

**Administrative Order
No. 26
June 29, 1992**

SUBJECT : Amending Memorandum Circular No. 02, Series of 1981: Appointment/Designation of Pollution Control Officers

Pursuant to paragraph 3 of Letter of Instruction No. 588, dated 19 August 1977, and by virtue of Presidential Decree No. 984 dated August 18, 1976 and Executive Order 192 dated 10 June 1987, Memorandum Circular No. 02, Series of 1981 of the National Pollution Control Commission is hereby amended to read, as follows:

Sec. 1. Objective

To effectively enforce the National Pollution Control Decree of 1976, otherwise known as PD 984, and its implementing rules and regulations by establishing linkages among the (1) Department of Environment and Natural Resources, (2) establishments which are potential and actual sources of pollution and (3) local government agencies, and in order to carry out the national policy of maintaining a reasonable quality of the environment.

Sec. 2. Definition of Terms

As used in and for the purpose of these guidelines, the following terms and phrases shall, have the corresponding meaning herein below stated:

- a. **"Department"** means the Department of Environment and Natural Resources.
- b. **"Technical Person"** shall include any licensed engineer or technologists with Bachelor's degree in science or technology. It shall also be construed to mean any technologist who has sufficient technical training, background, or any appropriate experience in pollution control technology, designing and/or operation of pollution control devices. Although he may not be a licensed engineer or a holder of a Bachelor's degree in science or technology, his capability may have been determined by the Department and/or an engineering professional group in pollution control as equivalent to that of a technical person.
- c. **"Pollution Control Facility", "Pollution Control Device" or Anti-pollution device"** shall mean any structure, contrivance, facility,

system, device or mechanism which can adequately control and/or abate liquid or gaseous wastes or sound pollution within the allowed quality of standards of the Department.

- d. **"Private Entities"** shall include private individuals or corporations whose functions or activities fall within the meaning of Letter of Instruction 588.
- e. **"Environmental Unit"** shall mean a unit or section of every government office or industrial establishment whose function is to attend and monitor their activities pertaining to the installation or construction of pollution source and control facilities with the end in view of ensuring their compliance with the air, noise and water quality standards and to handle other matters of environmental concerns including protection activities such as solid waste management construction and maintenance of sewer systems, and other pollution control measures.

Sec. 3. Appointment/designation of Pollution Control Officers (PCOs)

Industrial, commercial and manufacturing establishments and private entities, whose activities are potential and actual sources of water, air, and land pollution, shall each appoint and/or designate a Pollution Control Officer. Likewise, all provincial, municipal and city governments, shall each appoint/designate. Such appointment/designation shall be subject to accreditation by the Department in accordance with Section 8.

Sec. 4. Qualifications for Pollution Control Officer

- a. **Basic qualifications:** Must be a Filipino citizen, of good moral character, mentally and physically healthy, of legal age and must have a professional qualification corresponding to the type of treatment system being handled as described in Section 4.b.
- b. **Professional requirement**
 - (1) **Water pollution control systems:** For the operation of Waste Treatment Plant treating highly concentrated or toxic or voluminous wastewater and requiring the supervision or management of a highly technical person, the officer must preferably be a registered Chemical, Mechanical, Mining or Sanitary Engineer or any registered engineer with master's degree in Environmental Engineering or related field.

- (2) **Air pollution control systems:** For the operation of air pollution facilities consisting of complex devices to control air pollutants from toxic, hazardous and/or highly pollutive plants, the officer must preferably be a registered Chemical or Mechanical Engineer.
- (3) **Treatment systems for toxic and hazardous wastes:** For the operation of treatment systems for toxic and hazardous solid waste, the officer must preferably be a registered Chemical Engineer or Chemist.
- (4) **Small or simple works:** For the operation of small or simple works, facilities or mechanical control devices such as septic tanks, or simple works to treat domestic sewage (for water pollution control), expansion chambers, impingement tanks, etc. (for air pollution control), or facilities for non-toxic solid waste, the officer could be any knowledgeable technical person with basic training in pollution control.

