



TANGGAPAN NG KOMANDANTE
(OFFICE OF THE COMMANDANT)
PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(Headquarters Philippine Coast Guard)
139 25th Street, Port Area, Manila

16 June 2006

MEMORANDUM CIRCULAR

NUMBER 01-2006

RULE PROHIBITING THE DUMPING AND
DISCHARGING OF WASTES
AND OTHER HARMFUL MATTERS

1. AUTHORITY:

- a. Executive Order No. 291
- b. Presidential Decree No. 5173 and amendments thereto
- c. Presidential Decrees No 600 and 979
- d. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter at Sea, 1972

2. PURPOSE:

To prescribe the procedures and policies for the proper dumping of wastes and other harmful matters into Philippine waters in order to prevent pollution which may create hazards to human health, marine life and other resources, damage amenities or interfere with other legitimate uses of the sea.

3. SCOPE:

This Memo Circular shall apply to oil companies, refineries, terminals, depots, ships, tankers, oil barges, dredges oil and gas explorers, power plants, shipyards and other establishments wherein marine pollution originates in these sources such as dumping and discharging through the rivers, estuaries, outfalls and pipelines of waste and other matter within the territorial jurisdiction and exclusive economic zone of the Philippines.

4. DEFINITION OF TERMS:

a. Dumping –

- (1) Any deliberate disposal or other matter from vessels, aircraft, platforms or other man-made structures on any body of Philippine waters; or

- k. **General Permit** – permit granted by other government agencies in coordination with the PCG for the authorized discharge or dumping of wastes or other matter into the sea or any body of water, subject to prescribed and specified conditions.

5. POLICIES:

a. Prohibitions:

(1) It shall be unlawful for any person to discharge, dump, permit the discharge of noxious, gaseous and liquid substances, waste and other matter in or out from company refineries, terminals, depots, oil companies, ships, tankers, barges, dredges, oil and gas explorers, power plants and shipyards, and other establishments into or upon territorial and inland navigable water of the Philippines.

(2) The permit shall allow the dumping of waste or other matter in whatever form or condition, subject to the terms and conditions set forth herein, and provided further that:

(a) The dumping of waste or other matter listed in Annex I is prohibited;

(b) The dumping of waste or other matter listed in Annex II requires Special Attention (Annex VI);

(3) Prohibitions in the preceding paragraph shall not apply whenever it is necessary to secure the safety of human life or vessels, tankers, oil barges, dredges, platforms or other man-made structures at sea, in cases of *force majeure*, or in any case where there is real, actual and imminent danger to human life or those mentioned above, provided that dumping appears to be the only way of averting the threat and there is great probability that the damage caused by reason thereof is less than could have otherwise occurred.

(4) **Regulatory Requirements:**

(a) Disposal of wastes shall be subject to evaluation and other requirements as may be determined by the PCG and other government agencies;

(b) The dumping of harmful substances or wastes containing substances listed in Annex II and Annex III shall be allowed by a permit issued by the Commander, Marine Environmental Protection Command or the appropriate District Commander or his authorized representative, as the case may be or his duly authorized representative.

(c) Concerned parties shall initiate measures to protect the marine environment against pollution caused by:

- (.1) Hydrocarbons, including oil and their wastes;
- (.2) Other noxious or hazardous matter transported by vessels for purposes other than dumping;
- (.3) Wastes generated in the course of operations of vessels, aircraft, platform and other man-made structures at sea;
- (.4) Radioactive pollutants from all sources, including vessels;
- (.5) Agents of chemical and biological warfare; and
- (.6) Wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

6. PROCEDURE FOR REQUESTS:

a. Requests for dumping shall be forwarded by the requesting party to the respective Coast Guard District (Attn: MEPO) one (1) week prior to the scheduled date for approval of the District Commander or his authorized representative.

b. Disposal shall be done specifically in accordance with the general and special permits, and only in the area designated by the PCG based on the following coordinates:

CGD NCR-Central Luzon

Lat – 14 deg 20.0'N; Long – 120 deg 00.0 E
or
25 NM SW of Luzon Point

CGD Central-Eastern Visayas

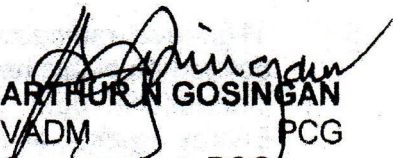
Lat – 8 deg 57.0' N, Long – 122 deg 31.0' E
or
25 NM SW of Siation Pt. Negros Occidental

10. REPEALING CLAUSE:

Memorandum Circular No. 02-2001 dated 14 June 2001 is hereby repealed.

