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


29 April 2021

DENR-PAB Case No. 08-000019-21-A

LEYTE AGRIVENTURES CORPORATION
Brgy. 69, Anibong, Tacloban City, Philippines 6500

Thru: **MS. NICOLETTE DIU**
Managing Head

MR. MARC DANIEL L. DICHUPA
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
 RELEASED BY: 
 DATE: 5/04/2021
 TIME: 2:52pm

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 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 2020**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating without a valid Permit to Operate the following Air Pollution Control Device/Facility : two (2) units “OPEC” Diesel Gensets rated at 500 KVA (400 KW) and 300 KVA (240 KW) and one (1) unit “RB Mill Master” Biomass Boiler (Rice Husk-fired) and one (1) unit Air Filter Bag, since 07 October 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 : **LEYTE AGRIVENTURES CORPORATION LOCATED
AT BRGY. 69 ANIBONG, TACLOBAN CITY, LEYTE**

DATE : **21 APRIL 2021**

BACKGROUND/ PROCEEDINGS

On **11 June 2020**, LEYTE AGRIVENTURES CORPORATION filed an online application (Application No. 78860) for the new application of its Permit to Operate. The temporary permit issued was only valid until **6 October 2020** and no renewal for the said temporary permit has been made. This Desk Report is prepared on 21 April 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. LEYTE AGRIVENTURES CORPORATION has been issued a Temporary Permit to Operate on 6 July 2020, with Permit No. PTO-OL-R08-2020-00070-T which was only valid until 6 October 2020. *Copy of the said Permit to Operate is attached;*
2. LEYTE AGRIVENTURES CORPORATION is represented by NICOLETTE DIU (0936-992-3760) as the Managing Head and MARC DANIEL L. DICHUPA (0917-580-8080 / mdld.vdvc@gmail.com) as the Pollution Control Officer;
3. Apparently, LEYTE AGRIVENTURES CORPORATION has been in operation without a valid Permit to Operate since **7 October 2020**;

REMARKS

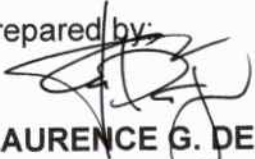
1. **Section 1, Rule XIX, Part VI of DENR Administrative Order No. 2000-81 or the Implementing Rules and Regulations (IRR) of the Philippine Clean Air Act of 1999 (Republic Act 8749)** provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Director;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

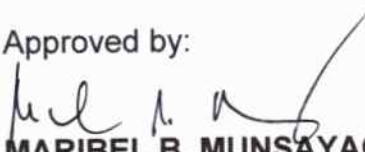
Prepared by:


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





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

Permit No: PTO-OL-R08-2020-00070-T
Application Type: New

Date Issued: 06 Jul 2020
Date Expiration: 06 Oct 2020

PERMIT TO OPERATE

Air Pollution Source and Control Installations

Pursuant to Part IV, Rule XIX of the Rules and Regulations of R.A. 8749, authority is hereby granted to:

**LEYTE AGRI VENTURES CORPORATION (LEYTE
AGRI VENTURES CORPORATION)**

Anibong, Barangay 69, Tacloban City (Capital), Leyte

subject to the following terms and conditions:

