
	<p>Republic of the Philippines Department of Environment and Natural Resources <b>ENVIRONMENTAL MANAGEMENT BUREAU</b> DENR Compound, Jones St. Tacloban City, Philippines</p>	
<p><b>NOTICE OF VIOLATION</b></p>		

~~JAN 28 2022~~

**TOMAS CO EGG LAYER PROJECT**  
(Expansion of Existing Poultry)  
Brgy. Balud, Sta. Margarita, Samar

Thru: **TOMAS C. CO**  
Managing Head

**DENR-PAB Case No. 08-00007-22-W**  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
**RELEASED BY:** \_\_\_\_\_  
**DATE:** 2-3-22  
**TIME:** 4:35p

Sir/Madame:

This notice is being served upon you for alleged violation of R.A **9275** otherwise known as the **Philippine Clean Water Act of 2004**, based upon the survey/inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit – Samar (PEMU-Samar) last **03 September 2021**.

**ACTS CONSTITUTING THE VIOLATION**

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without the required wastewater <b>Discharge Permit</b> since <b>03 September 2021</b> .	Violation of <b>Section 27 (c) of R.A 9275</b> in relation to <b>Section 28</b> of the same Act, and in relation further to <b>Pollution Adjudication Board Resolution No. 01, Series of 2019</b> .

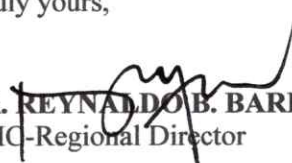
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **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

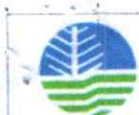
Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to **embr8\_records@emb.gov.ph**, copy furnished **legalunitembr8@gmail.com**, to expedite the submission.

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



## SURVEY/INSPECTION FOR WATER QUALITY MANAGEMENT



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

Report Control Number: WS - 09 - 08Date of Survey/Inspection: September 03, 2021

Mission Order No.: \_\_\_\_\_

**1. GENERAL INFORMATION**

Name of Establishment: <u>Expansion of Existing Poultry (Egg Layer)</u>		
Address: <u>Brg. Balud, Sta. Margarita, Samar</u>		Geo Coordinates:
Nature of Business: <u>Egg Production</u>		<b>Latitude: 12.05300000N</b>
		<b>Longitude: 124. 434200000E</b>
PSIC Code:n/a	Product: <u>Eggs</u>	Year Established: <u>2010</u>
Operating hours/day: <u>8 hrs.</u>	Operating days/week: <u>7 days</u>	Operating days/year: <u>365 days</u>

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
<b>No data available</b>	<b>No Data Available</b>	<b>39k eggs/day</b>
Name of Managing Head:	<b>TOMAS C. CO</b>	
Name of PCO:	<b>None</b>	
PCO Accreditation No.:	<b>n/a</b>	Date of Effectivity: <b>n/a</b>
Phone/Fax:	<b>n/a</b>	Email: <b>n/a</b>

**2. PURPOSE OF INSPECTION**

- ☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

	<b>New</b>	<b>Renewal</b>
<input type="checkbox"/> New Renewal	<input type="checkbox"/>	<input type="checkbox"/>
<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 checked="" type="checkbox"/> Discharge Permit	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Others: <u>Survey</u>	<input type="checkbox"/>	<input type="checkbox"/>

- ☐ 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 \_\_\_\_\_

Name of Contact Person	<b>Gary Ostulano</b>
Position / Designation	<b>Supervisor</b>



3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1002-0021	02/12/2010	N/A
	ECC2	N/A	N/A	N/A
RA 6969	DENR Registry ID	N/A	N/A	N/A
	PCL Compliance Certificate	N/A	N/A	N/A
	CCO Registry	N/A	N/A	N/A
	Permit to Transport	N/A	N/A	N/A
RA 8749	POA No.	POA NO. 2019-F-0860-0196	26 JUL 2019	18 JUL 2024
RA 9003	ECC for Sanitary Landfill	N/A	N/A	N/A
RA 9275	DP No.	For on-line Application	n/a	n/a

4. Water Supply and Wastewater Generation

A. Water Sources

Sources of Water Supply	Daily (m <sup>3</sup> /day)	Annual (m <sup>3</sup> /day)	Specify if Others
Surface water (river, lakes, etc.)	n/a	n/a	n/a
Groundwater	4,000 liters	No data available	n/a
Water utilities	n/a	n/a	n/a
Others (specify)	n/a	n/a	n/a

B. Wastewater Sources

Water Use / Sources of Wastewater	Consumed (m <sup>3</sup> /day)	Generated (m <sup>3</sup> /day)	Specify if Others
Process Water	nda	nda	nda
Domestic Water	4,000 liters	4,000 liters	nda
Cooling Water	nda	nda	nda
Maintenance	1,000 liters	1,000 liters	nda
Storm drain	nda	nda	nda
Others (specify)	n/a	n/a	n/a

C. Quality of Abstracted Water

Sources of Water Supply	BOD/ COD	TSS	AVFP	Heavy Metals	Specify if Others
Deep-Well	nda	nda	nda	ndanda	

5. Information on Wastewater Pollution

A. Does the Establishment have a Wastewater Treatment Plant?		<input type="checkbox"/> Yes   Closed Septic Tank <input type="checkbox"/> No	
B. What type of WWTP?     None		<input type="checkbox"/> Physical <input type="checkbox"/> Biological <input type="checkbox"/> Chemical     No data available <input type="checkbox"/> Others	

