



ORDINANCE NO. 13022 - 2015

AN ORDINANCE REGULATING SEPTAGE DESLUDGING, TRANSPORT, TREATMENT AND DISPOSAL, PROVIDING PENALTY THEREOF AND FOR OTHER PURPOSES

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) in session that:

Article 1: GENERAL PROVISIONS

SECTION 1. TITLE - This Ordinance shall be known as the "Septage Management Ordinance."

SECTION 2. SCOPE AND COVERAGE - This Ordinance shall apply to all septage coming from the septic tanks of buildings and structures whether public or privately owned; residential, commercial, institutional or industrial, except for some high-end subdivisions and malls which has its own disposal and treatment facility duly approved and with Permit to Operate issued by EMB/DENR.

SECTION 3. DEFINITION OF TERMS - The words and phrases used in this Ordinance shall mean as follows:

- a) CEO – City Engineer's Office
- b) CHO – City Health Office
- c) City Septage Management Program – a work program prepared by CLENRO duly approved by the City mayor pertaining to Desludging, Transport, Treatment and Disposal of Septage.
- d) CWMB – City Wastewater Management Board
- e) CLENRO – City Local Environment and Natural Resources Office
- f) Desludger – a person or company duly accredited by the City Government of Cagayan de Oro to engage in the desludging and transport of septage to the septage treatment facility.
- g) Environment – means any water, water vapor, any land including land surface or subsurface, air, fish, wildlife, biota and all other natural resources.
- h) Contaminant – any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise), or heat – when discharged into water changes or is likely to change the physical, chemical or biological condition of water.
- i) Desludging – the process of removing accumulated sludge or septage from the septic tank by pumping or any other mechanized means.
- j) Operator – a private person or corporation with juridical entity engaged in the operation of a Septage Treatment Facility duly licensed by the DENR, DOH and the City Government of Cagayan de Oro.
- k) Septage – the combination of scum, sludge and liquid that accumulates in septic tanks.
- l) Septic tank – a watertight, multi-chambered receptacle that receives sewage from houses or other buildings and is designed to separate and store the solids and partially digest the organic matter in the sewage.
- m) Stabilization – the process of treating septage or sludge to reduce pathogen densities and vector attraction to produce an organic material that may be applied to the land as a soils conditioner.
- n) Treatment – any method, technique or process designed to alter the physical, chemical or biological and radiological character or composition of any waste or wastewater to reduce or prevent pollution.
- o) Septage Management System – the desludging, transport, treatment and disposal of septage.

SECTION 4. AUTHORITY - This Ordinance is enacted to compliment the provisions and specifications of the following laws:

- a) The National Building Code of the Philippines
- b) The Code on Sanitation of the Philippines – Chapter XVII
- c) The Plumbing Code of the Philippines
- d) The Clean Water Act
- e) Local Government Code of the Philippines – Environmental Services Section
- f) Water District Law PD 198

SECTION 5. PURPOSE - This Ordinance is adopted to promote and protect public health and to provide for the administration and enforcement of the Cagayan de Oro City Septage Management Program. The



Program aims to create and sustain a system in which all the septic tanks in the City are desludged on a regular basis (every 3-5 years), and the collected septage is properly treated and disposed of in accordance with national laws.

SECTION 6. ADMINISTRATION - The City Local Environment & Natural Resources Office (CLENRO) shall administer the City Septage Management Program. This shall include overseeing the operations of the program and monitoring the performance of the Desludger that may be hired to perform septage collection or treatment services.

SECTION 7. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS (IRR) - The CLENRO is hereby tasked to prepare and formulate the Implementing Rules & Regulations concerning the application and interpretations of this ordinance and for the purpose of carrying out the responsibilities delegated to him by law. CLENRO shall incorporate or coordinate with City Health Office, City Public Services Office, COWD, Office of the City Building Official, and City Engineer's Office in formulating the IRR. Other persons may also be invited to provide technical advice.

Article 2: ACCESS AND IDENTIFICATION

SECTION 8. RIGHT OF ENTRY - The CLENRO or its duly authorized representatives, bearing proper identification, shall be permitted to enter all properties for the purpose of inspection or observation of any septic tank. The CLENRO shall authorize the Desludger or its representatives to enter all properties for the purpose of desludging any septic tank in accordance with the provisions of this Ordinance.

SECTION 9. ACCESS - Property owners shall take appropriate actions to ensure that the Desludger will have access to inspect and desludge any septic tank. If the septic tank is not accessible, it is the responsibility of the owner to open the septic tank cover so it can be desludged.

Article 3: BASELINE INFORMATION

SECTION 10. SEPTIC TANK INFORMATION - The City Health Office and the Office of the City Building Official shall provide the CLENRO with baseline information on toilets and septic tanks per barangay.

