

RESOLUTION NO. 10-A

REVISED GUIDELINES FOR RATING FINES

WHEREAS, it has been experienced that computation of fines based on the previously approved guidelines per Resolution No. 10 dated 09 June 1988 was tedious requiring a number of calculations using different factors;

WHEREAS, the Pollution Adjudication Board (PAB) aims to simplify the computation of these fines;

RESOLVED, as it is hereby resolved, that the following are the revised guidelines for rating fines as the PAB has the power to impose penalties of fines pursuant to Section 9 of P.D. No. 984.

For various degrees of violations the guidelines shall be applied independently to water, air, noise and odor pollution in such away that a company causing any combination or all of these types of environmental pollution shall pay the total or the summation of the individual computed fines on air, water , noise, odor plus other fines. However, the total fine shall not exceed P5,000.00 for each day of violation.

I. WATER POLLUTION

For various degrees of violations, the following factors and the corresponding maximum points shall be considered.

A.	Stream Classification	-	30 points
B.	Pollution Load and/or Equivalent	-	70 points
	T o t a l	-	<hr/> 100 points

A. *Steam Classification*

Points rating shall depend on the official classification of the receiving body of water. In cases where the body of water is not classified officially the upstream and downstream of said body of water shall be immediately classified according to the provisions of P.D. 984 and its Implementing Rules and Regulations.

Classification		Points
SD	D	10
SC	C	15
SB	B	20
SA	A	30

For Class AA water effluent discharge is absolutely prohibited.

B. Pollution Load and/or Equivalent

1. For “Conventional and other Pollutants” (Section 5 of the “Effluent Regulation of 1982” as amended by Section 5 of DENR Administrative Order No. 35, Series of 1990) points shall be determined on the exceedances of water quality parameters from the corresponding standards. The exceedances shall be expressed in absolute weight (kilogram) on a daily basis and shall be added accordingly.

Pollution Load Exceedances Kg/day	Points
up to 5	5
6 – 15	10
16 – 30	15
31 – 45	25
46 – 60	35
61 – 75	50
more than 75	70

For non-quantifiable parameters such as pH, temperature, etc., additional ten (10) points per parameter shall be included in the summation of total points if exceedance is 10% or more of the standard.

For exceedances of less than 10% of the standard the following Table shall apply:

Percentage Exceedance	Points
up to 1.9%	1
2.0% - 3.9%	2
4.0% - 5.9%	4
6.0% - 7.9%	6
8.0% - 9.9%	8

2. In view of the very few numerical values of the standards for “Heavy Metals and Toxic Substances” (Section 4 of Effluent Regulations of 1982 as amended by Section 4 of DENR Administrative Order No. 35, Series of 1990) compared to those of the “Conventional and Other Pollutants” equivalent number of points corresponding to percent exceedance shall be applied instead of “pollution load”, as indicated below.

Percentage Exceedance	Points
Up to 50%	40
50% - 100%	50
more than 100%	60

Note:

Only a maximum of seventy (70) points shall be considered in the total summation of points of item B above. (Example: If total summation of points in items B (1) and B (2) is 95, in the computation of fines).

3. For any existing industry that produces strong wastes (BOD equal to or greater than 3000 mg/l) a penalty fee of five pesos (P5.00) per kilogram of BOD discharged per day exceeding the standards shall be imposed but not to exceed P 5,000/day pursuant to Section 8, paragraph (f) of DENR Administrative Order No. 35, Series of 1990.

SCHEDULE OF FINES

The total summation or points from the “stream classification” and the pollution load and/or equivalent factors and the corresponding fines are shown below.

Points		Fines/day
20 or less	P	100.00
21 - 30		200.00
31 - 40		350.00
41 - 50		550.00
51 - 60		1,000.00
61 - 70		2,000.00
71 - 80		3,000.00
81 - 90		4,000.00
91 - 100		5,000.00

Notes:

- a) Pollution load on a daily basis shall be defined as the pollution load per day regardless of the number of hours the firm is in operation (Ex. 4 hrs. operation, 8 hours operation, etc.)
- b) The fines shall be computed from the date of inspection when violation was noted up to the time the respondent cease operation or issued TP/O or P/O. A fraction of a day of plant operation i.e. 4 hrs. operation, 8 hrs. operation, shall be considered one (1) whole day of operation.
- c) For marginal industries the capitalization of which is P 2.0 M and below, the total fine shall not exceed P10,000.00

II. AIR POLLUTION

For various degrees of violations, the following factor and the corresponding maximum points shall be considered.

