

03 May 2021

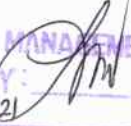
DENR-PAB Case No. 08-000020-21-A

LEYECO V (2MW MODULAR DIESEL-FIRED GENSET)

Alta Vista, Ormoc City, Leyte

Thru: **THE MANAGEMENT**

ENVIRONMENTAL MANAGEMENT BUREAU

RELEASED BY: 

DATE: 05/04/2021

TIME: 11:32am

NOTICE OF VIOLATION

Dear 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 desk review conducted by the Clearance and Permitting Division – Air and Water Permitting Section (CPD-AWPS) of this Office last **26 April 2021**. Based on Office records, LEYECO V has no application yet filed for renewal of its permit to operate.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating without a valid Permit to Operate for Air Pollution Source and Control Installations : one (1) unit 2MW diesel generator set “V POWER” brand, since 07 March 2021 .	Violation of Section 1, Rule XIX of DENR Administrative Order No. 2004-26, and Permitting Procedures No. 8 of Memorandum Circular 2007-003 , in relation to Section 47 thereof and in relation further to Pollution Adjudication Board Resolution No. 01, Series of 2019 .

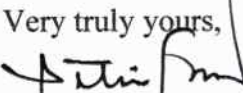
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public,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



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR Compound, Jones St., Tacloban City, Philippines



FOR : **THE DIVISION CHIEF**
Clearance and Permitting Division

FROM : **THE UNDERSIGNED STAFF**
Air & Wastewater Permitting Section

SUBJECT : **DESK REVIEW REPORT INVOLVING THE
LEYECO V (2MW MODULAR DIESEL-FIRED GENSET),
LOCATED AT ALTA VISTA, ORMOC CITY, LEYTE.**

DATE : **26 APRIL 2021**

BACKGROUND/ PROCEEDINGS

This desk review report is hereby prepared on 26 April 2021 for the purpose of issuance of Notice of Violation to LEYECO V (2MW MODULAR DIESEL-FIRED GENSET) for operating without a valid Permit to Operate.

FINDINGS/OBSERVATIONS

Based on the previous application and Office records, the following findings were observed:

1. LEYECO V (2MW MODULAR DIESEL-FIRED GENSET) has been issued a Permit to Operate on **07 December 2020**, with Permit No. **PTO-OL-R08-2020-02749** which was only valid until **07 March 2021**. *Copy of the said permit to operate is attached;*
2. Based on Office Records, LEYECO V (2MW MODULAR DIESEL-FIRED GENSET) has no yet filed application for renewal of its Permit to Operate;
3. Apparently, LEYECO V (2MW MODULAR DIESEL-FIRED GENSET) has been in operation without a valid Permit to Operate since **08 March 2021**.

REMARKS

1. **Section 1, Rule XIX, Part VI of DENR Administrative Order No. 2000-81 or the Implementing Rules and Regulations (IRR) of the Philippine Clean Air Act of 1999 (Republic Act 8749)** provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Director;
2. In relation thereto, **Section 1, Rule XIX of DENR Administrative Order No. 2004-26 or Amending Rule XIX of DAO 2000-81** explicitly provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Environmental Management Bureau (EMB) Regional Director;



Republic of the Philippines
 Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
 Region VIII
 DENR Compound, Jones Street, Barangay 2, Tacloban City
 Tel No. (053) 832-10-88

Permit No: PTO-OL-R08-2020-02749
 Application Type: New

Date Issued: 07 Dec 2020
 Date Expiration: 07 Mar 2021

PERMIT TO OPERATE Air Pollution Source and Control Installations

Pursuant to Part IV, Rule XIX of the Rules and Regulations of R.A. 8749, authority is hereby granted to:

LEYECO V (2MW Modular Diesel-Fired GENSET)

Alta Vista, Ormoc City, Leyte

subject to the following terms and conditions:

TERMS AND CONDITIONS

TEMPORARY

1. This Permit is issued for the permittee to operate **One (1) unit 2 MW diesel generator set "V POWER" brand** for the purpose of **"continuous power"** at the permittee's establishment identified on the page of this Permit.
2. Unless revoked by the Bureau, this Permit shall be valid for a period of **90 days** from the date of its issuance, as indicated by the issue and expiry dates on the page of this Permit.
3. During this period of validity, the Bureau may modify the Permit by amending any existing condition or imposing any new or additional condition, subject to the provisions of Rule XIX of the Implementing Rules & Regulations (IRRs) of Republic Act No. 8749.
4. Renewal of this Permit shall be filed not less than **thirty (30) days** before the expiry date indicated on the previous page of the Permit.
5. The previous page of this Permit shall be posted in a conspicuous location of the premises, and shall be adequately framed or otherwise protected against damage.
- 6.
7. The permittee shall submit **Self-Monitoring Reports (SMR)** to the Bureau in accordance with DENR Administrative Order No. 27 (Series of 2003) and any written instructions by the Bureau in every quarter of the year, and it shall be submitted every 1st-15th day of the following month of the quarter.
8. The permittee shall at all times have an appointed or designated **Pollution Control Officer (PCO)** pursuant to DAO 2014-02.
9. The permittee shall at all times allow authorized or accredited officers of the Department or the Bureau entry to the establishment and access to any part of the establishment to conduct inspections, gather information, and test emissions.
10. The permittee shall not make or allow any alterations or modifications to operations, activities, installations, processes, plant or equipment at the establishment that might substantially change the nature or quantity of the associated emissions without obtaining the approval of the Bureau, including the obtaining of any necessary Permit to Operate.
11. The permittee shall conduct **third party emission test** for the **One (1) unit 2 MW diesel generator set** for **PM, CO, NOx, SOx**, twice a year as required under DENR-EMB MC No. 2007-003, and submit result **three (3) months** after the emission was conducted. Test plan shall be submitted to EMB for approval, at least **two (2) weeks** before the test schedule.
12. The permittee shall burn only **diesel fuel** in the generator set.

Recommended by:

Approved by:

Maribel B. Munsayac

Chief, Clearance and Permitting Division

Letecia R. Maceda
 Regional Director

Filing Fee

Permit Fee

POISAR

Documentary Stamp Tax

Php 800

Php 780

Php 10

Php 30

O.R. No. 5609920.4735714

O.R. No. 5609920.4735714

O.R. No. 5609920.4735714

O.R. No. 5609920.4735714

Date: Nov 26 2020

Date: Nov 26 2020

Date: Nov 26 2020

Date: Nov 26 2020



This is a computer-generated certificate. To verify the authenticity of this fee, kindly scan the generator QR Code at www.demr.gov.ph or call the DENR-EMB for details.