



Department of Environment and Natural Resources
Environmental Management Bureau
Regional Office No. IV – B MIMAROPA

ENVIRONMENTAL COMPLIANCE CERTIFICATE

(Issued under Presidential decree 1586)

ECC-R4B-1208-0120

THIS IS TO CERTIFY THAT PROPONENT, **FLUX POWER CORPORATION** is granted this Environmental Compliance Certificate (ECC), for the **Proposed 39.317 KM. GLOBE NEMESIS PROJECT- MINDORO DISTRIBUTION**, located along **National Highway, San Jose and Magsaysay, Occidental Mindoro** by the Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau, Region IV- MIMAROPA.

This Certification is being issued for the Project, with the following details:

PROJECT DESCRIPTION

The proposed 39.317 km. Globe Nemesis Project – Mindoro Distribution, located along National Highway, San Jose and Magsaysay, Occidental Mindoro.

The proposed project shall cover the laying and restoration of underground and aerial cables with a total length of 39.317 kilometers. Project components, to wit: one (1) unit an ring, seven (7) units segments, fifty (50) units handhole, seven (7) units 9.14 octagonal concrete pole, and six (6) units foc closure 48 fiber.

This certification is issued in compliance to the requirements of Presidential Decree No. 1586, in accordance to Department Administrative Order No. 2003-30. The Bureau, however, is not precluded from reevaluating, adding, removing, and correcting any deficiencies or errors that may be found after issuance of this Certificate.

This is to certify, further, that in issuing this **CERTIFICATE**, it should be understood that the same is a **PLANNING TOOL** and **NOT A PERMIT**. It is expected that the proponent will diligently secure pertinent **PERMITS/CLEARANCES** from all concerned government agencies prior to the start/implementation of the project. Furthermore, the DENR/EMB will be monitoring the project periodically to ensure compliance with the stipulations cited in the attached conditions and restrictions which are made as integral part of this ECC.

Issued at EMB-MIMAROPA Region Manila, Philippines this SEP 28 2012.

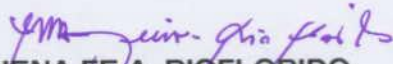
Approved by:

For and in the Absence of the Regional Director:

JACQUELINE A. CAANCAN

OIC, Administrative and Finance Division
and In-Charge, Office of the Regional Director
In Concurrent Capacity

Recommending Approval:


BUENA FE A. RIOFLORIDO
Chief, EIA Division

SWORN STATEMENT OF OWNER/PROPONENT

Under the provisions of Presidential Decree 1586, We, the **FLUX POWER CORPORATION**, do hereby certify that the information provided to the Department of Environment and Natural Resources (DENR) – Environmental Management Bureau (EMB), MIMAROPA Region pertaining to the 39.317 Kilometers Globe Nemesis Project-Mindoro Distribution located along National Highway, San Jose and Magsaysay, Occidental Mindoro are true and correct to the best of our personal knowledge and based on the records in our possession and we shall take full responsibility in complying with all conditions and restrictions contained in this Environmental Compliance Certificate (ECC).

FLUX POWER CORP.

Proponent
**Globe Nemesis Project –
Mindoro Distribution**
TIN: _____

SUBSCRIBED AND SWORN TO before me this _____, the
above-named affiant taking oath with Community Tax Certificate No. _____
issued on _____ at _____.

Signature of Notarizing Officer

I. CONDITIONS

ENVIRONMENTAL MANAGEMENT

The proponent shall strictly implement the following mitigating, enhancement, and rehabilitating measures:

