



NOTICE OF VIOLATION

MAR 02 2022

ALICO RESORT AND WATERPARK

Brgy. Blanca Aurora, San Jorge, Samar

Thru: **TRIXIE ALICO**
Resort Manager

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 3/03/2022
TIME: 1:59pm

Dear 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 monitoring and effluent sampling conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) last **22 September 2021**.

ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Result of effluent sampling for Pollutant Parameter Biochemical Oxygen Demand (BOD) collected at the effluent outlet is at 1,060.70 mg/L , exceeding the DENR Standard of 30 mg/L for Class B Waters.	Violation of Paragraph (a), Section 27 of DENR Administrative Order No. 2005-10, Implementing Rules and Regulations of RA 9275 in relation to Section 28 thereof.
Result of effluent sampling for Pollutant Parameter Total Suspended Solids (TSS) collected at the effluent outlet is at 315 mg/L , exceeding the DENR Standard of 85 mg/L for Class B Waters.	Violation of Paragraph (a), Section 27 of DENR Administrative Order No. 2005-10, Implementing Rules and Regulations of RA 9275 in relation to Section 28 thereof.

The foregoing considered, 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 **not less than Ten Thousand Pesos (P10,000.00) nor more than Two Hundred Thousand Pesos for every day of violation for each** of the above cited prohibited acts 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. Further, you or your authorized representative is hereby summoned to attend, in person, a technical conference/hearing before this Office on March 21, 2022 at 10:00 am.

In light of **Proclamation No. 922, "Declaring a State of Public Health Emergency throughout the Philippines"**, and the implementation of Community Quarantine in Region VIII as a measure to combat the COVID-19 Disease, the technical video conference shall be conducted in lieu of an actual physical conference/hearing. Please submit an e-mail to embr8_legal@emb.gov.ph immediately upon receipt hereof and an electronic internet address link to the technical conference shall then be provided to you.

Please be informed that pursuant to **Section 5, Item VII of EMB Memorandum Circular No. 2020-21**, your failure to appear during the scheduled technical video conference shall be construed as waiver of your right to contest the findings and the case shall be decided based on the available evidence on record.

Please be guided accordingly.

Very truly yours,

ENGR. REYNALDO B. BARRA
OIC - Regional Director



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



FOR : **THE OIC, REGIONAL DIRECTOR**
Environmental Management Bureau Region VIII
Tacloban City

ATTENTION: **UNIT HEAD**
Legal Unit

FROM : **THE UNDERSIGNED**

SUBJECT : **REPORT ON THE INSPECTION AND EFFLUENT SAMPLING
CONDUCTED AT ALICO RESORT AND WATER PARK, BLANCA
AURORA, SAN JORGE, SAMAR IN COMPLIANCE TO
MEMORANDUM DATED SEPTEMBER 13, 2021**

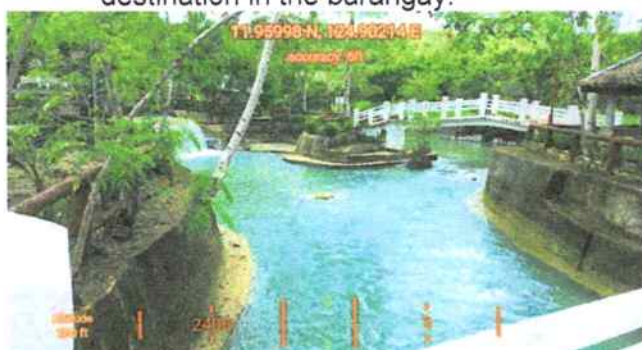
DATE : **24 September 2021**

This has reference to the Memorandum dated September 13, 2021 with the directive to conduct wastewater sampling upon Alico Resort and Water Park, Blanca Aurora, San Jorge, Samar. Inspection and effluent sampling were conducted on September 22, 2021. Hereunder are the findings/observations and recommendations of the inspection and sampling conducted.

1. The resort was operational during the time of monitoring. The Undersigned were assisted by the Resort Manager, Ms. Trixie Alico in the plant walkthrough.
2. According to Ms. Alico, the resort has a total area of 10 hectares in which 4 hectares have been developed to date. Project development commenced in 2018; however, project was opened to the public in 2019.



3. The resort utilizes Bangon River as the primary contact recreation waterbody for tourists and guests. Bangon river traverses the resort premises. It is unclassified but is primarily used for contact recreation. Downstream of the river is the location of Blanca Aurora Falls, a tourist destination in the barangay.



4. Two pool amenities were observed within the project area. Both pools are provided with drain canals for wastewater exit to Bangon River during periodic cleaning.



No effluent discharge was observed from the pool amenities



Wastewater canals are connected to the downstream segment of Bangon River. Small quantity refuse such as plastic bottles and shampoo sachets were observed in the downstream segment of the river.