Sec. 5. Duties and Responsibilities of an Accredited Pollution Control Officer

- a. The accredited Pollution Control Officer of a company shall have the following duties and responsibilities.
 - (1) Attend to the requirements of the establishment or agency prior to the construction or installation of pollution control facilities including the application and securing of necessary pollution permits and renewal thereof;
 - (2) Monitor activities pertaining to the installation or construction of pollution source and control facilities with the end in view of ensuring their compliance with the air, noise and water quality standards; the PCO and the head of establishment shall be held responsible for any violations of PD 984 and its implementing rules and regulations committed by establishment where the officer is employed;
 - (3) Supervise the proper operation and maintenance of pollution control facilities of the establishment or agency;
 - (4) Report within reasonable time to the Department the breakdown of any pollution control facility, and the estimated and actual date of completion/repair and operation;

- (5) Promptly submit validated/certified as correct by the General Manager periodic reports as stipulated in Section 7 hereof or as required by the Department (otherwise, said reports shall not be accepted as evidence in a pollution case);
- (6) As a liaison officer with the Department, he shall keep himself abreast with the requirements of the Department and the latest available technology on the prevention, control and abatement of pollution;
- (7) Maintain liaison with the city/provincial/municipal or local pollution control officers;
- (8) Attend the meetings for Pollution Control Officers which may from time to time be called by the Department;
- (9) Facilitate compliance of the establishment he represents with the requirements that may from time to time be prescribed by the Department; and
- (10) Recommend to the management the installation and operation of additional equipment for the pollution abatement facilities.
- (11) Handle other matters of environmental concern as required by his employer.

The accredited Pollution Control Officer of the local government shall have the following duties and responsibilities:

- (1) Implement devolved functions to LGU and/or coordinate the pollution control and prevention activities within the city, municipality or province, including environmental protection activities such as solid waste management, construction and maintenance of sewer systems, and other pollution control activities. Consistent with the provisions of the Local Government Code the officer can seek assistance from the field offices of DENR regarding violations or non-compliance with the pollution control requirements and rules and regulations.
- (2) Upon verification that pollution control requirements are complied with, recommend the filing of all applications for

building and/or business permit in coordination with municipal, city or provincial development staff or engineering office for pollution permit applications and application for location and zoning clearance, particularly on manufacturing, industrial and commercial establishments.

- (3) Cooperate with national/regional officials of the Department in the enforcement/ implementation of environmental protection and pollution control laws, rules and regulations.

Sec. 6. Employment Status

Pollution Control Officers shall be employed on a full time basis except in firms not meeting the category or having lower capacities and/or discharge volume than those listed in Annex "B" where a part-time PCO may be appointed, designated or employed.

Sec. 7. Periodic Reporting

All accredited private Pollution Control Officers shall submit a periodic report to the respective Regional Officer of the Department every quarter, or as often as maybe required, based on the operation and maintenance of pollution source and control facilities concerned.

The report shall be in accordance with the format specified in Annex "C".

Sec. 8. Accreditation of Pollution Control Officer

All Pollution Control Officers shall be accredited by the Department. The accreditation shall be based on the qualifications set forth in Section 4 f and shall observe the following procedure:

- a. The company/LGU shall apply for the accreditation of its appointed or designated Pollution Control Officer at the respective Regional Offices of the Department within thirty (30) days from the date of designation and/or appointment, or any date prescribed by the Department. The application shall be accompanied by the curriculum vitae and/or other supporting documents showing proof of appointee's qualification e.g. trainings on environment, etc.;

- b. The Secretary or a duly designated official of DENR shall approve/disapprove the accreditation of the appointed/designated Pollution Control Officer within thirty (30) days from the receipt of application;
- c. As proof of approval, a "Certificate of Accreditation" (Annex "D") shall be sent to the firm and the PCO. The said PCO, however, shall be required to attend an orientation program according to Section 10 of this order;
- d. For disapproved applications the Department shall officially inform the firm of the reason(s) and direct said firm to submit deficiencies and/or appoint another Pollution Control Officer;
- e. The DENR Regional Office shall furnish the Environmental Management Bureau a copy of the approved "Certificates of Accreditation" and disapproved applications. EMB shall be the main repository of accreditation records and may develop a PCO database for that purpose. EMB shall be responsible for periodic reporting to the Office of the Secretary;

Sec. 9. Categories of Pollution Control Officer

A Pollution Control Officer shall be categorized according to the responsibilities/restrictions and based on the corresponding additional requirement. The PCO category will be noted in the Certificate of Accreditation and the PCO shall only act according to its corresponding responsibility/restriction as described herein:

a. *Pollution Control Officer I*

- (1) **Responsibility/Restriction:** Shall only be in-charge of the operation of the pollution control systems of a single establishment belonging to the classification of relatively less pollutive establishment as enumerated in Section 5 and/or which is considered small or simple works as defined in Section 4.b (4) or as determined by the Department.
- (2) **Additional requirement:** Over and above the qualifications set forth in Sec. 4, the applicant PCO I should have attended at least one (1) training/seminar/workshop on

pollution control sanctioned by the Department within the past three (3) years.