C. WWTP Detail     n/a	
1. Date Installed	n/a
2. Design Capacity	n/a
3. Cost of WWTP	n/a
4. Annual Maintenance Cost (Php/year)	n/a
5. Location of Discharge Point(s)	Receiving Water Body     Classification of Water Body
No data available	none     n/a
	<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"/> Primary Treatment <input type="checkbox"/> Grit Removal <input type="checkbox"/> Oil/Water Separator <input type="checkbox"/> Equalization Tank <input type="checkbox"/> Others (specify) _____	<input type="checkbox"/> Activated Sludge <input type="checkbox"/> Anaerobic Digestion <input type="checkbox"/> Tricking Filter <input type="checkbox"/> Oxidation/Stabilization Pond <input type="checkbox"/> Sequencing Batch Reactor <input type="checkbox"/> Others (specify) _____	<input type="checkbox"/> pH Adjustment <input type="checkbox"/> Disinfection <input type="checkbox"/> Oxidation/Reduction <input type="checkbox"/> Flocculation/ Coagulation <input type="checkbox"/> Others (specify) _____	
<b>B. Condition of the WWTP</b>			
1. What is the general condition of the WWTP during sampling?		<input 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 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			

<b>Water Quality Field Date</b>						
<b>Sampling Point No. 1</b>						
<b>Sampling Station</b>			<b>Sampling Time:</b>			
<b>Type of Sample</b>						
<b>Result Analysis</b>						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	

<b>III. SUMMARY OF FINDINGS</b>					
Legal Reference	Compliance Requirements	Compliant			Remarks
		Y	N	N/A	
DAO 2005-10 Rule 14.1	1. Has the establishment submitted two notarized copies of accomplished application form?			/	
DAO 2005-10 Rule 14.2	2. Has the establishment submitted Sewer and Drainage Plan Drawing of appropriate scale in as standard size sheet and in accordance with good engineering practice?			/	
	3. Has the establishment submitted water quality analysis of abstracted water and the appropriate bills?			/	
	4. Has the establishment submitted Pollution Prevention/Environmental Management System Plan or Program?			/	
	5. Has the establishment submitted copy of the Environmental Compliance	/			



	Certificate or Certificate of Non-Coverage?				
	6. Does the establishment have a DENR ID Number as hazardous waste generator, as applicable?			/	
	7. Has the establishment designated or appointed a PCO?			/	
DAO 2005-10 Rule 14.6	8. Does the establishment use its effluent for Agricultural Purposes?			//	<b>If yes, proceed to succeeding items</b>
	a. Has the establishment submitted certified true copy of land ownership or notarized copy of agreement between the owner of the land where the effluent is to be applied and the discharger/permittee?			/	
	b. Has the establishment submitted proof that wastewater to be used for land application does not contain toxic or substances (as defined in RA 6969)?			/	
	c. Does the establishment's wastewater applied for agricultural purposes directly or indirectly seep or drain into groundwater or nearby surface waters which will affect the quality of such ground and/or surface water?			/	
	d. Has the establishment submitted a Certification from the Department of Agriculture (DA) stating that the quantity, quality and distribution methodology of application are suited for agricultural purposes?			/	
	e. Does the establishment use land application only during periods of low surface water flow to enhance loading limits compliance?			/	
	f. Has the establishment submitted baseline groundwater quality data and self-monitoring report within the discharge areas, and installed at least one groundwater monitoring well which shall be drilled in each dominant direction of groundwater movement?			/	
	g. Has the establishment submitted an emergency plan – which shall respond to emergencies that can prevent or minimize damage to equipment, land, groundwater, etc., and/or public health?			/	
	h. Does the plan highlight the design considerations, systems operation, treatment/monitoring of soil, crops, effluent and groundwater before/after irrigation? Such requirements shall be in addition to Section 14.2.			/	

**Other Observations:**

1. At present the poultry -egg layer is maintaining 40,000 heads.
2. Production of eggs per day is 39,000 pieces.
3. The poultry-egg layer is fully operational during the survey
4. PCO will be designated soon.

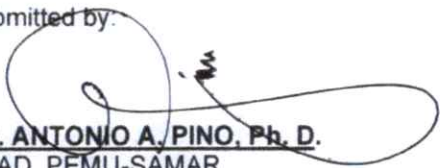
**Remarks and Recommendations:**

1. For issuance of Notice of Violation for Operating without Wastewater Discharge Permit as per Section 14, Article 2, Chapter 2 of DAO 2005-10, IRR of RA 9275 also known as the Philippine Clean Water Act of 2004.


**List of Documents Reviewed:**

- Temporary Sanitary Permit from LGU Sta. Margarita, Samar
- PTO, Health Certification of Personnel/worker from LGU-RHU.
- DTI, BIR, FIRE, etc.

Submitted by:

  
**DR. ANTONIO A. PINO, Ph. D.**  
HEAD, PEMU-SAMAR

Recommending Approval:

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

Approval:

  
**FOR. MANUEL J. SACEDA, JR.**  
OIC, Chief EMED

Noted:

  
**ENGR. REYNALDO B. BARRA, PME**  
OIC, Regional Director