

Analysis of the Environmental Issues at Los Pantanos de Villa Report



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Suggested citation:

Ancieta, W. y Morveli, V. (2024). *Analysis of the Environmental Issues at Los Pantanos de Villa*. Lima: SPDA.

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First digital edition, October 2025.

This publication is available for free download at www.spda.org.pe

The Peruvian Society for Environmental Law (SPDA) is a non-profit civil association that—since its founding in 1986—has worked continuously to promote environmental policies and legislation, as well as to design and implement tools that support sustainable development based on principles of governance, equity, and justice.

SPDA's Environmental Policy and Governance Program promotes and seeks to influence the development of public policies and legal tools that strengthen environmental institutions and management in Peru, with the aim of raising public awareness about the defense of environmental human rights and their importance to the country's sustainable economic development.

This report was prepared based on input gathered through the consultancy service titled “Consultancy to Conduct Legal Research on Emblematic Cases of Environmental Impact in Peru,” carried out by Yadín Gonzales Peralta, as part of the Sustainable Wellbeing project, which was made possible thanks to the support of the Mackenzie Scott Foundation. The views expressed in this publication are those of SPDA and do not necessarily reflect those of the consultant or the donor.

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General Information

Name of the protected natural area	Los Pantanos de Villa Wildlife Refuge
Location	Chorrillos District, Lima, Peru
Area	Los Pantanos de Villa Reserved Zone: 263.27 hectares Special Regulation Zone: 2,056.43 hectares
Responsible authorities	<p>Management and oversight of the Protected Natural Area: National Service of Natural Protected Areas (Sernanp)</p> <p>Management of the Special Regulation Zone: Los Pantanos de Villa Municipal Authority (Prohvilla), in coordination with the Metropolitan Municipality of Lima</p> <p>Monitoring and oversight of solid waste management: District Municipality of Chorrillos.</p>

1. Description of Los Pantanos de Villa

In 1989, the Ministry of Agriculture (now the Ministry of Agrarian Development and Irrigation - Midagri) declared Los Pantanos de Villa a Reserved Zone for the conservation of wild flora and fauna. Later, in 1997, it was designated as Ramsar Site 884, under the International Convention on Wetlands. It is important to note that a Ramsar site is a designation given to wetlands considered representative and, furthermore, of international significance for the conservation of biodiversity.

In 2006, Midagri designated the Los Pantanos de Villa Reserved Zone as the Los Pantanos de Villa Wildlife Refuge, covering an area of 263.27 hectares, which forms part of the National System of State-Protected Natural Areas (SINANPE). Thus, according to regulations on the protection of natural protected areas, Los Pantanos de Villa qualifies as a direct-use protected natural area.

