



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
DENR-EMB Bldg., Jones St. Tacloban City, Philippines



NOTICE OF VIOLATION

JAN 28 2022

RITEMEAT MARKETING
(RITEMEAT BYPRODUCT CLEANING FACILITY)
Zone 1, Brgy. Antipolo, Albueria, Leyte

ENVIRONMENTAL MANAGEMENT BUREAU :

RELEASED BY: 

DATE: 02/02/2022

TIME: 9:03 am

Thru: **ALMA GUNHURAN**
Managing Head

JOSEPH D. PADRON
Pollution Control Officer

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 9275**, otherwise known as the **Philippine Clean Water Act of 2004**, based on the site validation/investigation conducted by the technical and legal personnel of this Office last **01 October 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land or through a bypass canals and/or pumps, and other unauthorized means.	Violation of Paragraph 3, Section 11 of DENR Administrative Order No. 2016-08 , in relation to Section 28 of RA 9275 .

The foregoing considered, 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 which is punishable by a fine of **not less than Ten Thousand Pesos (P10,000.00) nor more than Two Hundred Thousand Pesos for every day of violation** of the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

Please submit a hard copy of your written explanation to this Office, as well as the electronic copy of the same to embr8_records@emb.gov.ph, copy furnished legalunitembr8@gmail.com, to expedite the submission. Further, pursuant to **Pollution Adjudication Board Resolution No. 02-2020**, you or your authorized representative is hereby invited to a **Technical Video Conference/Hearing** on February 14, 2022 at 11:00 am.

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, the technical video conference shall be conducted in lieu of an actual physical conference/hearing. Please submit an e-mail to legalunitembr8@gmail.com immediately upon receipt hereof and an electronic internet address link to the technical conference 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,


ENGR. REYNALDO B. BARRA
OIC-Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
DENR Compound, Jones St. Tacloban City, Philippines



NOTICE OF VIOLATION

JAN 28 2022

DENR-PAB Case No. 08-000121-21-A

RITEMEAT MARKETING
(RITEMEAT BY-PRODUCT CLEANING FACILITY)
Zone 1, Brgy. Antipolo, Albueria, Leyte

Thru: : **ALMA GUNHURAN**
Managing Head

JOSEPH D. PADRON
Pollution Control Officer

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 8749** otherwise known as the Philippine Clean Air Act of 1999 based upon the *site validation* and *investigation* conducted by the technical and legal personnel of this Office last **01 October 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating one (1) unit 438 KVA (350 KW) Cummins Brand Standby Genset without a valid Permit to Operate for Air Pollution Source installations since 01 October 2021 .	Violation of Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26 , amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81 , in relation further to Pollution Adjudication Board Resolution No. 01, Series of 2019 .

Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, 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 which is punishable by a fine of **Nineteen Thousand Five Hundred Pesos (P19,500.00) for every five (5) years of violation** of the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to **embr8_records@emb.gov.ph**, copy furnished **legalunitembr8@gmail.com**, to expedite the submission.

Please be informed that failure to submit the position paper on or before the period prescribed above shall mean a waiver of your right to contest the findings of the report and present evidence on your defense and the case may be decided based on evidence on record.

Please be guided accordingly.

Very truly yours,

ENGR. REYNALDO B. BARRA
OIC-Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR Compound, Jones St. Tacloban City, Philippines



INVESTIGATION REPORT

NAME OF RESPONDENT	:	RITE MEAT MARKETING
ADDRESS OF RESPONDENT	:	Zone 1, Brgy. Antipolo, Albueria, Leyte
GEOGRAPHIC COORDINATES	:	10.86076 N, 124.73558 E
NAME OF PERSON/S CONTACTED	:	Joseph D. Padron-Pollution Control Officer
NATURE OF COMPLAINT	:	Alleged Illegal Discharge of Inadequately Treated Effluent Directly into a Receiving Waterbody
COMPLAINANTS CONTACTED	:	n/a
DATE OF INVESTIGATION	:	01 October 2021

