

ENVIRONMENTAL MANAGEMENT BUREAU DISPOSITION FORM

*RECORDS-2019-3-443

Subject:	PENRO Pangasinan Memorandum dated March 18, 2019 re: Submission of Complete Staff Work (CSW) regarding the conduct of investigation of foul odor from piggery operations of MSAR Enterprises located in Brgy. Umangan, Mangatarem, Pangasinan		
Document Date:	Mar 18, 2019	Document Type:	Letter - NOV
To/For	Remarks	From	Date

3/29
5:00pm
EMED

For Initial Signature - RECORDS

3/29/2019 4:42:09
PM

Sir AUG

for signature Report

RS- 4/3/19

Ate Pio

for signature of RB
re: Report

DR. 4/3/19

APR 03 2019

Signed 4/3

Records

mailed

TS- 4/6/19

Action Taken/Status

- | | | |
|---------------------------|---------------------------|-------------------------------|
| A. For approval/signature | G. Please prepare reply | M. For posting |
| B. For appropriate action | H. Please note and return | N. Please attend |
| C. For notation/comments | I. Please file | O. Please send representative |
| D. For recommendation | J. RUSH/URGENT | P. For our record |
| E. For information | K. For Monitoring | |
| F. For Compliance | L. For Investigation | |



Republic of the Philippines
Department of Environment and Natural Resource
Environmental Management Bureau
Government Center, Brgy. Sevilla, San Fernando City, La Union
Tel. No.(072) 607-3377 Fax No.(072) 700-2449

March 15, 2019

HON. RAMIL P. VENTENILLA

Municipal Mayor
Mangatarem, Pangasinan

Dear Mayor Ventenilla:

This is in connection with your letter dated February 21, 2019 which was received by this Office on March 14, 2019 regarding the complaint of the residents of Brgy. Torre 1, Mangatarem, Pangasinan on the operation of the piggery project of MSAR Enterprises located at Brgy. Umangan, Mangatarem, Pangasinan.

The complaint was investigated last February 18, 2019 by our Technical Personnel from the Provincial Environment and Natural Resources Office based in Dagupan City. During the investigation, there was no discharge of wastewater in the farmlands as alleged in the complaint. However, the emission of foul odor was verified to be positive inside and outside the farm.

The piggery project was found discharging regulated effluent without the required Wastewater Discharge Permit which is violation of Section 14 of the Implementing Rules and Regulations of R.A. 9275 (Philippine Clean Water Act of 2004). A Notice of Violation was issued to the owner and invited to appear for Technical Conference at our office.

The complaint of foul odor, which is classified as "nuisance" is a devolved function to the Local Government Units. Thus, we are endorsing the complaint to your office for proper resolution.

Regards.

Very truly yours,


ENGR. MARIA DORICA NAZ-HIPE, CESE
Regional Director



Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU R01
Office of the Regional Director

COMMUNICATION LETTER



EMB-R01-03-2019-00267

March 18, 2019 09:45:36 AM

Cc: The RED, DENR Region I
The PENRO, Pangasinan



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU

Regional Office No. 1
DENR Bldg., Government Center, Sevilla, City of San Fernando,
La Union

February 26, 2019

MS. MELBA S. ASIS
Owner
MSAR ENTERPRISES
Brgy. Umangan, Mangatarem
Pangasinan

NOTICE OF VIOLATION

Dear **Ms. Asis**:

This refers to the investigation conducted on February 18, 2019 by Technical Personnel of this Office regarding the complaint from the concerned citizen of Brgy. Torre 1st, Mangatarem, Pangasinan against the operation of your piggery project located at the above address which was received by this Office on February 15, 2019.

Investigation conducted by our Office found out that you are operating the piggery project and discharging regulated effluents without an approved Wastewater Discharge Permit which is violation of **Section 14** of the Implementing Rules and Regulations of Phil. Clean Water Act **DAO 2005-10** *"The Department shall require owners or operators of facilities that discharge regulated effluents pursuant to this Act to secure a permit to discharge. The discharge permit shall be the legal authorization granted by the Department to discharge wastewater: Provided, That the discharge permit shall specify among others, the quantity and quality of effluent that said facilities are allowed to discharge into a particular water body, compliance schedule and monitoring requirement."*

In view of the above, you are hereby directed to explain in writing why you should not be held liable for the aforementioned violations and attend a Technical Conference at our Office located at the DENR Bldg., Government Center, Sevilla, City of San Fernando, La Union on MAY 09 2019 at 10:00 A.M.

