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

25 May 2021

MERVIN M. LOBRIGO RICE MILL PLANT
Brgy. San Victor, Tanauan, Leyte 6502

Thru: **MR. MERVIN M. LOBRIGO**
Proprietor

DENR-PAB Case No. 08-000029-21-A

ENVIRONMENTAL MANAGEMENT BUREAU
 RELEASED BY: 
 DATE: 06/09/2021
 TIME: 9:11am

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 compliance survey conducted by the **Provincial Environmental Monitoring Unit (PEMU) – Leyte** last **19 March 2021**.

ACTS CONSTITUTING THE VIOLATION

| Finding/s | Prohibited Act/s |
|---|--|
| Operating without a valid Permit to Operate for Air Pollution Source and control Installation: one (1) unit multi-pass rice mill with 1 ton/hr rated capacity. | Violation of Section 1, Rule XIX of DENR Administrative Order No. 2000-81 , in relation to Section 47 of RA 8749 and 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,


LETECIA R. MACEDA
 Regional Director

**SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT**

Department: ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: AC-03-20Date of Survey/Inspection: March 19, 2021

Mission Order No.: _____

1. GENERAL INFORMATIONName of Establishment: **RICE MILL PLANT (MERVIN M. LOBRIGO)**Address: **Brgy. San Victor, Tanauan, Leyte**

Geo Coordinates:

11.04795°N,124.96862°ENature of Business: **Rice Milling**

PSIC Code:

Product: **Rice**Year Established: **2020 but operation started in January 2021**Operating hours/day: **6**Operating days/week: **6**Operating days/year: **96 days (operation is only during harvest season, every 4 months)**

Product Lines

Production Rate as Declared
in the ECC (unit/day)

Actual Production Rate (unit/day)

Name of Managing Head:

MERVIN M. LOBRIGO

Name of PCO:

None

PCO Accreditation No.:

None

Date of Effectivity:

Phone/Fax:

09175389902

Email:

2. PURPOSE OF INSPECTION☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

_____ New Renewal

New**Renewal**

_____ PMPIN Application

☐☐

_____ Hazardous Waste ID Registration

☐☐

_____ Hazardous Waste Transporter Registration

☐☐

_____ Hazardous waste TSD Registration

☐☐

_____ Permit to Operate Air Pollution Control Installation

☐☐

_____ Discharge Permit

☐☐

_____ Others _____

☐☐☒ Determine compliance status with the environmental regulations, permit conditions, and other requirements☐ Investigate community complaints☐ Check status of voluntary commitment

_____ Industrial Ecowatch

_____ Philippine Environmental Partnership Program (PEPP)

_____ Pollution Adjudication Board (PAB)

_____ Others _____

☒ Others SURVEY- AIR QUALITY MONITORING

Name of Contact Person

MERVIN M. LOBRIGO

Position / Designation

Proponent/Proprietor

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

| Environmental Law | Permits | Date of Issue | Expiry Date |
|-------------------|----------------------------|----------------------|-------------|
| PD 1586 | ECC1 | ECC-OL-RO8-2020-0128 | 09-28-2020 |
| | ECC2 | | |
| | ECC3 | | |
| RA 6969 | DENR Registry ID | | |
| | PCL Compliance Certificate | | |
| | CCO Registry | | |
| | Permit to Transport | | |
| RA 8749 | POA No. | | |
| RA 9003 | ECC for Sanitary Landfill | | |
| RA 9275 | DP No. | | |