b. *Pollution Control Officer II*

- (1) **Responsibility/Restriction:** Shall only be in-charge of the operation of a single establishment belonging to the classification of a relatively more pollutive establishment and/or the operation of a pollution control system as defined in either Section 4.b, (1), 4.b, (2) and 4.b (3) or as determined by the Department.
- (2) **Additional requirement:** Over and above the qualifications set forth in Sec. 4, the applicant PCO II should have attended at least five (5) trainings/seminars/workshops on pollution control sanctioned by the Department within the past eight (8) years.

c. *Pollution Control Officer III*

- (1) **Responsibility/Restriction:** Shall be responsible for the performance of the pollution control systems i.e., combination of treatment systems as defined in Sec. 3.b (1), 3.b (2) and 3.b (3) and the plant PCO of an establishment classified as highly pollutive or to an establishment with two or more plant locations where every plant location has a designated/accredited PCO or as determined by the Department;
- (2) **Additional requirements:** Over and above the qualifications set forth in Section 3, the applicant PCO shall meet the following additional requirements;
 - i. Shall be a registered chemist, chemical, mechanical, mining, sanitary or any registered engineer with at least eighteen (18) units in graduate course in environmental engineering or any related field; and
 - ii. Shall have attended at least ten (10) trainings/seminars/workshops on pollution control or environmental management sanctioned by the Department within the past twelve (12) years.

Sec. 10. Accreditation of Environmental Units

Corporations with Environmental Units may request the Department for accreditation. Upon accreditation the Corporate Environmental Unit shall have the following functions:

- a. supervise all Pollution Control Officers of the corporation
- b. represent the Pollution Control Officers
- c. formulate environmental programs for the corporation
- d. other functions as may be allowed by the Department.

Sec. 11. Transitory Tenure of Accreditation

Upon effectivity of these guidelines, all establishments as described in Section 2 hereof shall each appoint/designate a Pollution Control Officer. A transition period of two (2) years may be given to establishments whose current PCOs do not meet the required category especially those of complex and highly pollutive establishments. As such, their accreditation is temporary in nature and, therefore, shall be subject to automatic revocation by the Department if conditions warrant such decision.

Sec. 12. Organization and Orientation Programs

In order for Pollution Control Officers to effectively carry out their functions, the Department shall conduct from time to time appropriate orientation and/or training courses to keep them abreast with recent pollution control laws, rules and regulations, policies and programs, and technologies.

Any establishment failing to designate/appoint PCO shall be fined or penalized in accordance with Section 106 of the NPCC Rules and Regulations or Section 9 of P.D. 984.

Accredited Pollution Control Officers are encouraged to organize themselves at the provincial, regional and national levels for effective coordination with government environmental protection and pollution control programs and activities.

Sec. 13. Revocation and suspension of Accreditation of Pollution Control Officer

The following shall be considered as violations of accreditation of Pollution Control officers:

- a) Submission of false documents and/or reports;
- b) Failure to perform the functions as indicated in Sections 4 and 6 of this Administrative Order;
- c) Verifiable negligence of the PCO (such as failure to submit the necessary report/recommendations to management to address their company's pollution problem) resulting to the application of penalty to the firm such as closure and/or fine due to violation of pollution control laws, rules and regulations; and
- d) Suspension of the PCO more than once.

The following actions shall be taken with regards to the abovementioned violations by a Pollution Control Officer:

- a) first violation: strict warning
- b) second violation: revocation of accreditation

An accreditation may be suspended due to the following circumstances:

- a. the establishment has a pending pollution case due to the negligence on the part of the PCO; and,
- b. uncooperative attitude of the PCO.

In the event that the PCO is under suspension, the firm is held responsible for designating a temporary substitute within one (1) week from receipt of suspension notice.

Sec. 14. Effectivity.

This Administrative Order shall take effect immediately and shall form part of the permitting system as provided for in the 1978 Rules and Regulations of P.D. 984 and shall supersede all previous provisions found to be inconsistent herewith.

FULGENCIO S. FACTORAN, JR.
Secretary

Recommending Approval:

DELFIN J. GANAPIN, JR.
Assistant Secretary