; and
- 5) Provision of technical assistance to public water systems in undertaking remedial measures to improve water quality.

The Secretary or his representative, in consultation with local government officials, shall choose the non-government organizations and consumer groups which may participate in the Drinking Water Quality Committee.

The Drinking Water Quality Committee shall submit the results of its survey to the Secretary of Health or his representative who shall notify the water supplier of its failure to comply with the national standards and prescribe the remedial measures to be undertaken.

SEC. 6. Period of Compliance. - Water suppliers shall be given a reasonable period of time, as determined by the Secretary, to comply with the Philippine National Standards for Drinking Water; Provided, That the violation of the national standards shall not pose an imminent risk to public health. The gravity of the risk to public health shall be defined by the Secretary. Water suppliers who fail to undertake corrective measures and to comply with the national standards within the given period of time shall be liable to administrative penalties provided in this Act; Provided, That they shall be given an opportunity to explain their non-compliance in an administrative hearing conducted by the Secretary or his representative.

SEC. 7. Public Notification. - Water suppliers shall notify its consumers of any failure to comply with the Philippine National Standards for Drinking Water. The notification shall be issued through newspapers, community billboards, radio and television not later than 15 days after violation thereof; Provided, That when there is a grave risk to health, the notification must be issued not later than 48 hours after the violation. The notice shall contain the following items:

- 1) A clear explanation of the violation;
- 2) Potential adverse health effects;
- 3) Population at risk;
- 4) The remedial measures being undertaken;
- 5) Need for alternative water supplies, if necessary; and
- 6) Preventive measures to be taken by consumers until the violation is corrected. Failure to notify the public is deemed punishable under this Act.

SEC. 8. Penalties. - Any water supplier who fails to comply the Philippine National Standards for Drinking Water within the given period of time set by the Secretary shall be punished with a fine of not less than Three Thousand Pesos (3,000.00) but not more than Ten Thousand Pesos (P10,000.00) for the first offense, but not less than Ten Thousand Pesos (P10,000.00) but not more than Twenty Thousand Pesos (20,000.00) for each subsequent offense. Each day that a water supplier fails to conform with the national standards beyond the given period of compliance shall be considered a subsequent offense. A water supplier's permit to operate may be revoked or suspended if he fails to meet the requirements of the national standards thirty (30) days after the given period of compliance. The penalties prescribed under this Act shall be imposed without prejudice to the penal and administrative sanctions prescribed by other related laws.

Failure to notify the public of non-compliance with the national standards for drinking water within the period prescribed shall be punishable with a fine of not less than One Thousand Pesos (P1,000.00) but not more than Five Thousand Pesos (P5000.00).

The administrative fines collected by the Department of Health shall accrue to a special fund to be administered by the Department exclusively for projects and research activities relative to water quality, protection of water resources and provision of water supply.

SEC. 9. Emergency Powers of the President. - The President, upon receipt and confirmation of an information that a contaminant is present or is likely to enter a public water system or an underground water source of drinking water poses an imminent and substantial danger to public health, and that appropriate national and local authorities have failed to take preventive or remedial measures, and upon the recommendation of the Secretary, shall undertake the necessary action to protect the health of the public. The action which the President may undertake include, but is not limited to,

- (1) Requiring the owner or operator of the public water system who supplied the contaminated water to provide a safe alternative water supply; and
- (2) Ordering temporary or permanent closure of the public water system; and
- (3) Issuing orders to undertake other necessary measures.

ARTICLE III

PROTECTION OF WATER SOURCE

SEC. 10. Criteria for Aquifer Protection Area. - Not later than twelve (12) months from the effectivity of this Act, the National Water Resources Board, in coordination with the Department of Environment and Natural Resources, shall establish criteria for identifying critical aquifer protection areas. In establishing the criteria, the following factors shall be considered:

- 1). The vulnerability of the aquifer to contamination due to hydrogeologic characteristics.
- 2). The number of persons or the proportion of the population using the ground water as drinking water source.
- 3). The economic, social and environmental benefits that would result in the area with the maintenance of ground water of
- 4). The economic, social and environmental costs that would result from degradation of the quality of ground water.
- 5). The utilization of subterranean or ground water shall be coordinated with that of surface waters such as rivers, streams, springs and lakes, so that a superior right in one is not adversely affected by an inferior right in the other.

SEC. 11. Application of Selection as Critical Aquifer Protection Area. - Based on the established criteria, a local water district shall identify critical aquifer protection area within its boundary and apply to the National Water Resources Board for its selection as such. In areas where there are no water districts, the municipality or city shall assume this responsibility or task.

An application submitted to the National Water Resources Board shall:

- 1) Propose boundaries for the critical aquifer protection area within its jurisdiction;
- 2) Propose the development of a comprehensive management plan and designate or establish a planning entity to develop the plan;
- 3) Establish procedures for public participation in the development of the plan, for review and approval;
- 4) Include the measures and proposed schedule for implementation of such plan; and
- 5) Include a hydrogeologic assessment of surface and ground water resources within the protected area.

Pursuant to Presidential Decree No. 1586, a local government unit or water district shall secure first an Environmental Compliance Certificate from the Department of Environment and Natural Resources before operating or undertaking the comprehensive management plan for the proposed aquifer protected area.

