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

NOV 15 2021

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 11/16/2021
TIME: 9:53am
DENR-PAB Case No. 08-000151-21-W

ASIA RENAL CARE (PHILIPPINES), INC.
Osmena St. Corner San Pablo St., Brgy 10 (Pob). Ormoc City, Leyte

Thru: **ANTHONY H. NAZARIO**
Pollution Control Officer

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 desk review/evaluation conducted by the Clearance and Permitting Division – Air Water Permitting Section (CPD-AWPS) last **25 October 2021**, on your online application for wastewater Discharge Permit renewal filed last **19 October 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without the valid required wastewater Discharge Permit , since 07 October 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 .

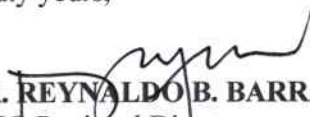
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public,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



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
ASIA RENAL CARE (PHILIPPINES), INC. LOCATED AT
OSMEÑA ST. CORNER SAN PABLO ST., BRGY. 10
(POB.) ORMOC CITY, LEYTE.**

DATE : **25 OCTOBER 2021**

BACKGROUND/ PROCEEDINGS

On **19 October 2021**, **ASIA RENAL CARE (PHILIPPINES), INC.** filed an online application (Application No.157198) for the renewal of its Wastewater Discharge Permit. This desk review report was prepared on 25 October 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. ASIA RENAL CARE (PHILIPPINES), INC. has been issued a Discharge Permit on **06 October 2020**, with Permit No. **DP-R08-20-04428** which was only valid until **06 October 2021**. *Copy of the said discharge permit is attached;*
2. ASIA RENAL CARE (PHILIPPINES), INC. is represented by **Anthony H. Nazario** (561-3023/ 09178094197)) as the Pollution Control Officer;
3. Apparently, ASIA RENAL CARE (PHILIPPINES), INC. has been in operation without a valid Discharge Permit since **07 October 2021**.

REMARKS

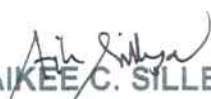
1. **Section 14 of Republic Act No. 9275 or the Philippine Clean Water Act of 2004** provides that the Department shall require owners or operators of facilities that discharge regulated effluents pursuant to the same Act to secure a permit to discharge;
2. In relation thereto, **Rule 14.1 of DENR Administrative Order No. 2005-10** explicitly provides that **any person** that shall discharge in any manner into Philippine Waters and/or Land shall secure a Discharge Permit;

3. This is further reiterated in a Memorandum dated 20 June 2018 issued by the EMB Director which clarifies that in the implementation and issuance of Discharge Permits, **all establishments** must secure a Discharge Permit **regardless of volume of wastewater**.
4. One of the Permit Conditions provided for under the expired Discharge Permit issued to **ASIA RENAL CARE (PHILIPPINES), INC.** requires the permit holder **to renew the discharge permit at least one (1) month before expiry date**;
5. **Paragraph (c) of Section 27, R.A 9275** or the Philippine Clean Water Act of 2004 prohibits the operation of facilities which discharges regulated water pollutants **without the valid required permits**, as in this case, the Wastewater Discharge Permit;
6. Any establishment found to have violated the foregoing provisions shall be liable under **Section 28 of Republic Act 9275**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**.

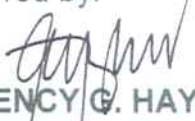
RECOMMENDATIONS

1. To issue a Notice of Violation against **ASIA RENAL CARE (PHILIPPINES), INC.** for operating without a valid Discharge Permit, in violation of **Paragraph (c), Section 27 of R.A 9275** which, IF found guilty, shall be liable under **Section 28 of R.A 9275**, 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 Discharge Permit 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.

Reviewed by:


AIKEE C. SILLEZA
 EMS II

Concurred by:


HENNENCY G. HAYAG, PME.
 OIC-Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
 Chief, CPD

Noted by:


REYNALDO B. BARRA, PME.
 OIC, Regional Director





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

Date: Oct 06, 2020

Permit No.: DP-R08-20-04428

New

WASTEWATER DISCHARGE PERMIT

Pursuant to Section 14, Article 2, of the RA 9275 otherwise known as the "Philippine Clean Water Act of 2004", this permit is hereby granted to **Asia Renal Care (philippines), Inc** with office address at Osmeña Street Corner San Pablo Street, Barangay 10 (Pob.), Ormoc City, Leyte for its establishment:

Asia Renal Care (philippines), Inc	Osmeña Street Corner San Pablo Street Barangay
TIN No. 200-547-897-008	10 (Pob.) ORMOC CITY

To discharge **Commercial Wastewater** subject to the following conditions:

1. The discharge volume of the wastewater generated shall not exceed **14.1 m3/day**.
2. Institute measures on the operation of your **Wastewater Treatment Facility (WTF) - Septic Tank** so as to have **Zero Discharge**.
3. The maximum wastewater generation of **5.3** m3/day shall be from the process wastewater.
4. The maximum wastewater generation of **1.4** m3/day shall be from the washing/cleaning activities.
5. The maximum wastewater generation of **3.9** m3/day shall be from the domestic wastes.
6. The maximum wastewater generation of **3.5** m3/day shall be from the other activities.
7. Submit Self-Monitoring (SMR) based on the following schedule: *(Online submission at <https://iis.emb.gov.ph/smr>)*

Quarter	Coverage	Submission	Quarter	Coverage	Submission
First	Jan-Mar	1-15 Apr.	Third	Jul-Sep.	1-15 Oct.
Second	Apr-Jun.	1-15 Jul.	Fourth	Oct-Dec.	1-15 Jan.
8. Channel your wastewater generation (process, washing/cleaning, domestic, and others) into your **WTF - Septic Tank**.
9. Submit Certificate of desludging/siphoning of the **Septic Tank** and treatment of the same by an accredited service provider.
10. Submit Certificate of PCO Accreditation within **six (6) months** from the date of issuance of this permit. Make sure that the managing head had already attended the required eight (8) hours training on environmental management covering the basic environmental laws, rules and regulations and the duties and responsibilities of the PCO.
11. Allow the entry of our duly authorized representative(s) to conduct inspection within your premises.
12. This permit, together with the corresponding Official Receipts of Payment, shall be adequately framed and posted in a conspicuous place at the plant/establishment.
13. The application for renewal of this permit shall be filed no less than **thirty (30) days** prior to its expiration.

This permit is valid up to Oct 06, 2021, unless revoked or suspended by this Office in writing.

Non-compliance with the above conditions and/or any pertinent provisions of RA 9275 otherwise knows as "Philippine Clean Water Act of 2004", a corresponding penalty in the amount of P10,000-P200,000 per violation shall be imposed.

Recommended by:

Approved by: