

NOTICE OF VIOLATION

AUG 19 2021

ENVIRONME
 RELEASED BY:

DATE: 8-23-21

TIME: 1:48:17

CLETO LOBRIGO TRAGURA INDUSTRIAL SAND AND GRAVEL PROJECT
(GOLDEN RIVER ENTERPRISES)
 Brgy. Dita, Julita, Leyte

Thru: **DARYL DEXTER L. JULIO**
 Managing Head/PCO

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 6969** (Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990) based upon the compliance inspection conducted by the technical personnel of the Environmental Monitoring & Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **11 February 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Transport of Hazardous Wastes (Used Batteries) outside the project’s premises, without going through the Online Hazardous Waste Manifest System.	Violation of Chapter 7, Hazardous Waste Transport Record (Manifest System) , in relation to Paragraph (a), Waste Transporters, Table 11.1 under Administrative Violations of DENR Administrative Order No. 2013-22, Implementing Rules and Regulations of R.A 6969.

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 which is punishable by a fine of **Fifty Thousand Pesos (Php 50,000.00)** for the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

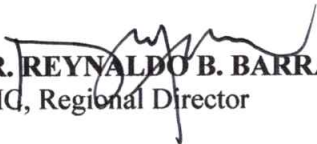
To expedite the submission, you may send an electronic copy of your position paper thru e-mail address **embr8_records@emb.gov.ph**. Further, you or your authorized representative is hereby summoned to physically attend in a technical conference before this Office on September 13, 2021 at 11:00 am.

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/physical 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

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



COMPLIANCE INSPECTION FOR EIA

ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____
Date of Inspection: FEBRUARY 11, 2021
Mission Order No.: TO-EMBR8-2021-001997

1. GENERAL INFORMATION

Name of Establishment: CLETO LOBRIGO TRAGURA INDUSTRIAL SAND AND GRAVEL (GOLDEN RIVER ENTERPRISES)		
Address: BRGY. DITA JULITA, LEYTE		Geo Coordinates: 10.970232 N, 124.944042 E
Nature of Business: INDUSTRIAL SAND AND GRAVEL EXTRACTION AND PROCESSING PROJECT		
PSIC Code: 239	Product: AGGREGATES	Year Established: 2013
Operating hours/day: 8	Operating days/week: -	Operating days/year:
Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Name of Managing Head:	DARYL DEXTER L. JULIO	
Name of PCO:	DARYL DEXTER L. JULIO	
PCO Accreditation No.:	2017-RVIII-0020	Date of Effectivity: 03/06/2017
Phone/Fax:	09173108324/0923403100	Email: dexter_julio@yahoo.com

2. PURPOSE OF INSPECTION

<input type="checkbox"/> Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification		
<input type="checkbox"/> New	<input type="checkbox"/> Renewal	
<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	
Position / Designation	

3. COMPLIANCE STATUS
3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-08-030916-0134	12/09/2003	
	ECC2	Transfer	12/02/2013	
	ECC3	Amended	12/15/2014	
RA 6969	DLNR Registry ID			
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	17-POA-C-0837-0135	03/17/2017	03/17/2022
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.	DP-R08-20-04793	10/19/2020	10/19/2021

Legal Reference (Revised DAO 2003-30)	Compliance Requirements	Compliant?			Remarks
		Y	N	N/A	
Chapter 2-3 19) a) (i)	Does the establishment submit Compliance Monitoring Report (CMR) semi-annually to EMB?		✓		
	Does the CMR include an assessment of the following:				
	a) Performance against the ECC conditions?		✓		
	b) Performance against the Environmental Management Plan (EMP)		✓		
	c) Performance against the monitoring of actual impacts (including residual impacts) as against predicted impacts in the Environmental Impact Assessment (EIA) Report and as related to current project operations?		✓		
DAO 2003-30 Chapter 2-3 19) a) (ii)	Does the establishment submit to the concerned EMB Regional Office detailed report on compliance to environmental standards specific to environmental laws through the quarterly Self-Monitoring Report (SMR)?	✓			
and DAO No. 2003-27 Chapter 2-3 19) a) (iii)	Does the establishment submit semi-annual CMRs as part of Module 5 of the second and fourth quarter SMRs?	✓			
	Does the second CMR include simple trend analysis of the environmental standards and a summary of the cumulative annual and historical performance/compliance analysis on key environmental and social parameters?			✓	
Chapter 2-3 19) a) (iv)	Was the first CMR submitted mid-year after the start of project implementation (except for ECC commitments/conditions, which need to be submitted prior to project start-up)?				
	Did the establishment notify EMB on the start-up date of project implementation?	✓			
	Is the establishment required a Multi-Partite Monitoring Team (MMT) (ECC condition)?			✓	
	Has the MMT been established through a signed Memorandum of Agreement (MOA)?			✓	

