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REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE SECRETARY

9 JAN 29 P5:55

SENATE

S. NO. 3028

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

Explanatory Note

This bill aims to provide that no permit shall be required by the Secretary of the Department of Environment and Natural Resources (DENR) under the national pollutant discharge elimination system for the discharge from a recreational vessel of graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or effluent from properly functioning marine engines or for any other discharge that is incidental to the normal operation of such vessel.

Further, this bill shall require the DENR Secretary to: (i) develop management practices for recreational vessels to mitigate the adverse impacts on the Philippine waters of discharges incidental to normal vessel operation (excluding sewage) in any case in which the Administrator determines that the use of those practices is reasonable and practicable; and (ii) promulgate national standards of performance (which may distinguish among vessel types) for each discharge for which such a management practice is developed.

This bill shall also require the Department of Transportation and Communication (DOTC) to promulgate regulations governing the design, construction, installation, and use of management practices for recreational vessels as necessary to meet such standards. Moreover, this bill, once enacted, shall prohibit the owner or operator of a recreational vessel from operating in Philippine waters if such owner or operator is not using applicable management practices in compliance with such regulations.

In view of the foregoing, the early passage of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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SENATE
S. NO. 3028

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
ADDRESSING CERTAIN DISCHARGES INCIDENTAL TO THE NORMAL
OPERATION OF A RECREATIONAL VESSEL, PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.-** This Act may be cited as the 'Clean Boating Act of 2009'.

2 **SEC. 2. Discharges Incidental To The Normal Operation Of Recreational Vessels.-** No
3 permit shall be required under this Act by the Secretary of the Department of Environment and
4 Natural Resources (DENR) (hereinafter referred to as Secretary) for the discharge of any
5 graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or
6 effluent from properly functioning marine engines, or any other discharge that is incidental to the
7 normal operation of a vessel, if the discharge is from a recreational vessel.

8
9 **SEC. 3. Definition.-** As used in this Act, the following terms shall mean:

10 (1) *In General.-* The term 'recreational vessel' means any vessel, whether foreign or domestic,
11 that is --

- 12 (a) manufactured or used primarily for pleasure; or
- 13 (b) leased, rented, or chartered to a person for the pleasure of that person.

14 (2) *Exclusion.-* The term 'recreational vessel' does not include a vessel that is subject to
15 Philippine Coast Guard (PCG) inspection and that --

1 (a) is engaged in commercial use; or

2 (b) carries paying passengers.

3

4 **SEC. 4. Management Practices For Recreational Vessels.**

5 (1) *Applicability.*- This provision applies to any discharge, other than a discharge of sewage,
6 from a recreational vessel that is--

7 (A) incidental to the normal operation of the vessel; and

8 (B) exempt from permitting requirements under Section 2 of this Act.

9 (2) *Determination Of Discharges Subject To Management Practices.*-

10 (A) *Determination.*-

11 (i) *In General.*- The Secretary, in consultation with the Secretary of the
12 Department of Transportation and Communications (DOTC), the Secretary of Trade and
13 Industry (DTI), shall determine the discharges incidental to the normal operations of a
14 recreational vessel to enable the government to determine and develop reasonable and
15 practicable management practice to mitigate the adverse impacts of such discharge to Philippine
16 waters.

17 (ii) *Promulgation.*- The Secretary shall promulgate the determinations under
18 clause (i) in accordance with Book VII of the Administrative Code of 1987.

19 (iii) *Management Practices.*- The Secretary shall develop management practices
20 for recreational vessels in any case in which the Secretary determines that the use of those
21 practices is reasonable and practicable.

22 (B) *Considerations.*- In making a determination under Section (4)(2)(A), the Secretary
23 shall consider--

24 (i) the nature of the discharge;

25 (ii) the environmental effects of the discharge;

26 (iii) the practicability of using a management practice;

1 (iv) the effect that the use of a management practice would have on the operation,
2 operational capability, or safety of the vessel;

3 (v) applicable existing laws;

4 (vi) applicable international standards; and

5 (vii) the economic costs of the use of the management practice.

