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

NOV 15 2021

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 11/16/2021
DENR-PAB Case No. 08-000116-21-A 10:28 am

LEDA CONSTRUCTION, INC.
SAND AND GRAVEL PROCESSING PLANT PROJECT
Brgy. Parasan, Jaro, Leyte

Thru: **ENGR. ALLAN V. BERENGUER**
Managing Head

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 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 **27 September 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating one (1) unit Crushing Plant and one (1) unit 220 KVA Mitsubishi Brand Standby Diesel Generator Set, without the required Permit to Operate for Air Pollution Source Installations, since 27 September 2021 .	Violation of Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26 , amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81 , 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,


ENGR. REYNALDO B. BARRA
OIC-Regional Director



AS-2021-01623

NOTICE OF VIOLATION

NOV 15 2021¹

LEDA CONSTRUCTION, INC.
SAND AND GRAVEL PROCESSING PLANT PROJECT
Brgy. Parasan, Jaro, Leyte

Thru: **ENGR. ALLAN V. BERENGUER**
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 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 **27 September 2021**.

ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Failure to submit to this office the required semi-annual Compliance Monitoring Report (CMR) .	Violation of ECC General Condition No. 4, 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 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. Further, you or your authorized representative is hereby summoned to attend, in person, a technical conference/hearing before this Office on November 29, 2021t 1:30 pm.

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,

ENGR. REYNALDO B. BARRA
OIC - Regional Director

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

**SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT**

Department: ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____

Date of Survey/Inspection: September 27, 2021Mission Order No.: EMBR8-2021--015146**1. GENERAL INFORMATION**Name of Establishment **LEDA CONSTRUCTION, INC. SAG PROCESSING PLANT PROJECT**

Address: Brgy. Parasan, Jaro, Leyte

Geo Coordinates:
10.86107 N, 124.73585 E

Nature of Business: Crushing Plant

PSIC Code:

Product: aggregates

Year Established: 2013

Operating hours/day: **non-operational**Operating days/week: **non-operational**Operating days/year: **non-operational**

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
	50 MT/day	Non-operational
Name of Managing Head:	ENGR. ALLAN V. BERENGUER	
Name of PCO:	None	
PCO Accreditation No.:	None	Date of Effectivity:
Phone/Fax:	09456295457	Email:

2. PURPOSE OF INSPECTION

- ☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

	New	Renewal
<input type="checkbox"/> New Renewal		
<input type="checkbox"/> PMPIN Application	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste ID Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste Transporter Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous waste TSD Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Permit to Operate Air Pollution Control Installation	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discharge Permit	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Others _____	<input type="checkbox"/>	<input type="checkbox"/>

- ☒ 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

MARILOU ABEJAR

Position / Designation

Secretary-Crusher Plant

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-RO8-1304-0047	05-03-2013	
	ECC2			
	ECC3			
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.			

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	1
Type (Brand/Model)	Jaw Crusher
Rated Capacity	50MT/hr
Fuel Type & Quantity	Electrically driven
Operating Capacity	
Control Facility	Water Sprinkler
Notes	

Emission Source Data Information	
Emission Source No.	2
Type (Brand/Model)	Mitsubishi Genset
Rated Capacity	220KVA
Fuel Type & Quantity	Diesel
Operating Capacity	Standby
Control Facility	
Notes	

Legal Provision	Regulatory Requirements	Compliant			Notes
		Y	N	N/A	
DAO 2004-26					
Rule 19 Section 1	Application for Permit to Operate has been filed for new or modified emission sources		√		
Rule 19 Section 3	As built design of the installation conforms with submitted engineering plans and specifications		√		
	Declared control facilities are installed and operational		√		
	Installation is located as proposed in the vicinity map (plant and machinery layout)		√		
	Facility design capacity is within the capacity declared in the application for permit to operate		√		
Rule 19 Section 5	Temporary Permit is still valid			√	
DAO 2000-81					
Part 7 Rule 25 Section 5 a# 3	Facility is fossil fuel-fired powerplant over 10 MW rating installed with CEMS for particulates, sulfure oxide, and NOx			√	

	Facility is petroleum refinery / petrochemical industry installed with CEMS for particulates, sulfur oxide, and NOx			√	
	Facility is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx			√	
	Facility is steel plant installed with CEMS for particulates and sulfur oxide			√	
	Facility is ferro-alloy production facility installed with CEMS for particulates			√	
	Facility is cement plant installed with CEMS for particulates			√	
Section 3a #1	Facility has the potential to emit at least 750 tons/year of regulated pollutant. Facility has CEMS and COMS.			√	
	Facility has the potential to emit at least 750 tons/year of particulate matter. Facility has COMS.			√	