I. AUTHORITY

- Travel Order No. EMBR8-2021-015146; and
- Travel Order No. EMBR8-2021-015383

II. BACKGROUND

- On **22 September 2021**, the **DENR, Regional Office No. VIII** furnished this Office a memorandum on the result of the actual ground investigation conducted by composite team from DENR-CENRO Ormoc on the alleged illegal discharge of inadequately treated effluent directly into a receiving waterbody by Ritemeat Marketing located at Brgy. Antipolo, Albueria, Leyte.
- On **01 October 2021**, technical and legal personnel of this Office have scheduled the conduct of the site validation and investigation.

III. MATTERS INVESTIGATED

- Project's compliance under the following specific environmental laws:
 - P.D 1586, or the **Environmental Impact Assessment System**
 - R.A 9275, or the **Philippine Clean Water Act of 2004**;
 - R.A 8749, or the **Philippine Clean Air Act of 1999**;
 - R.A 6969, or the **Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990**; and
 - With such all other environmental laws that are within the mandate of this Office.

IV. FINDINGS/OBSERVATIONS

P.D 1586

- An **Environmental Compliance Certificate (ECC)** with Reference Code: **ECC-OL-R08-2021-0061** was issued by this Office on **22 March 2021** to **RITEMEAT Marketing** for the **Construction of Ritemeat By-Product Cleaning Facility** located at Zone 1, Brgy. Antipolo, Albueria, Leyte. It covers an area of **3,900 square meters**. This ECC supersedes ECC-OL-R08-2020-0068 for the RITEMEAT



MARKETING ICE PLANT as a component of the new BYPRODUCT CLEANING FACILITY as the main project.

2. The firm has no cleaning operations of chicken by-products (i.e., head, feet, intestines, and other internal organs) observed at the time of the investigation. However, cleaning/washing of crates is ongoing.
3. An ECC billboard was observed posted inside the project site, not visibly seen by the public.
4. The Compliance Monitoring Report covering the period January-June 2021 was submitted on July 29, 2021 through the EMB Online System.
5. **Mr. Joseph D. Pardon** is the accredited Pollution Control Officer of the establishment with reference code: 2019-RVIII-0042. Accreditation is valid until March 14, 2022.

R.A 9275

6. The project proponent secured a Wastewater Discharge Permit from this Office last **25 May 2021**, with Reference Code: DP-R08-21-03029, and is valid until **25 May 2022**.
7. The project is categorized as production processing and preserving of meat and meat products and not a cold storage facility. Hence, significant parameters for the project are temperature, pH, BOD, TSS and Oil & grease.
8. The project has installed a Wastewater Treatment Facility (WTF) for wastewater generated from the cleaning of chicken by-products. It involves different stages of treatment: Bar Screening; Oil Water Separator; Equalization; Anaerobic treatment; Aeration; Clarifier; Chlorination, and Filtration. It has a capacity of 30m³/day. The said facility was installed last June 2021, and to date, it is still under the commissioning stage.

9. Upon validation, there was no discharge at the discharge outfall of the WTF since there was no cleaning activity of chicken by-products at the time of the investigation. The outfall location is approximately 50meters from the WTF discharge outlet through a PVC pipe leading to the rice field at the back of the building owned by Ritemeat. The investigating team collected no effluent sample.



WTF Discharge outfall

10. The proponent provided Water-sealed septic tanks for the generated domestic wastewater from comfort rooms. No outlets were observed at septic tanks by the investigating team; hence no effluent discharges were observed.



11. However, the investigating team observed the cleaning of crates at the Crates Washing Area. The washing of

containers involves pre-washing, soaping, soaking, and final rinsing. Wastewater generated does not pass through the Waste Wastewater Facility. Instead, it passed through a series of concrete boxes provided with screens exits to the open drainage concrete canal, which then discharges to a creek outside the perimeter wall of the project leading to Ormoc Bay.