11. EFFECTIVITY:

This Memorandum Circular shall take effect after fifteen (15) days after publication in the Official Gazette or in the newspaper of national circulation in the Philippines.


ARTHUR N. GOSINGAN
VADM PCG
Commandant, PCG

ANNEX I

LIST OF SUBSTANCES OR MATERIAL THAT ARE PROHIBITED FOR DUMPING

1. Organohalogen compounds
2. Mercury and mercury compounds
3. Cadmium and cadmium compounds
4. Persistent plastics and other persistent synthetic materials for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation, or other legitimate uses of the sea
5. High-level radioactive wastes or other high level radioactive matter, defined on public health, biological, or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea
6. Materials in whatever form (eg. Solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare
7. The preceding paragraphs of this Appendix do not apply to substances which are rapidly rendered harmless by physical, chemical, or biological processes in the sea, provided they do not:
 - a. Make edible marine organisms unpalatable; or
 - b. Endanger human health or that of domestic animals.

ANNEX II

LIST OF SUBSTANCES AND MATERIAL REQUIRING SPECIAL ATTENTION

A. Wastes containing significant amount of the matters listed below:

- Arsenic
- Lead and their compound
- Copper
- Zinc
- Organosilicon compounds
- Oyanides
- Fluorides
- Pesticides and their by-products

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence of such wastes of the substances listed in paragraph A and of the following additional substances:

- Beryllium
- Chromium and their compounds
- Nickel
- Vanadium

C. Containers, scrap metal, and other bulky wastes that may sink to the bottom of the sea which may present a serious obstacle to fishing or navigation.

ANNEX III

Provisions to be considered in establishing criteria governing the issuance of permits for the dumping of matter:

A – Characteristics and composition of the matter

1. Total amount and average composition of matter dumped (e.g. per year)
2. Form, e.g. solid, liquid or gaseous
3. Properties: physical, chemical and biological materials or sediments
4. Toxicity
5. Persistence: physical, chemical and biological
6. Accumulation and bio-transformation in biological materials and sediments
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.)

B – Characteristics of dumping site and method of deposit

1. Location (e.g. coordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal for specific period (e.g. quantity per day, per week, per month)
3. Method of packaging and containment, if any
4. Initial dilution achieved by proposed method of release
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing)
6. Water characteristics (e.g. temperature, PH, salinity, stratification, oxygen indices of pollution-dissolved oxygen demand (DO), chemical oxygen demand (COD), biochemical

oxygen demand (BOD)-nitrogen present in organic and mineral for including ammonia, suspended matter, other nutrients and productivity)

7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity)
8. Existence and effects of other dumping which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content)
9. In issuing a permit for dumping, contracting parties shall consider whether scientific basis exists for assessing the consequences of such dumping as outlined in this Annex, taking into account seasonal variations.

C – General considerations and conditions

1. Possible effects on amenities (e.g. Presence of floating or stranded material, turbidity, objectionable odor, discoloration and foaming)
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture
3. Possible effects on other uses of the sea (e.g. impairment water quality for industrial use, underwater corrosion obstructions, interference with fishing or navigation through deposit of waste or solid objects on sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

ANNEX IV

RULES OF PROCEDURE BEFORE THE INVESTIGATION AND ADJUDICATION OFFICER FOR MARINE ENVIRONMENT PROTECTION AND POLLUTION CASES

SECTION 1. - Title - These rules to be known as the Rules of Procedure shall govern the procedure before the Investigation and Adjudication Officers (IAO) of the Philippine Coast Guard.

SECTION 2. - Applicability - These rules shall apply to all marine environment protection and pollution cases brought before the IAO.

SECTION 3. - Construction - These rules shall be liberally construed in order to promote public interest and to assist the parties in obtaining just, speedy and inexpensive determination of action or proceedings. Formal requirements shall not affect the intrinsic validity of the proceedings, provided that the information and facts alleged therein are clearly indicated for the judicious disposition of the case.

SECTION 4. - Nature of Proceedings - Consistent with the requirements of due process, proceedings before the IAO shall be summary in nature and need not necessarily adhere to or follow the technical rules of evidence obtaining in courts of law. The Rules of Court shall not apply in said proceedings, except in a suppletory character and whenever applicable.