1. That green buffer zones and tree planting shall be established within and along the periphery of the project site to help attenuate noise levels, abate heat and absorb some pollutant emissions. The proponent shall enter into a Memorandum of Agreement (MOA) with the concerned DENR-Provincial Environment and Natural Resources Office in the implementation of the tree planting activity. The tree planting is one of the recommended activities in compliance with the government's commitment to the Kyoto Protocol Agreement.
2. That the proponent shall strictly manage all external, traffic problems, excessive surface runoff, dust, soil erosion, accidental spillage and health hazards identified in the Initial Environmental Examination Checklist (IEEC) and, in case of emergency episodes, appropriate response activities shall be immediately undertaken for the protection of the workers/ personnel, host and nearby communities and the receiving environment.
3. That an effective Information, Education and Communication (IEC) Plan shall be implemented in all phases of the project including communication of environmental risks of the project implementation.
4. That a Social Development Program (SDP) shall be implemented for the personnel/workers, host barangay and affected communities which shall cover livelihood training and employment, including assistance in the setting-up of a social development welfare fund for health, education, credit facilities/cooperatives that will ensure the participation of youth and women.
5. That preservation and easement retention of natural drainage/waterways shall be undertaken and should conform with the provisions of the DENR Administrative Order No. 97-05 (Procedures in the Retention of Areas within certain distances along the Banks of Rivers, Streams, and Shores of Seas, Lakes and Oceans for Environmental Protection). If disturbed, a replacement drainage system shall be constructed within two (2) months from the disturbance.
6. That the solid waste management scheme as provided in the Environmental Management Plan (EMP) shall be continuously implemented from the start of the project operation.
7. The proponent shall set up the following:
 - a A **Memorandum of Agreement (MOA)** shall be entered into by the proponent with the **ECC Holders Association** to become part of their MMT and in setting up the corresponding **Environmental Monitoring Fund (EMF)** prior to project implementation;
 - b A replenishable Environmental Monitoring Fund (EMF) to cover all costs attendant to the operation of the MMT such as conduct meetings, training, sampling and analysis, hiring of technical experts, meals, accommodations, supplies and materials, communication, and transportation.

The amount and mechanics of the EMF, and the establishment of the MMT shall be determined by the EMB-MIMAROPA Region and the proponent in consultation with stakeholder-communities and other concerned agencies. This MOA shall be submitted to EMB-MIMAROPA within sixty (60) days upon receipt of this Certificate.

GENERAL CONDITIONS

Further administrative conditions for the grant of this Certificate shall be strictly complied:

8. That the proponent shall religiously comply with the applicable provisions of P.D. 1586 (Philippine Environmental Impact Statement System), R.A. 9275 (Philippine Clean Water Act of 2004), R.A. 9003 (Ecological and Solid Waste Management Act of 2000), R.A. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990) and R.A. 8749 (Philippine Clean Air Act of 1999) and the Sanitation Code of the Philippines (P.D. 856).
9. That the proponent shall set-up a competent Environmental Unit and shall be duly accredited by this Office in accordance with DAO No. 26, series of 1992 (Appointment/Designation of Pollution Control Officers). The Environmental Unit shall be integrated in the proponent's organizational chart to handle all environment related aspects of the project implementation in addition to the monitoring requirements as specified in the Environmental Management Plan (EMP)/Environmental Monitoring Plan (EMoP) and other environmental commitments such as but not limited to the following:
 - 9.1 Monitor actual project impacts vis-à-vis the predicted impacts and management measures in the IEEC.
 - 9.2 Ensure that all post-assessment permits/clearances from other concerned government agencies are secured and in place.
 - 9.3 Regular submission of a semi-annual ECC Compliance Monitoring Report (on or before January 15 and July 15 of each year the project is operational) provided with supporting documents and in accordance with the prescribed format stipulated in the Implementing Rules and Regulations of P.D. 1586.
 - 9.4 Submit a quarterly monitoring report using the prescribed format of the Self-Monitoring Report (SMR) pursuant to DAO 2003-27.
 - 9.5 Submit an Abandonment Plan two (2) months prior to the abandonment activities. It shall include rehabilitation measures/clean-up, costs, remediation of areas possibly contaminated with toxic/hazardous substances and presentation of options on proposed alternative projects in the area.
10. That the proponent shall allocate ample budget for the implementation of the proposed mitigating/enhancement measures during the operation and abandonment phases of the project.
11. That health and sanitation practices shall be observed in all phases of the project and safety & personal protection equipment/devices shall always be provided to all employees/workers within the premises of the project site to prevent health and occupational hazards.
12. That a billboard containing this message: **"Notice to the Public, This 39.317 KM. GLOBE NEMESIS PROJECT – MINDORO DISTRIBUTION of FLUX POWER CORPORATION has been issued an Environmental Compliance Certificate (ECC-R4B-1208-0120) by the Department of Environment and Natural Resources – Environmental Management Bureau MIMAROPA Region on SEP 28 2012"** shall be installed at all entry and exit points and in the perimeter of the project site facing the road to inform the general public within thirty (30) days from receipt of the ECC.
13. That a copy of the ECC shall be posted in a conspicuous location at the field office of the project site clearly visible to the public and shall be adequately framed or otherwise protected against damage and at the barangay bulletin board of the host barangay(s) within thirty (30) days from receipt of the ECC.
14. That any authorized DENR-EMB personnel, with proper identification card and travel/mission order, shall be allowed unconditional access to conduct an on-the-spot inspection and monitoring to the project without the need for prior notice to the proponent to oversee compliance to the ECC.