6 (viii) such consideration shall be done after prior study and consultation with
7 DENR, PCG and Department of Science and Technology (DOST).

8 (C) *Timing.*- The Secretary shall--

9 (i) make the initial determinations under Section (4)(2)(A) not later than one (1)
10 year after the date of enactment of this Act; and

11 (ii) every five (5) years thereafter--

12 (I) review the determinations; and

13 (II) if necessary, revise the determinations based on any new information
14 available to the Secretary.

15 (3) *Performance Standards For Management Practices.*-

16 (A) *In General.*- For each discharge for which a management practice is developed under
17 Section (4)(2), the Secretary, in consultation with the DOTC Secretary and the DTI Secretary
18 shall promulgate the standards of performance for each management practice required with
19 respect to the discharge.

20 (B) *Considerations.*- In promulgating standards, the Secretary shall take into account the
21 considerations described in Section (4)(2)(B).

22 (C) *Classes, Types, And Sizes Of Vessels.*- The standards promulgated under this Section
23 may--

24 (i) distinguish among classes, types, and sizes of vessels;

25 (ii) distinguish between new and existing vessels; and

1 (iii) provide for a waiver of the applicability of the standards as necessary or
2 appropriate to a particular class, type, age, or size of vessel.

3 (D) *Timing.*- The Secretary shall—

4 (i) promulgate standards of performance for a management practice under subparagraph

5 (A) not later than one (1) year after the date of a determination under Section (4)(2) that
6 the management practice is reasonable and practicable; and

7 (ii) every five (5) years thereafter--

8 (I) review the standards; and

9 (II) if necessary, revise the standards, in accordance with Section (4)(B)

10 and based on any new information available to the Secretary.

11
12 **SEC. 5. Regulations For The Use Of Management Practices.-**

13 (A) *In General.*- The DOTC Secretary shall promulgate such regulations governing the design,
14 construction, installation, and use of management practices for recreational vessels as are
15 necessary to meet the standards of performance promulgated under Section (4)(3).

16 (B) *Regulations.*-

17 (i) *In General.*- The Secretary shall promulgate the regulations under this Section as soon
18 as practicable after the Secretary promulgates standards with respect to the practice under
19 Section (4)(3), but not later than one (1) year after the date on which the Secretary promulgates
20 the standards.

21 (ii) *Effective Date.*- The regulations promulgated by the Secretary under this Section shall
22 be effective upon promulgation unless another effective date is specified in the regulations.

23 (iii) *Consideration Of Time.*- In determining the effective date of a regulation
24 promulgated under this Section, the Secretary shall consider the period of time necessary to
25 communicate the existence of the regulation to persons affected by the regulation.

1 **SEC. 6. *Prohibition Relating To Recreational Vessels.***- After the effective date of the
2 regulations promulgated by the DOTC Secretary under Section 4, the owner or operator of a
3 recreational vessel shall neither operate in nor release any discharge incidental to the normal
4 operation of the vessel into, the waters of the Philippines or the waters of the contiguous zone, if
5 the owner or operator of the vessel is not using any applicable management practice meeting
6 standards established under this Act.

7
8 **SEC. 7. *Authorization of Appropriations.***- The amount necessary to carry out the
9 provisions of this Act shall be appropriated from the General Appropriations Act. Funds
10 appropriated for this Act shall remain available until expended.

11
12 **SEC. 8. *Repealing Clause.***- Any laws, decrees, ordinances or rules and regulations
13 which are inconsistent with or contrary to the provision of this Act is hereby amended or
14 repealed.

15
16 **SEC. 9. *Effectivity.***- This Act shall take effect fifteen (15) days after its complete
17 publication in at least two (2) national newspapers of general circulation.

Approved,