SECTION 5. - Jurisdiction - The IAO shall investigate and adjudicate violations of existing marine environment protection and pollution laws, rules and regulations. Provided, however, that the Commandant, PCG may allow of transfer of venue of the investigation from one district to another when he deems this course of action to be more expeditious, advantageous and in the interest of justice. Provided, finally that the IAO designated for Headquarters Marine Environmental Protection Command, and such other major units of the Philippine Coast Guard shall take cognizance of marine environment protection and pollution cases with international character or as the Commandant, PCG may deem appropriate.

SECTION 6 Investigation, How Initiated - Administrative investigation may be commenced by:

- a. The Command, motu proprio;
- b. Sworn complaint of any person;
- c. Inspection/Apprehension Report accomplished by the Philippine Navy or Philippine Coast Guard units; and

d. By filing of marine protest.

Summons and/or complaint shall be served personally upon the parties. If the receipt of the summons and/or complaint is refused, service shall be made by tendering it to him. When the parties cannot be personally served with summons, service shall be made by registered mail or by publication as the case may be.

SECTION 8 -Time to Submit Evidence – The parties and their witnesses shall be notified in writing of the scheduled investigation at least five (5) days before the date thereof, specifying the time and place of investigation. Provided that within five (5) days from receipt of notice the parties shall submit evidence before the IOA. Provided further that the service of an Inspection/Apprehension Report (IAR) shall be sufficient to require the respondent to submit evidence within ten (10) days before the IAO.

SECTION 9 Conduct of Investigation - In any investigation commenced pursuant to Section 7, hereof, the parties shall be given the opportunity to present their case or defense by way of submitting affidavits and other supporting evidence on the date, time and place of investigation specified in the notice or within ten (10) days after receipt of an Investigation/Apprehension Report (IAR). Affidavits submitted by the parties shall constitute their direct testimonies. After the reglementary period has prescribed IAO can take action on the basis of the evidence on record.

SECTION 10 Clarificatory Questions - When in the discretion of the IAO there are matters that need to be clarified, he may set the administrative case for hearing. Clarificatory questions raised by any of the parties shall be submitted to the IAO who shall propound the questions to the witnesses.

SECTION 11 Expert Witnesses - Government expert witnesses, such as doctors of medicine, handwriting experts, and chemist, among others, need not be summoned to testify on their reports, which shall be accepted at their face value and upon their official certification.

SECTION 12 Appearance and Admission of Violation - On or before the date of investigation, the respondent may admit the charge(s) to the IAO. This admission shall be made on record. Thereafter, a Report shall immediately be made stating the admissions and recommending the imposition of the appropriate administrative sanctions and the case shall be considered terminated.

SECTION 13 Decision/Judgment - After due investigation, the IAO shall render a decision not later than thirty (30) days from the time it is submitted for decision. The parties shall be notified of the decision by personal service or registered mail as the case may be.

SECTION 14 Finality of Decision and Appeal - Decisions of the IAO shall be final and executory within fifteen (15) days from receipt of a copy thereof, unless appealed to the proper reviewing authority.

SECTION 15 How Appeal is Taken - Appeal may be taken by serving upon the IAO and/or filing with office of the Commandant, PCG a Notice of Appeal within 30 days upon finality of decision thereof.

SECTION 16 Contents of Notice of Appeal - A Notice of Appeal shall specify and designate errors of the judgment or decision, or part thereof appealed from. The IAO, shall, upon receipt of a Notice of Appeal and perfection thereof, transmit the record to the Commandant, PCG.

SECTION 17 Appeal By One of Several Respondents - When there are several respondents in a case, any one or all of them may appeal, but any respondent who does not join the appeal shall not be prejudiced thereby, except when there is manifest error in the appealed decision.

SECTION 18 Withdrawal of Appeal - Notwithstanding the perfection of the appeal, the Commandant, PCG may allow the same at any time before the appeal is finally resolved by the Commandant in which case the appealed decision shall stand as though no appeal had been taken.

SECTION 19 Decision on Appeal Cases - The Commandant, PCG shall decide the appealed case on the basis of the entire record of the investigation before the IAO. The parties shall be notified of the decision by personal service or by registered mail as the case may be.

SECTION 20 Repealing Clause - The Rules of Procedure Governing the IAO for Marine Environmental Protection and Pollution Cases which form part of Annex III of HPCG Memorandum Circular No. 03-94 (dated 16 August 1994) is hereby repealed.

