
	<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

DENR-PAB Case No. 08-000154-21-W

JOSHUA RAY F. HOSAIN POULTRY FARM
Margen, Ormoc City, Leyte

Thru: **JOSHUA RAY F. HOSAIN**
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 11/16/2021
TIME: 9:59am

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 **22 October 2021**, on your online application for wastewater Discharge Permit renewal filed last **14 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 20 August 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 .

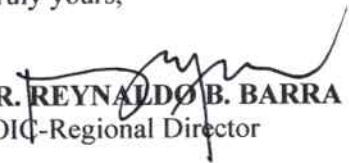
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **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
JOSHUA RAY F. HOSAIN POULTRY FARM LOCATED
AT MARGEN, ORMOC CITY, LEYTE**

DATE : **22 OCTOBER 2021**

BACKGROUND/ PROCEEDINGS

On **14 October 2021**, JOSHUA RAY F. HOSAIN POULTRY FARM filed an online application (Application No. 155189) for the renewal of its Wastewater Discharge Permit. This Desk Report is prepared on 22 October 2021 for the purpose of recommending for the issuance of Notice of Violation for the said firm.

FINDINGS/OBSERVATIONS

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

1. JOSHUA RAY F. HOSAIN POULTRY FARM has been issued a Discharge Permit on 19 November 2020, with Permit No. DP-R08-20-05601 which was only valid until 19 August 2021. *Copy of the said discharge permit is attached;*
2. JOSHUA RAY F. HOSAIN POULTRY FARM is represented by JOSHUA RAY F. HOSAIN (0965-1284480 / joshuarayhosain@gmail.com) as the Owner and Pollution Control Office.
3. Apparently, JOSHUA RAY F. HOSAIN POULTRY FARM has been in operation without a valid Discharge Permit since **20 August 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 JOSHUA RAY F. HOSAIN POULTRY FARM 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.**

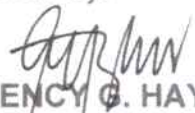
RECOMMENDATIONS

1. To issue a Notice of Violation against **JOSHUA RAY F. HOSAIN POULTRY FARM** 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.

Prepared by:


LAURENCE G. DENZON
Engineer II

Concurred by:


HENNY G. HAYAG, PME
Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
Chief, CPD

Noted by:


REYNALDO B. BARRA, PME
OIC, Regional Director

