



NOTICE OF VIOLATION

DEC 10 2021

DENR-PAB Case No. 08-000170-21-W

MC CAROL VENTURES/
MC DONALD'S RIZAL TACLOBAN BRANCH
Rizal Avenue, Brgy. 13, Tacloban City

Thru: **JOSEPHINE MARIE J. LARRAZABAL**
Managing Head

RAMBO R. LIQUEGAN
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY:
DATE: 12-13-21
TIME: 10:35 am

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 table monitoring conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **10 August 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 23 June 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



COMPLIANCE INSPECTION FOR WATER QUALITY MANAGEMENT



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

Report Control Number: WATER - 08 - 09Date of Inspection: AUGUST 10, 2021Mission Order No.: TABLE MONITORING**1. GENERAL INFORMATION**

Name of Establishment: MCCAROL VENTURES/MCDONALDS TACLOBAN RIZAL		
Address: RIZAL AVENUE BRGY. 13 TACLOBAN CITY		Geo Coordinates: 11.2465332 N 125.0001848 E
Nature of Business: Restaurant		
PSIC Code: 056	Product: N/A	Year Established: 2014
Operating hours/day: 16	Operating days/week: 7	Operating days/year:

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
None	None	None
Name of Managing Head: JOSEPHINE MARIE J. LARRAZABAL		
Name of PCO: RAMBO R. LIQUEGAN		
PCO Accreditation No.: 2019-RVIII-0033	Date of Effectivity: 03/04/2019	
Phone/Fax: 09176345895	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"/>	<input type="checkbox"/>
<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 _____

Name of Contact Person	RAMBO R. LIQUEGAN
Position / Designation	PCO

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	CNC-OL-R08-2015-11-07569		
	ECC2			
	ECC3			
RA 6969	DENR Registry ID	GR-R8-37-00113	03/29/2017	
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	PTO-OL-R08-2020-01770-R	10/19/2020	05/19/2025
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.	DP-R08-20-03022	07/23/2020	07/29/2021

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			
Water utilities	15.54		
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		7.77	
Cooling Water			
Maintenance		7.77	
Storm drain			
Others (specify)			

C. Quality of Abstracted Water (No abstract water collected)

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
B. What type of WWTP?	<input checked="" type="checkbox"/> Physical <input checked="" type="checkbox"/> Biological <input type="checkbox"/> Chemical <input type="checkbox"/> Others		
C. WWTP Detail (Septic tank)			
1. Date Installed	2014		
2. Design Capacity	20 m3/day		
3. Cost of WWTP	50,000		
4. Annual Maintenance Cost (Php/year)	Not available		
5. Location of Discharge Point(s)	Receiving Water Body	Classification of Water Body	
City sewer	Panalaron Bay	SC	
	<input type="checkbox"/> V-weir	Other (specify)	
6. Flow Metering Device Use	<input type="checkbox"/> Flow Meter		
7. Flow Rate	Influent	Effluent	Others (specify)

		None	None	
A. Components of WWTP (Septic tanks)				
Primary	Biological	Chemical	Others	
<input checked="" type="checkbox"/> Screening <input checked="" type="checkbox"/> Primary Treatment <input type="checkbox"/> Grit Removal <input checked="" type="checkbox"/> Oil/Water Separator <input type="checkbox"/> Equalization Tank <input type="checkbox"/> Others (specify) _____	<input type="checkbox"/> Activated Sludge <input checked="" 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 checked="" 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 checked="" 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 (No recent sampling conducted)						
Sampling Point No. 1						
Sampling Station		Outfall		Sampling Time:	07/07/2021	
Type of Sample						
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	
BOD	787.3	mg/L	100		/	
TSS	96.33	mg/L	100	/		

III. SUMMARY OF FINDINGS					
Legal Reference	Compliance Requirements	Compliant			Remarks
		Y	N	N/A	
DAO 2005-10 Rule 13.1	1. Does the establishment pay the required wastewater charge?				For re-sampling and LBF computation
DAO 2005-10 Rule 14.1	2. Does the establishment have a Discharge Permit?		/		DP expired on 06/23/2021
DAO 2005-10 Rule 14.5	3. Does the establishment pay the required discharge permit fee?				
DAO 2005-10 Rule 14.9	4. Is the permit available and valid?		/		DP expired on 06/23/2021
DAO 2005-10 Rule 14.11	5. Do the discharge points correspond to those declared in the discharge permit?				
	6. Is the volume discharged within the allowable volume declared in the discharge permit?				

	7. Is the permit posted in a proper area?				
DAO 2005-10 Rule 14.16	8. Are the SMRs submitted quarterly and on time?	/			
DAO 1990-35 Section 4-6	9. Are the effluent parameters compliant with the standards in DENR existing effluent standards?		/		BOD exceedance on 07/08/2021 sampling
DAO 1990-35 Section 8	10. Does the establishment comply with the additional requirements stated in DAO 1990-35?	/			
DAO 1990-35 Section 9	11. Are the pollution control facilities properly and continuously operated?	/			
DAO 1990-35 Section 10	12. Are the methods of analysis used for effluent samples in accordance with the prescribed methods of the Department?	/			
Other Requirements	13. Are the copies of water analysis reports available?	/			
	14. Are the correspondence between the establishment and EMB documented?	/			
	15. Are the establishment's compliance violations and exceedances documented?	/			
	16. Are there any pending litigation/PAB cases?			/	
	17. Are there spill prevention contingency plans?			/	
	18. Are there spill containment facilities available?			/	

Other Observations:

- Discharge Permit (DP-R08-20-03022) expired on June 23, 2021. Application for DP renewal was lodged online on May 26, 2021. Application was returned to proponent on May 26, 2021, for submission of laboratory analysis result of wastewater effluent.
- Quarterly Self-Monitoring Report is submitted online.
- Effluent sampling was conducted on July 8, 2021 which yielded a BOD and TSS result of 787.3 mg/L and 96.33 mg/L, respectively. BOD result exceeded the 100 mg/L DENR standard for class SC waters.
- A Technical Conference was conducted on August 25, 2021 relative to the BOD exceedance. Upgrading and modification of WTF was committed and re-sampling is scheduled on or before November 26, 2021.


Remarks and Recommendation:

- For issuance of Notice of Violation for operating with expired Discharge Permit per Section 27.c of DAO 2005-10, *"Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein."*

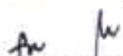
List of Documents Reviewed:

ECC, SMR, DP

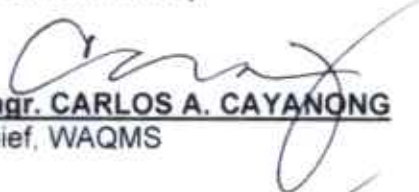
Submitted by:


JO ANNE JOY M. DAÑAL
Senior EMS

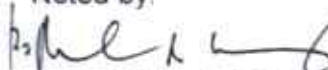
Approved by:


FOR. MANUEL J. SACEDA, JR.
OIC Chief, EMED

Recommended by:


Engr. CARLOS A. CAYANONG
Chief, WAQMS

Noted by:


REYNALDO B. BARRA, PME
OIC, Regional Director