



Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
DENR Compound, Jones St. Tacloban City, Philippines



## NOTICE OF VIOLATION

JAN 04 2022

DENR-PAB Case No. 08-000136-21-A

**PREMIUM MEGASTRUCTURE, INC.**  
**(ASPHALT AND CRUSHING PLANTS)**  
Brgy. Balugo, Albuera, Leyte

Thru: **FRANCIS LLOYD T. CHUA**  
Managing Head

**MATISSA NERVES**  
Pollution Control Officer Designate

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY:   
DATE: 01/06/2022  
TIME: 8:37am

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 8749** otherwise known as the Philippine Clean Air Act of 1999 based upon the compliance 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 the Crushing Plant and Asphalt Plant without a valid <b>Permit to Operate</b> for Air Pollution Source Installations, since <b>14 May 2020</b> .	Violation of <b>Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26</b> , amending DAO 2000-81, in relation to <b>Section 1, Rule LVI of DAO 2000-81</b> , 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 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 **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 AIR QUALITY MANAGEMENT



## ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: AIR - 09 - 17  
Date of Inspection: September 16, 2021  
Mission Order No.: EMBR8-2021-013610

<b>1. GENERAL INFORMATION</b>		
Name of Establishment: <b>PREMIUM MEGASTRUCTURE, INC. (ASPHALT AND CRUSHING PLANTS)</b>		
Address: <u>Brgy. Balugo, Albura, Leyte</u>		Geo Coordinates:
Nature of Business: <u>Crushing and Batching Plants</u>		<u>10.88 N, 124.71094 E</u>
PSIC Code:	Product: <u>aggregates &amp; ready mixed asphalt</u>	Year Established: <u>2012</u>
Operating hours/day: <u>10</u>	Operating days/week: <u>6</u>	Operating days/year: <u>288</u>

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
	<u>50MT/day</u>	
Name of Managing Head: <u>MR. FRANCIS LLYOD T. CHUA</u>		
Name of PCO: <u>Designate -MATISSA NERVES</u>		
PCO Accreditation No.:	<u>None</u>	Date of Effectivity:
Phone/Fax:	<u>09154387635</u>	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		
	<b>New</b>	<b>Renewal</b>
<input type="checkbox"/> New Renewal	<input type="checkbox"/>	<input type="checkbox"/>
<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	<u>JOYCEL DAJAY</u>
Position / Designation	<u>In Charge</u>



3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1207-0070	07-10-2012	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID			
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	15-POA-E-0837-0129 (Asphalt Plant)	06-13-2015	05-13-2020
RA 9003	ECC for Sanitary Landfill			
	DP No.	16-DP-F-0837-0232 (crushing Plant)	06-17-2016	06-17-2017
	DP No.			
RA 9275	DP No.			

MODULE AQM01: PRE-INSPECTION INFORMATION SHEETFOR EMISSION SOURCE

Emission Source Data Information		Emission Source Data Information	
Emission Source	1	Emission Source	2
Type (Brand/Model)	two (2) units Stone Crushing Plant	Type (Brand/Model)	one (1) unit Batching Plant
Rated Capacity	8.5MT/hr	Rated Capacity	80 MT/hr
Fuel Type & Quantity	Electrically driven	Fuel Type & Quantity	Electrically driven
Operating Capacity		Operating Capacity	
Control Facility	Water sprinkler	Control Facility	Wet scrubber & cyclone
Notes:		Notes:	

Emission Source Data Information	
Emission Source	3
Type (Brand/Model)	two (2) units Diesel Fuel Storage tank
Rated Capacity	9,000L
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes:	

Legal Provision	Regulatory Requirements	Compliant			Notes
		Y	N	N/A	
DAO 2004-26					
Rule 19 Section 1	All emission sources have a valid Permit to Operate		√		PTO for the Asphalt Plant was expired on May 13,2020. While, no PTO for the Crushing Plants.
Rule 19 Section 3	As built design of the installation conforms with submitted engineering plans and specifications	√			
	Declared control facilities are installed and operational	√			