Article 4: INSPECTION AND DESLUDGING NOTICE

SECTION 11. SERVICE AREAS - The City shall be divided into service areas, which will be desludged periodically.

SECTION 12. DESLUDGING NOTICE - The Desludger, through the CLENRO, shall notify septic tank owners twenty (20) days prior to the desludging schedule in coordination with their respective Sangguniang Barangay. The desludging schedule shall be posted in each barangay hall.

SECTION 13. PRESUMPTION OF NOTICE - Where the City alleges that there has been non-compliance with this Ordinance, there shall be a rebuttable presumption that the owner received notice of the required action if the CLENRO or the Desludger submits proof of the date and receipt of such notice.

Article 5: DESLUDGING

SECTION 14. DESLUDGING - Property owners shall allow the Desludger to desludge their septic tanks at least once every 5 years and shall fully cooperate with the Desludger to carry out the desludging. The owner is responsible for opening the access port of their septic tank.

SECTION 15. DESLUDGING PROCEDURE AND EQUIPMENT –

- a) The Desludger shall prepare a work plan that shall include the procedure, equipment and route to implement the City Septage Management Program.



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SECTION 22. FUNCTIONS - The CWMB shall have the following functions and powers:

1. Participate in planning and implementing promotion campaign on the Septage Management Program and related initiatives of the City.
2. Ensure that adequate promotions have been done before the start of desludging and that all Septage Management Systems (SMS) are in place for smooth implementation of the program. This includes reviewing the operations and maintenance plans of the SMS.
3. Discuss implementation of the SMS on a regular basis to resolve any problems that may arise.
4. Receive and respond to complaints, suggestions and requests for exemptions and issue decisions.
5. Serve a notice of non-conformance to the provisions of this Ordinance to the owner, administrator or occupant of the residential or commercial building if the Desludger reports that a septic tank is not present or is inaccessible for desludging.
6. Serve notices of non-conformance of property owners, administrators or occupants. A compliance period shall be set by the property owners, administrators or occupants and the CWMB. Once the issue is resolved, the CWMB shall issue a Certificate of Compliance.
7. Ensure continuing research and development of the program.

Article 11: VIOLATIONS AND PENALTIES

SECTION 23. VIOLATION AND PENALTIES - Any person who violates any provision of the Ordinance shall be guilty of misdemeanor and upon conviction shall be punished by a fine not to exceed five thousand pesos (₱5,000.00) or by imprisonment for a period not to exceed six (6) months, or both fine and imprisonment. Prosecution of a violation and payment of any judgment obtained does not preclude compliance with the terms and conditions of this Ordinance.

The offender, however, may opt to pay the following administrative fines within five (5) days from receipt of Notice of Violation issued by the CLENRO:

- a) First Offense – PhP 1, 500.00
- b) Second Offense – PhP 3, 000.00
- c) Third Offense – PhP 5, 000.00

Article 12: MISCELLANEOUS

SECTION 24. SEVERABILITY - In the event that any section, provision, clause or any of this ordinance is found to be ineffective or invalid by a court of law, such finding shall not affect the validity of the remainder of this Ordinance.

SECTION 25. EFFECTIVE DATE - This Ordinance shall take effect and be enforced from and after its passage and publication as provided by law.

UNANIMOUSLY APPROVED.

Present:

- | | | |
|---------------------------------|---|----------------------------|
| <i>1ST District:</i> | - Councilor Lourdes Candy R. Darimbang- | - Councilor Edna M. Dahino |
| | - Councilor Roger G. Abaday | - Councilor Dante B. Pajo |
| | - Councilor Alden D. Bacal | |

- | | | |
|---------------------------------|---------------------------------|-------------------------------------|
| <i>2ND District:</i> | - Councilor Nadya Emano- Elipe | - Councilor Teodulfo E. Lao, Jr. |
| | - Councilor Leon D. M. Gan, Jr. | - Councilor Dometilo C. Acenas, Jr. |
| | - Councilor Enrico D. Salcedo | - Councilor Alexander S. Dacer |

Ex-Officio Member: - Councilor Yan Lam Lim, *Liga Ng Mga Barangay President*

Out of the Session Hall: - Councilor President D. Elipe

On Official Business: - Vice Mayor Caesar Ian E. Acenas - Councilor Annie Y. Daba
 - Councilor Adrian L. Barba

Absent: - Councilor Zaldy O. Ocon

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Republic of the Philippines
 CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
 (088)857-4029; 857-4035; 857-2258; 857-4032



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ENACTED this 7TH day of December 2015 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
 CITY COUNCIL SECRETARY

Attested as duly enacted:

RAMON G. TABOR
 CITY COUNCILOR
 PRESIDING OFFICER

Approved:

OSCAR S. MORENO
 CITY MAYOR

Attested:

DIONNIE P. GERSANA
 ASSISTANT CITY ADMINISTRATOR