



NOTICE OF VIOLATION

NOV 15 2021

DENR-PAB Case No. 08-000156-21-W

EMERALD POULTRY FARM PROJECT
Brgy. Hibangan, Dagami, Leyte

Thru: **ESMERALDA B. ORTEGA**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 11/16/2021
TIME: 10:03am

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 survey/inspection conducted by the technical personnel of this Office last **27 September 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 27 September 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



SURVEY/INSPECTION FOR WATER QUALITY MANAGEMENT



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number : WS - 09 - 15Date of Survey/Inspection: September 27, 2021Mission Order No.: EMBR8-2021-015386**1. GENERAL INFORMATION**

Name of Establishment: EMERALD POULTRY FARM		
Address: Brgy. Hiabangan, Dagami, Leyte		Geo Coordinates: 11° 3' 59" N 124 ° 52' 58" E
Nature of Business: POULTRY FARM		
PSIC Code:	Product: POULTRY	Year Established: 2007
Operating hours/day: N/A	Operating days/week:	Operating days/year:

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
	maximum capacity of 40,000 heads of bird	8,000 heads of bird
Name of Managing Head: ESMERALDA B. ORTEGA		
Name of PCO: None		
PCO Accreditation No.:	-	Date of Effectivity: -
Phone/Fax:	-	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 **SURVEY**

Name of Contact Person	ALLAN ABELINO
Position / Designation	Site Engineer

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-08-071206-0096	December 6, 2007	
	ECC2			
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.			

4. Water Supply and Wastewater Generation					
A. Water Sources					
Sources of Water Supply	Daily (m ³ /day)		Annual (m ³ /day)		Specify if Others
Surface water (river, lakes, etc.)					
Groundwater (Drilling)	1.74				
Water utilities					
Others (specify)					
B. Wastewater Sources					
Water Use / Sources of Wastewater	Consumed (m ³ /day)		Generated (m ³ /day)		Specify if Others
Process Water					
Domestic Water					
Cooling Water					
Maintenance					
Storm drain					
Others (specify)					
C. Quality of Abstracted Water					
Sources of Water Supply	BOD/ COD	TSS	AVFP	Heavy Metals	Specify if Others
5. Information on Wastewater Pollution					
A. Does the Establishment have a Wastewater Treatment Plant?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
B. What type of WWTP?	<input type="checkbox"/> Physical <input type="checkbox"/> Biological <input type="checkbox"/> Chemical <input type="checkbox"/> Others				
C. WWTP Detail					
1. Date Installed					
2. Design Capacity					
3. Cost of WWTP					
4. Annual Maintenance Cost (Php/year)					
5. Location of Discharge Point(s)		Receiving Water Body		Classification of Water Body	

	<input type="checkbox"/> V-weir	Other (specify) _____	
6. Flow Metering Device Use	<input type="checkbox"/> Flow Meter		
7. Flow Rate	Influent	Effluent	Others (specify) _____
A. Components of WWTP			
Primary	Biological	Chemical	Others
<input type="checkbox"/> Screening <input type="checkbox"/> Primary Treatment <input type="checkbox"/> Grit Removal <input type="checkbox"/> Oil/Water Separator <input type="checkbox"/> Equalization Tank <input type="checkbox"/> Others (specify) _____	<input type="checkbox"/> Activated Sludge <input type="checkbox"/> Anaerobic Digestion <input type="checkbox"/> Tricking Filter <input type="checkbox"/> Oxidation/Stabilization Pond <input type="checkbox"/> Sequencing Batch Reactor <input type="checkbox"/> Others (specify) _____	<input type="checkbox"/> pH Adjustment <input type="checkbox"/> Disinfection <input type="checkbox"/> Oxidation/Reduction <input type="checkbox"/> Flocculation/ Coagulation <input type="checkbox"/> Others (specify) _____	
B. Condition of the WWTP			
1. What is the general condition of the WWTP during sampling?	<input type="checkbox"/> Properly maintained <input type="checkbox"/> Inadequately maintained <input type="checkbox"/> Poor maintenance <input type="checkbox"/> Others		
2. Is the WWTP under construction or undergoing rehabilitation?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
3. If the answer is No. 2 is YES, has this been reported to EMB/LLDA?			
4. Which System or units are under construction or being modified?			
5. Estimated date of completion			
6. Treatment units utilized to treat wastewater			

Water Quality Field Date						
Sampling Point No. 1						
Sampling Station			Sampling Time:			
Type of Sample						
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	

