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

25 May 2021

PONPES RICE MILL

Brgy. Mering, Tabon-tabon, Leyte 6504

Thru: **MR. POTENCIANO R. JUSTIMBASTE, JR.**
Proprietor

DENR-PAB Case No. 08-000028-21-A

ENVIRONMENTAL MANAGEMENT BUREAU

RELEASED BY: *[Signature]*

DATE: 06/09/2021

TIME: 9:11am

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 compliance survey conducted by the **Provincial Environmental Monitoring Unit (PEMU) – Leyte** last **17 February 2021**.

ACTS CONSTITUTING THE VIOLATION

| Finding/s | Prohibited Act/s |
|--|--|
| Operating without a valid Permit to Operate for Air Pollution Source and control Installation: one (1) unit multi-pass rice mill with 1 ton/hr rated capacity. | Violation of Section 1, Rule XIX of DENR Administrative Order No. 2000-81 , 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.

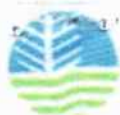
Please be informed that failure to submit the position paper on or before the period prescribed above shall mean a waiver of your right to contest the findings of the report and present evidence on your defense and the case may be decided based on evidence on record.

Please be guided accordingly.

Very truly yours,

[Signature]

LETECIA R. MACEDA
Regional Director



SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT

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

Report Control Number: AS-03-19Date of Survey/Inspection: February 17, 2021

Mission Order No.: _____

1. GENERAL INFORMATION

Name of Establishment: **PONPES RICE MILL (PONCIANO R. JUSTIMBASTE JR.)**Address: **Brgy. Mering, Tabon-tabon, Leyte**Home Address: **104 Real St., Tabon-tabon, Leyte**

Geo Coordinates:

11.04558°N, 124.96188°ENature of Business: **Rice Milling**

PSIC Code:

10010Product: **Rice**Year Established: **2013 but due to "Yolanda", the operation resumed in 2015**Operating hours/day: **8**Operating days/week: **6**Operating days/year: **288**

Product Lines

Production Rate as Declared
in the ECC (unit/day)

Actual Production Rate (unit/day)

Name of Managing Head:

PONCIANO R. JUSTIMBASTE, JR.

Name of PCO:

None

PCO Accreditation No.:

None

Date of Effectivity:

Phone/Fax:

09164538244

Email:

2. PURPOSE OF INSPECTION

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

☐ New Renewal☐ PMPIN Application☐ Hazardous Waste ID Registration☐ Hazardous Waste Transporter Registration☐ Hazardous waste TSD Registration☐ Permit to Operate Air Pollution Control Installation☐ Discharge Permit☐ Others _____

New

Renewal

☐☐☐☐☐☐☐☐☐☐☐☐☐☐

- ☒
- 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- AIR QUALITY MONITORING**

Name of Contact Person

PONCIANO R. JUSTIMBASTE, JR.

Position / Designation

Proponent/Proprietor

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

| Environmental Law | Permits | Date of Issue | Expiry Date |
|-------------------|----------------------------|-------------------|-------------|
| PD 1586 | ECC1 | ECC-R08-1302-0022 | 03-21-2013 |
| | ECC2 | | |
| | ECC3 | | |
| RA 6969 | DENR Registry ID | | |
| | PCL Compliance Certificate | | |
| | CCO Registry | | |
| RA 8749 | Permit to Transport | | |
| | POA No. | | |
| | ECC for Sanitary Landfill | | |
| RA 9003 | | | |
| RA 9275 | DP No. | | |

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

| Emission Source Data Information | |
|----------------------------------|---------------------------|
| Emission Source No. | 1 |
| Type (Brand/Model) | Multi-pass Rice Mill |
| Rated Capacity | 1 ton/hr |
| Fuel Type & Quantity | |
| Operating Capacity | More than 1 ton/hr |
| Control Facility | Dust Collector/Filter bag |
| Notes | |

| Emission Source Data Information | |
|----------------------------------|--|
| Emission Source No. | |
| Type (Brand/Model) | |
| Rated Capacity | |
| Fuel Type & Quantity | |
| Operating Capacity | |
| 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 | | | ✓ | |

| | | | | | |
|-----------------|--|--|--|---|--|
| Section 3a #1 | Facility is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx | | | V | |
| | Facility is steel plant installed with CEMS for particulates and sulfur oxide | | | V | |
| | Facility is ferro-alloy production facility installed with CEMS for particulates | | | V | |
| | Facility is cement plant installed with CEMS for particulates | | | V | |
| | Facility has the potential to emit at least 750 tons/year of regulated pollutant. Facility has CEMS and COMS. | | | V | |
| EMB DAO 2007-22 | Facility has the potential to emit at least 750 tons/year of particulate matter. Facility has COMS. | | | V | |
| Section 5 | CEMS/COMS Specifications for Opacity is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 1 | | | V | |
| | CEMS/COMS Specifications for Sulfur Dioxide and Nitrogen Oxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 2 | | | V | |
| | CEMS/COMS Specifications for Carbon Dioxide and Oxygen is compliant with USEPA 40 CFR Part 60 Appendix B, Performance Specification 3 | | | V | |
| | CEMS/COMS Specifications for Carbon Monoxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 4 and 4A | | | V | |
| | CEMS/COMS Specifications for Hydrogen Sulfide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 7 | | | V | |

Other Observations:

- 1 The Rice Mill was operational at the time of monitoring
- 2 The rice mill facility has been issued ECC with Reference No. ECC-RO8-1302-0022 issued on 07/21/2013. As per office record, no CMR submissions has been done to date.
- 3 The facility is made up of both concrete and light materials
- 4 As per information Mr. Ponciano R. Justimbaste, Jr., Proprietor, the facility was established in 2013, however, due to typhoon "Yolanda" the facility has resumed its operation in 2015.
- 5 No Permit to Operate Air Pollution Source and Control Installation for the multi-pass rice mill equipment
- 6 No Discharge Permit.

Remarks and Recommendation:

For issuance of Notice of Violation for operating without securing a Permit to Operate Air Pollution Source and Control Installation for the said multi-pass rice mill equipment which is in violation of Section 1, Rule XIX of DAO No. 2000-81, in relation to Section 47 of RA 8749.


List of Documents Reviewed:

ECC

Submitted by:


JOSEPHINE L. FUENTES
Senior EMS/OIC, PEMU Leyte

Recommending Approval


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

Approval:


REYNALDO B. BARRA, PME
Chief, EMED

Noted:


LETECIA R. MACEDA
Regional Director
12 May