



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR Compound, EMB Building, Jones St., Tacloban City, Philippines



NOTICE OF VIOLATION

APR 04 2022

DENR-PAB Case No. 08-000017-22-W

**WILSAM REALTY DEVELOPMENT CORPORATION/
WILSAM (UPTOWN) MALL**
Real St., Brgy. Songco, Borongan City, Eastern Samar

Thru: **WILSAM TY**
Managing Head

MATTHEW AÑOSA
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY:
DATE: 04/05/2022
TIME: 1:24pm

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 compliance inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Eastern Samar last **15 February 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid required wastewater Discharge Permit since 30 December 2017 .	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 **Twenty Three Thousand Five Hundred Seventy-Nine and Forty-Eight Centavos (P23, 579.48) 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 **embr8_legal@emb.gov.ph**, 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



NOTICE OF VIOLATION

APR 04 2022

DENR-PAB Case No. 08-000029-22-A

**WILSAM REALTY DEVELOPMENT CORPORATION/
WILSAM (UPTOWN) MALL**
Real St., Brgy. Songco, Borongan City, Eastern Samar

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 4/05/2022
TIME: 1:52 pm

Thru: **WILSAM TY**
Managing Head

MATTHEW AÑOSA
Pollution Control Officer

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 inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Eastern Samar last **15 February 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating one (1) unit 625 KVA (500 KW) Caterpillar Diesel Fuel Generator Set and one (1) unit 300 KVA (240 KW) “Cummins” Diesel Fuel both with Muffler, without the valid required Permit to Operate for Air Pollution Source and Control Installations since 30 December 2017 .	Violation of Section 1, Rule XIX of DENR Administrative Order No. 2004-26 , amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81 , 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 **embr8_legal@emb.gov.ph**, 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: _____

Date of Inspection: **February 15, 2022**

Mission Order No.: _____

1. GENERAL INFORMATION

Name of Establishment: WILSAM REALTY DEVELOPMENT CORPORATION/WILSAM(UPTOWN) MALL		
Address: Real St., Brgy. Songco, Borongan City, Eastern Samar		Geo Coordinates: 11.6130059, 125.4342977
Nature of Business: Mall		
PSIC Code: 37000	Product: Dry goods/groceries	Year Established: 2004
Operating hours/day: 12	Operating days/week: 7	Operating days/year: 365

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
N/A	N/A	N/A
Name of Managing Head: Wilsam Ty		
Name of PCO: Matthew Añosa		
PCO Accreditation No.: 2021-RVIII-0218		Date of Effectivity: 12/6/21-12/6/24
Phone/Fax:	0977394687	Email: wilsamrealty@yahoo.com/ matrixmbac@yahoo.com

2. PURPOSE OF INSPECTION☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

	New	Renewal
_____ New Renewal		
_____ PMPIN Application	<input type="checkbox"/>	<input type="checkbox"/>
_____ Hazardous Waste ID Registration	<input type="checkbox"/>	<input type="checkbox"/>
_____ Hazardous Waste Transporter Registration	<input type="checkbox"/>	<input type="checkbox"/>
_____ Hazardous waste TSD Registration	<input type="checkbox"/>	<input type="checkbox"/>
_____ Permit to Operate Air Pollution Control Installation	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Discharge Permit	<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: **Lucile Alcala**Position / Designation : **Account Officer**

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits	Date of Issue	Expiry Date
PD 1586	ECC1	ECC-08-030522-0072	2003
	ECC2		
	ECC3		
RA 6969	DENR Registry ID	none	
	PCL Compliance Certificate		
	CCO Registry	none	
	Permit to Transport		
RA 8749	POA No.	16-POA-L-0826-0317	12/29/16
RA 9003	ECC for Sanitary Landfill		
RA 9275	DP No.	16-DP-L-0826-0468	12/29/16
			12/29/17

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.)	No data presented				
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	No data presented				
Cooling Water					
Maintenance					
Storm drain					
Others (specify)					
C. Quality of Abstracted Water (not conducted)					
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 type="checkbox"/> Yes <input type="checkbox"/> No
B. What type of WWTP?	<input type="checkbox"/> Physical <input type="checkbox"/> Biological <input type="checkbox"/> Chemical <input type="checkbox"/> Others
C. WWTP Detail	
1. Date Installed	No data was provided
2. Design Capacity	No data was provided
3. Cost of WWTP	No data was provided

4. Annual Maintenance Cost (Php/year)		No data was provided	
5. Location of Discharge Point(s)		Receiving Water Body	Classification of Water Body
		<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	Others
<input type="checkbox"/> Screening	<input type="checkbox"/> Activated Sludge	<input type="checkbox"/> pH Adjustment	
<input type="checkbox"/> Primary Treatment	<input checked="" type="checkbox"/> Anaerobic Digestion	<input type="checkbox"/> Disinfection	
<input type="checkbox"/> Grit Removal	<input type="checkbox"/> Trickling 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) <u>SEPTIC</u>		
	<u>TANK</u>		
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 (Not conducted)						
Sampling Station				Sampling Time:	AM/PM	
Type of Sample						
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	

