



NOTICE OF VIOLATION

DEC 01 2021

DENR-PAB Case No. 08-000164-21-W

RCSJ LIVESTOCK DEALER

Hiagsam, Jaro, Leyte

Thru: **REYCHEL CHRIS S. JIBE**
Pollution Control Officer

12/01/2021
5:05pm

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 **03 November 2021**, on your alleged failure to renew the subject permit prior to its expiration last **18 May 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 19 May 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
RCSJ LIVESTOCK DEALER LOCATED AT HIAGSAM,
JARO, LEYTE**

DATE : **3 NOVEMBER 2021**

BACKGROUND/ PROCEEDINGS

On **10 March 2020**, RCSJ LIVESTOCK DEALER filed an online application (Application No. 74041) for the new application of its Wastewater Discharge Permit. This Desk Report is prepared on 3 November 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. RCSJ LIVESTOCK DEALER has been issued a Discharge Permit on 18 May 2020, with Permit No. DP-R08-20-01965 which was only valid until 18 May 2021. No application for renewal has been made for this Permit. *Copy of the said discharge permit is attached;*
2. RCSJ LIVESTOCK DEALER is represented by REYCHEL CHRIS S. JIBE (0966-1352340 / RSCJ12171986@gmail.com) as the Owner and Pollution Control Office.
3. Apparently, RCSJ LIVESTOCK DEALER has been in operation without a valid Discharge Permit since **19 May 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 RCSJ LIVESTOCK DEALER 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**.

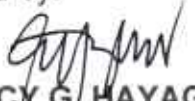
RECOMMENDATIONS

1. To issue a Notice of Violation against **RCSJ LIVESTOCK DEALER** 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.

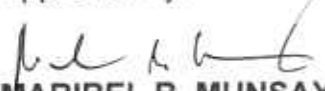
Prepared by:


LAURENCE G. DENZON
Engineer II

Concurred by:


HENNENCY G. HAYAG, PME
Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
Chief, CPD

Noted by:


REYNALDO B. BARRA, PME
OIC, Regional Director





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

Date: May 18, 2020

Permit No.: DP-R08-20-01965

New**WASTEWATER DISCHARGE PERMIT**

Pursuant to Section 14, Article 2, of the RA 9275 otherwise known as the "Philippine Clean Water Act of 2004", this permit is hereby granted to **Rcsj Livestock Dealer** with office address at None, Hiagsam, Jaro, Leyte for its establishment:

Rcsj Livestock Dealer

None Hiagsam JARO

TIN No. 281-020-488-000

1. The discharge volume of the wastewater generated shall not exceed the **21.0 m³/day**.
2. Submit Self-Monitoring (SMR) based on the following schedule:

Quarter	Coverage	Submission	Quarter	Coverage	Submission
First	Jan-Mar	1-15 Apr.	Third	Jul-Sep.	1-15 Oct.
Second	Apr-Jun.	1-15 Jul.	Fourth	Oct-Dec.	1-15 Jan.

3. Channel your domestic wastewater generation of **0.98 cu.m/day** coming from the comfort rooms into your wastewater treatment facility, Septic Tank.
4. Wastewater generation of **2.05 cu.m/day** coming from washing/cleaning shall be discharge to the wastewater treatment facility.
5. Maximum generation of **0.09 cu.m/day** coming from other sources such as drinking water, leaks, gardening and other product components.
6. Certificate of desludging of the WTF and treatment of the same by an accredited **DOH** service provider.
7. Submit Certificate of PCO Accreditation not later than **six (6) months upon approval of this permit**. Make sure that the managing head had already attended the required eight (8) hours training on environmental management covering the basic environmental laws, rules and regulations and the duties and responsibilities of the PCO.
8. Allow the entry of our duly authorized representative(s) to conduct inspection within your premises.
9. This permit, together with the corresponding Official Receipts of Payment, shall be adequately framed and posted in a conspicuous place at the plant/establishment
10. This permit shall be renewed **thirty (30) days** prior to its expiration.

This permit is valid up to May 18, 2021, unless revoked or suspended by this Office in writing.

Non-compliance with the above conditions and/or any pertinent provisions of RA 9275 otherwise knows as "Philippine Clean Water Act of 2004", a corresponding penalty in the amount of P10,000-P200,000 per violation shall be imposed.

Recommended by:

Approved by:


Maribel B. Munsayac
Chief, Clearance and Permitting Division


Letecia R. Maceda
Regional Director

Permit Fee

Php 2000.00 O.R. No. : 4738552

Date : May 7, 2020

Filing Fee

Php 55.00 O.R. No. : 4738553

Date : May 7, 2020



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