

## NOTICE OF VIOLATION

06 May 2021

**DENR-PAB Case No. 08-000045-21-W****GAISANO CAPITAL – HEVA MANAGEMENT AND DEVELOPMENT CORP.**

Brgy. Zone 2, Sogod, Southern Leyte

Thru: **MAR JUNE P. EDERIO**  
Managing Head

**CLARO S. YAP, JR.**  
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY: \_\_\_\_\_  
DATE: 5-14-21  
TIME: 9:11

**Dear 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 compliance inspection conducted by the Provincial Environmental Management Unit (PEMU)- Southern Leyte Office last **03 February 2021**.

### ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid wastewater <b>Discharge Permit</b> , since <b>03 August 2018</b> .	Violation of <b>Paragraph (c), Section 27 of R.A 9275</b> , in relation to <b>Section 28</b> thereof and in relation further to <b>Pollution Adjudication Board Resolution No. 01 Series of 2019</b> .

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 year 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](mailto:embr8_records@emb.gov.ph), copy furnished [legalunitembr8@gmail.com](mailto: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,

**LETECIA R. MACEDA**  
Regional Director



## COMPLIANCE INSPECTION FOR WATER QUALITY MANAGEMENT



## ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: WATER-03-IDDate of Inspection: February 3, 2021Mission Order No.: EMBR8-2021-001777

<b>1. GENERAL INFORMATION</b>		
Name of Establishment: <b>Gaisano Capital – Heva Mngt. And Dev. Corp.</b>		
Address: <b>Brgy. Zone 2, Sogod, Southern Leyte</b>		Geo Coordinates: <b>10.385088° N, 124.98517014° E</b>
Nature of Business: <b>Mall/Commercial Establishment</b>		
PSIC Code: <b>37000</b>	Product:	Year Established: <b>2010</b>
Operating hours/day: <b>12</b>	Operating days/week: <b>7</b>	Operating days/year: <b>365</b>

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Name of Managing Head:	<b>Mar June P. Ederio</b>	
Name of PCO:	<b>Claro S. Yap, Jr.</b>	
PCO Accreditation No.:	<b>2016-RVIII-0029</b>	Date of Effectivity: <b>7/4/2016-2019</b>
Phone/Fax:	<b>0907-700-1769</b>	Email: <b>dodz_yap@yahoo.com</b>

<b>2. PURPOSE OF INSPECTION</b>		
<input type="checkbox"/> Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification		
<input type="checkbox"/> New Renewal	<b>New</b>	<b>Renewal</b>
<input type="checkbox"/> PMPIN Application	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste ID Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste Transporter Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous waste TSD Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Permit to Operate Air Pollution Control Installation	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discharge Permit	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Others _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Determine compliance status with the environmental regulations, permit conditions, and other Requirements		
<input type="checkbox"/> Investigate community complaints		
<input type="checkbox"/> Check status of voluntary commitment		
<input type="checkbox"/> Industrial Ecowatch		
<input type="checkbox"/> Philippine Environmental Partnership Program (PEPP)		
<input type="checkbox"/> Pollution Adjudication Board (PAB)		
<input type="checkbox"/> Others _____		
<input type="checkbox"/> Others _____		
Name of Contact Person	<b>Claro S. Yap, Jr.</b>	
Position / Designation	<b>Pollution Control Officer</b>	



3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1011-0158	11/30/2010	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID	08-64-0040		
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	17-POA-A-0864-0013	01/16/2017	01/16/2022
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.	17-DP-G-0864-0332	08/02/2017	08/02/2018

4. Water Supply and Wastewater Generation						
A. Water Sources						
Sources of Water Supply	Daily (m³/day)		Annual (m³/year)		Specify if Others	
Surface water (river, lakes, etc.)						
Groundwater						
Water utilities	12.3		4489.5			
Others (specify)						
B. Wastewater Sources						
Water Use / Sources of Wastewater	Consumed (m³/day)		Generated (m³/day)		Specify if Others	
Process Water						
Domestic Water			4			
Cooling Water			2			
Maintenance			2			
Storm drain						
Others (specify)						
C. Quality of Abstracted Water						
Sources of Water Supply	pH	Temp	TSS	Heavy Metals		Specify if Others

5. Information on Wastewater Pollution	
A. Does the Establishment have a Wastewater Treatment Plant?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
B. What type of WWTP?	<input type="checkbox"/> Physical <input checked="" type="checkbox"/> Biological <input type="checkbox"/> Chemical <input type="checkbox"/> Others