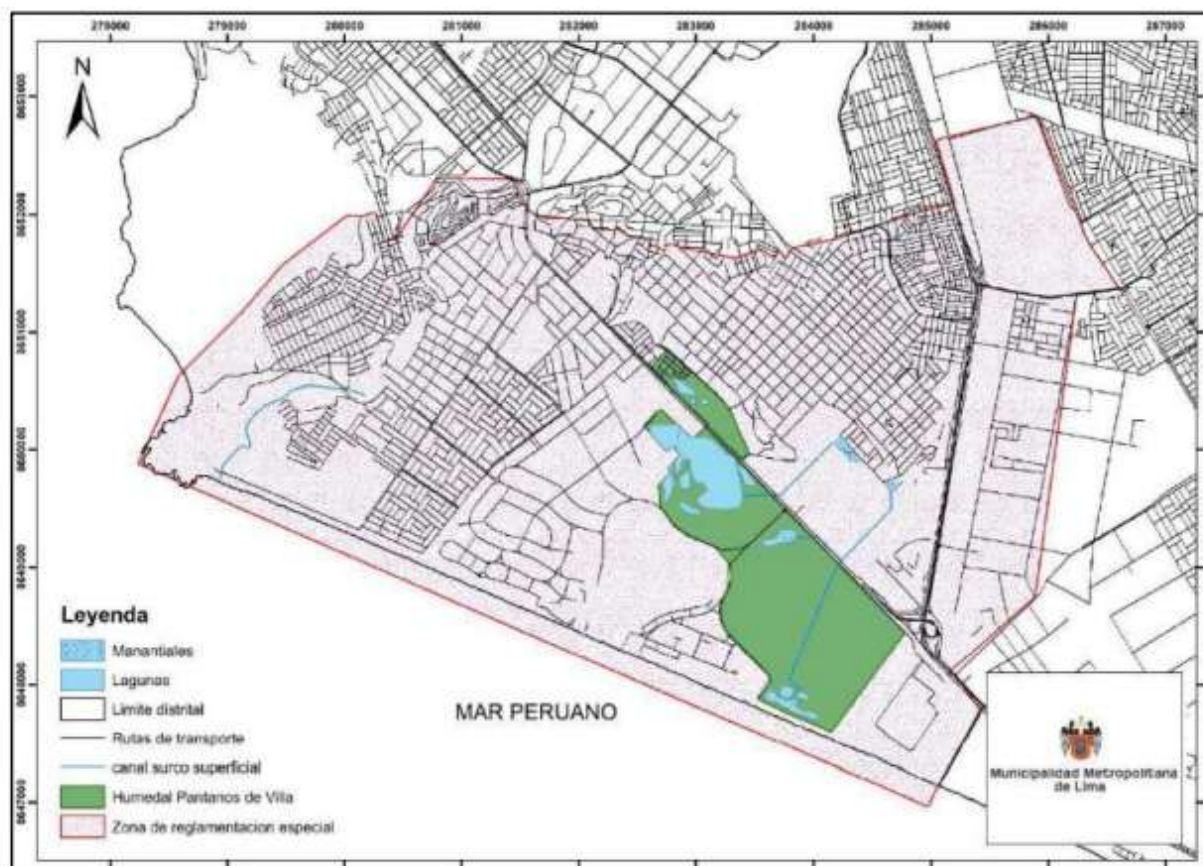
Additionally, this area is subject to special regulations. Article 2 of Ordinance 2264, Ordinance on the Special Regulation Zone of Los Pantanos de Villa (“Ordinance 2264”), establishes mechanisms and/or measures for environmental protection and risk prevention in Los Pantanos de Villa, under the responsibility of the Municipal Authority of Los Pantanos de Villa (Prohvilla), in coordination with the Metropolitan Municipality of Lima, the district municipalities, and national entities.

Furthermore, Ordinance 2264 also regulates the Special Regulation Zone of Los Pantanos de Villa (“Los Pantanos de Villa”). This area is located in urban zones or areas suitable for urban development, with or without construction, that possess particular physical, environmental, social, or economic characteristics. These areas are developed through a strategic plan aimed at maintaining or improving their urban-environmental development process.

In this regard, the Special Regulation Zone of Los Pantanos de Villa includes the protected natural area, as well as the adjacent area that influences its ecological processes. This zone covers an area of 2,056.43 hectares.

The following image shows the extent of the Special Regulation Zone of Los Pantanos de Villa, as well as the Los Pantanos de Villa wetland.

1. For the purposes of this document, any reference to Los Pantanos de Villa includes both the Special Regulation Zone and the protected natural area known as the Los Pantanos de Villa Wildlife Refuge.



Fuente: Anexo I de la Ordenanza N° 2264, ordenanza sobre la Zona de Reglamentación Especial de Los Pantanos de Villa.

Source: Ordinance No. 2264, Annex I



2. Environmental Issues

Currently, Los Pantanos de Villa are affected by various sources of pollution, such as:

- Alteration due to construction and demolition waste.
- Alteration due to household solid waste.
- Burning of cables to extract copper.
- Discharge of domestic wastewater.

a. Alteration due to construction and demolition waste

A review of the applicable regulations, specifically, Article 44 of the Comprehensive Solid Waste Management Law, Legislative Decree No. 1278 (“Solid Waste Law”), and Article 135 of its Regulations, approved by Supreme Decree No. 014-2017-MINAM (“Regulations of the Solid Waste Law”), shows that the disposal of waste in unauthorized locations is prohibited. Such locations must be closed by the provincial municipality in coordination with the respective district municipality. This conduct constitutes a very serious offense and may be subject to a fine of up to 650 Tax Reference Units (UIT).

