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|---|--|---|
|  | <p style="text-align: center;">             Republic of the Philippines<br/>             Department of Environment and Natural Resources<br/> <b>ENVIRONMENTAL MANAGEMENT BUREAU</b><br/>             DENR Compound, Jones St. Tacloban City, Philippines           </p> |  |
| <b>NOTICE OF VIOLATION</b>  |  |   |

JAN 28 2022

DENR-PAB Case No. 08-00005-22-W

ATTY. BENJAMIN PONGOS, JR., BROILER POULTRY FARM PROJECT  
Brgy. Puertobello, Merida, Leyte

Thru: ATTY. BENJAMIN S. PONGOS, JR  
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY: [Signature]  
DATE: 2-3-22  
TIME: 4:55

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 **16 September 2021**.

ACTS CONSTITUTING THE VIOLATION

| Finding/s  | Prohibited Act/s   |
|--|--|
| Operating a facility that discharges regulated water pollutants without the required wastewater <b>Discharge Permit</b> since <b>16 September 2021</b> . | Violation of <b>Section 27 (c)</b> of <b>R.A 9275</b> in relation to <b>Section 28</b> of the same Act, and in relation further to <b>Pollution Adjudication Board Resolution No. 01, Series of 2019</b> . |

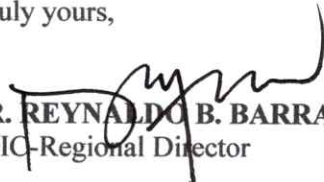
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public,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



ENVIRONMENTAL MANAGEMENT BUREAU REGION 8  
SURVEY/INSPECTION FOR WATER QUALITY MANAGEMENT



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: WS-11-21  
Date of Inspection: September 16, 2021  
Mission Order No.: EMBR8-2021-014401

|  |                               |   |
|--|-------------------------------|---|
| <b>1. GENERAL INFORMATION</b>  |                               |   |
| Name of Establishment: <b>ATTY. BENJAMIN S. PONGOS, JR. BROILER POULTRY FARM</b> |                               |   |
| Address: <b>Brgy. Puertobello, Merida, Leyte</b>                                 |                               | Geo Coordinates:<br><b>10.97648, 124.5295</b> |
| Nature of Business: <b>Poultry</b>   |                               |   |
| PSIC Code:   | Product:                      | Year Established: <b>2015</b>                 |
| Operating hours/day: <b>24</b>   | Operating days/week: <b>7</b> | Operating days/year: <b>365</b>               |

|                        |  |                                   |
|------------------------|--|-----------------------------------|
| Product Lines          | Production Rate as Declared<br>in the ECC (unit/day) | Actual Production Rate (unit/day) |
|                        |  |                                   |
|                        |  |                                   |
|                        |  |                                   |
| Name of Managing Head: | <b>ATTY. BENJAMIN S. PONGOS, JR.</b>                 |                                   |
| Name of PCO:           |  |                                   |
| PCO Accreditation No.: |  | Date of Effectivity:              |
| Phone/Fax:             | <b>09173072685</b>                                   | Email:                            |

|   |                          |                          |
|---|--------------------------|--------------------------|
| <b>2. PURPOSE OF INSPECTION</b>   |                          |                          |
| <input type="checkbox"/> Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification |                          |                          |
| <input type="checkbox"/> New Renewal  | <b>New</b>               | <b>Renewal</b>           |
| <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 | <b>ATTY. BENJAMIN S. PONGOS, JR.</b> |
| Position / Designation | <b>Owner</b>                         |



3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

| Environmental Law | Permits                    |                   | Date of Issue | Expiry Date |
|-------------------|----------------------------|-------------------|---------------|-------------|
| PD 1586           | ECC1                       | ECC-R08-1504-0061 | Apr. 30, 2015 |             |
|                   | 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 <sup>3</sup> /day) | Annual (m <sup>3</sup> /day) | Specify if Others |
|------------------------------------|-----------------------------|------------------------------|-------------------|
| Surface water (river, lakes, etc.) |                             |                              |                   |
| Groundwater                        | Not verified                |                              |                   |
| Water utilities                    |                             |                              |                   |
| Others (specify)                   |                             |                              |                   |