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

| Emission Source Data Information | |
|----------------------------------|---------------------------|
| Emission Source No. | 1 |
| Type (Brand/Model) | Multi-pass Rice Mill |
| Rated Capacity | 1 ton/hr |
| Fuel Type & Quantity | |
| Operating Capacity | More than 1 ton/hr |
| Control Facility | Dust Collector/Filter bag |
| Notes | |

| Emission Source Data Information | |
|----------------------------------|--|
| Emission Source No. | |
| Type (Brand/Model) | |
| Rated Capacity | |
| Fuel Type & Quantity | |
| Operating Capacity | |
| Control Facility | |
| Notes | |

| Legal Provision | Regulatory Requirements | Compliant | | | Notes |
|----------------------------------|---|-----------|---|---------|-------|
| | | Y | N | N/ A | |
| DAO 2004-26 | | | | | |
| Rule 19 Section 1 | Application for Permit to Operate has been filed for new or modified emission sources | | √ | | |
| Rule 19 Section 3 | As built design of the installation conforms with submitted engineering plans and specifications | | √ | | |
| | Declared control facilities are installed and operational | | √ | | |
| | Installation is located as proposed in the vicinity map (plant and machinery layout) | | √ | | |
| | Facility design capacity is within the capacity declared in the application for permit to operate | | √ | | |
| Rule 19 Section 5 | Temporary Permit is still valid | | √ | | |
| DAO 2000-81 | | | | | |
| Part 7 Rule 25 Section 5 a# 3 | Facility is fossil fuel-fired powerplant over 10 MW rating installed with CEMS for particulates, sulfure oxide, and NOx | | | √ | |
| | Facility is petroleum refinery / petrochemical industry installed with CEMS for particulates, sulfur oxide, and NOx | | | √ | |

| | | | | | |
|---------------|---|--|--|---|--|
| | Facility is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx | | | ✓ | |
| | Facility is steel plant installed with CEMS for particulates and sulfur oxide | | | ✓ | |
| | Facility is ferro-alloy production facility installed with CEMS for particulates | | | ✓ | |
| | Facility is cement plant installed with CEMS for particulates | | | ✓ | |
| Section 3a #1 | Facility has the potential to emit at least 750 tons/year of regulated pollutant. Facility has CEMS and COMS. | | | ✓ | |
| | Facility has the potential to emit at least 750 tons/year of particulate matter. Facility has COMS. | | | ✓ | |

EMB DAO 2007-22

| | | | | | |
|-----------|--|--|--|---|--|
| Section 5 | CEMS/COMS Specifications for Opacity is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 1 | | | ✓ | |
| | CEMS/COMS Specifications for Sulfur Dioxide and Nitrogen Oxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 2 | | | ✓ | |
| | CEMS/COMS Specifications for Carbon Dioxide and Oxygen is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 3 | | | ✓ | |
| | CEMS/COMS Specifications for Carbon Monoxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 4 and 4A | | | ✓ | |
| | CEMS/COMS Specifications for Hydrogen Sulfide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 7 | | | ✓ | |

Other Observations:

1. The Rice Mill was operational at the time of monitoring.
2. The rice mill facility has been issued ECC with Reference No. ECC-OL-RO8-2020-00128 issued on 09/28/2020. As per office record, no CMR submissions has been done to date.
3. The facility is one (1) storey building made up of both light materials (wooden, nipa and old G.I. Sheets). Some parts of the walls are worn out/damage and with holes. It has no comfort room, no office, and no generator set.
4. As per information Mr. Ponciano R. Justimbaste, Jr., Proprietor, the facility was established in 2013, however, due to typhoon "Yolanda" the facility has resumed its operation in 2015.
5. No Permit to Operate Air Pollution Source and Control Installation for the multi-pass rice mill equipment.


Remarks and Recommendation:

For issuance of **Notice of Violation** for operating **without** securing a **Permit to Operate Air Pollution Source and Control Installation** for the said multi-pass rice mill equipment which is in violation of Section 1, Rule XIX of DAO No. 2000-81, in relation to Section 47 of RA 8749.


List of Documents Reviewed:

ECC

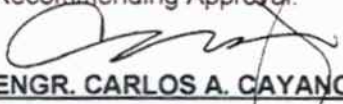
Submitted by:


JOSEPHINE L. FUENTES
Senior EMS/OIC, PEMU Leyte

Approval:


REYNALDO B. BARRA, PME
Chief, EMED

Recommending Approval:


ENGR. CARLOS A. CAYANONG
Chief, WAQMS/Engineer IV

Noted:


LETECIA R. MACEDA
Regional Director