Water Quality Field Date			
Sampling Point No. 2			
Sampling Station		Sampling Time:	
		AM/PM	
Type of Sample			
Result Analysis			

Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	
no data provided						

Information Summary of the previous or recent inspection/sampling:

Date of Sampling						
Sampling Station			Sampling Time:		AM/PM	
Type of Sample						
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	
No data provided						

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?		/		
DAO 2005-10 Rule 14.1	2. Does the establishment have a Discharge Permit?		/		DP with reference no.16-DP-L-0826-0468 issued on Dec. 29, 2016 expired on December 29, 2017
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?		/		
	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?			/	
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:

- The establishment is operational at the time of monitoring.
- The components of the establishments are four-storey mall, hotel and restaurant with pool amenities, warehouse, administration building, and an expansion building now occupied by SAVEMORE Marketing.
- Has multiple septic tanks located at the front and back of the mall, back of admin. bldg., back of restaurant with pool, at the open ground beside the hotel,
- With expired Discharge Permit (DP) with Reference No. 16-DP-L-0826-0486 issued on Dec.29, 2016 valid only up to Dec.29, 2017.
- With expired PTO with Reference No. 16-POA-L-0826-0317 issued on Dec. 29, 2016 valid only up to Dec.29, 2017.
- No DENR Registry ID number as Hazardous Waste Generator
- With accredited PCO.
- No submission of Self-Monitoring Report.

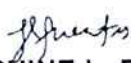
Remarks and Recommendation:

- For the **ISSUANCE OF NOTICE OF VIOLATION** for operating without a **valid Discharge Permit** which is in violation of Chapter 5, Section 27. C, of R.A 9275 (Philippine Clean Water Act of 2004).


List of Documents Reviewed:

3RD party emission test cover report, Expired PTO/DP


Submitted by:


JOSEPHINE L. FUENTES
Senior EMS/OIC-Head, PEMU ES

Reviewed by:


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

Approved by:


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

Noted by:


ENGR. REYNALDO B. BARRA
OIC-Regional Director

Photo Documentation:

Septic tanks for Poolside grill

Proposed location of the first STP in Eastern Samar for Save More Building under construction



Septic tank for the admin building



Hotel Dona Vicenta



Grill Shop/Restaurant with swimming pool

Propose Save More Market





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Website: r8.emb.gov.ph



MEMORANDUM

FOR : ENGR. REYNALDO B. BARRA
OIC-REGIONAL DIRECTOR
Environmental Management Bureau Region VIII

ATTENTION : ATTY. RODOLFO A. YODICO, III
Head, Legal Unit/Attorney III

FROM : THE UNDERSIGNED

SUBJECT : RECOMMENDATION FOR THE ISSUANCE OF NOTICE OF VIOLATION (NOV) TO WILSAM REALTY DEVELOPMENT CORPORATION/WILSAM(UPTOWN) MALL.

DATE : MARCH 11, 2022

Pursuant to the conducted compliance monitoring for water by the undersigned for WILSAM REALTY DEVELOPMENT CORPORATION/WILSAM (UPTOWN) MALL located in REAL ST., BRGY. SONGCO, BORONGAN CITY, EASTERN SAMAR on FEBRUARY 15, 2022 to determine compliance status of firm with the environmental regulations, permit conditions, and other requirements. The following are the findings and recommendations formulated, to wit:

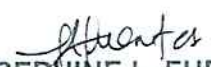
Findings and Observations:

1. The establishment is operating without a valid PTO. As per Office record, it has been issued with PTO with Reference No. 16-POA-L-0826-0317 issued on Dec. 29, 2016 and valid only until Dec. 29, 2017.
2. No DENR Registry ID number as Hazardous Waste Generator.
3. No submission of Self-Monitoring Report, and
4. ECC issued with Reference No. ECC-08-030522-0072 does not include the current expansion activity of the establishment.

Remarks and Recommendations:

1. For issuance of Notice of Violation for operating without a valid Permit to Operate Air Pollution Source and Control Installations which is in violation of Section 1, Rule XIX of DAO No. 2004-26, amending Section 1, Rule XIX of DAO No. 2000-81, and in relation further to PAB Reso No. 01-2019.
2. To secure DENR-ID Registration as Hazardous Waste Generator through EMB online system <https://hwms.emb.gov.ph>. The system requires prior company registration through <https://iis.emb.gov.ph/crs> by the applicant.
3. To submit Quarterly Self-Monitoring Report through online system, and
4. To amend ECC issued in 2003 to include the current expansion activity of the establishment.


Prepared by:


JOSEPHINE L. FUENTES
Inspector/OIC, PEMU Eastern Samar

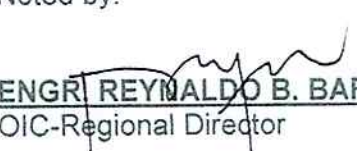
Approved by:


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

Recommending Approval:


ENGR. CARLOS A. CAYANONG
Chief, Water Air Quality Monitoring Section/
Engineer IV

Noted by:


ENGR. REYNALDO B. BARRA
OIC-Regional Director