	Installation is located as proposed in the vicinity map (plant and machinery layout)	√			
	Facility design capacity is within the capacity declared in the application for permit to operate	√			
Rule 19 Section 5	Temporary Permit is still valid			√	
Rule 19 Section 6	Application for renewal has been filed for expiring Permit to Operate 30 days before permit expiration date		√		
Rule 19 Section 9	Permit to Operate displayed conspicuously upon the installation or in an accessible / visible place near the installation		√		
	Conditions of the Permit to Operate are complied with		√		
Rule 19 Section 11	Plant operational problems notification submitted to EMB within 24 hours of occurrence			√	
Rule 19 Section 12	Quarterly submission of self-monitoring report		√		Q <sub>1</sub> Q <sub>2</sub> Q <sub>3</sub> Q <sub>4</sub>
<b>DAO 2000-81</b>					
Part 7 Rule 25 Section 5 a# 1	Person in charge of the plant / equipment has sufficient measure to ensure that no dark smoke is discharging from any stack in the establishment. E.g.: window view of stack, mirror to reflect top of stack, smoke density indicator, CCTV, etc.			√	
Part 7 Rule 25 Section 5 a# 2	All oil-burning equipment have heaters capable of heating oil to a temperature appropriate for the oil and burner			√	
Part 7 Rule 25 Section 5 a# 3	Establishment is fossil fuel-fired power plant over 10MW rating installed with CEMS for particulates, sulfur oxide, and NOx			√	
	Establishment is petroleum refinery / petrochemical industry installed with CEMS for particulates, sulfur oxide, and NOx			√	
	Establishment is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx			√	
	Establishment is steel plant installed with CEMS for particulates and sulfur oxide			√	
	Establishment is ferro-alloy production facility installed with CEMS for particulates			√	
	Establishment is cement plant installed with CEMS for particulates			√	
Part 7 Rule 25 Section 5 b	Miscellaneous equipment like reheating furnace, smoke oven, bake oven, coffee heaters, varnish kettles, etc. are installed with pollution control facilities			√	State equipment then control facility/ies.



Part 7 Rule 25 Section 13 a	Establishment has precautionary controls for dusts generated during vehicular movement, transportation of materials, construction, etc. (List controls identified)			√	Example: It has tire bath Automated water sprinklers
Part 7 Rule 25 Section 13 b	Establishment has precautionary controls for volatile organic compounds or organic solvent emissions generated during storing, pumping, handling, processing, etc. (List controls identified)			√	
Part 7 Rule 25 Section 13 d	No open burning activity in the establishment	√			
<b>EMB Memorandum Circulars</b>					
MC 2009-04	Standby Gensets with capacity greater than or equal to 1,250 KW undergo annual emission testing (with 3 test runs). These gensets should not have the potential to emit more than 100tons/year of regulated pollutant.			√	
MC 2007-003 (2)	Boiler rated at greater than or equal to 251HP undergo bi-annual emission testing (with 3 test runs)			√	
	Other sources that have potential to emit equal to or greater than 100tons/year of regulated pollutant undergo bi-annual emission testing (with 3 test runs)			√	
	Boiler rated between 100 to 250 HP undergo annual emission testing (with 3 test runs)			√	
	Diesel generator rated at 600 to 1,249KW undergo annual testing (with 3 test runs)			√	
	Other sources that have potential to emit greater than 30 but less than 100tons/year of regulated pollutant undergo annual emission testing (with 3 test runs)			√	
	Sources of emissions of hazardous air pollutants included in PCL (DAO 1998 -58) undergo bi-annual emission testing (with 3 test runs)			√	
	Emission sources of petroleum refinery undergo bi-annual emission testing (with 3 test runs)			√	
	Emission sources of petrochemical works undergo bi-annual emission testing (with 3 test runs)			√	
	Emission sources of smelters undergo bi-annual emission testing (with 3 test runs)			√	
	Emission sources of cement kilns undergo bi-annual emission testing (with 3 test runs)			√	

	Emission sources of steel -making plants undergo bi-annual emission testing (with 3 test runs)			√	
	Emission sources of ferro-alloy-making plants undergo bi-annual emission testing (with 3 test runs)			√	
	Emission sources of glass-making plants undergo bi-annual emission testing (with 3 test runs)			√	
	Boiler rated at 99HP or less undergo biennial emission testing (with 3 test runs)			√	
	Diesel generator rated at 599KW or less undergo biennial emission testing (with 3 test runs)			√	
	Other sources that have potential to emit at least 10tons/year but less than 30tons/year of regulated pollutant undergo biennial emission testing (with 3 test runs)			√	
	Source using Bunker Fuel Oil, blended fuels involving Bunker Fuel Oil, or sulfur content of 1% or more undergo bi-annual emission testing			√	

#### Appendix F (Quality Assurance Procedures)

Section 6 (8)	Notification has been sent to EMB for any changes made in the CEMS installation			√	
	Notification has been sent to EMB for any changes made in the CEMS quality assurance and quality control plan			√	
Section 6 (5)	Each CEMS is audited and conducted in accordance to CFR 40 part 60 Appendix F.			√	
Section 6 (6)	Relative Accuracy Test Audit (RATA) is performed annually by industries in the presence of EMB personnel.			√	
	Establishment has sent thirty (30) day notice to EMB prior to the RATA testing schedule			√	
Section 6 (7)	Calibration gases are subject to audit or relative accuracy audit test every quarter			√	
	Other alternative quarterly audits employed by the establishment are approved by EMB.			√	
Section 6 (9)	EMB Director and Regional Director have been notified of CEMS malfunction that lasted longer than seven (7) consecutive days.			√	
Section 7 (1)	Records of occurrence and duration of any start-up, shut-down or malfunction in the operation of any source or control facility is available in the establishment.			√	
Section 7 (2)	Records of audits, performance testing, evaluations, calibration checks, adjustments and maintenance of any continuous emission monitors that have been installed pursuant to Rule IX Section			√	