Should you or your authorized representative who could make commitments in your behalf fail to attend the said Technical Conference, this Office shall be constrained to conduct ex-parte hearing of your case and an "Order" shall be promulgated for the imposition of fines and penalties in accordance to the provisions of the above mentioned Presidential Decree.

For your information and strict compliance.

Very truly yours,




ENGR. MARIA DORICA NAZ-HIPE, CESE
Regional Director

Protect the environment... Protect Life...

Tel. Nos. (072)-242-3057 / 700-2448; Fax No. (072)-700-2449; e-mail: embdenr1@yahoo.com

cc:

Regional Executive Director
DENR-R1, San Fernando City, La Union

OIC,
PENR Officer
PENRO Pangasinan, Dagupan City

OIC, CENR Officer
CENRO Dagupan City

Municipal Mayor
Mangatarem, Pangasinan

Punong Barangay
Brgy. Torre 1st, Mangatarem, Pangasinan

Punong Barangay
Brgy. Umangan, Mangatarem, Pangasinan



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU

Regional Office No. 1
DENR Bldg., Government Center, Sevilla, City of San Fernando,
La Union

INVESTIGATION REPORT ON POLLUTION COMPLAINT

Name of Firm/Establishment : MSAR Enterprises
Head of the Establishment : Ms. Melba Salvador Asis – Owner
Address & Coordinates : Brgy. Umangan, Mangatarem, Pangasinan
15.0059°N, 120.29566°E
Contact Number : 09194084243
Ownership : Sole Proprietorship
Investigating Officer : Engr. Elmer C. Ventura
Date and Time of Inspection : February 18, 2019, 10:30AM
Date of Report Prepared : February 20, 2019

Persons Interviewed:

Names of Persons contacted	Position	Address
Ms. Melba S. Asis	Owner, MSAR Enterprises	Brgy. Umangan, Mangatarem, PA
PB Diosdado T. Bucang	Punong Barangay/Complainant	Brgy. Torre 1st, Mangatarem, PA
Mr. Raul G. Munar	President, Martinez Irrigators Association/Complainant	Brgy. Torre 1 st , Mangatarem, PA
Fiscal Bonifacio Sison	Complainant	Brgy. Torre 1 st , Mangatarem, PA

A. Complaint Background:

On February 15, 2019, the undersigned received a directive from this Office Pangasinan regarding a complaint from concerned citizens of Brgy. Torre 1st, Mangatarem, Pangasinan against the piggery farm of Sps. Rodolfo and Melba Asis located at Brgy. Umangan, Mangatarem, Pangasinan.

Based on the complaint, the piggery farm is producing foul odor and nearby residents of Brgy. Torre 1st wanted to stop the operation of said piggery.

The undersigned went Barangay Hall of Torre 1st, Mangatarem, Pangasinan and met PB Diosdado T. Bucang, Mr. Raul Munar and Fiscal Bonifacio Sison. The undersigned together with the Punong Barangay and the IA President went to the complaint site for the conduct of investigation.

B. General Information:

1. Type of Industry: Livestock Farm (Cattle and Goat)
2. Land use of adjoining areas (radial distance)

Land Use	<200 m	200 m	500 m
Residential		√	
Commercial			

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Agricultural	√		
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3. No. of Hours of Operation: 24 hours per day
4. DENR Permits: ECC-OL-R01-2017-0160 issued on September 14, 2017

C. Findings and Observations:

1. Inside the firm/establishment:

- 1.1 The farm is operating 2-units tunnel vent piggery building with a capacity of 1,200 hogs each and an on-going construction of 1-unit tunnel vent piggery building was observed during investigation.
- 1.2 As of date of investigation, the farm accommodates a total of 2,400 fatteners. The farm is ventured with CPF Corp. to manage its operation.
- 1.3 The piggery farm is not yet 100% completed whereby perimeter fence and other tunnel vent piggery building is under construction.
- 1.4 The wastewater treatment facility of the farm is consist of 1-unit biogas digester and 2-units earth lagoon. Concrete mortality vault is also provided within the farm.
- 1.5 Installation of framed charcoal adjacent to the blower fan was observed. It was noted that this charcoal will mitigate the presence of foul odor.
- 1.6 Minimal foul odor is present within the piggery farm but tolerable.
- 1.7 No signs of leak or breaching found from the biogas digester and earth lagoons that will affect the adjacent farmland.

2. Outside the firm/establishment:

- 2.1 The piggery farm is located near the border of Brgy. Umangan and Brgy. Torre 1st.
- 2.2 The farm is surrounded by farm land and the nearest residential area is approximately 300 meter south of the farm which is located at Brgy. Torre 1st.
- 2.3 Presence of foul odor is observed specially when wind approaches.
- 2.4 No waterbody found near of it, only irrigation canal was observed along the access road of the farm. No wastewater from the piggery was discharge to the adjacent farmland and to the nearby irrigation canal.