II. RESTRICTIONS

1. That no other activities shall be undertaken other than what was stipulated in the IEEC. Should there be an expansion of the project beyond the project description, construction of other structures beyond those stated in the IEEC; or any change in the activity or location, shall be made subject to a new Environmental Impact Assessment (EIA) requirements.
2. That all appropriate construction, operational and resource-use permits/clearances from other national and local government agencies concerned (i.e. PMRB, PNP, LGUs, DPWH, DOH, NWRB, HLURB, MGB, DA, DAR, DOLE, DTI, etc.) shall be secured pertaining to the implementation of the project. Likewise, the proponent shall notify this Office of the reckoning date of project operation.
3. That the proponent shall plant an equivalent area of the project with appropriate tree species and shall coordinate with PENRO/CENRO concerned for area identification.
4. That in case of transfer of ownership/management of this project, these same conditions and restrictions shall apply and the transferee shall be required to notify this Office concerned within fifteen (15) days as regards to the transfer of ownership/management.
5. That the proponent (**FLUX POWER CORPORATION**) shall be accountable for any misrepresentation and failure to state material information in the submitted documents.

The conditions stipulated in this Certificate shall be deemed final within fifteen (15) days from receipt hereof and all conditions and restrictions set forth above shall be complied with by the herein grantee. This ECC is deemed expired if not implemented within five (5) years from the date of issuance and the proponent shall have to apply for a new ECC if it intends to pursue the project.

Non-compliance with any of the provisions of this certificate shall be a sufficient cause for the cancellation or suspension of this certificate and/or imposition of a fine in an amount not to exceed Fifty Thousand Pesos (PhP50,000.00) for every violation thereof.

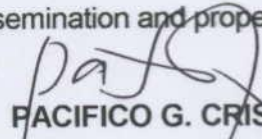
PROJECT ASSESSMENT PLANNING TOOL

For the assistance of the Proponent, LGUs and other concerned government agencies (GAs) in the management of the project and for better coordination in mitigation on the impacts of the project on its surrounding areas and to the environment.

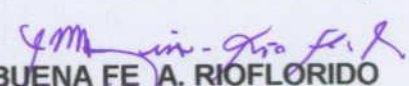
By way of recommendation, the following have been taken notice of by this Office and are providing these recommendations to the parties and authorities concerned for proper action and integration into their decision making-process.

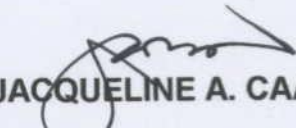
Regulatory Conditions	
<p>1. The proponent shall comply with, but not limited to the following:</p> <p>1.1 P.D. 856 or the Sanitation Code of the Philippines;</p> <p>1.2 P.D. 442 or the Labor Code of the Philippines including occupational health and safety;</p> <p>1.3 R.A. 6541 or the National Building Code of the Philippines including adequate storm drainage system and other flood control measures and compliance to the Fire Safety and Emergency Preparedness</p> <p>1.4 P.D. 705 & DAO 97-05</p>	<p>DOH DOLE-Bureau of Working Condition Municipal Planning & Dev't. Office/Building Official/BFP/ LGU Concerned</p> <p>DENR Sector Concerned</p>
Environmental Planning Recommendations for the Proponent	
<p>2. Close monitoring of the project should be undertaken by the proponent to maintain a high level of safety and efficiency at all phases of the project and to immediately address any environmental hazard that may take place.</p>	<p>Proponent</p>

For dissemination and proper action of the parties concerned.


PACIFICO G. CRISOLOGO
Case Handler/OIC, Project Evaluation
Section

For and in the Absence of the Regional Director:


BUENA FE A. RIOFLORIDO
Chief, Environmental Impact
Assessment and Management Division


JACQUELINE A. CAANCAN
OIC, Administrative & Finance Division
And In-Charge, Office of the Regional Director
In Concurrent Capacity