EMB DAO 2007-22


Section 5	CEMS/COMS Specifications for Opacity is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 1			√	
	CEMS/COMS Specifications for Sulfur Dioxide and Nitrogen Oxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 2			√	
	CEMS/COMS Specifications for Carbon Dioxide and Oxygen is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 3			√	
	CEMS/COMS Specifications for Carbon Monoxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 4 and 4A			√	
	CEMS/COMS Specifications for Hydrogen Sulfide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 7			√	

Other Observations:

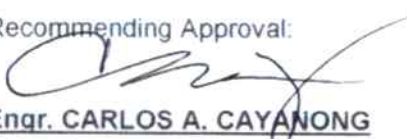
- An Environmental Compliance Certificate with reference code: ECC-R08-1304-0047 was issued by this Office on 03 May 2013 to LEDA Construction, Inc. thru its president Engr. Allan V. Berenguer for the SAG Processing Plant Project located in Brgy. Parasan, Jaro, Leyte.
- The project was non-operational at the time of monitoring.
- Ms. Marilou Abejar, Plant Secretary, explained that the plant has no operation due to ongoing repair and upgrading of the facilities.
- Installed at the site is a one (1) unit Crushing Plant and one (1) unit 220KVA Mitsubishi Brand Standby Diesel Generator Set.
- Office records showed that the proponent has not yet secured a Permit to Operate for the above-cited facilities.
- The plant has no designated Pollution Control officer.
- The proponent has no records of CMRs submission to this office.

<p>Remarks and Recommendation:</p> <ul style="list-style-type: none"> - This Office to issue a Notice of Violation against LEDA Construction Inc. for operating without a valid Permit to Operate for the one (1) unit Crushing Plant and one (1) unit 220KVA Mitsubishi Brand Standby Diesel Generator Set In violation of Section1, Rule XIX of the DAO 2004-26. - The designated PCO to attend a 40-Hr Basic PCO training and apply for accreditation before this Office. - To issue a separate memorandum recommending the issuance of Notice of Violation for non-submission of CMR under ECC condition No. I-B4.
<p>List of Documents Reviewed:</p>
<p>Copy of ECC</p>

Submitted by:


JANET T. POLEA
 Engr. IV

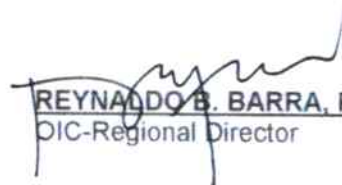
Recommending Approval:


Engr. CARLOS A. CAYANONG
 Chief, WAQMS

Approved by:


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

Noted by:


REYNALDO B. BARRA, PME.
 OIC-Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR 8 Compound, Brgy. 2, Jones Extension, Tacloban City
Telefax: (053) 832-1088
Email: r8support@emb.gov.ph emb8@yahoo.com
Website: r8.emb.gov.ph



MEMORANDUM

FOR : THE OIC REGIONAL DIRECTOR
Environmental Management Bureau Region VIII

ATTENTION : LEGAL UNIT

FROM : THE UNDERSIGNED

SUBJECT : RECOMMENDATION FOR THE ISSUANCE OF NOTICE
OF VIOLATION (NOV) TO LEDA CONSTRUCTION, INC.
SAG PROCESSING PLANT PROJECT

DATE : 18 October 2021

Pursuant to Mission Order No. **EMBR8-2021--015146**, the undersigned conducted compliance monitoring at **LEDA Construction Inc., SAG Processing Plant Project** located in **Brgy. Parasan, Jaro, Leyte** on **27 September 2021** to determine the firm's compliance status with the environmental regulations, permit conditions, and other requirements. The following are the findings and recommendations formulated, to wit:

Findings and Observations:

- 1) The proponent has no records of CMRs submission to this office.
- 2) The firm has no accredited Pollution Control Officer which will competently handle the environmental-related aspects of the project.

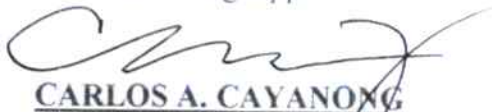
Remarks and Recommendations:

- 1) This Office to issue a Notice of Violation against **LEDA Construction Inc.**, located in **Brgy. Parasan, Jaro, Leyte** for non-submission of CMRs semi-annually as required under ECC condition No. I-B4.
- 2) The designated PCO to attend a 40-Hr Basic PCO training and apply for accreditation before this Office.

Prepared by:


JANET T. POLEA
Inspector-Engr. IV

Recommending Approval:


CARLOS A. CAYANONG
Chief, Water Air Quality Monitoring Section

Approved by:


FOR. MANUEL J. SACEDA, JR.
OIC-Chief, Environmental Monitoring and Enforcement Division