SECTION 21 Effectivity Clause - These rules shall take effect upon the effectivity of HPCG Memorandum Circular 01-2006. They shall govern all cases which are filed subsequent to the effectivity of these rules and pending cases, after they take effect, except to the extent that in the opinion of the Commandant, PCG, their application would not be feasible or would work injustice, in which event the former procedure shall apply.

Philippine Coast Guard
MARINE ENVIRONMENTAL PROTECTION COMMAND
 Farola Compound, Binondo
 Manila

**APPLICATION FORM FOR SPECIAL PERMIT TO DUMP/DISCHARGE
 WASTE &/OR OTHER MATTER
 (Vessels)**

Name of Vessel:		Address & Tel No:	
Kind of License and No:	Issued at:	Issued on:	
		Expires on:	
CSFL/SCSFL:	CSFL/SCSFL No:	Issued on:	
Cert of Inspection/Special Permit No.:	Issued at:	Issued on:	
		Expires on:	
Gross Tonnage:		Net Tonnage:	
Owner/Operator/Master:		Address:	
Marine Pollution Equipment Materials		Documents/Papers & Articles	
<input type="checkbox"/> Reception Facility <input type="checkbox"/> Oil Spill Booms <input type="checkbox"/> Oil Skimmer <input type="checkbox"/> Oil Water Separator <input type="checkbox"/> Sorbent Materials		<input type="checkbox"/> Deck Logbook <input type="checkbox"/> Engineering Log <input type="checkbox"/> Bellbook <input type="checkbox"/> Navigation Chart <input type="checkbox"/> Course Recorder Chart <input type="checkbox"/> Navigation Workbook <input type="checkbox"/> Compass Deviation Cards <input type="checkbox"/> Gyro-Records <input type="checkbox"/> Stowage Plans <input type="checkbox"/> Records of Draft <input type="checkbox"/> Aids to Mariners <input type="checkbox"/> Night Order Books <input type="checkbox"/> Radio Logs <input type="checkbox"/> Crew/Passengers Lists <input type="checkbox"/> Other Official Logs/Articles: <hr style="width: 30%; margin-left: 0;"/>	

Particulars of Request	
Date and Time of Dumping:	Requested Dumping Site:
Type of Waste/Matter:	Form of Waste/Matter: <input type="radio"/> Solid <input type="radio"/> Liquid <input type="radio"/> Semi-Liquid <input type="radio"/> Gaseous
Properties of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological materials <input type="radio"/> Sediments	Persistence of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological
Total Quantity of Waste/Matter (in metric tons):	Method of Packaging:
Method of Release/Discharge:	
Certification	
<p>The undersigned hereby certifies [a] that the contents of this application form is correct to the best of my/our knowledge; and [b] that I/we bind myself/ourselves to comply with existing regulations in connection with our request.</p>	
<p>_____ Owner/Operator/Master/ Representative</p>	
<p>_____ Date</p>	
DO NOT WRITE BELOW FOR AUTHORIZED PCG PERSONNEL ONLY	
Form Control No:	Date of Application:
Recommendation: <input type="radio"/> Approved <input type="radio"/> Disapproved Reason(s) <input type="radio"/> Hazardous to human health, marine life and other resources <input type="radio"/> May damage amenities or interfere with other legitimate uses of the sea <input type="radio"/> Not in accordance with Annexes of MC No. _____ <input type="radio"/> Outside designated coordinates <input type="radio"/> Others	Name and signature of District Commander/ Authorized Representative:

Philippine Coast Guard
MARINE ENVIRONMENTAL PROTECTION COMMAND
 Farola Compound, Binondo
 Manila

**APPLICATION FORM FOR SPECIAL PERMIT TO DUMP/DISCHARGE
 WASTE &/OR OTHER MATTER
 (Land Based)**

Name of Establishment:		Address & Tel No:	
Business Permit No.	Issuing Authority:	Issued On:	
	Issued At:	Expires On:	
Environmental Compliance Certificate No.	Issued On:	Expires On:	
Owner/Operator/Manager:		Address:	
Safety Environment Officer:		Address:	
Marine Pollution Equipment Materials		Documents/Papers & Articles	
<input type="radio"/> Reception Facility <input type="radio"/> Oil Spill Booms <input type="radio"/> Oil Skimmer <input type="radio"/> Oil Water Separator <input type="radio"/> Sorbent Materials			
Particulars of Request			
Date and Time of Dumping:		Requested Dumping Site:	
Type of Waste/Matter:		Form of Waste/Matter: <input type="radio"/> Solid <input type="radio"/> Liquid <input type="radio"/> Semi-Liquid <input type="radio"/> Gaseous <input type="radio"/>	
Properties of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological materials <input type="radio"/> Sediments		Persistence of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological	
Total Quantity of Waste/Matter (in metric tons):		Method of Packaging:	
Method of Release/Discharge:			

Certification

The undersigned hereby certifies [a] that the contents of this application form is correct to the best of my/our knowledge; and [b] that I/we bind myself/ourselves to comply with existing regulations in connection with our request.

