



## TOURISM INFRASTRUCTURE AND ENTERPRISE ZONE AUTHORITY

As approved by the Board in its meeting on 10 March 2020  
thru Resolution No R-10-03-20-F:

### *Guidelines on the Protection and Sustainable Operation and Maintenance of the Boracay Island Drainage Network*

#### BACKGROUND:

Boracay Island, with an area of 10.06 square kilometers, is the only island resort with all three (3) separate existing water systems; – drinking water, wastewater and stormwater systems. Boracay Island is so unique that it even has two (2) water service providers whose each Customer can choose a water service provider who will likewise be responsible for his/her generated wastewater. Both the two water service providers' raw water source is extracted from the mainland Malay. Theoretically, 80% of the water supplied to the Customers is discharged as wastewater. Said wastewater is either channeled to a sewerage system for treatment prior to discharge or desludged and transported to a seepage treatment plant. However, aside from lack of full sewer network coverage, its aggregate treatment capacities are not sufficient vis-à-vis the projected wastewater discharge. On the other hand, the TIEZA funded drainage system is to be done in phases due to budgetary constraints.

It was in February 2018, when the President remarked that Boracay is a cesspool. Technically, cesspool occurs where a pool of human excreta or untreated wastewater is drained.

In April 26, 2018, Boracay Island was declared in a state of calamity and temporarily closed as a tourist destination through Proclamation 475 series of 2018, Declaring a State of Calamity in the Barangays of Balabag, Manocmanoc and Yapak (Island of Boracay) in the Municipality of Malay, Aklan, and Temporary Closure of the Island as a Tourist Destination, due to high concentration of fecal coliform in the eastern side of Boracay caused by illegal discharge of untreated wastewater either thru the drainage network or directly to the beach. Sewer network were either getting choked or overloaded due to some establishments' wastewater characteristic of excessive oil and grease thus limiting the sewer networks' carrying capacity or due to discharge of collected rainwater into the sewer network especially in congested areas such as Brgy. Balabag.

A consultation was conducted on 23 February, 15 June and 08 August 2019 at the Barangay Balabag Session Hall to engage stakeholders in developing these rules to ensure the sustainability of the environmental recovery of the surrounding waters of Boracay Island. Herein Guidelines takes into consideration inputs from government agencies concerned (DPWH, DENR, LGU Malay, LGU Aklan, NEDA, TIEZA) and key stakeholders that have been properly informed of the significant highlights.

#### I. Basic Policy

It is the policy of the state to pursue a policy of economic growth and tourism in a manner consistent with the protection, preservation and revival of the quality of our marine waters and drainage system.

#### II. Objectives

This Guidelines is issued to ensure the sustainability of the environmental recovery of the surrounding waters of Boracay Island.

#### III. Scope and Coverage

The Guidelines shall apply to all existing drainage systems as well as water systems in Boracay Island, namely: drinking water, wastewater and stormwater systems.

#### IV. Definition of Terms

- a. Desludging – the process of cleaning and removing the accumulated sludge or septage from a septic tank or wastewater treatment facility.
- b. Drainage – a system of underground pipes, channels, pumps, pits, etc., that carry rainwater or surface run-off water to a point of discharge either by gravity flow or pumping.
- c. Greywater line – refers to the conduit or pipeline that is being utilized to convey water used from bathroom sinks, showers, tubs, and washing machines. It should not contain water that has come into contact with feces, either from the toilet or from washing diapers.
- d. Interceptor box – as used in this Guidelines, is a facility used as a holding tank for treated/compliant wastewater prior to discharge to the sea outlet.
- e. Rainwater harvesting system and storage of rainwater either for usage or infiltration into subsurface aquifers.
- f. Seepage – is the process by which a liquid leaks through a porous substance.
- g. 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.
- h. Sewage – mainly liquid waste containing some solids produced by humans, which typically consists of washing water, feces, urine, laundry wastes, and other material that flows down drains and toilets from households and other buildings.
- i. Sewage Treatment Plant – is a facility in which a combination of various processes (e.g. physical, chemical and biological) are used to treat wastewater in order to remove pollutants/ contaminants and produce treated wastewater that is safe enough for release into the environment.
- j. Sewer line – a pipe or conduit for carrying sewage and wastewater.
- k. Sewerage – a system of sewers that conveys wastewater to a treatment plant or disposal point. It includes all infrastructure for collecting, transporting, and pumping sewage.
- l. Wastewater line - the sanitary line that channels all of the waste from toilets, tubs, and sinks out of your home, toward the main sewer.
- m. Water Quality Analysis – refers to the examination of water in terms of physical, chemical, biological, bacteriological or radiological parameters following standard methods, to check whether they are in accordance with the standard.