In addition, Article 57 of the Regulations for the Management and Handling of Construction and Demolition Solid Waste, approved by Supreme Decree No. 002-2022-VIVIENDA, establishes the prohibition of abandoning construction and demolition of solid waste in public spaces or public domain assets, protected natural areas and their buffer zones, conservation or protection areas, among other similar zones.

Therefore, **the abandonment or dumping of construction and demolition waste in Los Pantanos de Villa is prohibited.** Likewise, the District Municipality of Chorrillos exercises supervisory, inspection, and sanctioning functions regarding works that generate construction and demolition solid waste within its jurisdiction, in order to ensure that such waste is not disposed of in unauthorized locations.

On the other hand, **areas are considered degraded** when there is or has been permanent accumulation of construction and demolition solid waste without an environmental management instrument, authorization, permits, or other requirements, in accordance with Article 118 of the Regulation of the Solid Waste Law.

In this context, the Environmental Assessment and Enforcement Agency (OEFA) develops, manages, and updates the National Inventory of Areas Degraded by Solid

Waste, which includes, among others, non-municipal construction and demolition waste. A review of this inventory reveals that there are eight degraded areas located in the district of Chorrillos.

Of these, six are located within the Special Regulation Zone of Los Pantanos de Villa. Furthermore, at this time, no responsible party has been identified for the restoration of the degraded area, as shown in the following table:

Area designation	Dimension (hectares)	Responsible	Categorization of the degraded area for its recovery or reconversion
Pacífico de Villa	1.8296	To be determined	Recovery
Nueva Caledonia	7.0326	To be determined	Recovery
Cultural Lima	0.0121	To be determined	Recovery
Chorrillos 3	0.0634	To be determined	Recovery
Chorrillos 4	0.0085	To be determined	Recovery
Villa Baja	2.8678	To be determined	Recovery

Source: Annex II – Degraded Areas due to Non-Municipal Construction and Demolition Waste from the National Inventory of Degraded Areas by Solid Waste, approved by Resolution 00035-2024-OEFA/DSIS.



As long as the responsible parties remain unidentified, the State is required to carry out the recovery of the degraded areas, in accordance with Article 46 of the Solid Waste Law.

On the other hand, it is important to mention the negative impacts that improper disposal of construction and demolition waste could have on the environment:

- Impact on water quality: The presence of debris obstructs proper water flow; additionally, fine particles are generated that contaminate the water body.
- Impact on soil quality: Loss of soil productivity and harm to microfauna due to the possible generation of leachates.
- Impact on air quality: Presence of microparticles originating from the mentioned waste.
- Impact on flora and fauna: Aquatic changes caused by particles in the water, which affect the resident flora and fauna.
- Landscape degradation: The presence of construction and demolition waste visibly alters the natural landscape.
- Impact on the population: Constant exposure to particles generated by the waste, as well as the risk of encountering improperly disposed waste, which hinders safe and accessible transit. Additionally, such areas may be used to carry out criminal activities.

In the case of the degraded area known as Villa Baja, the impact directly affects the Los Pantanos de Villa Wildlife Refuge, since the improper disposal of construction and demolition waste impacts the Horticultores canal, which feeds the lagoons of Los Pantanos de Villa.



b. Alteration due to household solid waste

The Solid Waste Law and its regulations also state that the disposal of solid waste in Los Pantanos de Villa is prohibited. To ensure proper disposal of household waste, the regulations establish that public cleaning services must be planned and carried out by the District Municipality of Chorrillos.

Therefore, the Municipality of Chorrillos is competent both to oversee the generators of municipal solid waste (household and special) and to provide public cleaning services (collection and transportation) within its jurisdiction.

However, in the Special Regulation Zone Los Pantanos de Villa, specifically in the degraded area known as Villa Baja and in the Horticultores canal, there is accumulated domestic waste on the ground².

It is important to note that the domestic solid waste comes from properties adjacent to Los Pantanos de Villa, making it impossible to identify a single responsible party.

This situation may arise from several factors, including:

- Lack of awareness regarding proper disposal of household waste at the collection points designated by the District Municipality of Chorrillos.
- Lack of knowledge about the appropriate times to put out household solid waste.
- Lack of environmental education about the pollution caused by household solid waste.

