

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 617
November 14, 2012

GROUNDWATER PROTECTION ORDINANCE.

WHEREAS, R.A. 7160, The Local Government Code of 1991, section 458, (5), (viii), of which provides for the regulation of the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and regulate the construction and use of private water closets, privies and other similar structures in building and homes;

WHEREAS, water is vital to national development and it has become increasingly necessary for government to intervene actively in improving the management of water resources;

WHEREAS, it is the policy of the City of Bacolod to ensure a sustainable supply of potable water supply for the use of the residents in order to manage and improve its quality by protecting the environment against water source contamination, land subsidence and prevention of seawater intrusion into our fresh water supply.

WHEREAS, water is a fundamental part of human life, thus, must be protected and utilized efficiently to sustain supply for the future;

WHEREAS, each household must have access to potable and clean water;

WHEREAS, indiscriminate drilling or excavation of deep wells and unregulated use and excessive extraction of groundwater destroy the environment resulting in intrusion of saltwater to sources of fresh water;

WHEREAS, there is a need to regulate the rampant drilling and/or excavation of deep wells;

WHEREAS, damaged and unused wells and jetmatic pumps can be a source of diseases causing microorganisms that can seep through the ground water supply, especially during the rainy season;

WHEREAS, there must be strict adherence to the standards set by the National Water Resources Board for proposed deep wells and jetmatic pumps in order to balance the needs of development and protection of our environment;



NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF BACOLOD CITY that:

Section 1. TITLE. This ordinance shall be known as the "Groundwater Protection Ordinance".

Section 2. SCOPE. This ordinance shall be applicable to all types of proposed or existing construction projects involving drilling and/or excavation of wells, both government and private establishments whether in residential, municipal, industrial, recreational or otherwise within the territorial jurisdiction of Bacolod City.

Section 3. DEFINITION OF TERMS. As used in this ordinance, the following shall mean:

- a. Well – is either a shallow or deep well where water is extracted according to its intended use e.g. residential, municipal, irrigation, recreational, and industrial.
 - a.1.) Shallow well – refers to a well with a depth of less than twenty-two (22) meters or one hundred (100) feet.
 - a.2.) Deep well – refers to a well whose water level is at a depth exceeding twenty-two (22) feet above at which an ordinary pump does not operate satisfactorily.
- b. Ground water – water within the earth with an impermeable layer that supplies wells and springs.
- c. Disease-causing microorganism – refers to a bacterium that can cause certain disease when ingested in our body.
- d. Potability test – a test conducted if the water from the well is contaminated with bacteria and will detect if it is suitable for drinking.
- e. Tapping – The extraction of ground water, commonly via a bore hole drilled into an aquifer. It is a process in which a pipe and a pump are used to pull water out of the ground.
- f. NWRB – National Water Resources Board (formerly National Water Resources Council).
- h. ENRO – Environmental and Natural Resources Office.
- i. CHO – City Health Office

- j. CEO – City Engineer's Office
- k. Permits and Licensing Division – Issues the sanitary/plumbing and excavation permit upon the submission of necessary requirements relative to drilling of wells.
- l. Back-Up Source – refers to a well-intended source to supply water to fill the water supply deficiency of the Water District; also referred to as secondary source.
- m. Primary Source – refers to a well-constructed and operated in an area where water is not provided by the Water District as the principal source of potable water supply.
- n. Water Permit – a permit granted by the National Water Resources Board (NWRB) to an applicant to extract water under certain conditions.
- o. Production Assessment Charge (PAC) – a fee charged by the Water District to commercial or industrial establishment operating its own deep well as primary or back-up source and monies collected therefrom shall be solely used for the improvement, protection and sustainability of the watershed and water bodies through a ridge to reef approach of watershed management.
- p. Water district- a water facility supplying source of water for a certain locality

Section 4. IMPLEMENTING AGENCY. The Environment and Natural Resources Office (ENRO) and City Health Office (CHO), in coordination with the local water district shall be the lead agencies in implementing this ordinance.

Section 5. DUTIES AND FUNCTIONS. The Environment and Natural Resources Office (ENRO) shall be responsible in the following:

- a. Formulate environmental strategies to counter the effects of groundwater abstraction through deep wells and correlate their programs to coincide with the programs of the National Government.
- b. Conducts assessment of groundwater availability and vulnerability in coordination with the National Water Resources Board (NWRB) to identify and delineate areas suitable drilling and water abstraction and prohibit water extraction in areas identified as critical to sea water intrusion and land subsidence.
- c. Monitor the site annually.

- d. Evaluate the site annually to ensure that the standards are followed by the applicant.

Section 6. CONDITIONS ON THE DRILLING OR EXCAVATION OF WELLS.

- a) In areas where potable is made available by the Water district but not on a 24 hour/daily basis, the establishment and operation of a well may be permitted, provided it will be used only as a secondary or back-up source of water, and provided further, that it shall be permitted only at certain period of the day or night when there is no supply of water coming from BACIWA.
- b) Commercial or industrial establishments including subdivision or housing developers/owners shall enter into a Memorandum of Agreement with the Water district and pay the Production Assessment Charge to be treated as environmental contribution for the sustainability and management of the watershed and its inter-related ecosystem.
- c) An applicant who is planning to construct a well must coordinate with the Water district and ENRO. These agencies should assess and verify the area to be drilled, assist the applicant on the legal and technical requirements and favorably or unfavorably endorse the application to the National Resources Board for its evaluation and processing of the drilling/water permit.

Section 7. MANDATORY REQUIREMENTS PRIOR TO ISSUANCE OF PERMIT FOR DRILLING OR EXCAVATION.