#### V. General Guidelines

1. Rainwater harvesting is encouraged. However, discharge after usage of rainwater for any purpose shall be classified as wastewater thus requiring treatment. Treatment may either be thru the establishment's own Sewage Treatment Plant (STP) or thru the sewerage system.
2. Collected rainwater from households and establishments not intended for reuse/recycling shall:
  - a. NOT be discharged to the septic tanks or to the sewer network.
  - b. NOT be directly discharged to the underground drainage pipes or interceptor boxes
  - c. BE DISCHARGED ABOVE-GROUND flowing to the alleys and roads where it will naturally run to the drainage boxes and crossings as this makes it easily visible to ensure that only rainwater flows into the drainage networks.
3. TIEZA or its authorized agent shall test water from natural springs for water quality analysis. Since spring water will ultimately flow to a body of water, whose water quality analysis shall determine its discharge, where it may be permitted to be discharged into the drainage system if it complies to Class SB' (DENR DAO 2016-08), otherwise the establishment's water service provider shall be responsible for its proper disposal.  
  
Any usage of groundwater or surfacewater shall be properly coordinated with TIEZA and duly authorized by the National Water Resources Board (NWRB). Wastewater from such usage shall be properly disposed in accordance with environmental laws.
4. Seepage from excavations due to construction, whether public or private projects, shall first be subjected to water quality analysis at a laboratory (with either DOH accreditation or DENR recognition) to conduct the testing. For projects by private sector, the project owner shall, at their expense, request for the water quality testing from a DENR-recognized laboratory and if the water quality analysis complies to Class SB (DENR DAO 2016-08), it shall be discharged into the drainage system; otherwise, it shall be discharged either thru the construction site water service provider (sewer line for Boracay Island Water Company Inc. ("BIWC") or greywater line/wastewater line for Boracay Tubi System Inc. ("BTSI"), or either WSPs' desludging services) or if on a public property, thru desludging of either water service provider, for proper treatment and disposal.

#### VI. Prohibitions

The following acts shall be considered as unlawful:

1. Destroy, vandalize, damage or interfere with any of the drainage assets including but not limited to its pipes, reinforced concrete box culverts, stormwater drains, interceptor boxes, manhole covers and boxes, pump houses and motors;
2. Do malicious acts which will injuriously affect the quantity and quality of stormwater including unauthorized tapping, discharge into the drainage of any liquid other than rain or stormwater, obstruct or interfere with the flow of stormwater into the drainage or interfere with any authorized person engaged in the discharge of official duties relating to the drainage operation and maintenance.

TIEZA or its authorized agent, shall investigate reports pertaining to any person or establishment who allegedly violates, disobeys, refuses, omits or neglects to comply with any provision of these Guidelines.

Upon receipt of such reports, TIEZA or its authorized agent, shall serve to such person or establishment (herein referred to as "entity") a Notice of Investigation. Such Notice shall include the legal or contractual basis of the alleged violation. The legal or contractual provision allegedly violated shall be quoted in the Notice so that the entity being held liable would be afforded substantive due process by apprising it of the nature and the cause of its alleged violation.

The Notice must likewise state that the entity is given five (5) days to respond from receipt of said Notice. The written response may include such pieces of evidence that the entity subject of the Notice may provide to prove its defense or the compliance program timeframe. Most importantly, it must state that failure to respond within the prescribed period shall cause the entity to be declared in default. Thus, the investigating authority shall proceed with the evaluation of the pieces of evidence submitted before it.

TIEZA or its authorized agent, within five (5) days from receipt of the written response, shall evaluate the pieces of evidence submitted before it. It may either set for a clarificatory hearing which must be conducted within the prescribed period for evaluation of pieces of evidence submitted before it, or outrightly issue an Order holding the entity liable for the alleged violation with the corresponding penalty due to insufficient evidence. The insurer shall require the entity to submit a reasonable Compliance Program timeframe for the rectification of the violation committed.

The compliance program timeframe must be submitted within five (5) days from the issuance of the Order, TIEZA or its designated investigating authority, within five (5) days from receipt of the Order, shall review the reasonableness of the timeframe for the rectifications and may either give its comments or its concurrence. The final timeframe as duly commented or concurred by TIEZA shall be signed by the erring party and shall serve as a unilateral obligation to rectify the violation within the indicated timeframe.