C. WWTP Detail			
1. Date Installed			
2. Design Capacity			
3. Cost of WWTP			
4. Annual Maintenance Cost (Php/year)			
5. Location of Discharge Point(s)		Receiving Water Body	Classification of Water Body
Public Sewer		Mindanao Sea	SC
		<input type="checkbox"/> V-weir	Other (specify)
6. Flow Metering Device Use		<input type="checkbox"/> Flow Meter	
7. Flow Rate		Influent	Effluent
			Others (specify)
A. Components of WWTP			
Primary	Biological	Chemical	Others
<input type="checkbox"/> Screening	<input type="checkbox"/> Activated Sludge	<input type="checkbox"/> pH Adjustment	
<input type="checkbox"/> Primary Treatment	<input checked="" type="checkbox"/> Anaerobic Digestion	<input type="checkbox"/> Disinfection	
<input type="checkbox"/> Grit Removal	<input type="checkbox"/> Trickling Filter	<input type="checkbox"/> Oxidation/Reduction	
<input type="checkbox"/> Oil/Water Separator	<input type="checkbox"/> Oxidation/Stabilization Pond	<input type="checkbox"/> Flocculation/Coagulation	
<input type="checkbox"/> Equalization Tank	<input type="checkbox"/> Sequencing Batch Reactor	<input type="checkbox"/> Others (specify)	
<input type="checkbox"/> Others (specify)	<input type="checkbox"/> Others (specify)		
B. Condition of the WWTP			
1. What is the general condition of the WWTP during sampling?		<input checked="" type="checkbox"/> Properly Maintained	
		<input type="checkbox"/> Inadequately maintained	
		<input type="checkbox"/> Poor Maintenance	
		<input type="checkbox"/> Others	
2. Is the WWTP under construction or undergoing rehabilitation?		<input type="checkbox"/> Yes	
		<input checked="" type="checkbox"/> No	
3. If the answer is No. 2 is YES, has this been reported to EMB/LLDA?			
4. Which System or units are under construction or being modified?			
5. Estimated date of completion			
6. Treatment units utilized to treat wastewater			

Water Quality Field Date						
Sampling Point No. 1						
Sampling Station		Sampling Time:		11:56 AM		
Type of Sample		Effluent				
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	

Information/Summary of the previous or recent inspection/sampling:						
Date of Sampling:						
Sampling Station		No data		Sampling Time:		2:35 PM
Type of Sample						
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	

III. SUMMARY OF FINDINGS					
Legal Reference	Compliance Requirements	Compliant			Remarks
		Y	N	N/A	
DAO 2005-10 Rule 13.1	1. Does the establishment pay the required wastewater charge?		✓		
DAO 2005-10 Rule 14.1	2. Does the establishment have a Discharge Permit?	✓			
DAO 2005-10 Rule 14.5	3. Does the establishment pay the required discharge permit fee?		✓		
DAO 2005-10 Rule 14.9	4. Is the permit available and valid?		✓		
DAO 2005-10 Rule 14.11	5. Do the discharge points correspond to those declared in the discharge permit?	✓			
	6. Is the volume discharged within the allowable volume declared in the discharge permit?	✓			
	7. Is the permit posted in a proper area?	✓			
DAO 2005-10 Rule 14.16	8. Are the SMRs submitted quarterly and on time?			✓	
DAO 1990-35 Section 4-6	9. Are the effluent parameters compliant with the standards in DENR existing effluent standards?			✓	
DAO 1990-35 Section 8	10. Does the establishment comply with the additional requirements stated in DAO 1990-35?			✓	
DAO 1990-35 Section 9	11. Are the pollution control facilities properly and continuously operated?	✓			
DAO 1990-35 Section 10	12. Are the methods of analysis used for effluent samples in accordance with the prescribed methods of the Department?			✓	
Other Requirements	13. Are the copies of water analysis reports available?			✓	
	14. Are the correspondence between the establishment and EMB documented?	✓			



15. Are the establishment's compliance violations and exceedances documented?	✓			
16. Are there any pending litigation/PAB cases?		✓		
17. Are there spill prevention contingency plans?	✓			
18. Are there spill containment facilities available?	✓			

<b>Other Observations:</b>
<ul style="list-style-type: none"> <li>➤ No valid Wastewater Discharge Permit</li> <li>➤ Has pending wastewater discharge permit application (20323) submitted on 8/2/2018</li> </ul>
<b>Remarks and Recommendation:</b>
<ul style="list-style-type: none"> <li>➤ Constant monitoring shall be sustained in order to ensure environmental and public health safety.</li> <li>➤ Issuance of Notice of Violation is recommended for failure to renew wastewater discharge permit. Appropriate sanction shall be leveled against the proponent in accordance with the existing DENR laws, rules and regulation.</li> </ul>
<b>List of Documents Reviewed:</b>
17-DP-G-0864-0332

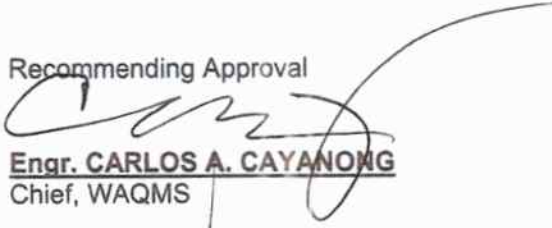
Prepared by:

  
**ZEUS BRYAN B. LORETO**  
EMS II

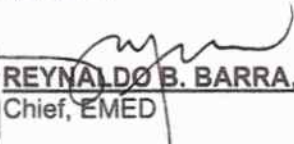
Inspected by:

  
**For. ALEJANDROQUE G. MACATIGUE**  
Head, PEMU Southern Leyte

Recommending Approval

  
**Engr. CARLOS A. CAYANONG**  
Chief, WAQMS

Approval:

  
**REYNALDO B. BARRA, PME**  
Chief, EMED

Noted:

  
**LETECIA R. MACEDA**  
Regional Director