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

24 May 2021

DENR-PAB Case No. 08-000027-21-A

PRINCE TOWN BAYBAY
Bonifacio St., Poblacion Zone 11, Baybay City
6251 Leyte, Philippines

Thru: **RHEA JANICE S. GO**
Chief Operating Officer

HEPOLITO D. BELTRAN
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: *[Signature]*
DATE: 24/24/2021
TIME: 9:20am

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 8749** otherwise known as the Philippine Clean Air Act of 1999, based upon the desk review conducted by the Clearance and Permitting Division – Air Water Quality Permitting Section (CPD-AWPS) of this Office last **21 April 2021** on your online application (new application) for Permit to Operate filed last **11 June 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating without a valid Permit to Operate of the following Air Pollution Installations: one (1) unit 265 KVA (212 KW) “CUMMINS” brand genset with muffler , since 19 July 2020 .	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 of RA 8749 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
PRINCE TOWN BAYBAY LOCATED BONIFACIO ST.
POBLACION ZONE 11, BAYBAY CITY, LEYTE**

DATE : **11 MAY 2021**

BACKGROUND/ PROCEEDINGS

On **23 April 2021**, PRINCE TOWN BAYBAY filed an online application (Application No. 110194) for the renewal of its Permit to Operate. This Desk Report is prepared on 11 May 2021 for the purpose of issuance of Notice of Violation for the said firm.

FINDINGS/OBSERVATIONS

Based on the aforementioned application, the following findings were observed:

1. PRINCE TOWN BAYBAY has been issued a Permit to Operate on 20 July 2016, with Permit No. 16-POA-G-0837-0149 which was only valid until 20 July 2020. *Copy of the said Permit to Operate is attached;*
2. PRINCE TOWN BAYBAY is represented by RHEA JANICE S. GO as the Chief Operating Officer and HEPOLITO D. BELTRAN JR (0936-7356352 / hepolito.baybay@gmail.com) as the Pollution Control Officer;
3. Apparently, PRINCE TOWN BAYBAY has been in operation without a valid Permit to Operate since **21 July 2020**;

REMARKS

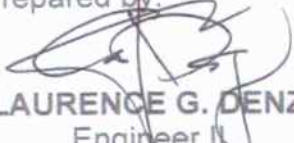
1. **Section 1, Rule XIX, Part VI of DENR Administrative Order No. 2000-81 or the Implementing Rules and Regulations (IRR) of the Philippine Clean Air Act of 1999 (Republic Act 8749)** provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Director;
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;

3. This is further reiterated in the **Permitting Procedures No. 8 of Memorandum Circular 2007-003** or the **Policy on Compliance and Permitting for Industrial Facilities Relating to Air Quality** that an applicant shall not be allowed to operate a new or modified source (except for commissioning or testing) until a temporary or regular permit has been issued. **Operation without a permit is a violation of the Act**, as in this case, the Permit to Operate;
4. One of the Permit Conditions provided for under the expired Permit to Operate issued to PRINCE TOWN BAYBAY requires the permit holder to **renew the permit to operate at least thirty (30) days before the expiry date**;
5. Any establishment found to have violated the foregoing provisions shall be liable under **Section 47 of Republic Act 8749**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**.

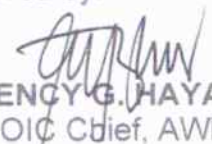
RECOMMENDATIONS

1. To issue a Notice of Violation against **PRINCE TOWN BAYBAY** for operating without a valid Permit to Operate, in violation of **Section 1, Rule XIX of DENR Administrative Order No. 2004-26** and **Permitting Procedures No. 8 of Memorandum Circular 2007-003** which, IF found guilty, shall be liable under **Section 47 of Republic Act 8749**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**;
2. Pursuant to **PAB Resolution No. 01-2019**, to defer from the issuance of a Permit to Operate until resolution of the case or payment of the corresponding fine, if warranted;
3. For further appropriate actions as may be determined after due process.

Prepared by:


LAURENCE G. DENZON
Engineer II


Concurred by:


HENNENCY G. HAYAG, PME
OIC Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
Chief, CPD

Noted by:


LETECIA R. MACEDA
Regional Director





Permit No. 16 - P.O.A. - G - 0837 - 0149

Date Issued July 20, 2016
Valid Until July 20, 2020

PERMIT TO OPERATE
AIR POLLUTION INSTALLATIONS
(New)

Pursuant to Rule XIX of the Implementing Rules and Regulation of Republic Act 8749 otherwise known as "The Philippine Clean Air Act of 1999", authority is hereby granted to:

PRINCE TOWN BAYBAY
(Name of firm, individual, owner, etc.)

Zone II, Bonifacio St., Baybay City, Leyte
Address

to operate the following (Description of structure and/or equipment)

One (1) unit 265 KVA (212 KW) "CUMMINS" brand standby generator set with muffler.

Permit Conditions:

1. Subject to automatic revocation if found violating the Implementing Rules and Regulations of RA 8749 specifically compliance with the Source Specific Ambient Air Quality Standards set forth under Table 3, Sec. 1 Rule XXVI of IRR of RA 8749 and the conditions set forth in this Permit.
2. This Operating Permit covers only the aforesaid structure/equipment.
3. This Permit shall be posted conspicuously near the equipment adequately framed and protected against damaged.
4. Application for the renewal of this Permit shall be filed at least thirty (30) days before the expiry date.
5. The Manager or Pollution Control Officer shall immediately notify this Office of any breakdown of any installation(s) that may cause an increase in the emission of pollutants in violation of Emission Standards, the steps being undertaken to solve the problem and/or prevent its recurrence, and the expected completion of repair/renovation of work.
6. The Manager or Pollution Control Officer in-charge of the above installation(s) shall keep record of the operational efficiency of the air pollution sources and control facilities and shall furnish this office a copy of the same on a quarterly basis.
7. Good housekeeping shall be observed at all times inside the store.
8. The permittee shall allow authorized officers of the Department or the Bureau entry and access to any part of the establishment, to conduct inspections, gather information, test emissions or take samples at all times during office hours. The permittee and its personnel shall not obstruct such officers in the performance of the said functions, and shall furnish any reasonable information or materials requested by them. The permittee shall also obey any lawful instruction or direction given by the authorized or accredited officer of the Department or the Bureau at all times.

9. The permittee shall properly and consistently maintain and operate the Air Pollution Control device (APCD). The permittee shall not operate/undertake the Air Pollution Source Equipment (APSE) activities without the APCD in good order or in proper operation except with the permission of DENR when special circumstances arise.
10. The permittee shall submit a report within 24 hours in the event of failure or breakdown of APSE/APCD or related facilities, stating all pertinent facts, estimated duration of breakdown, corrective and mitigating measures undertaken and resumption of operation.
11. The permittee shall not undertake any activities such as additions of equipment or modifications that result in pollution without valid permit from this Office, except those activities as indicated in the document submitted.
12. The permittee shall pay penalties of not less than ten thousand (10,000.00) pesos and not more than one hundred thousand (100,000.00) pesos in case any installation, processes or activities at the establishment that produces, generates, captures, treats, reduces, controls, emits, releases or disperses air pollutants without a valid Permit to Operate, or in violation of any conditions of this Permit, pursuant to Rule LVI of the implementing Rules and Regulations of RA 8749.

Recommending Approval:

APPROVED BY:

REYNALDO B. BARRA
Chief, Clearance & Permitting Division

LEFECIA R. MACEDA
Regional Director

Permit Fee P1500.00
Filing Fee P 55.00
PD 1856 P 10.00

O.R. #
9778694
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Date
7-12-16
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