
	Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU DENR Compound, Jones St. Tacloban City, Philippines	
	NOTICE OF VIOLATION RELEASED BY: _____ DATE: <u>8-25-21</u> TIME: <u>3:18 p</u>	

AUG 19 2021

DENR-PAB Case No. 08-000081-21-W

**HEVA MANAGEMENT AND DEVELOPMENT CORPORATION –
GAISANO TACLOBAN CAPITAL (MAIN)**
Romualdez St., Brgy. 13, Tacloban City

Thru: **ELEANOR P. MANTALBA**
Managing Head

GLADWIN G. COSTUNA
Pollution Control Officer

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/compliance inspection conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Management Section (EMED-WAQMS) of this Office last **19 February 2021**.

ACTS CONSTITUTING THE VIOLATION	
Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid wastewater Discharge Permit , since 11 July 2019 .	Violation of Section Paragraph (c), Section 27 of DENR Administrative Order No. 2005-10, IRR of RA 9275 in relation to Section 28 thereof and in relation further to Pollution Adjudication Board Resolution No. 01 Series of 2019 .

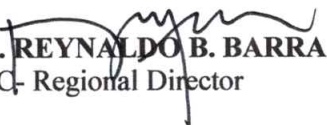
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **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



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____
Date of Inspection: FEBRUARY 19, 2021
Mission Order No.: EMBR8-2021-002082

1. GENERAL INFORMATION

Name of Establishment: HEVA MANAGEMENT AND DEVELOPMENT CORPORATION - GAISANO TACLOBAN CAPITAL (MAIN)		
Address: ROMUALDEZ ST., BRGY. 13 TACLOBAN CITY		Geo Coordinates: 11.2464549°N 125.0009315°E
Nature of Business: MALL/COMMERCIAL ESTABLISHMENT		
PSIC Code: 37000	Product: -	Year Established: 2008
Operating hours/day: 12	Operating days/week: 7	Operating days/year:
Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
N/A		
Name of Managing Head:	ELEANOR P. MANTALBA	
Name of PCO:	GLADWIN G. COSTUNA	
PCO Accreditation No.:	Date of Effectivity:	
Phone/Fax:	Email: gaisanocapital_central@yahoo.com	

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 _____

Name of Contact Person	ELEANOR P. MANTALBA
Position / Designation	Managing Head

3. COMPLIANCE STATUS
3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1			
	ECC2			
	ECC3			
RA 6969	DENR Registry ID	M-GR-R8-37-00482	01/21/2019	
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	PTO-OL-R08-2020-01052-R	09/22/2020	07/22/2025
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.	18-DP-G-0837-0057	07/10/2018	07/10/2019

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	22.78		
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		9	
Cooling Water		9	
Maintenance		13	
Storm drain			
Others (specify)		6.5	

C. Quality of Abstracted Water

Sources of Water Supply	BOD/ COD	TSS	AVFP	Heavy Metals	Specify if Others
Sampling not conducted					

5. Information on Wastewater Pollution

A. Does the Establishment have a Wastewater Treatment Plant?

☒ Yes
☐ No

B. What type of WWTP?

☒ Physical
☒ Biological
☐ Chemical
☐ 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
city sewer	Anibong Bay	Class 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)
A. Components of WWTP		
Primary	Biological	Chemical
<input checked="" type="checkbox"/> Screening	<input type="checkbox"/> Activated Sludge	<input type="checkbox"/> pH Adjustment
<input checked="" type="checkbox"/> Primary Treatment	<input checked="" type="checkbox"/> Anaerobic Digestion	<input type="checkbox"/> Disinfection
<input type="checkbox"/> Grit Removal	<input type="checkbox"/> Tricking Filter	<input type="checkbox"/> Oxidation/Reduction
<input type="checkbox"/> Oil/Water Separator	<input type="checkbox"/> Oxidation/Stabilization Pond	<input type="checkbox"/> Flocculation/ Coagulation
<input type="checkbox"/> Equalization Tank	<input type="checkbox"/> Sequencing Batch Reactor	<input type="checkbox"/> Others (specify) _____
<input type="checkbox"/> Others (specify) _____	<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 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						
Sampling Point No. 1						
Sampling Station	Discharge Outlet			Sampling Time:		
Type of Sample	Effluent					
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	
Fecal Coliform	<1.8	MPN/100 mL	400	/		

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?		✓		No computation of Pollutant Load Base Fee yet. DP application is still pending. DP expired on 07/10/2019
DAO 2005-10 Rule 14.1	2. Does the establishment have a Discharge Permit?		/		
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?		/		
DAO 2005-10 Rule 14.11	5. Do the discharge points correspond to those declared in the discharge permit?				Expired DP

	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?	/		No SMR submissions for 2020.
DAO 1990-35 Section 4-6	9. Are the effluent parameters compliant with the standards in DENR existing effluent standards?	/		2019 results showed high concentrations of Ammonia and Phosphate
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:

- Project was in normal operations during the time of monitoring.
- Permit to Operate Air is valid.
- Discharge Permit expired on July 10, 2019. Application for DP renewal was lodged online on May 22, 2019. Application was returned on May 23, 2019 for compliance of remarks. Application was again returned on August 22, 2019 pending compliance to remarks per evaluation. To date, application is still not processed.
- Effluent sampling was conducted for Fecal Coliform. Result is within the DENR standard for Class SC waters.
- Generated hazardous wastes are stored at Hazardous Wastes Storage Area.

Remarks and Recommendation:

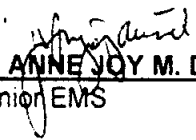
- ✓ Submit SMR and CMR through the online systems.
- ✓ Comply with the evaluation remarks per online DP system to continue the processing of Discharge Permit.
- ✓ For issuance of Notice of Violation for operating without valid Discharge Permit pursuant to Section 27 of DENR Administrative Order 2005-10 "(c) Operating facilities that discharge regulated pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein."
- ✓ Schedule effluent sampling for all significant parameters for industry category pursuant to DENR Administrative Order No. 2016-08.
- ✓ Improve housekeeping at HWSA. Observed proper labelling of generated HWSA.

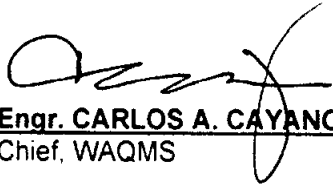
List of Documents Reviewed:

Discharge Permit

Submitted by:


Recommending Approval:


JO ANNE JOY M. DAÑAL
Senior EMS


Engr. CARLOS A. CAYANONG
Chief, WAQMS

Approval:

Noted:


REYNALDO B. BARRA, PME
Chief, EMED


LETECIA R. MACEDA
Regional Director