

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

MAR 2 5 2022

ROMEO P. MEDIANTE RICE MILL

Brgy. Buenos Aires, Pagsanghan, Samar

Thru: ROMEO P. MEDIANTE

Managing Head

DENR-PAB Case No. 08-000026-22-A

RELEASE 3/28/2022
OATE: 4:35pm

Sir/Madame:

This notice is being served upon you for alleged violation of <u>R.A 8749</u> otherwise known as the Philippine Clean Air Act of 1999, based upon the *investigation* conducted by the technical and legal personnel of this Office last **18-19 January 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a diesel- powered single pass rice mill, without the required Permit to Operate for Air Pollution Source Equipment since 18-19 January 2022.	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. BARR

FM-ORD-16 00



Republic of the Philippines

Department of Environment and Natural Resources

ENVIRONMENTAL MANAGEMENT BUREAU

Regional Office No. VIII

DENR Compound, EMB Building, Jones Street, Tacloban City, Philippines

INVESTIGATION REPORT

NAME OF FIRM/ESTABLISHMENT : ROMEO P. MEDIANTE RICE MILL

ADDRESS OF RESPONDENTS : Brgy. Buenos Aires, Pagsanghan Samar

GEOGRAPHIC COORDINATES : 11.98563°N, 124.77452°E NAME OF PERSON/S CONTACTED : JOEL C. LEGISTA

NATURE OF COMPLAINT : Improper management of rice mill waste and

direct disposal of the same into the nearby

Gandara River

COMPLAINANT'S CONTACTED: N

N/A

DATE OF INSPECTION

18-19 January 2022

I. PROCEEDINGS

1. On **15 December 2021**, the DENR Action Center referred to this Office an e-mail followup complaint from one Isabel Sy against the improper management of rice mill waste owned by certain barangay officials and direct disposal of the same into the Gandara River.

- 2. Upon perusal, a similar complaint from the same complainant was lodged before this office and was already acted upon last 14-16 September 2021.
- 3. For purposes of validation, the undersigned investigating personnel conducted an on-site follow-up verification inspection of the areas in question.

II. MATTERS INVESTIGATED

- Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000.
- 5. Republic Act No. 8749 otherwise known as the Philippine Clean Air Act of 1999.

III. FINDINGS AND OBSERVATIONS:

- The complainant in its follow-up complaint alleged the inaction of the region-in-charge to resolve the said complaint, claiming that the situation in their area gets worst every day and even children refused to swim in the said Gandara River because the water is too dirty.
- 2. In a courtesy meeting with the Officials of the Local Government Unit of Pagsanghan, they contend that an action to address the same had been undertaken. Letters to Barangay Officials concerned was likewise sent for their proper disposition given that the areas are under their territorial jurisdiction. The said communications from the LGU contains instruction to address the same complaint in whatever action the barangay officials can do in their capacity.
- In addition, actual inspection to the said complained areas was also conducted by the Local Government Officials determining the veracity of the complaint accompanied by the officials from the local Philippine National Police.
- After the meeting with the LGU of Pagsanghan, the undersigned investigating personnel surveyed the barangay involved. The investigating team then proceeded to Brgy. Buenos Aires of the same municipality.

- 5. During the inspection, it was discovered that large amounts of rice mill waste were being dumped directly into the Gandara River. Two rice mills were operating in the same barangay, which is located adjacently. As can be recalled, the proponents promised to take steps to avoid direct disposal of their rice mill waste into the said river.
- Actual digging was also observed on the bulks of rice mill waste disposed on the husk outlet, located near the Gandara River, prompting the investigation team to order a stoppage to such activity due to the possible or evident accumulation of rice mill waste disposed to the Gandara River.
- 7. The proponent was not present during the investigation, and his rice mill was closed, indicating that it was not in operation at the time. In his absence, the investigating team talked with the Chairman of the Barangay, Hon. Joel C. Legista, according to Hon. Legista the said rice mill is still in operation. Sacks of rice were also seen, indicating that the same is in operation.
- Hon. Legista added that the LGU Pagsanghan previously conducts its verification inspection and instructions to address the same was likewise given however, despite demand there is still inaction on the part of the proponent.

V. REMARKS

1. Section 10 of R.A 9003, otherwise known as the Ecological Solid Waste Management Act provides for the Role of LGUs in Solid Waste Management, which specifically states that:

"xxx. Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local government code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions.

Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes: Provided, That the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city." *Emphasis and underlining supplied*

2. Section 1, Rule XIX of DENR Administrative Order No. 2004-26, Implementing Rules and Regulations of R.A 8749, or the Philippine Clean Air Act of 1999 requires that air pollution sources shall be required to secure Permit Operate Air Pollution Sources and Controlled Installation. The proponent is operating a diesel-powered single-pass rice mill, an air pollution source equipment, and thus well within the provisions of this Act.

VI. RECOMMENDATIONS

- To write and formally endorse the subject matter of the complaint to the enforcement powers of the Local and Barangay Government Unit concerned for appropriate action.
- For this Office to issue a Notice of Violation against Mr. Romeo P. Mediante for operating a diesel-powered single pass rice mill, an air pollution source equipment, without the required Permit to Operate in violation of Section 1, Rule XIX of DAO No. 2004-26 amending DAO 2000-81 IRR of RA 8749, in relation to PAB Reso. 2019-01.

 For continuous monitoring and further appropriate actions as may be deemed necessary by the Solid Waste Management Section considering the foregoing findings.

Respectfully submitted.

Investigation Personnel:

ENGR. NOEL C. CABIAO Engineer III, EMED-SWMS FLORAMAE A SUYOM EMS I, ORD-Legal Unit

Reviewed by:

REGGIE A. URMENETA Chief, EMED-SWMS

Approved by:

FOR. MANUEL J. SACEDA JR.

OIC-Chief, Environmental Monitoring and Enforcement Division

Noted by:

ENGR. REYNALDO B. BARRA OIC-Regional Director

Photo Documentation