SEC. 12. Comprehensive Management Plan. - The objective of the comprehensive management plan submitted by an applicant shall be to maintain the quality of ground water in the critical aquifer protection area in a manner consistent with the protection of public health and the conservation of the environment. In order to achieve such objective, the plan shall be designed to preserve, to the greatest extent possible, the natural vegetative and hydrogeological conditions. The comprehensive management plan shall include the following elements:

- (1) A map showing the detailed boundary of the critical protection area;

(2) An identification of existing and potential point and nonpoint sources of ground water degradation;

(3) An assessment of the relationship between activities on the land surface and ground water quality;

(4) Specific actions and management practices to be implemented in the critical protection area to prevent adverse impacts on ground water quality;

(5) Identification of authority, its powers and functions necessary to implement the plan, estimates of program costs and sources of funds.

The Department of Environment and Natural Resources shall provide technical assistance to local water districts and local government units in the formulation and implementation of the comprehensive management plan for critical aquifer protection areas.

SEC. 13. Consultation and Hearing. - During the development of such a comprehensive management plan, the planning entity shall consult with, and consider the comments of, officials of any local government unit or agency which has jurisdiction over lands and waters within the special protected area, local residents, non-government organizations, people's organizations, consumer groups and other concerned organizations. The planning entity shall conduct public hearings at places within the special protected area for the purpose of providing the opportunity to comment on any aspect of the plan.

SEC. 14. Approval of Application. - Within 120 days upon receipt of an application, the National Water Resources Board shall notify a local water district, municipality or city of the approval or disapproval of its application. A written explanation for the disapproval of an application shall be given to the local government unit or water district. Any petitioner may modify and resubmit any application which has been previously disapproved. The National Water Resources Board shall then make a registry of designated sole source aquifer protection areas.

SEC. 15. Ground Water Protection. - The Department of Environment and Natural Resources shall conduct a study of:

a) Disposal of residential, industrial and other wastes which may endanger ground water supply;

b) Means to regulate such waste disposal;

c) Other methods or programs to protect ground water.

Not later than one year from the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources shall transmit to Congress the results of such study, together with his recommendations.

The Department of Environment and Natural Resources shall carry out methods of preventing, detecting, and dealing with surface spills of contaminants which may degrade ground water supply.

Funds necessary to carry out the research study shall be appropriated out of the funds not otherwise appropriated in the National Treasury or from the savings of the Department of Environment and Natural Resources for the current year.

ARTICLE IV

PROHIBITION ON USE OF LEAD PIPES

SEC. 16. Prohibition on Use of Lead Pipes, Solder and Flux. - After the enactment of this Act, lead pipes, solder, or flux used in the repair of any public water system, or any plumbing in a residential or non-residential facility providing water for human consumption connected to a public water system shall be lead-free. This provision, however, shall not apply to joints for the repair of cast iron pipes.

SEC. 17. Public Notice Requirements. - The following requirements are hereby set:

a) Each public water system shall identify and notify persons that may be affected by lead contamination of their drinking water:

- (1) The lead content in the construction materials of the public water distribution system;
- (2) Corrosivity of the water supply sufficient to cause leaching of the lead.

The notice shall be provided in such manner and form as may be reasonably required by the Secretary notwithstanding the absence of a violation of the national drinking water standard.

b) Contents of Notice. - Notice under this section shall provide a clear and readily understandable explanation of the following:

- (1) The potential sources of lead in the drinking water;
- (2) Potential adverse health effects;
- (3) Reasonably available methods of mitigating known or potential lead content in drinking water;
- (4) Any steps the system is taking to mitigate lead content in drinking water, and
- (5) The necessity for seeking alternative water supplies, if any.

SEC. 18. Enforcement of Prohibition and Public Notice Requirements. - The requirements provided for in section 17 (a) hereof shall be enforced in all local government units effective 24 months after the enactment of this Act. Local government units shall enforce such requirements through local plumbing codes, ordinances, or such other means of enforcement as it may determine to be appropriate:

ARTICLE V

MISCELLANEOUS PROVISIONS

SEC. 19. Information and Education Campaign. - The Department of Health, in coordination with the Metropolitan Waterworks and Sewerage System, Local Water Utilities Administration, Department of Public Works and Highway, local government units, water districts and other water suppliers shall conduct a public information and education campaign on the national standards for drinking water, the availability of water testing facilities, and protection of water resources. Toward this end, the Department of Health shall publish drinking water regulations that apply to all public water systems in at least two (2) newspapers of general circulation.

SEC. 20. Implementing Rules and Regulations. - The Secretary of Health, in coordination with the National Water Resources Board, the Department of Environment and Natural Resources; the Department of Public Works and Highways, the Metropolitan Waterworks and Sewerage System, the Local Water Utilities Administration, and in consultation with local government units, water districts, water suppliers, and concerned non-government organizations and consumer groups shall promulgate within 180 days from the effectivity of this Act such rules and regulations as may be necessary for its implementation.

SEC. 21. Separability Clause. - If for any reason, any section of this Act is declared unconstitutional or invalid, such sections or parts not affected thereby shall remain in full force and effect.

SEC. 22. Repealing Clause. - All laws, orders issuance, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 23. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,