Chapter 2-3 19) b) (iii)	Is the MMT MOA in accordance with the prescriptions?	✓		
	Has the establishment facilitated the operationalization of an MMT Manual of Operations (MOO) based on prescribed Guidelines including the use of Compliance Monitoring and Validation Report (CMVR)	✓		
	Has an Environmental Monitoring Fund (EMF) been established and operationalized based on prescribed guidelines?	✓		
	Is the establishment required an Environmental Guarantee Fund (EGF) (ECC condition)?	✓		
	Has an EGF been established?	✓		
	Does the establishment address complaints, exceedance of standards, and/or suspicious data?	✓		

Compliance to ECC Conditions and EMP Commitments (Revised DAO 2003-30)

ECC/EMP Condition/ Requirement Categorization	Relevant ECC Condition/s (if any)		Compliant			Proof of Compliance
	No.	Description	Y	N	N/A	
1) Project coverage/limits			✓			
2) Components			✓			
3) Other sectoral requirements mandated by other agencies to be complied with			✓			
4) EMP and updates as deemed required			✓			
5) Conduct of baseline, compliance and impact self monitoring			✓			
6) Multi-sectoral Monitoring (as may be required)						
7) Regular reporting			✓			
8) Institutional arrangements necessary for implementation of environmental management measures			✓			
9) Standard DENR requirement on transfer of ownership					✓	
10) Standard DENR requirement on abandonment						
11) Impact Mitigation Plan or Construction/Contractor's Environmental Program					✓	
12) Social Development Plan (SDP)			✓			
13) Information, Education and Communication (IEC) Plan			✓			
14) Contingency/Emergency Response Plan or equivalent Risk Management Plan					✓	
15) Abandonment Plan (when applicable)						
16) Environmental Monitoring Plan (EMoP)			✓			

Other Observations:

- The sand and gravel project extraction was issued with Environmental Compliance Certificate (ECC-08-030916-0134) on September 16, 2003 to Mr. Cleto Lobrigo Tragura.
- On September 2, 2013, ECC was amended for project transfer to Mr. Daryl Dexter L. Julio.
- On December 15, 2014, ECC was again amended for the installation of processing plant or crushing plant.
- No extraction activity was observed at permit area.
- Two crushing plant facilities were observed within the project premises. Crushing Plant No. 1 was non-functional and was due for replacement of conveyor belts while Crushing Plant No. 2 was operational during the time of monitoring.
- Crushing Plant No. 1 is provided with three-series of concrete setting ponds. The crushing plant operates in a closed-loop wastewater system wherein wastewater is recycled for operations. Discharge Permit (DP-R08-20-04793) is issued on October 19, 2020 valid until October 19, 2021.
- According to Ms. Juliehan Holoyohoy, Crushing Plant No. 2 started its operations on February 10, 2021. Wastewater flows to a three-series earth ponds. No Discharge Permit was issued for Crushing Plant 1.
- Project is issued with Permit to Operate Air (17-POA-C-0837-0135) on March 17, 2017 valid until March 17, 2022 for two units jaw crushers.
- One unit 16 KL fuel storage tank was observed near admin office.
- Quarterly SMR is submitted online.
- CMR was submitted online on January 21, 2021.
- Generated hazardous wastes are stored at Hazardous Wastes Storage Area. Drums of used oil were observed inside the HWSA. Rainwater was observed inside HWSA because of dilapidated roof.
- Per Ms. Holoyohoy, used batteries are collected by Motolite. Waste generators are required to avail of the services of wastes transporters and TSD Facilities that are duly registered by EMB Central Office and whose permits are valid within the period that the wastes are being transported and treated, stored, or disposed of. Wastes generator whose wastes are transported outside of its premises is required to comply with the Hazardous Waste Manifest System.
- On July 29, 2020, EMB issued a letter to the proponent to submit a Memorandum of Agreement (MOA) with Motolite for the management of used batteries. However, no records of MOA were submitted to date.
- No inventory of generated hazardous wastes was observed in submitted SMR.

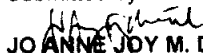
Remarks and Recommendations:

- For issuance of Notice of Violation for operating facility without Discharge Permit in violation of Section 27.c *"Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein"*, of DENR Administrative Order No. 2013-22, Implementing Rules and Regulations of RA 9275.
- Secure Discharge Permit for Crushing Plant No. 2.
- Provide bund wall as secondary containment of oil spillage from fuel storage tank.
- Improve Hazardous Wastes Storage Area. Improve roofing of HWSA to prevent rainwater into the HWSA.
- For issuance of Notice of Violation of Section 11 of DENR Administrative Order 2013-22, Revised Procedures and Standards for the Management of Hazardous Wastes, Table 11.1- Waste Transporters (a) Conveys or transports hazardous wastes without the proper manifest forms.
- Submit Memorandum of Agreement with Motolite for collection of used batteries.


List of Documents Reviewed:

ECC


Submitted by


JO ANNE JOY M. DAÑAL
Senior EMS

Recommending Approval


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

Approval:


Engr. REYNALDO B. BARRA
Chief, EMED

Noted:


ETECIA R. MACEDA
Regional Director