². Information obtained from a field visit in June 2024.



In turn, public cleaning services play an important role; if they are not carried out efficiently, household waste will accumulate in various locations, potentially disrupting the natural conditions of Los Pantanos de Villa.

The negative environmental impacts of improper household waste disposal may include:

- Impact on water quality: The presence of household solid waste obstructs proper water flow and leads to an increase in eutrophic waters in the wetlands.
- Impact on soil quality: Loss of soil productivity and harm to microfauna due to possible generation of leachates. This also leads to increased pest presence and hampers the recovery of local vegetation.
- Impact on air quality: Foul odors caused by decomposing household solid waste over time. This type of waste may also affect air quality when burned uncontrollably, releasing smoke and particulate matter.
- Impact on flora and fauna: Household solid waste accelerates eutrophication, resulting in the disappearance of some protozoa sensitive to these changes and the emergence of new species adapted to these aquatic environments. Many birds are also exposed to and come into direct contact with the waste³.
- Landscape degradation: The presence of household solid waste alters the natural landscape.
- Impact on the population: Exposure to bad odors, the presence of pests that spread disease, and even respiratory problems due to the burning of household solid waste.

3. Information obtained from a field visit in June 2024.



c. Burning of cables to extract copper

The burning of solid waste such as cables is a violation under Municipal Ordinance 372-2019-MDCH and is punishable by a fine of up to 60% of 1 UIT. Despite this, cable burning is carried out in Los Pantanos de Villa, for example, in the Villa Baja area, where individuals have been observed engaging in this activity during the day⁴. The burning of wiring to extract copper is an activity carried out informally, and as such, the individuals involved have not been identified.

The negative environmental impacts that this activity may cause include the following.

- Impact on soil quality: Loss of soil productivity and harm to microfauna.
- Impact on air quality: Presence of toxic gases that degrade air quality.
- Impact on flora and fauna: They drive away wildlife and negatively impact their quality of life. In the case of flora, the activity affects the growth and production of vegetation cover.
- Landscape degradation: The burning of cables to extract copper visibly alters the natural landscape.
- Impact on the population: Exposure to respiratory problems caused by toxic gas emissions.

4. Information obtained from a field visit in June 2024



d. Discharge of Domestic Wastewater

Article 79 of the Water Resources Law, Law 29338, establishes the prohibition of direct or indirect discharge of wastewater into natural bodies of continental or marine water without the corresponding authorization. Wastewater may include domestic wastewater of residential origin. In this context, the disposal of wastewater constitutes a violation.

Therefore, the direct or indirect discharge of domestic wastewater into natural bodies of continental or marine water without authorization is prohibited.

At Los Pantanos de Villa, domestic wastewater has been observed flowing and discharging onto the soil⁵. Moreover, in 2023, the National Water Authority (ANA) identified the discharge of domestic wastewater at several points within Los Pantanos de Villa as one of the key sources of pollution.

Along the same lines, in a study conducted by the Local Water Authority Chillón - Rímac - Lurín in July 2023, samples were taken from six points within the Los Pantanos de Villa Wildlife Refuge: five within the protected natural area itself and one in its buffer zone. The results showed that Water Quality Standards were exceeded at all sampling points. The parameters that exceeded the limits included total phosphorus, total suspended solids, nitrates, thermotolerant coliforms, among others.

In this regard, it is important to highlight that the presence of thermotolerant coliforms (detected at up to two monitoring points) indicates fecal contamination, which may originate from domestic wastewater discharges.

Furthermore, to date, no responsible parties have been identified for the discharge of domestic wastewater. One possible cause of these discharges could be the lack of connection to the main water and sanitation network in the human settlements located within the Special Regulation Zone of Pantanos de Villa, or the absence of sewage infrastructure in the area.

The negative environmental impacts of this activity may include:

- Impact on water quality: Alteration of water quality due to excessive presence of thermotolerant coliforms, which is caused by the presence of fecal waste. This impact could also occur in the groundwater due to infiltration of wastewater discharged onto the soil.
- Impact on soil quality: Oversaturation of organic nutrients, dissolved solids, and salts alter soil composition and reduces its productivity.