III. SUMMARY OF FINDINGS					
Legal Reference	Compliance Requirements	Compliant			Remarks
		Y	N	N/A	
DAO 2005-10 Rule 14.1	1. Has the establishment submitted two notarized copies of accomplished application form?		/		
DAO 2005-10 Rule 14.2	2. Has the establishment submitted Sewer and Drainage Plan Drawing of appropriate scale in as standard size sheet and in accordance with good engineering practice?			/	
	3. Has the establishment submitted water quality analysis of abstracted water and			/	

	the appropriate bills?			
	4. Has the establishment submitted Pollution Prevention/Environmental Management System Plan or Program?		/	
	5. Has the establishment submitted copy of the Environmental Compliance Certificate or Certificate of Non-Coverage?		/	
	6. Does the establishment have a DENR ID Number as hazardous waste generator, as applicable?		/	
	7. Has the establishment designated or appointed a PCO?		/	
DAO 2005-10 Rule 14.6	8. Does the establishment use its effluent for Agricultural Purposes?		/	
	a. Has the establishment submitted certified true copy of land ownership or notarized copy of agreement between the owner of the land where the effluent is to be applied and the discharger/permittee?		/	
	b. Has the establishment submitted proof that wastewater to be used for land application does not contain toxic or substances (as defined in RA 6969)?		/	
	c. Does the establishment's wastewater applied for agricultural purposes directly or indirectly seep or drain into groundwater or nearby surface waters which will affect the quality of such ground and/or surface water?		/	
	d. Has the establishment submitted a Certification from the Department of Agriculture (DA) stating that the quantity, quality and distribution methodology of application are suited for agricultural purposes?		/	
	e. Does the establishment use land application only during periods of low surface water flow to enhance loading limits compliance?		/	
	f. Has the establishment submitted baseline groundwater quality data and self-monitoring report within the discharge areas, and installed at least one groundwater monitoring well which shall be drilled in each dominant direction of groundwater movement?		/	
	g. Has the establishment submitted an emergency plan – which shall respond to emergencies that can prevent or minimize damage to equipment, land, groundwater, etc., and/or public health?		/	

h. Does the plan highlight the design considerations, systems operation, treatment/monitoring of soil, crops, effluent and groundwater before/after irrigation? Such requirements shall be in addition to Section 14.2.			/	
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Other Observations:

1. The farm was operational at the time of inspection. It was a conventional type of poultry farming

2. No ECC billboard was seen at the premises of the farm.

3. Maximum capacity, as per project description on the proponent's ECC, covers 40, 000 head of birds in one operation but the actual load was only approximately 8, 00 heads of bird.

4. The farm utilizes a drilling machine to extract groundwater for birds or poultry consumption.

5. According to the caretaker, they collect the chicken droppings feces daily and bury them in a pit around the premises.

6. A drainage canal but no septic tank was noted at the site. The farm may generate wastewater in cleaning the floor of the building where droppings fell every after harvest of the poultry.

7. The establishment is operating without a valid Discharge Permit (DP).

11°3'59"N, 124°52'58"E

accuracy: 13ft

Altitude 317 ft

27/09/2021 08:09

11°3'59"N, 124°52'58"E

accuracy: 12ft

Altitude 318 ft

27/09/2021 08:10

Remarks and Recommendation:

1. To secure a discharge permit online for their generated wastewater.

2. To install an ECC billboard at the premises

3. For issuance of Notice of Violation for operating without a valid Discharge Permit which is in violation of Sec. 27 Par. C of RA9275 "The Philippine Clean Water Act of 2004".

List of Documents Reviewed:


ECC

FM-EMED-56

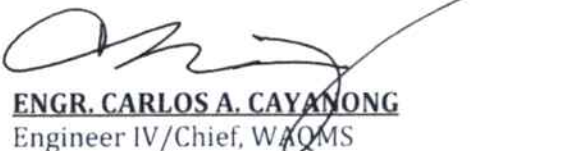
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08-01-19

Submitted by:


APRILYN B. DANAS / KAREN PATRICIA A. FABILE / CYRIL ANN BADEO
Chemist III/ EMS II/ EMS II

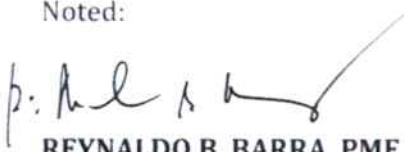
Recommending Approval


ENGR. CARLOS A. CAYANONG
Engineer IV/Chief, WQMS

Approval:


FOR. MANUEL J. SACEDA JR
OIC Chief, EMED

Noted:


REYNALDO B. BARRA, PME
OIC Regional Director