12. An effluent sample was collected at the effluent outlet after the last chamber concrete box. The sample was submitted to EMB R8 Laboratory for the analyses of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS).



13. Results of the laboratory analyses are shown below (See attached Certificate of Analysis)

Parameter	Result	DENR Standard Class SC	Remarks
BOD, mg/l	1082.1	100	Failed
TSS, mg/l	149	100	Failed

BOD and TSS concentrations of the collected sample exceeded the DENR Effluent Standards for Class SC.

14. No records of Self -Monitoring Report submission for the 2nd quarter CY 2021.

R.A 8749

15. The project proponent is yet to secure a Permit to Operate Air Pollution Source and Control Installation for the one (1) unit 438 KVA (350KW) Cummins Brand Standby Genset. The application was filed thru the EMB online Permitting and Monitoring System on July 02, 2021. Application was returned to the proponent 20 October 2021 for revision of some other information.

R.A 6969

16. A Hazardous Waste Registration Certificate is still in process.

VI. OTHER FINDINGS

VII. REMARKS


1. References should be made upon the following provisions:
 - a. Pursuant to paragraph 3, Section 11 of DENR Administrative Order No. 2016-08, otherwise known as the water Quality Guidelines and general Effluent Standards of 2016 which provides: *No person shall discharge, wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land or through bypass canals and/or pumps, and other unauthorized means.*


- b. Section 1, Rule XIX of DENR Administrative Order 2004-26 which provides that "All sources of air pollution subject to these Implementing Rules and Regulations must have a valid permit to operate issued by the Environmental Management Bureau Regional Director."

VIII. RECOMMENDATIONS

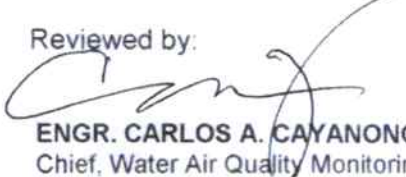
1. For this office to issue a Notice of violations for the following grounds:
 - a) For violating Paragraph 3, Section 11 of DENR Administrative Order No. 2016-08, which provides that "No person shall discharge, wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land or through bypass canals and/or pumps, and other unauthorized means."
 - b) For operating without a valid Permit to Operate for the one (1) unit 438 KVA (350KW) Cummins Brand Standby Genset which in violation of Section 1, Rule XIX of DENR Administrative Order No. 2004-26, amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81, in relation further to Pollution Adjudication Board Resolution No. 1, series of 2019.
2. To write and inform the project proponent on the following matters:
 - a) ECC billboard shall be posted at the entry point of the establishment;
 - b) The proponent to close the discharge outlet for wastewater generated from crates washing area. Wastewater generated shall be connected to the WTF for appropriate and adequate treatment.
 - c) The proponent to fully operationalize the WTF and ensure efficient and effective treatment of wastewater to comply with DENR effluent standards;
 - d) Provide an accessible sampling station for the discharge outfall of the WTF;
 - e) To schedule re-sampling of effluent discharge;
 - f) Improve housekeeping and strictly implement proper solid wastes management;
 - g) Comply with the requirements for the issuance of Permit to Operate and DENR ID Registration Certificate;
 - h) The proponent to submit semi-annual CMR and quarterly SMR.
 - i) Undertake tree planting activity on designated area on the project site and proof of compliance shall be submitted through the semi-annual CMR.

Investigation Team:


FLORAMAE SUYOM
EMS I-Legal Unit


ENGR. JANET T. POLEA
Engineer IV, WAQMS

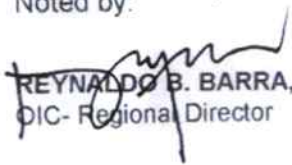
Reviewed by:


ENGR. CARLOS A. CAYANONG
Chief, Water Air Quality Monitoring Section

Approved by:


FOR. MANUEL J. SACEDA, JR.
OIC- Chief, Monitoring and Enforcement Division

Noted by:


REYNALDO B. BARRA, PME.
OIC- Regional Director