5. The project has 2 concrete accommodation buildings, 1 residential building, 5 villas, 40 nipa and tree houses, five concrete comfort rooms and one temporary restaurant.
6. Water-sealed septic tanks are provided for anaerobic digestion of generated domestic wastewaters (from comfort rooms) for each building. Likewise, villas are provided with centralized septic tank. No outlets were observed at septic tanks; hence, no wastewater discharges were observed. According to Ms. Alico, no siphoning was yet conducted from any of the septic tanks since the start of project operations.
7. Generation of wastewater was observed at Villa No. 2. Generated wastewater came from domestic washings/rinsing (from lavatory and floor drain) of the guests in Villa No. 2. It was observed that generated wastewater from the villa do not drain into the centralized septic tank. Pipeline from lavatory is not connected to septic tank. Wastewater exits to the open drainage canal at the back of the villa which then discharges to a creek outside the perimeter wall of the resort which then flows to the downstream of Bangon River. Sampling location is approximately 150 meters from the downstream portion of Bangon River.
8. Effluent sample was collected at the effluent outlet. Sample was submitted to EMB8 Laboratory for the analyses of Biochemical Oxygen Demand and Total Suspended Solids.



9. Results of the laboratory analyses are shown below (See attached Certificate of Analyses):

Parameter	Result	DENR Standard, Class B
BOD, mg/L	1,060.70	30
TSS, mg/L	315	85

BOD and TSS concentrations of the collected sample exceeded the DENR Standard for Class B waters.

10. The temporary restaurant is also provided with individual septic tank. The temporary restaurant was not operational during the time of monitoring. No cooking and washing were conducted during the time of monitoring.



Recommendations:

- For issuance of Notice of Violation for parameter exceedance pursuant to Table 9.0, Effluent Standards of DENR Administrative Order No. 2016-08. Section 27(a) of DENR Administrative Order No. 2005-10, prohibits "Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along the margins of any surface water, where the same shall be liable to be washed into such surface water, either by tide action or by storm, floods or otherwise, which could cause water pollution or impede natural flow in the water body."
- Install centralized Sewage Treatment Plant (STP) for all generated wastewaters from all comfort rooms and lavatories. Connect all wastewater lines to the centralized STP to ensure adequate treatment of wastewaters prior discharge to receiving body of water.
- Improve housekeeping and strictly implement proper solid wastes management.

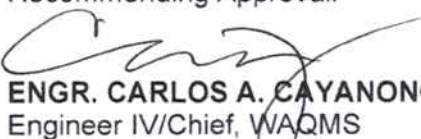
Submitted by:


JO ANNE JOY M. DAÑAL
Senior EMS

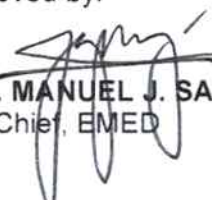

ENGR. ROY ALEXANDER H. TABOADA
EMS II


ENGR. JANET T. POLEA
Engineer IV

Recommending Approval:


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

Approved by:


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



Environmental Management Bureau
Regional Environmental Laboratory Region VIII

Brgy. Baras, Palo, Leyte

Certificate of Analysis

Department: ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-AMBIENT SECTION

Name/Source:	Alico Resort and Waterpark (Investigation PAB Case)		
Address/Location:	Brgy. Aurora Blanca, San Jorge, Samar		
Sampled by:	J Polea, JA Dañal		
Date Arrived:	Sept. 22, 2021 @ 6:00 PM	Date Acknowledged:	Sept. 22, 2021 @ 6:00 PM
Date Analyzed:	Sept. 22, 2021 @ 6:00 PM	Date Reported:	Sept. 27, 2021 @ 12:56 PM

Chain of custody no.	Lab sample no.	Time of Collection	Sample type	Sample Information
2021-301	2108-871	Sept. 22, 2021 @ 12:00 PM	effluent	water sample placed in 1000-mL plastic bottle labeled "Alico Resort and Waterpark"

Environmental conditions during analysis:

Relative humidity: 36.2%

Temperature: 23.7°C

CHARACTERISTICS:

Parameters	Lab sample no.
	871
BOD, mg/L	1,060.70
TSS, mg/L	315

Method used: BOD - 5-Day BOD Test

TSS - Gravimetric Method, dried @ 103-105 °C

Method detection limit (MDL):

BOD 0.2 mg/L

TSS 2.3 mg/L

Reference: Standard Methods for the Examination of Water and Wastewater, 23rd ed., 2017, AHA, AWWA, WEF

Remarks

1. This certificate of analysis is based on the sample as received by this office.
2. This certificate of analysis shall not be reproduced in full, without written approval from issuing laboratory.
3. ND : "not detected", < MDL

Analyzed by:

SHEREY MAE U. BALAGO, RCh
 Laboratory analyst, Chemistry
 Reg. No. 0013722

ANGELICA JOY G. YU, RCh
 Technical Manager, Chemistry
 Reg. No. 0012803

Approved by:

MANUEL J. SACEDA JR.
 OIC - Chief EMED

Certified by:

APRILYN R. DAÑAS, RCh
 Laboratory Manager
 Reg. No. 0011659

Noted by:

REYNALDO B. BARRA
 OIC - Regional Director

cc

Laboratory
 Sampler
 Records Unit