B. Wastewater Sources

| Water Use / Sources of Wastewater | Consumed (m <sup>3</sup> /day) | Generated (m <sup>3</sup> /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/<br>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<br><input type="checkbox"/> No  |
| B. What type of WWTP?  | <input type="checkbox"/> Physical<br><input checked="" type="checkbox"/> Biological<br><input type="checkbox"/> Chemical<br><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<br>Classification of Water Body  |
| None   | N/A<br>N/A  |
|  | <input type="checkbox"/> V-weir<br>Other (specify)  |
| 6. Flow Metering Device Use                                  | <input type="checkbox"/> Flow Meter   |
| 7. Flow Rate   | Influent<br>Effluent<br>No discharge<br>Others (specify)  |

| A. Components of WWTP  |   |  |        |
|--|---|--|--------|
| Primary  | Biological  | Chemical   | Others |
| <input type="checkbox"/> Screening<br><input type="checkbox"/> Primary Treatment<br><input type="checkbox"/> Grit Removal<br><input type="checkbox"/> Oil/Water Separator<br><input type="checkbox"/> Equalization Tank<br><input type="checkbox"/> Others (specify) _____ | <input type="checkbox"/> Activated Sludge<br><input checked="" type="checkbox"/> Anaerobic Digestion<br><input type="checkbox"/> Tricking Filter<br><input type="checkbox"/> Oxidation/Stabilization Pond<br><input type="checkbox"/> Sequencing Batch Reactor<br><input type="checkbox"/> Others (specify) _____ | <input type="checkbox"/> pH Adjustment<br><input type="checkbox"/> Disinfection<br><input type="checkbox"/> Oxidation/Reduction<br><input type="checkbox"/> Flocculation/ Coagulation<br><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<br><input type="checkbox"/> Inadequately maintained<br><input type="checkbox"/> Poor maintenance<br><input type="checkbox"/> Others  |        |
| 2. Is the WWTP under construction or undergoing rehabilitation?  |   | <input type="checkbox"/> Yes<br><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 |         |
|                          |       |      |                         |                |    |         |
|                          |       |      |                         |                |    |         |
|                          |       |      |                         |                |    |         |

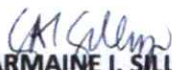
| III. SUMMARY OF FINDINGS |   |           |   |     |         |
|--------------------------|---|-----------|---|-----|---------|
| Legal Reference          | Compliance Requirements   | Compliant |   |     | Remarks |
|                          |   | Y         | N | N/A |         |
| DAO 2005-10 Rule 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?  |           |   | /   |         |



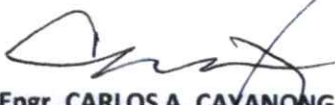
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|--------------------------|---|--|--|---|--|
| DAO 2005-10<br>Rule 14.6 | 5. Has the establishment submitted copy of the Environmental Compliance Certificate or Certificate of Non-Coverage?   |  |  | / |  |
|                          | 6. Does the 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?   |  |  | / | <b>If yes, proceed to succeeding items</b> |
|                          | 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.                                       |  |  |   |  |

|   |
|---|
| <b>Other Observations:</b>  |
| <ol style="list-style-type: none"><li>1. The establishment is issued with an Environmental Compliance Certificate with ECC reference number: ECC-R08-1504-0061 issue on April 30, 2015. However, no discharge permit was issued to or applied for by the proponent.</li><li>2. The poultry farm is was operational during time of inspection. However, one (1) building was damaged during Typhoon Jolina and was observed empty.</li><li>3. There are three (3) buildings: Building 1 and 2 is with load of 30,000 heads each. Building 3 is damaged.</li><li>4. As per in-charge, a septic tank is installed for each building.</li><li>5. Water source for the operation is both ground water (deepwell) and water district.</li><li>6. The establishment is not yet issued with a discharge permit.</li></ol> |
| <b>Remarks and Recommendation:</b>  |
| <ol style="list-style-type: none"><li>1. For issuance of Notice of Violation for operating without valid discharge permit pursuant to Paragraph (c), Section 27 of R.A 9275, in relation to Section 28 of R.A. 9275, in relation further to Pollution Adjudication Board Resolution No. 01-2019.</li></ol>  |
| <b>List of Documents Reviewed:</b>  |

Submitted by:

  
**SHARMAINE I. SILLEZA**  
EMS I

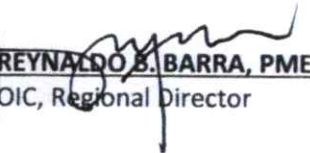
Recommending Approval:

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

Approval:

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

Noted:

  
**REYNALDO B. BARRA, PME**  
OIC, Regional Director