D. Remarks:

1. It was noted that the operation of the 2-units tunnel vent piggery building has started on November 2018.
2. The respondent presented documents such as building permit, ECC, Certificate of No Objection from Brgy. Umangan, Sanitary Permit, Barangay Clearance and official receipt of application of other LGU Permits. However, Mayor's Permit has not yet issued due of the filed complaint. Other EMB Permits such as Wastewater Discharge Permit is already applied in this Office.
3. Noted that the complainant from Brgy. Torre 1st wanted that the operation of the piggery shall be stopped.
4. The piggery has violated Condition #1 of the ECC in which the operation has started without securing first Mayor's Permit.

E. Recommendations:


1. To issue a Notice of Violation for violating Condition No. #1 of the issued ECC.
2. The Barangay Officials of Torre 1st and Umangan, together with Sanitary and Local Officials of Mangatarem shall conduct a consultation dialogue with the respondent, complainant and the residents of the Brgy. Torre 1st regarding the operation of the piggery farm whether is is permissible or not since the Mayor's Permit is not yet issued.
3. The complaint is more on foul odor which is categorized as "Nuisance", this complaint shall be endorsed to LGU concerned for their resolution of the case as required under the Manual of Operation Handbook for devolved Environmental Management (DAO 30, series of 1992 pursuant to the Local Government Code).
4. Furnish a copy of this report and letters to the Office of DENR-1 RED.


Prepared by:


ELMER C. VENTURA
PEMU-Focal Person / Engineer III

Noted by:


ENGR. RAYMUNDO C. GAYO, DPA
OIC PENR Officer
PENRO Pangasinan


Recommending Approval: ENGR. ANTONIO L. ESTRADA
Chief, EMED


Approved by: ENGR. MARIA DORICA NAZ-MIPE, CESE
Regional Director



Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU RO1
Office of the Regional Director

