

JAN 28 2022

ABUNDIO C. MAGNO SAND AND GRAVEL EXTRACTION
WITH CRUSHING PLANT PROJECT
Brgy. Benolho, Albueria, Leyte

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

Thru: ABUNDIO C. MAGNO
Managing Head

ASUNCION ENRIQUEZ
Pollution Control Officer

Sir/Madame:

This notice is being served upon you for alleged violation of **P.D 1586** otherwise known as the Philippine Environmental Impact Statement System, based upon the compliance inspection conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) last **07 April 2021**.

ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Failure to secure from this Office Discharge Permit for Water Pollution Source and Control Facilities as well as Permit to Operate for Air Pollution Source and Control Installation.	Violation of ECC Environmental Management and Monitoring Plan (EMMoP) No. 4, DENR Administrative Order 2003-30 , Implementing Rules and Regulations of P.D 1586 .
Failure to submit to this Office the required Self-Monitoring Report (SMR) which shall be submitted during the first week of every succeeding quarter.	Violation of ECC General Condition No. 4, DENR Administrative Order 2003-30 , Implementing Rules and Regulations of P.D 1586 .

The foregoing considered, and in accordance with the relevant provisions of **EMB Memorandum Circular No. 2020-21¹**, 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/s which is punishable by a fine of **not less than Ten Thousand Pesos (P10, 000.00)** 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.

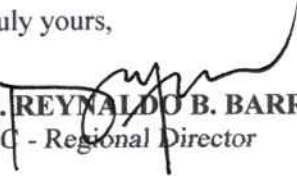
Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to embr8_records@emb.gov.ph, copy furnished legalunitembr8@gmail.com, to expedite the submission. Further, you or your authorized representative is hereby summoned to attend, in person, a technical conference/hearing before this Office on February 14, 2022 at 10:00 am.

However, 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, **you are also given an option to attend in the scheduled technical conference via internet video conference**. In case you choose for the latter mode, please submit an e-mail to legalunitembr8@gmail.com immediately upon receipt hereof, to signify such intention and an electronic internet address link 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

¹ Supplemental Rules of the EMB Manual of Uniform Procedures for COVID-19 Pandemic



COMPLIANCE INSPECTION FOR EIA



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: EIA-04-18
Date of Inspection: APRIL 7, 2021
Mission Order No.: EMBR8-2021-005123

1. GENERAL INFORMATION

Name of Establishment:

ABUNDIO C. MAGNO SAND AND GRAVEL EXTRACTION WITH CRUSHING PLANT PROJECT

Address:

BRGY. BENOLHO ALBUERA, LEYTE

Geo Coordinates:

**10.97363 N,
124.66979 E**

Nature of Business:

**INDUSTRIAL SAND AND GRAVEL EXTRACTION AND
PROCESSING PROJECT**

PSIC Code:

239

Product:

AGGREGATES

Year Established:

Operating hours/day:

Operating days/week:

Operating days/year:

Product Lines

Production Rate as Declared
in the ECC (unit/day)

Actual Production Rate (unit/day)

Name of Managing Head:

ABUNDIO C. MAGNO

Name of PCO:

ASUNCION ENRIQUEZ

PCO Accreditation No.:

-

Date of Effectivity: -

Phone/Fax:

09354419224

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 _____

Name of Contact Person

ASUNCION ENRIQUEZ

Position / Designation

PCO DESIGNATE

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits	Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1003-0034	03/26/2010
	ECC2		
	ECC3		
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.		

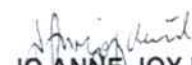
Legal Reference (Revised DAO 2003-30)	Compliance Requirements	Compliant?			Remarks
		Y	N	N/A	
Chapter 2-3 19) a) (i)	Does the establishment submit Compliance Monitoring Report (CMR) semi-annually to EMB?		✓		No records of CMR submission
	Does the CMR include an assessment of the following:				
	a) Performance against the ECC conditions?				
	b) Performance against the Environmental Management Plan (EMP)				
	c) Performance against the monitoring of actual impacts (including residual impacts) as against predicted impacts in the Environmental Impact Assessment (EIA) Report and as related to current project operations?				
DAO 2003-30 Chapter 2-3 19) a) (ii) and DAO No. 2003-27	Does the establishment submit to the concerned EMB Regional Office detailed report on compliance to environmental standards specific to environmental laws through the quarterly Self-Monitoring Report (SMR)?		✓		
Chapter 2-3 19) a) (iii)	Does the establishment submit semi-annual CMRs as part of Module 5 of the second and fourth quarter SMRs?		✓		
	Does the second CMR include simple trend analysis of the environmental standards and a summary of the cumulative annual and historical performance/compliance analysis on key environmental and social parameters?		✓		
Chapter 2-3 19) a) (iv)	Was the first CMR submitted mid-year after the start of project implementation (except for ECC commitments/conditions, which need to be submitted prior to project start-up)?				
	Did the establishment notify EMB on the start-up date of project implementation?	✓			
	Is the establishment required a Multi-Partite Monitoring Team (MMT) (ECC condition)?			✓	
	Has the MMT been established through a signed Memorandum of Agreement (MOA)?			✓	

