

	<p>Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU DENR Compound, Jones St. Tacloban City, Philippines</p>	
<p>NOTICE OF VIOLATION</p>		

JAN 28 2022

BASISTER VENTILATED POULTRY FARM
Brgy. Calsadahay, Burauen, Leyte

Thru: **LEMUEL BASISTER**
Managing Head/Pollution Control Officer

DENR-PAB Case No. 08-000064-21-W

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 02/02/2022
TIME: 9:03 am

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 9275** otherwise known as the **Philippine Clean Water Act of 2004**, based upon the *table monitoring* conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) - Leyte last **02 March 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid Discharge Permit since 29 December 2020 .	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



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____

Date of Inspection: _____

Mission Order No.: Table Monitoring

1. GENERAL INFORMATION

Name of Establishment: BASISTER VENTILATED POULTRY FARM		
Address: Brgy. Calsadahay, Burauen, Leyte		Geo Coordinates:
Nature of Business: Poultry		10.934799 124.9218083
PSIC Code:	Product: N/A	Year Established: 2016
Operating hours/day: 8	Operating days/week: 7	Operating days/year: 365

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
NO DATA		
Name of Managing Head: Lemuel Basister		
Name of PCO: Lemuel Basister – PCO designate		
PCO Accreditation No.:	None	Date of Effectivity:
Phone/Fax:	None given	Email:

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

☐☐

_____ Hazardous Waste ID Registration

☐☐

_____ Hazardous Waste Transporter Registration

☐☐

_____ Hazardous waste TSD Registration

☐☐

_____ Permit to Operate Air Pollution Control Installation

☐☐

_____ Discharge Permit

☐☐

_____ Others _____

☐☐

- ☐ 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 **Water Quality Compliance Monitoring**

Name of Contact Person	Lemuel Basister
Position / Designation	Owner

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-2016-0026	3/21/2016	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID	None		
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	17-POA-A-0837-0019	1/24/2017	1/24/2022
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.	DP-RO8-20-04248	9/28/2020	12/28/2020

4. Water Supply and Wastewater Generation

S. 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	20	7,300	
Others (specify)			

T. Wastewater Sources

Water Use / Sources of Wastewater	Consumed (m ³ /day)	Generated (m ³ /day)	Specify if Others
Process Water			
Domestic Water	5		
Cooling Water			
Maintenance	10		
Storm drain			
Others (specify)	5		

U. Quality of Abstracted Water

Sources of Water Supply	BOD/ COD	TSS	AVFP	Heavy Metals	Specify if Others
N/A					

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 SEPTIC TANK
C. WWTP Detail	
1. Date Installed	2016
2. Design Capacity	
3. Cost of WWTP	Not indicated

4. Annual Maintenance Cost (Php/year)			
5. Location of Discharge Point(s)		Receiving Water Body	Classification of Water Body
		Closed tank	
		<input type="checkbox"/> V-weir	Other (specify) _____
6. Flow Metering Device Use		<input type="checkbox"/> Flow Meter	
7. Flow Rate		Influent	Effluent
			Others (specify) _____
M. 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 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) _____		
N. 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 Not determined, evaluation done thru table monitoring only	
2. Is the WWTP under construction or undergoing rehabilitation?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. If the answer is No. 2 is YES, has this been reported to EMB/LLDA?		N/A	
4. Which System or units are under construction or being modified?		None	
5. Estimated date of completion			
6. Treatment units utilized to treat wastewater			

Water Quality Field Date						
Sampling Point No. 1						
Sampling Station		N/A		Sampling Time:		AM/PM
Type of Sample						
Result Analysis						
Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	
N/A						

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

Parameter	Value	Unit	DENR Effluent Standards	Compliant		Remarks
				Yes	No	
N/A						

Information Summary of the previous or recent inspection/sampling:

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

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?	/			
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-RO8-20-04248 issued on Sept 28, 2020 valid until Dec. 28, 2020
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?	/			Submitted 1 st Quarter SMR on April 14, 2021
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:

1. Evaluated through table monitoring with the submitted online SMR as the reference
2. With 1st Quarter 2021 SMR submitted online on April 14, 2021 ; reference No. 84137
3. Some basic information relevant for table monitoring has no data on the submitted online SMR, hence lacks important basic information
4. DP-RO8-20-04248 issued on 9/28/2020 valid only until 12/28/2020
5. With valid PTO No. 17-POA-A-0837-0019 valid until 1/24/2022
6. PCO not yet accredited by EMB R8
7. No DENR ID Registration as hazardous waste generator


Remarks and Recommendation:

1. To submit a comprehensive and complete online SMR data
2. To apply for PCO Accreditation
3. To secure DENR ID Registration thru EMB online system
4. To issue a Notice of Violation for operating without valid Discharge Permit in violation of paragraph (c) , section 27 of RA 9275

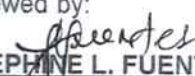
List of Documents Reviewed:

Online SMR

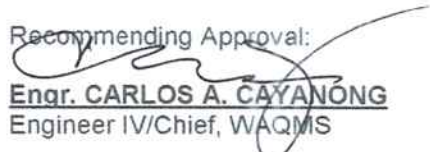
Submitted by:


CYRIL ANN B. BADEO
EMS II/ PEMU Leyte

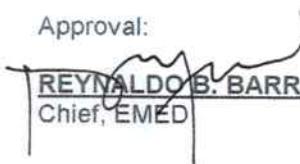
Reviewed by:


JOSEPHINE L. FUENTES
Senior EMS/ OIC, PEMU Leyte

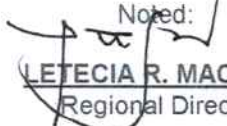
Recommending Approval:


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

Approval:


REYNALDO B. BARRA, PME
Chief, EMED

Noted:


LETECIA R. MACEDA
Regional Director