INVESTIGATION REPORT

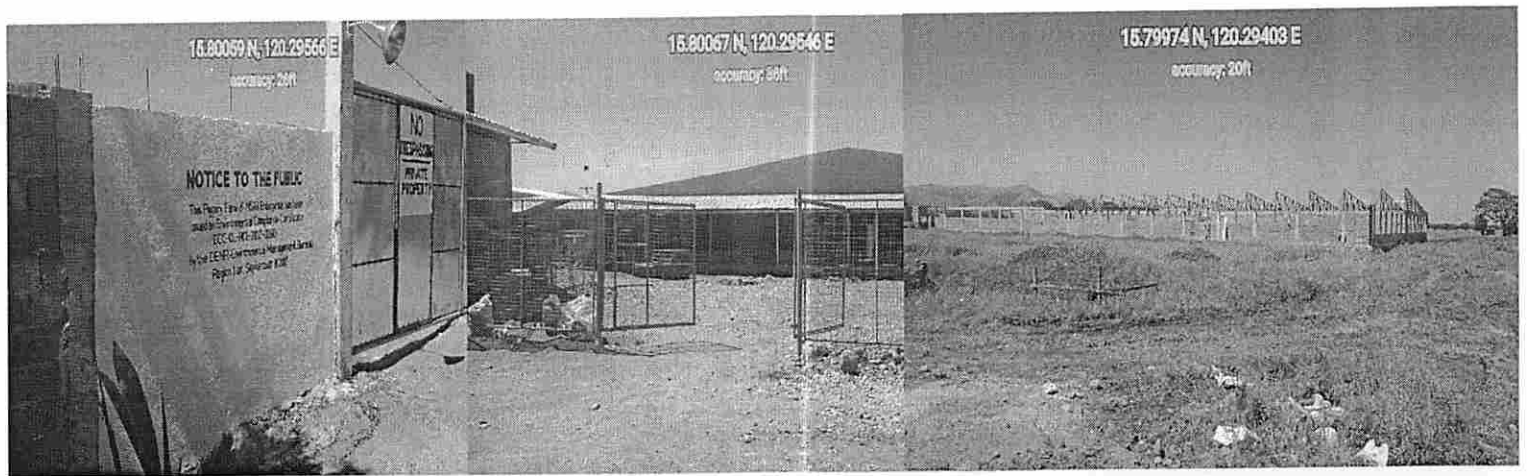


RECORDS-2019-3-443

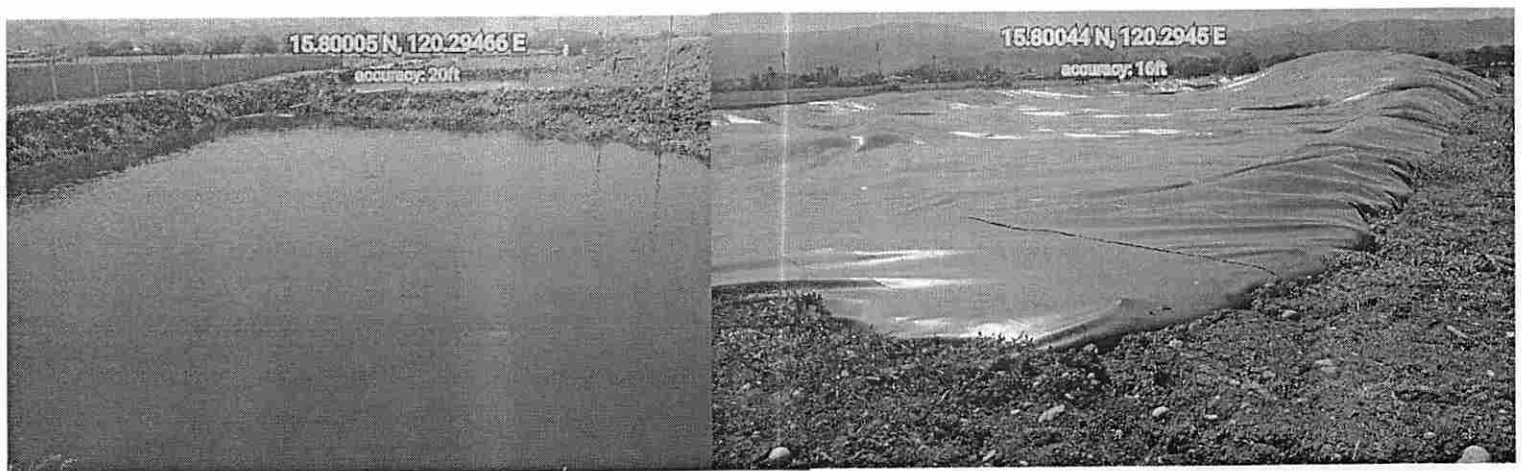
April 03, 2019 05:08:17 PM

F. Picture Documentation:

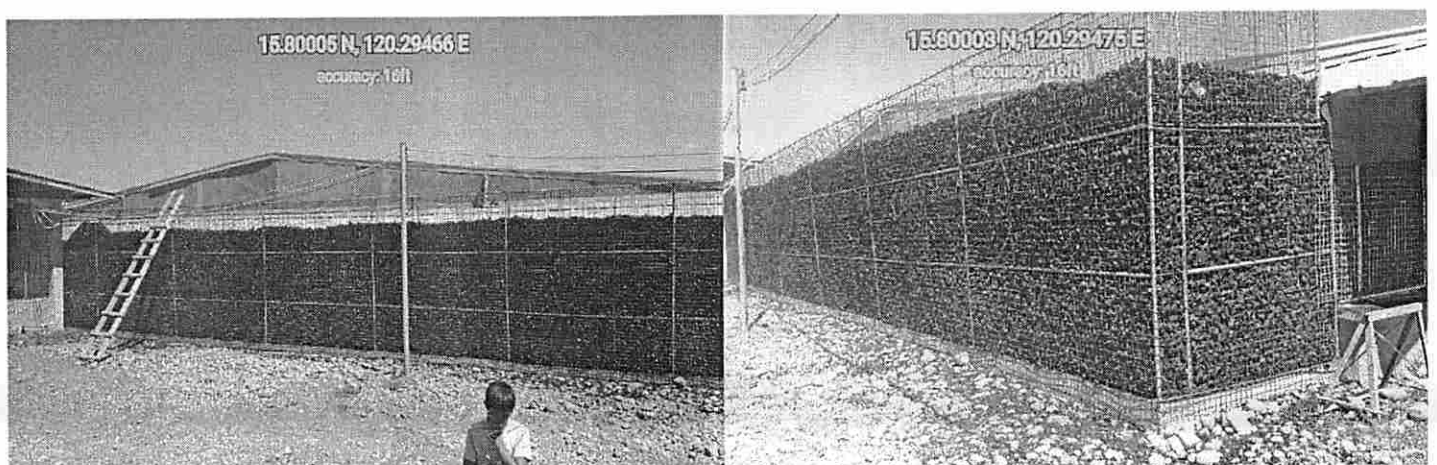
Photos taken during the investigation of complaint on MSAR Enterprises located at Brgy. Umangan, Mangatarem, Pangasinan, (February 18, 2019).



