



NOTICE OF VIOLATION

DEC 01 2021

DENR-PAB Case No. 08-000162-21-W

LADY OF ASSUMPTION ENTERPRISES
(ALBERTO BAROLA CRUSHING/BATCHING PLANT PROJECT)
Brgy. Imelda, Baybay City

Thru: **LOURSE ORTEGA**
Managing Head

GERARDO ETANG
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 12/01/2021
TIME: 5:03pm

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/inspection conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **30 September 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 30 September 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



SURVEY/INSPECTION FOR WATER QUALITY MANAGEMENT



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____

Date of Survey/Inspection: September 30, 2021

Mission Order No.: EMBR8-2021-015277

1. GENERAL INFORMATION		
Name of Establishment: LADY OF ASSUMPTION ENTERPRISES (ALBERTO BAROLA) CRUSHING/BATCHING PLANT		
Address: Brgy. Imelda, Baybay, City		Geo Coordinates:
Nature of Business: Crushing Plant		10.64833°N, 124.85636°E
PSIC Code: 230	Product: Aggregates	Year Established: 2013
Operating hours/day:	Operating days/week:	Operating days/year:
Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Name of Managing Head:	MR. LOURSE ORTEGA	
Name of PCO:	MR. GERARDO ETANG	
PCO Accreditation No.:	-NONE-	Date of Effectivity:
Phone/Fax:	(0956) 008 7386	Email:
2. PURPOSE OF INSPECTION		
<input type="checkbox"/> Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification		
<input type="checkbox"/> New	New	Renewal
<input type="checkbox"/> Renewal		
<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"/>
<input checked="" type="checkbox"/> Determine compliance status with the environmental regulations, permit conditions, and other requirements		
<input type="checkbox"/> Investigate community complaints		
<input type="checkbox"/> Check status of voluntary commitment		
<input type="checkbox"/> Industrial Ecowatch		
<input type="checkbox"/> Philippine Environmental Partnership Program (PEPP)		
<input type="checkbox"/> Pollution Adjudication Board (PAB)		
<input type="checkbox"/> Others _____		
<input type="checkbox"/> Others _____		
Name of Contact Person	MR. LOURSE ORTEGA	
Position / Designation	Administrative Officer	

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	OL-RO8-2017-0038	07-26-2017	
	ECC2			
RA 6969	DENR Registry ID			
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.			
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.			

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					
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			
Cooling Water			
Maintenance			
Storm drain			
Others (specify)			

C. Quality of Abstracted Water					
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 type="checkbox"/> Biological <input type="checkbox"/> Chemical <input type="checkbox"/> 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
		<input type="checkbox"/> V-weir <input type="checkbox"/> Flow Meter	Other (specify)
6. Flow Metering Device Use			
7. Flow Rate		Influent	Effluent
			Others (specify)

A. Components of WWTP			
Primary	Biological	Chemical	Others
<input checked="" type="checkbox"/> Screening <input type="checkbox"/> Primary Treatment <input type="checkbox"/> Grit Removal <input type="checkbox"/> Oil/Water Separator <input type="checkbox"/> Equalization Tank <input type="checkbox"/> Others (specify) _____	<input type="checkbox"/> Activated Sludge <input type="checkbox"/> Anaerobic Digestion <input type="checkbox"/> Trickling 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 checked="" 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		Sampling Time:	
Type of Sample			

Result Analysis

Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	

III. SUMMARY OF FINDINGS

Legal Reference	Compliance Requirements	Compliant			Remarks
		Y	N	N/A	
DAO 2005-10 Rule 14.1	1. Has the establishment submitted two notarized copies of accomplished application form?		✓		
DAO 2005-10 Rule 14.2	2. Has the establishment submitted Sewer and Drainage Plan Drawing of appropriate scale in as standard size sheet and in accordance with good engineering practice?			✓	
	3. Has the establishment submitted water quality analysis of abstracted water and the appropriate bills?			✓	
	4. Has the establishment submitted Pollution Prevention/Environmental Management System Plan or Program?			✓	

DAO 2005-10 Rule 14.6	5. Has the establishment submitted copy of the Environmental Compliance Certificate or Certificate of Non-Coverage?			✓	
	6. Does the establishment have a DENR ID Number as hazardous waste generator, as applicable?			✓	
	7. Has the establishment designated or appointed a PCO?			✓	
	8. Does the establishment use its effluent for Agricultural Purposes?			✓	(If yes, proceed to succeeding items)
	a. Has the establishment submitted certified true copy of land ownership or notarized copy of agreement between the owner of the land where the effluent is to be applied and the discharger/permittee?				
	b. Has the establishment submitted proof that wastewater to be used for land application does not contain toxic or substances (as defined in RA 6969)?				
	c. Does the establishment's wastewater applied for agricultural purposes directly or indirectly seep or drain into groundwater or nearby surface waters which will affect the quality of such ground and/or surface water?				
	d. Has the establishment submitted a Certification from the Department of Agriculture (DA) stating that the quantity, quality and distribution methodology of application are suited for agricultural purposes?				
	e. Does the establishment use land application only during periods of low surface water flow to enhance loading limits compliance?				
	f. Has the establishment submitted baseline groundwater quality data and self-monitoring report within the discharge areas, and installed at least one groundwater monitoring well which shall be drilled in each dominant direction of groundwater movement?				
	g. Has the establishment submitted an emergency plan – which shall respond to emergencies that can prevent or minimize damage to equipment, land, groundwater, etc., and/or public health?				
	h. Does the plan highlight the design considerations, systems operation, treatment/monitoring of soil, crops, effluent and groundwater before/after irrigation? Such requirements shall be in addition to Section 14.2.				

Other Observations:

- 1). The Crushing Plant was not operational during the time of monitoring and for the past three(3) days due to repair of crusher conveyor, while the Concrete Batching Plant has no operation scheduled for that day. The Asphalt Plant was not operational since 2018 due to the product's low price and demand.
- 2). The Project was issued an Environmental Compliance Certificate No. OL-RO8-2017-0038 on July 26, 2017, which was amended on July 10, 2019 for the installation of a Crusher as additional facility/component.
- 3). All wastewater generated from the operation of the Crusher and Concrete Batching Plant go directly to a settling pond with two (2) compartments, and the treated wastewater at the final pond is recycled back into the process during operation.
- 4). Desilting of the settling pond, particularly at the 1st compartment, is usually done regularly or as the need arises and the silt is used as filling material inside the plant's compound.
- 5). The establishment is operating without valid Discharge Permit issued by this Office.
- 6). No accredited Pollution Control Officer.

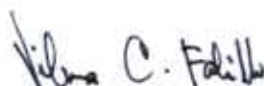
Remarks and Recommendation:

- 1). For issuance of Notice of Violation of Section 27(c) of Republic Act No. 9275 in relation to Section 28 of the same Act and in relation further to PAB Resolution 1-2019 for operating without valid Discharge Permit from this Office.
- 2). Designated Pollution Control Officer to attend training and apply for PCO Accreditation.


List of Documents Reviewed:

Environmental Compliance Certificate No. OL-RO8-2017-0038 issued on July 26, 2017.

Submitted by:


VILMA C. FABILLO
Senior EMS

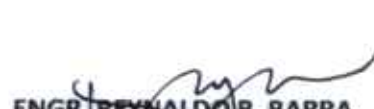
Recommending Approval:


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

Approved by:


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

Noted by:


ENGR. REYNALDO B. BARRA
OIC, Regional Director