A.	Land-use Classification	-	30 points
B.	Pollution Load	-	70 points

			100 points

A. *Land-use Classification*

Points rating shall depend on the official land-use classification where the firm is situated or, in the absence of such classification the predominant land-use shall govern.

	Land-use Classification	Points
1.	Urban Industrial/Commercial	5
2.	Urban Residential	10
3.	Rural Industrial/Commercial	20
4.	Rural/Residential/ Agricultural/ Protected Areas	30

Note:

Urban - cities and first class municipalities

Rural - municipalities other than “urban”

May not be applicable since maximum points is 30

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B. *Pollution Load*

Pollution load (Section 58 & 59, 1978 IRR of NPCC) computed in kg/hr. in excess of the allowable emission standard and the corresponding points assigned are shown in the following table:

Pollution Load Exceedance (kg/hr)	Points
Up to 7	5
7.1 - 15	15
15.1 - 22	25
22.1 - 30	35
30.1 - 40	50
more than 40	70

SCHEDULE OF FINES: Refer to Water Pollution Schedule of Fines

Notes:

- a) In cases of the absences of stack sampling result the pollution load may be estimated through the use of emission factors. (AP 42)
- b) For marginal industries with capitalization of ₱ 2M and below, the total fine must not exceed ₱ 10,000.00.

III. NOISE POLLUTION

For various degrees of violations the following factors and the corresponding maximum points shall be considered:

	Factors	Points
a)	Classification of General	25
b)	Time Frame of Violation	25
c)	Noise Level Reading in Excess of Allowable Standards	50

A. *Classification of General Area*

Point rating shall be based on the official land-use classification of the area where the violation occur. In the absence of such classification, the primary land use of the area shall govern.

Each classification and the corresponding points are-shown below:

Classification of Area	Points
D	5
C	10
B	15
A	20
A-A	25

B. *Time Frame of Violation*

Points rating shall be based on the period of day during which violation occurs. For this purpose, the 24-hrs. period has been divided as follows:

1. Morning (5:00 AM to 9:00 AM)
2. Daytime (9:00AM to 6:00 PM)
3. Evening (6:00 PM to 10:00 PM)
4. Night time (10:00 PM to 5:00 AM)

The time periods and the corresponding points are indicated below:

Time Period	Points
Daytime	5
Morning and Evening	15
Night time	25

C. Noise Level Reading in Excess of Standards

Points rating shall be based on the exceedance of noise level sampling tests results from standards.

Exceedance (DBA)	Points
1	1
2	2
3	3
4	4
5	5
6	7
7	9
8	11
9	13
10	15
11	18
12	21
13	24
14	27
15	30
16	34
17	38
18	42
19	46
20	50

SCHEDULE OF FINES

The total points gathered for the 3 factors considered shall correspond to a daily fine as shown in the following tables:

Points	Fine/day
10 or less	
11 - 20	100.00
21 - 30	200.00
31 - 40	300.00
41 - 50	600.00
51 - 60	1,000.00
61 - 70	2,000.00
71 - 80	3,000.00
81 - 90	4,000.00
91 - 100	5,000.00

IV. PERMIT REGULATION VIOLATIONS

- A. The following schedule of fines shall be applicable to firms without air and water pollution permits to operates:

Duration without permit	Penalty
One (1) month	Permit Fee + 10% Permit Fee
Two (2) months	Permit Fee + 20% Permit Fee
Three (3) months	Permit Fee + 30% Permit Fee
Four (4) months	Permit Fee + 40% Permit Fee
Five (5) months	Permit Fee + 50% Permit Fee
Six (6) months	Permit Fee + 60% Permit Fee

- B. Failure to secure “Authority to Construct” P1,000.00

For marginal industries a surcharge penalty rate of P 100 per month shall be imposed instead of the above percentage.

Note:

- A fraction of a month (2nd day, 3rd day, etc.) is considered as one (1) month.
- For more than one (1) year without permit additional surcharge of 10% for every month shall be included in the 120% surcharge i.e. one year 3 mos. without permit – 150% surcharge of fee.

V. VIOLATION OF ADMINISTRATIVE ORDERS/DIRECTIVES

	Violation	Marginal Industry	Non-Marginal Industry
1.	Non-submission of PCO quarterly report on time	P50/notice	P200/notice
2.	Non-posting of permits	25/notice	100/notice
3.	Non-installation of sampling ports when directed	100/notice	400/notice

Approved and signed this 9th day of March 1992, Quezon City.

(Original Signed)

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