Owner/Operator/Master/
Representative

Date

**DO NOT WRITE BELOW
FOR AUTHORIZED PCG PERSONNEL ONLY**

Form Control No:

Date of Application:

Recommendation:

- Approve

- Disapprove

Reason(s)

- Hazardous to human health
marine life and other
resources

- May damage amenities or
interfere with other legitimate
uses of the sea

- Not in accordance with
Annexes of MC No. 02-2001

- Outside designated
coordinates

- Others

Name and signature of District Commander/
Authorized Representative:

Philippine Coast Guard
MARINE ENVIRONMENTAL PROTECTION COMMAND
 Farola Compound, Binondo
 Manila

**SPECIAL PERMIT TO DUMP/DISCHARGE
 WASTE &/OR OTHER MATTER**
 (Land Based)

Name of Establishment:		Address & Tel No:	
Business Permit No.	Issuing Authority:	Issued On:	
	Issued At:	Expires On:	
Environmental Compliance Certificate No.	Issued On:	Expires On:	
Owner/Operator/Manager:		Address:	
Safety Environment Officer:		Address:	
Terms and Conditions			
Date and Time of Dumping:		Requested Dumping Site:	
Type of Waste/Matter:	Form of Waste/Matter: <input type="radio"/> Solid <input type="radio"/> Semi-Liquid <input type="radio"/> Liquid <input type="radio"/> Gaseous		
Properties of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological materials <input type="radio"/> Sediments	Persistence of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological		
Total Quantity of Waste/Matter (in metric tons):	Method of Packaging:		
Method of Release/Discharge:			
IMPORTANT: This Special Permit is non-transferable and is subject to Grantee's compliance with HPCG Memorandum Circular No. 02-2001 dtd 14 June 2001 and existing regulations. Any violation of the terms and conditions set forth above shall constitute sufficient ground for the automatic revocation of the privilege to dump/discharge waste and/or other matter, without prejudice to the imposition of appropriate sanctions.			
SPECIAL PERMIT NO:		Issued on:	Expires on:
Issued At:		Name and signature of District Commander/ Authorized Representative:	

Philippine Coast Guard
MARINE ENVIRONMENTAL PROTECTION COMMAND
 Farola Compound, Binondo
 Manila

**SPECIAL PERMIT TO DUMP/DISCHARGE
 WASTE &/OR OTHER MATTER**
 (Vessels)

Name of Vessel:		Address & Tel No:	
Kind of License and No:	Issued at:	Issued on:	
		Expires on:	
CSFL/SCSFL:	CSFL/SCSFL No:	Issued on:	
Cert of Inspection/Special Permit No.:	Issued at:	Issued on:	
		Expires on:	
Gross Tonnage:		Net Tonnage:	
Owner/Operator/Master:		Address and Tel No.:	
Terms and Conditions			
Date and Time of Dumping:		Requested Dumping Site:	
Type of Waste/Matter:		Form of Waste/Matter: <input type="radio"/> Solid <input type="radio"/> Semi-Liquid <input type="radio"/> Liquid <input type="radio"/> Gaseous	
Properties of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological materials <input type="radio"/> Sediments		Persistence of Waste/Matter: <input type="radio"/> Physical <input type="radio"/> Chemical <input type="radio"/> Biological	
Total Quantity of Waste/Matter (in metric tons):		Method of Packaging:	
Method of Release/Discharge:			
IMPORTANT: This Special Permit is non-transferable and is subject to Grantee's compliance with HPCG Memorandum Circular No. 02-2001 dtd 14 June 2001 and existing regulations. Any violation of the terms and conditions set forth above shall constitute sufficient ground for the automatic revocation of the privilege to dump/discharge waste and/or other matter, without prejudice to the imposition of appropriate sanctions.			
SPECIAL PERMIT NO:		Issued on:	Expires on:
Issued At:		Name and signature of District Commander/ Authorized Representative:	