All applications for Sanitary/Plumbing and Excavation Permits (for Drilling of Well) shall include:

- a. A detailed plan of the water supply system of the building or housing project.
 - b. If water supply will be sourced from groundwater, a photocopy of the drilling or water permit issued by the National Water Resources Board (NWRB)
 - c. The details, specifications such as depth, casing, screen sections, diameter, materials used, and volume of water extracted per day, site development plan of the well, its distance from the nearest well and septic tank.
 - d. Tax Declaration, Tax Receipt, Barangay Clearance, and well/plumbing lay-out plans shall be duly signed and sealed by a Registered Sanitary/Civil Engineer.
 - e. Certification from the Water district that the source is used as primary or back-up source and that the establishment has entered into a Memorandum of Agreement for the Production Assessment Charge
- [Handwritten signatures]*

- f. If water from the well shall be used, the original result of the Potability Test to be conducted by the City Health Office (CHO) to ensure that the water meets the National Standards for drinking water.

Section 8. Additional Requirements for Application of New/Renewal of Business Permits

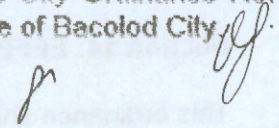
All applicants for new business permits or for renewal of business permits shall include a sworn statement containing the following:

- a. A statement identifying the source of water supply of the applicant.
- b. If the applicant owns and operates a well in his/her establishment or subdivision/housing project, a statement that the said well is covered by a Water Permit from NWRB and certified copies of said Water Permits shall be attached and a certification from the Water district that the establishment or housing project owner/developer has entered into a Memorandum of Agreement for the Production Assessment Charge.
- c. If the NWRB Water Permit application of the deep well owner is on process, a certification from the Water district stating that the application was officially filed to NWRB and the establishment or housing project owner/developer has entered into a Memorandum of Agreement for the Production Assessment Charge.
- d. A statement that the applicant has and will continue to comply with all the conditions and requirements of said Water Permit.

Section 9. FEES FOR ISSUANCE OF PERMIT FOR DRILLING OR EXCAVATION.

The City Mayor may grant an exemption on the payment of fees if the applicant under privileged sector of our society as certified by the (DSSD) Department of Social Services.

Upon compliance with the mandatory requirements as stated in Section 7 hereof, the applicant must submit these requirements to the Permits and Licensing Division and pay the corresponding fees in accordance with the City Ordinance No. 565, Series of 2011, otherwise known as the Revised Revenue Code of Bacolod City.



Section 10. VALIDITY OF DRILLING OR EXCAVATION PERMIT.

- a. The permit issued under this ordinance shall not be interpreted or constructed as a license to violate any provision of the National Building Code, the Water Code, the Sanitation Code, and the Plumbing Code of the Philippines or any applicable laws or ordinances.
- b. The permit issued under this ordinance shall expire and cease to have any legal effect if the excavation relative to the drilling of a well authorized hereby has not commenced within a period of one (1) year from the date of issuance of said permit, or if the drilling or excavation is abandoned at anytime after it has been commenced, for a period of three (3) months.

Section 11. Suspension/Revocation of Sanitary/Plumbing or Excavation Permit.

The permit issued to the owner/developer of the establishment or housing project may be suspended or revoked upon an official report submitted by the Water district, ENRO or Office of the Building Official or the City Engineer's Office due to following:

- a.) Plans and specifications are invalid
- b.) The data provided by the applicant is incorrect
- c.) The requirements are not complied with

Section 12. MAINTENANCE.

All wells and their materials and parts thereof shall be maintained in proper operating condition at all times. The potability of water, and all devices and safeguards employed to ensure the same be maintained with the latest standards. Failure to maintain the well in accordance herewith shall be a ground for the Water district to issue a recommendation for suspension or revocation of the water permit and closure of the deep well to the National Water Resources Board (NWRB).

Section 13. SEPARABILITY CLAUSE.

If for any reason any section or provision of this ordinance is held to be invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 14. EFFECTIVITY CLAUSE.

This ordinance shall be effective upon its approval.

[Handwritten signature]

CARRIED BY THE VOTE OF:

Affirmative:
Councilors : El Cid M. Familiaran, Homer Q. Bais, Archie S. Baribar,
Roberto M. Rojas, Catalino T. Alisbo, Em L. Ang, Dindo C.
Ramos, Sonya M. Verdeflor, Al Victor A. Espino, Caesar Z.
Distrito, Carlos Jose V. Lopez, Keith Emmanuel L. Ramos.

Negative : None.

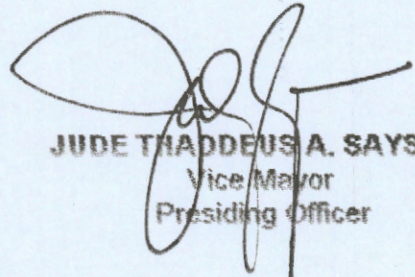
Absent : None.

Official Travel : Councilor Mona Dia G. Jardin.

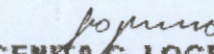
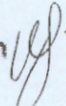
Author : Councilor Carlos Jose V. Lopez.

Passed : November 14, 2012 (124th Regular Session).

Comments: Passed.
Councilor Elmer T. Sy was not around when this ordinance
was passed.


JUDE THADDEUS A. SAYSON
Vice Mayor
Presiding Officer

ATTESTED:


RECENIA G. LOGRUNIO
Legislative Staff Officer III
OIC, Secretary to the Sanggunian 

APPROVED: November, 2012.

EVELIO R. LEONARDIA
City Mayor

RGL/CLL/jfbz

16 DAYS LAPSED
AS OF 12/3/12
