



NOTICE OF VIOLATION

DEC 01 2021

DENR-PAB Case No. 08-000160-21-W

GUADA FARMS

Brgy. Kabalasan, Baybay City, Leyte

Thru: **EDWIN M. RELEVO**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RECEIVED
DATE: 12/01/2021
TIME: 5:03 PM

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 Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **02 September 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without valid wastewater Discharge Permit , since 02 September 2021 .	Violation of Section 27 (c) of R.A 9275 in relation to Section 28 of the same Act, 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 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: _____

Date of Survey/Inspection: **02 September 2021**Mission Order No.: **EMBR8-2021-013715****1. GENERAL INFORMATION**Name of Establishment: **Guada Farms**(Proponent: *Edwin M. Relevo*)Address: **Brgy. Kabalasan Baybay City, Leyte**

Geo Coordinates:

10.65052°N, 124.82579°ENature of Business: **Poultry Farm**PSIC Code: **014**

Product:

Year Established: **2015****(Not Operational at present)**

Operating hours/day:

Operating days/week:

Operating days/year:

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Head of Birds (Chicken)	80,000	No operation at present
Name of Managing Head:	Edwin M. Relevo	
Name of PCO:	-	
PCO Accreditation No.:	-	Date of Effectivity:
Phone/Fax:	0920 927 2720	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 _____

Name of Contact Person

Edwin Relevo

Position / Designation

Owner

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1503-0038 <i>Amendment (increase capacity)</i>	04/01/2015 02/06/2019	-
	ECC2	-		
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.	-		

4. Water Supply and Wastewater Generation (Not Applicable as to date of monitoring)

A. Water Sources

Sources of Water Supply	Daily (m ³ /day)	Annual (m ³ /day)	Specify if Others
Surface water (river, lakes, etc.)			
Groundwater			
Water utilities			
Others (specify)			

B. Wastewater Sources (Not Applicable)

Water Use / Sources of Wastewater	Consumed (m ³ /day)	Generated (m ³ /day)	Specify if Others
Process Water			
Domestic Water			
Cooling Water			
Maintenance			
Storm drain			
Others (specify)			

C. Quality of Abstracted Water

Sources of Water Supply	BOD/ COD	TSS	AVFP	Heavy Metals	Specify if Others

5. Information on Wastewater Pollution (Not Applicable)

A. Does the Establishment have a Wastewater Treatment Plant?

☐ Yes
☐ No

B. What type of WWTP?

☐ Physical
☐ Biological
☐ Chemical
☐ 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	
	<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 (Not Applicable as to date of monitoring)			
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. Condition of the WWTP (Not Applicable as to date of monitoring)			
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			

Water Quality Field Date (Not Applicable as to date of monitoring)						
Sampling Point No. 1						
Sampling Station			Sampling Time:			
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 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?		/		

DAO 2005-10 Rule 14.6	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?		/		
	8. Does the establishment use its effluent for Agricultural Purposes?		/		If yes, proceed to succeeding items
	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:

- Guada Farms Project of Mr. Edwin M. Relevo has been issued an Environmental Compliance Certificate, ECC-R08-1503-0038, last April 1, 2015. The project is to cover an area of 26, 743 m² and has to have a capacity of 18, 000 head of birds. On February 6, 2019, an amendment was approved by EMB8 for the following changes: (a) increase of capacity from 18, 000 head of birds (chickens) to 80, 000 head of birds, (b) construction of two-storey Tunnel-vent building (conversion of conventional to tunnel-vent building) as additional facility/component. At present, the project is a conventional type of poultry.
- As per Proponent, the project has been implemented and operational since 2015 until March 2021. The poultry farm only has 50,000 chickens during its operation. At present, the Proponent decided to stop temporarily its operation due to constraints brought by Covid-19 pandemic. No definite date as to when it will resume its poultry operations.
- The project only has one (1) poultry building. No air pollution source equipment (generator set) provided in the farm for its operations.
- Wastewater generation is only minimal since the project is only a conventional type and even in the absence of operation.
- Based on Office records, the Proponent has not yet submitted its Compliance Monitoring Report (CMR). Likewise, no Discharge Permit has been issued to Guada Farms since start of its operations.
- Designate Pollution Control Officer (PCO) is to attend the Basic PCO Training and to apply accreditation in EMB8.

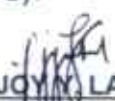
Remarks and Recommendation:

- A Notice of Violation is to be issued to the Proponent for non-compliance to Section 27 (c) of DAO 2005-10 (IRR of R.A. 9275), "*Operating facilities that discharge regulated water pollutants without the valid required permits*". No Discharge Permit issued to Guada Farms since start of its operations.
- The Proponent is to secure the necessary Discharge Permit even if wastewater generation is only minimal prior resumption of its poultry operation. Section 14, DAO 2005-10, "*The Department shall require owners or operators of facilities that discharge regulated effluents pursuant to this Act to secure a Permit to Discharge.*"
- The Proponent is to submit semi-annually its Compliance Monitoring Report (CMR) online.
- To re-install its ECC Public Notice

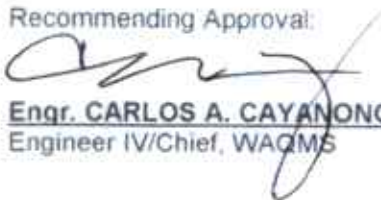
List of Documents Reviewed:

Copy of ECC

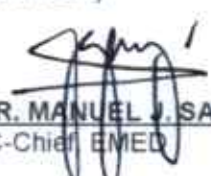
Submitted by:


LEDANE JOY N. LAURENTE
Engineer II

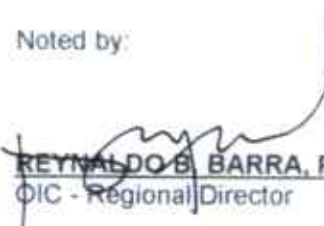
Recommending Approval:


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

Approved by:


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

Noted by:


REYNALDO B. BARRA, PME
OIC - Regional Director