	5 of DAO 2000-81 are available in the establishment.				
Section 8 (1)	SMR includes data on the time intervals, date and magnitude of excess emissions, nature and cause of excess, corrective actions taken, and preventive measures adopted.			√	
Section 8 (2)	SMR includes information on the averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/source category in question.			√	
Section 8 (3)	SMR includes information on time and date for each period during which the continuous monitoring system was inoperative and the nature of system repairs and adjustments made in the CEMS/COMS			√	
Section 8 (4)	SMR data measurements are within 75% data capture?			√	

#### For Facilities Engaged with Consent Agreement

EMS established within 18 months upon entering Consent Agreement with EMB	EMS established within 18 months upon entering Consent Agreement with EMB			√	
DAO 2000-81 Part 7 Rule 25 Section 9b	Environmental Management Plan derived from EMS process submitted within 6 months after entering Consent Agreement with EMB			√	

#### Other Observations:

- An Environmental Compliance Certificate with reference code: ECC-RO8-1207- 0070 was issued by this Office on 10 July 2012 to Premium Megastructure Inc. thru its representative Mr. Francis Lloyd T. Chua for the Asphalt and Crushing Plants Project located in Brgy. Balugo, Albueria, Leyte which covers an area of 50,426 square meters.
- The Asphalt Plant was operational during monitoring. While the Crushing Plants were non-operational due to the repair of the conveyor system.
- A Wastewater Discharge Permit for the Crushing Plant was expired on 17 June 2017. While no Wastewater Discharge Permit was secured for the Asphalt Plant.
- A Permit to Operate for the Asphalt Plant was expired on 13 May 2020. No Permit to Operate for the Crushing Plant.
- To date, no application has been filed for permit renewal through the EMB Online Permitting and Monitoring System by the proponent.
- Ma'am Matissa Nerves is the designated Control Officer of the establishment.
- The latest Self-Monitoring Report submitted to this office covering the period October-December 2020 (4th quarter) on January 15, 2021.
- Office records showed that the proponent failed to submit a Compliance Monitoring Report semi-annually thru the EMB Online system.
- No Hazardous Waste Registration Certificate as a hazardous waste generator has been secured from this Office by the proponent.
- On 28 March 2017, this Office issued a Notice of Violation for the following violations: 1) Non-submission of CMR; 2) operating the Crushing Plant without a valid Wastewater Discharge Permit as required under RA 9275 and no valid Permit to Operate under RA 8749 ;3) and Operating the Asphalt Plant without a valid Wastewater Discharge Permit as required under RA 9275.
- On 10 October 2019, the proponent paid the penalty amounting to P70,000.00. However, to date, the proponent has no compliance with the other mandatory commitments executed during the technical conference conducted on 25 April 2017.

#### Remarks and Recommendation:


- The designated PCO to attend a 40-hr basic PCO training and apply for accreditation before this Office.
- The proponent shall secure a Hazardous Waste Registration Certificate as a hazardous waste generator through the EMB Online System.
- On time and regular submission of Self-Monitoring Report quarterly and Compliance Monitoring Report semi-annually.

- This Office to issue a Notice of Violation for operating the Crushing Plant and Asphalt Plant without a valid Permit to Operate in 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 Resolution No.01, Series of 2019.
- A separate memorandum shall be issued to recommend issuing a Notice of Violation for operating the Crushing Plant and Asphalt Plant without a valid Wastewater Discharge Permit as required under RA 9275 or the Philippine Clean Water Act.

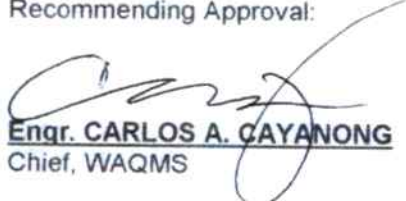
**List of Documents Reviewed:**

Copy of ECC, PTO & DP


Submitted by:

  
JANET T. POLEA  
Engr. IV


Recommending Approval:

  
Engr. CARLOS A. CAYANONG  
Chief, WAQMS

Approved by:

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

Noted by:

  
REYNALDO B. BARRA, PME.  
OIC-Regional Director