	Is the MMT MOA in accordance with the prescriptions?			✓	
	Has the establishment facilitated the operationalization of an MMT Manual of Operations (MOO) based on prescribed Guidelines including the use of Compliance Monitoring and Validation Report (CMVR)			✓	
	Has an Environmental Monitoring Fund (EMF) been established and operationalized based on prescribed guidelines?			✓	
	Is the establishment required an Environmental Guarantee Fund (EGF) (ECC condition)?			✓	
	Has an EGF been established?			✓	
Chapter 2-3 19) b) (iii)	Does the establishment address complaints, exceedance of standards, and/or suspicious data?			✓	

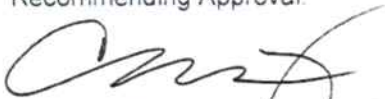
Compliance to ECC Conditions and EMP Commitments (Revised DAO 2003-30)						
ECC/EMP Condition/ Requirement Categorization	Relevant ECC Condition/s (if any)		Compliant			Proof of Compliance
	No.	Description	Y	N	N/A	
1) Project coverage/limits		11,509 sqm	✓			
2) Components			✓			
3) Other sectoral requirements mandated by other agencies to be complied with			✓			
4) EMP and updates as deemed required						
5) Conduct of baseline, compliance and impact self monitoring				✓		
6) Multi-sectoral Monitoring (as may be required)					✓	
7) Regular reporting				✓		
8) Institutional arrangements necessary for implementation of environmental management measures			✓			
9) Standard DENR requirement on transfer of ownership					✓	
10) Standard DENR requirement on abandonment					✓	
11) Impact Mitigation Plan or Construction/Contractor's Environmental Program					✓	
12) Social Development Plan (SDP)						
13) Information, Education and Communication (IEC) Plan			✓			
14) Contingency/Emergency Response Plan or equivalent Risk Management Plan					✓	
15) Abandonment Plan (when applicable)					✓	
16) Environmental Monitoring Plan (EMoP)						

Other Observations: <ul style="list-style-type: none"> • Environmental Compliance Certificate (ECC-R08-1003-0034) was issued on March 26, 2010, for the industrial sand and gravel extraction project covering an area of 11,509 square meters along Panilahan River with an annual extraction rate of less than 75,000 MT. • ECC was transferred to Editha P. Magno on December 1, 2014. • ECC was amended on October 5, 2018 with inclusion of Crushing Plant with a production capacity of less than 20,000 MT as project description/component. • The crushing plant was not operational during the time of monitoring. Operations were temporarily halted to conduct repair of conveyor belts. • Settling ponds were observed not properly maintained. Settling ponds need de-silting and improvement. • Crushing Plant was not issued with Discharge Permit and Permit to Operate Air. • No records of CMR/SMR submission.
Remarks and Recommendations: <ul style="list-style-type: none"> ✓ For issuance of Notice of Violation for non-compliance of: <ul style="list-style-type: none"> ○ ECC Condition I.A.4. <i>"A Discharge Permit for water pollution source and control facilities as well as Permit to Operate for APSE/PSI shall be secured from this Office."</i> ○ ECC Condition I.B.4. <i>"Self-Monitoring Report (SMR) of the project shall be submitted during the first week of every succeeding quarter."</i> ✓ Secure Discharge Permit and Permit to Operate Air online. ✓ Submit CMR online sem-annually. ✓ Designate Pollution Control Officer and apply for PCO accreditation.
List of Documents Reviewed: <p>ECC</p>

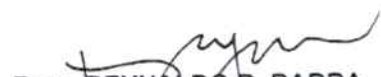
Submitted by:


JO ANNE JOY M. DAÑAL
Senior EMS

Recommending Approval:


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

Approval:


Engr. REYNALDO B. BARRA
Chief, EMED

Noted:


LETECIA R. MACEDA
Regional Director