TERMS AND CONDITIONS

TEMPORARY PERMIT TO OPERATE

1. This Permit is issued for the permittee to operate **two (2) units "OPEC" Diesel Generator Sets** rated at **500 KVA (400 KW)** and **300 KVA (240 KW)**, for the purpose of **Standby Power** at the permittee's establishment identified on this Permit. *(Refer to attached Annex at page 3)*
2. This Permit is issued for the permittee to operate **one (1) unit "RB MILL MASTER" Biomass Boiler (Rice Husk-fired)** rated at **1.0 BHp** for the purpose of **Steam Boiler (Scalding)** with **one (1) unit Air Filter Bag** rated at **0.005 m3/min.** as the **Air Pollution Control Device/Facility**, at the permittee's establishment identified on this Permit. *(Refer to attached Annex at page 3)*
3. Application of the **Regular Permit to Operate** shall be filed not less than **thirty (30) days** before the expiry date indicated on this Permit upon compliance of the emission test requirement in accordance with Permit Condition No. 5.
4. This Permit shall be posted in a conspicuous location of the premises, and shall be adequately framed or otherwise protected against damage.
5. Without limiting the generality of the previous condition, the permittee shall ensure that the emissions from the permitted installations or processes comply with:
 - the National Emission Standards for Source Specific Air Pollutants as specified in Rule XXV of the IRRs of RA 8749;
 - the National Ambient Air Quality Standards for Source Specific Air Pollutants from Industrial Sources/Operations as specified in Rule XXVI of the IRRs of 8749; and
 - the emission limits specified in Permit condition No. 10.
6. The permittee shall submit Self-Monitoring Reports to the Bureau in accordance with DENR Administrative Order No. 27 (Series of 2003) and any written instructions by the Bureau at three-monthly intervals, commencing with submission of the **first Report** on or before **July 15, 2020**.
7. The permittee shall at all times have an appointed or designated Pollution Control Officer (PCO) pursuant to DAO 2014-02.
8. The permittee shall at all times allow authorized or accredited officers of the Department or the Bureau entry to the establishment and access to any part of the establishment to conduct inspections, gather information, test emissions or take samples.
9. The permittee shall not make or allow any alterations or modifications to operations, activities, installations, processes, plant or equipment at the establishment that might substantially change the nature or quantity of the associated emissions without obtaining the approval of the Bureau, including the obtaining of any necessary Permit to Operate.
The permittee shall ensure that the concentrations of the emissions from the stack/exhaust serving the **one (1) unit 500 KVA (400 KW) "OPEC" Standby Generator Set** shall not exceed the following limits:
 - **Carbon Monoxide (CO): 500 milligrams per normal cubic meter;** and
 - **Nitrogen Oxide (NOx): 2000 milligrams per normal cubic meter.**
11. The permittee shall burn **only Diesel Fuel Oil** in the **two (2) units 500 KVA (400 KW) and 300 KVA (240 KW) "OPEC" Standby Generator Sets** each for not more than **500 annual operating hours** for the whole duration of the permit validity.
12. The permittee shall burn **only Rice Husk** in the **one (1) unit 1.0 BHp "RB MILL MASTER" Biomass Boiler** for the whole duration of the permit validity.
13. The testing required by the previous condition shall be repeated and Emission Test Reports shall be submitted to the Bureau at **once per two year intervals**. The results of this testing shall be reported in the Self-Monitoring Reports submitted in accordance with Permit Condition No.5.
14. The permittee shall sample and analyze emissions of **Carbon Monoxide (CO) and Nitrogen Oxide (NOx)** from the stack/exhaust serving the **one (1) unit 500 KVA (400 KW) "OPEC" Standby Generator Set** in accordance with the

Filing Fee : Php 600
Permit Fee : Php 1560
PD1856 : Php 10
Documentary Stamp Tax : Php 30

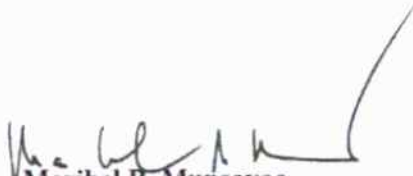
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methods specified in the IRRs of RA 8749 and including the submission of the **proposed test plan** to the Bureau at **least two (2) weeks** prior to the date of conduct of the emission test and shall submit an Emission Test Report on the results of this emission testing to the Bureau after **thirty (30) days** after the conduct of emission test. During the sampling of the emissions, the generator set shall be operated at an output of **30% or greater than the permitted capacity**. The following data on operating conditions shall be collected during the sampling period, and included in the Emission Test Report: (a) **the indicated output of the (Generator Set)**; (b) **stack or exhaust dimensions (height and inside diameter)**; (c) **average annual operating hours**; and (d) **the rate of fuel consumption**.

Recommended by:

Approved by:


Maribel B. Munsayac
Chief, Clearance and Permitting Division


Letecia R. Maceda
Regional Director

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Annex

Fuel Burning					
ID	APSI	Capacity	Brand name	Type of Fuel	APCD
2044	DIESEL GENERATOR SET	500.0 KVA	OPEC	DIESEL	---
2046	DIESEL GENERATOR SET	300.0 KVA	OPEC	DIESEL	---
2054	HUSK FIRED STEAM BOILER	1.0 Horsepower	RB MILL MASTER	RICE HUSK	AIR FILTER BAG (0.005 m ³ /min)

APCD-APSI Mapping			
ID	APCD	Connected APSIs (<name> (id))	Connected APCDs (<name> (id))
360	AIR FILTER BAG (1)	HUSK FIRED STEAM BOILER (4)	---

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Documentary Stamp Tax	: Php 30	O.R. No. : 5609364	Date : June 29, 2020