#### VII. Fines, Damages and Penalties

Failure to submit the compliance program timeframe within the required period and after due process, shall make the erring entity liable for a fine in the following amounts:

First Time Offenders (either of the same or of different violation):  
Residential - P1,500.00  
Commercial - P5,000.00

Second Time Offenders (either of the same or of different violation):  
Residential - P3,000.00  
Commercial - P10,000.00

#### Third Time Offenders (either of the same or of different violation):

Residential - disconnection of water supply connection  
Commercial - P20,000.00, disconnection of water supply and revocation of accreditation

TIEZA shall notify the water service provider (WSP) of the third time offenders. The WSP should cause the disconnection of its water supply within five (5) days from receipt of Notice. Should a WSP continuously supply water to a household or establishment beyond five (5) days from receipt of Notice, the WSP shall be deemed to be in gross violation of these Guidelines and shall be meted a penalty of P10,000.00 per day until such time that the water supply has been disconnected.

Further, continuous non-compliance with the submission of the required compliance program timeframe for a period exceeding twenty (20) days shall make the erring entity liable as though it failed to comply with the committed timeframe as mentioned in the succeeding paragraph.

TIEZA shall likewise notify the other WSP of households or establishments whose water service has been disconnected as a result of violation of this Guidelines. Should that other WSP, despite notice from TIEZA, reconnect such erring household or establishment, such other WSP shall be deemed in gross violation of this Guidelines and shall be meted a penalty of P20,000 and an additional penalty of P5,000 per day from the receipt of the notice issued by TIEZA until such time that the water supply has been disconnected.

Failure to comply with the committed compliance program timeframe shall make the erring entity liable for the following amounts:

#### First Time Offenders (either of the same or of different violation):

Residential - P1,500.00  
Commercial - P5,000.00

#### Second Time Offenders (either of the same or of different violation):

Residential - P3,000.00  
Commercial - P10,000.00

#### Third Time Offenders (either of the same or of different violation):

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TIEZA shall likewise notify the other WSP of households or establishments whose water service has been disconnected as a result of violation of this Guidelines. Should that other WSP, despite notice from TIEZA, reconnect such erring household or establishment, such other WSP shall be deemed in gross violation of this Guidelines and shall be meted a penalty of P20,000 and an additional penalty of P5,000 per day from the receipt of the notice issued by TIEZA until such time that the water supply has been disconnected.

#### VIII. Grace Period

For beachfront establishments where access to alley drainage may not currently be practicable as may be determined by TIEZA, a Supplemental Guidelines shall be issued after further verification of the condition of existing drainage network along alleys.

The above Guidelines are intended to ensure that no wastewater, treated or untreated, should be mixed with drainage water unless at the interceptor. It also follows that no rainwater shall be discharged to the septic tanks or sewer lines to avoid sewer facility clogging or overloading.

Households and establishments are given six (6) months to do the necessary revisions in their internal rainwater pipings to conform with these Guidelines. Or as TIEZA may extend subject to the submission and approval of the Compliance Program Timeframe.

The TIEZA Regulatory Office, with support from the LGU Malay, shall mandate compliance and provide regular updates to the Boracay Inter-Agency Rehabilitation Management Group (BIARMG) or its successor, for its information.

#### IX. Separability Clause

Any section or provision of this Guidelines declared to be unconstitutional or invalid by a competent court, the other sections or provisions hereof shall remain in force.

#### X. Repealing Clause

All other orders, issuances, rules and regulations, or parts thereof inconsistent with this Guidelines are hereby amended, modified or repealed accordingly.

#### XI. Effectivity

These Guidelines will be effective upon approval by the TIEZA Board of Directors and shall remain in force and in effect until revocation and/or revision by the same Board.

1 Table 2. Water Body Classification and Usage of Marine Waters

| Classification | Intended Beneficial Use   |
|----------------|---|
| Class SB       | 1. Fishery Water Class II – Waters suitable for commercial propagation of shellfish and intended as spawning areas for milkfish ( <i>Chanos chanos</i> ) and similar species<br>2. Tourist Zones – for ecotourism and recreational activities<br>3. Recreational Water Class I – Intended for primary contact recreation (bathing, swimming skin diving, etc. |

Also accessible at [www.tieza.gov.ph](http://www.tieza.gov.ph) or you may email us at [regulatoryoffice@tieza.gov.ph](mailto:regulatoryoffice@tieza.gov.ph)

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