	Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU Regional Office No. VIII DENR Compound, EMB Building, Jones Street, Tacloban City, Philippines
	NOTICE OF VIOLATION


02 June 2021

FAMILIA HOMES SAND AND GRAVEL PROCESSING PLANT

Brgy. Seguinon, Albuera, Leyte

Thru: **MARISSE G. SERAFICA**
Managing Head

ADOLFO ELEGIO
Designated Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 06 June 2021
TIME: 2:34pm

Sir/Madame:

This notice is being served upon you for alleged violation of **P.D 1586** otherwise known as the Philippine Environmental Impact Statement System, based upon the investigation conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (**EMED-WAQMS**) of this office last **09 March 2021**.

ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Failure to secure Discharge Permit , for Water Pollution Source and Control Facilities, from this Office.	Violation of ECC Environmental Management Condition No. 4, DENR Administrative Order 2003-30 , Implementing Rules and Regulations of P.D 1586 .
Failure to submit Compliance Monitoring Report (CMR) to this Office semi-annually.	Violation of ECC General Condition No. 4, DENR Administrative Order 2003-30 , Implementing Rules and Regulations of P.D 1586 .

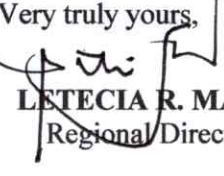
The foregoing considered, and in accordance with the relevant provisions of **EMB Memorandum Circular No. 2020-21¹**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **within Fifteen (15) days from receipt hereof**, your defense/position to the alleged violation/s which is punishable by a fine of **not less than Ten Thousand Pesos (P10, 000.00) nor more than Fifty Thousand Pesos (P50,000.00)** for **each** of the above cited prohibited acts and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

To expedite the submission, you may send an electronic copy of your position paper thru e-mail address **embr8_records@emb.gov.ph**. Further, you or your authorized representative is hereby summoned to physically attend in a technical conference before this Office on _____ at _____.

However, in light of **Proclamation No. 922, “Declaring a State of Public Health Emergency throughout the Philippines”**, and the implementation of Community Quarantine in Region VIII as a measure to combat the COVID-19 Disease, **you are also given an option to attend in the scheduled technical conference via internet video conference**. In case you choose for the latter mode, please submit an e-mail to **legalunitembr8@gmail.com** immediately upon receipt hereof, to signify such intention and an electronic internet address link shall then be provided to you.

Please be informed that pursuant to **Section 5, Item VII** of **EMB Memorandum Circular No. 2020-21**, your failure to appear during the scheduled technical video conference shall be construed as waiver of your right to contest the findings and the case shall be decided based on the available evidence on record.

Please be guided accordingly.

Very truly yours,

LETECIA R. MACEDA
Regional Director

¹ Supplemental Rules of the EMB Manual of Uniform Procedures for COVID-19 Pandemic

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MEMORANDUM

FOR : **THE REGIONAL DIRECTOR**
Environmental Management Bureau Region VIII

ATTENTION : **LEGAL UNIT**

FROM : **THE UNDERSIGNED**

SUBJECT : **RECOMMENDATION FOR THE ISSUANCE OF NOTICE OF VIOLATION (NOV) TO FAMILIA HOMES SAG PROCESSING PLANT - SEGUINON**

DATE : **MARCH 9, 2021**

Pursuant to Mission Order No. EMBR8-2021-003368 the undersigned conducted compliance monitoring at FAMILIA HOMES SAG PROCESSING PLANT - SEGUINON located in BRGY. SEGUINON ALBUERA, LEYTE on MARCH 9, 2021 to determine compliance status of firm with the environmental regulations, permit conditions, and other requirements. The following are the findings and recommendations formulated, to wit:

Findings and Observations:

- Project is not issued with valid Discharge Permit. According to the PCO designate, application for DP was lodged online. However, no DP application was received in the online system.
- The SAG Crushing Plant Project was operational during the time of monitoring.
- Project was issued with Environmental Compliance Certificate (ECC-R08-1204-0041) on April 30, 2012.
- Project facilities include raw material storage area, processing facility with one-unit jaw crusher, support facilities and wastewater treatment facility.
- New jaw crusher was observed in project site. According to the in-charge, new jaw crusher is for installation.
- Permit to Operate Air (18-POA-G-0837-0158) was issued on July 2, 2018 valid until July 2, 2023.
- On-going de-silting of settling ponds was observed. A three-series settling ponds was observed as wastewater treatment facility. Wastewater is recycled back for the use of the crushing plant.

Remarks and Recommendations:

- ✓ Permit to Operate Air is valid.
- ✓ Submit quarterly SMR online.
- ✓ Submit semi-annual CMR online.
- ✓ For PCO designate to apply for accreditation in this Office.
- ✓ Improve Hazardous Wastes Storage Area and observe proper storage of generated hazardous wastes.
- ✓ Increase height of the walls of settling ponds to prevent wastewater spill over to nearby river during maximum volume of wastewater generation.
- ✓ For issuance of Notice of Violation for non-compliance of the following ECC conditions:
 - I.A.4 A Discharge Permit for Water Pollution Source and Control Facilities (if any) shall be secured from the Pollution Control Division of this Office.
 - I.B.4 That a Compliance Monitoring Report (CMR) shall be submitted semi-annually.

Prepared by:

JO ANNE JOY M. DAÑAL
Senior EMS

Approved by:

REYNALDO B. BARRA, PME.

Chief, Environmental Monitoring and Enforcement Division

Recommending Approval:

ENGR. CARLOS A. CAYANONG
Chief, WAQMS

