




Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII

DENR Compound, EMB Building, Jones Street, Tacloban City, Philippines

NOTICE OF VIOLATION

08 June 2021

**LEYTE METROPOLITAN WATER DISTRICT -
TACLOBAN NORTH WATER SUPPLY PROJECT**
(located in Brgy. Cabalawan, Tacloban City)
LMWD Compound, Brgy. 74, Tacloban City

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 06 June 2021
TIME: 11:48 am

Thru: **MR. PASTOR ABARCA HOMERES**
Managing Head

Sir/Madame:

This notice is being served upon you for alleged violation of **P.D 1586** otherwise known as the Philippine Environmental Impact Statement System, based upon the compliance survey/inspection conducted by the technical personnel of the Environmental Monitoring and Enforcement Division-Water Air Quality Monitoring Section (EMED-WAQMS) last **14 January 2021**.

ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Failure to conform with the applicable provisions of RA 6969 and RA 8749 – Failure to secure DENR ID as Hazardous Waste Generator and Permit to Operate for Air Pollution Source Installations;	Violation of ECC General Condition No. 4, DENR Administrative Order 2003-30, Implementing Rules and Regulations of P.D 1586.
Failure to submit Compliance Monitoring Report (CMR) to this semi-annually.	Violation of ECC Environmental Management Condition No. 2 DENR Administrative Order 2003-30, Implementing Rules and Regulations of P.D 1586.

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/s which is punishable by a fine of **not less than Ten Thousand Pesos (P10, 000.00) nor more than Fifty Thousand Pesos (P50,000.00)** for **each** of the above cited prohibited acts and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

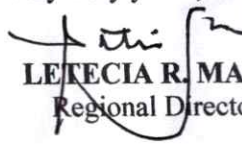
To expedite the submission, you may send an electronic copy of your position paper thru e-mail address **embr8_records@emb.gov.ph**. Further, you or your authorized representative is hereby summoned to physically attend in a technical conference before this Office on _____ at _____.

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 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,


LETECIA R. MACEDA
Regional Director

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

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MEMORANDUM

FOR : THE REGIONAL DIRECTOR
Environmental Management Bureau Region VIII

ATTENTION : LEGAL UNIT

FROM : THE UNDERSIGNED

SUBJECT : RECOMMENDATION FOR THE ISSUANCE OF NOTICE OF VIOLATION (NOV) TO LEYTE METROPOLITAN WATER DISTRICT - TACLOBAN NORTH WATER SUPPLY PROJECT

DATE : 18 MARCH 2021

Pursuant to Mission Order No. 2021-000366, the undersigned conducted compliance monitoring at **LEYTE METROPOLITAN WATER DISTRICT - TACLOBAN NORTH WATER SUPPLY PROJECT** located in **Brgy. Cabalawan, Tacloban City** on **January 14, 2021** to determine compliance status of firm with the environmental regulations, permit conditions, and other requirements. The following are the findings and recommendations formulated, to wit:


Findings and Observations:

1. Office records showed that the firm has no submission of Compliance Monitoring Report semi-annually;
2. Two (2) units 563 KW Cummins Brand Diesel Generator Set were noted at the site to supply power during outage. The said facilities were located at the power house. It was noted that no exhaust or stack was observed for each genset. No Permit to Operate for Air Pollution Source Installation was secured from this Office;
3. Likewise, no Hazardous Waste Registration Certificate (DENR ID) issued as hazardous waste generator; and
4. No designated Pollution Control Officer of the establishment.

Remarks and Recommendations:

1. To secure Permit to Operate Air Pollution Source Installation (Genset) and DENR ID as hazardous waste generator through the EMB Online Permitting and Monitoring System;
2. To designate a Pollution Control Officer, to attend the 40-hr Basic PCO Training and apply for PCO accreditation;
3. To submit Compliance Monitoring Report for the 2nd semester of CY 2020 and onwards through the EMB online system which can be accessed through the EMB website or through <https://online.emb.gov.ph/cmr/>;
4. To undertake tree planting activity on a designate area on the project site;
5. For issuance of Notice of Violation for non-compliance to ECC conditions:
 - ECC Condition No. I-4, no DENR ID as Hazardous Waste Generator and Permit to Operate for Air Pollution Source Installation; and
 - ECC Condition No. I-2, no submission of CMR semi-annually.

Prepared by:


JANET T. POLEA
Inspector-Engr. IV

Recommending Approval:


CARLOS A. CAYANONG
Chief, Water Air Quality Monitoring Section

Approved by:


REYNALDO B. BARRA, PME.
Chief, Environmental Monitoring and Enforcement Division

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