5. Information obtained from a field visit in June 2024.

- Impact on air quality: The presence of toxic gases (odors) affects the air quality for both the local population and wildlife.
- Impact on flora and fauna: Inhalation or ingestion of domestic wastewater may cause disease in wildlife and pose a threat to their survival.
- Landscape degradation: The presence of exposed domestic wastewater visibly alters the natural landscape.
- Impact on the population: Constant exposure to toxic gases and disease vectors (pests), which may lead to infectious diseases.



3. Public Demands and Government Action

Regarding the construction and demolition waste, since 2019, three complaints have been filed with OEFA. As for solid waste, up to seven complaints have been recorded⁶. In relation to cable burning, there is one complaint. Additionally, there is a recent environmental complaint concerning the discharge of domestic wastewater affecting the canals that supply the wetlands.

OEFA has forwarded these complaints to the competent authorities for evaluation. Accordingly, regarding construction and demolition waste, investigations were carried out by the Division Against Mining and Environmental Protection of the Environmental Protection Directorate of the Peruvian National Police in the affected areas⁷.

Additionally, the Specialized Environmental Prosecutor's Office of the Lima Fiscal District has initiated preliminary proceedings at the police station concerning the disposal of construction and demolition solid waste, the dumping of municipal solid waste, as well as the burning of copper cables in the surroundings of Los Pantanos de Villa.

Despite these actions, pollution from waste, cable burning, and domestic wastewater discharge continues to affect Los Pantanos de Villa to this day⁸.

⁶. From the consultation of the public information available on the OEFA website, the information related to environmental complaints filed with OEFA is available at the following link. <https://sistemas.oefa.gob.pe/consulta-inaps/publico/buscadorSinada#>. Consultation made on 06/09/2024.

⁷. Updated as of June 2024.

⁸. Updated as of June 2024.

4. Recommendations

- In the case of construction and demolition waste, it is important to emphasize the monitoring and enforcement efforts carried out by the district municipalities — not only Chorrillos but all districts of Metropolitan Lima — over the construction activities within their respective districts to ensure that waste is disposed of in authorized locations from the point of generation.
- Likewise, for the effective recovery of degraded areas, it is necessary to clarify at the regulatory level who is considered responsible for the restoration of areas degraded by improper solid waste disposal when the responsible party is unknown, as well as the extent of responsibility of the property owners on whose land the disposal occurs and, where applicable, the municipality.
- It is essential to have adequate infrastructure for the final disposal of waste. In Lima and Callao, there are no authorized landfills for construction and demolition waste. The Ministry of the Environment (Minam), as the governing body for solid waste management, must actively promote, in coordination with other stakeholders, the identification of areas suitable for establishing such landfills.
- Additionally, regarding solid waste management, it is important to strengthen the management of the District Municipality of Chorrillos, which should address the deficiencies and/or limitations it faces, improve public cleaning services, and carry out focused and prioritized interventions in critical areas. Furthermore, the use of applications (such as Reporta Residuos), managed by OEFA, should be promoted as a tool to facilitate the identification of sites with improper accumulation of solid waste.
- On the other hand, oversight of cable burning activities must be reinforced by the District Municipality of Chorrillos, and such activities should be duly sanctioned.
- Due to the size and population settled in the buffer zone, it is necessary to conduct an adequate census to identify homes with proper sanitation services, as well as to detect any illegal connections to the canals or soil. It is essential to guarantee access to potable water and sewage services, as well as to decontaminate the affected areas through the cleaning of sedimented sludge in the most critical zones and, if possible, the paving of roads.

- Prohvilla and Sernanp need to strengthen their control and monitoring mechanisms in the areas where wastewater discharges have been identified, in constant coordination with the National Water Authority, the District Municipality of Chorrillos, and Sedapal.
- A key issue is raising public awareness about the environmental and social impacts caused by their informal and illegal practices on the ecosystem. In this regard, Minam, OEFA, Sernanp, Prohvilla, and the District Municipality of Chorrillos should promote awareness, education, and cleanup campaigns targeted at children, youth, and the general public.

From the SPDA, we call upon all state entities involved in the management and control of Los Pantanos de Villa to coordinate and carry out the necessary actions for its protection, given its ecological value and the ecosystem services it provides.





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