PHOTOS SHOWING THE PIGGERY FARM WITH 2-UNITS TUNNEL VENT BUILDING AND ON-GOING CONSTRUCTION OF ONE UNIT BUILDING.






PHOTOS SHOWING THE WASTEWATER TREATMENT FACILITY COMPOSED OF BIOGAS DIGESTER AND 2-UNITS EARTH LAGOON.






PHOTOS SHOWING THE INSTALLATION OF FRAMED CHARCOAL ALONG THE BLOWER FAN OF THE PIGGERY BUILDING.

COMPLAINT SENT TO EMB1 FACEBOOK


Notifications  Insights Publishing To... Ad Center More 



Andres Bukid



12:57 PM




DENR-EMB 1
RECORDS UNIT
RECEIVED
DATE: MAR 14 2019
TIME: 1:31 PM
BY: Martin

12:01 PM

We need immediate action from your side npkabaho n dto sa amin every single day d n kmi makakain ng maayos mga bata may mgasipon at ubo na mga matatanda hinihika masakit sa dibdib ang amoy paki nm n po please lang

11:59 AM

11:57 AM



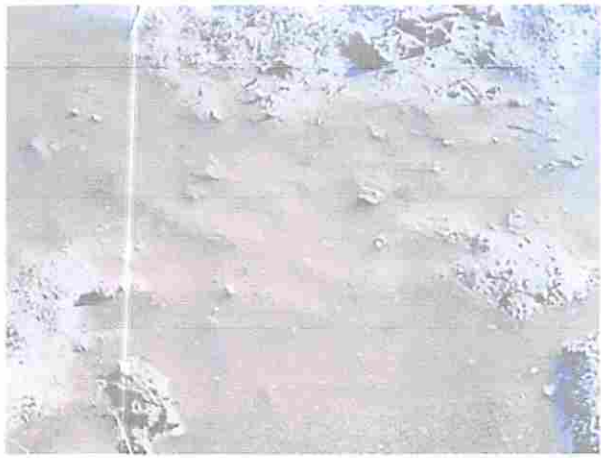
Pwede kayo pumunta at makiamoy paki nm n po almost 4 months n po kaming nag titiis dto

11:55 AM

EMB region 1 pwede po ba malaman ung sa complain regarding sa npakabahong MSAR ENTERPRISE piggery

9:00 AM

7:40 AM





Republic of the Philippines
Province of Pangasinan
Municipality of Mangatarem
OFFICE OF THE MAYOR

21 February 2019

MA. VICTORIA V. ABRERA

Regional Director
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Government Center, Barangay Sevilla
San Fernando City, La Union

Thru : **ENGR. NICANOR C. ESTEBAN**
OIC-Chief, Clearance & Permitting Division

MADAM :

This has reference to the Environmental Compliance Certificate which your good office has issued for and in favor of the proponent MSAR ENTERPRISES, owned by Ms. Melba Salvador Asis, regarding her proposed Piggery Farm Project located in Brgy. Umangan, Mangatarem, Pangasinan, on September 14, 2017, as well as its application for Waste Water Discharge Permit ("WWDP") paid under O.R. No. 4496579 S, dated 01-09-19 as issued by your office.

For the information of your office, while your good office has not yet issued the requisite Waste Water Discharge Permit and this Office has not yet issued the requisite Mayor's/Business Permit to Operate for want of necessary permit, more particularly the Waste Water Discharge Permit coming from your end, this Office has received verified reports that MSAR ENTERPRISES was already operating its piggery business. And what is more, is that the neighboring residents of the piggery farm has vehemently objected to the operation of subject piggery and petitioned the undersigned Municipal Mayor to stopped its operation, well considering their alleged lawful grounds for closure, viz:

1. The piggery is emitting unbearable, hazardous and foul odor, which adversely affect the health of the residents and causing them severe asthma and other respiratory diseases;
2. Farmers near the area weren't able to do farming activities because of the dirty water coming out of the piggery farm;
3. Fishes near the location are dying because of the polluted water caused by the piggery; and
4. The owner has assured the residents that construction of the piggery will not cause problem to the residents, but said pledge appears to be an empty promise.

Well-considering that the Environmental Compliance Certificate that you have issued has been subject to the compliance of conditions attached to said Certificate for its continuous validity, such as - all generated wastewater discharge shall be in compliance with the requirement of R.A. 9275, otherwise known as Philippine Water Act of 2004 and that the air emission generated by the project shall pass the emission standards set up by R.A. 8749, otherwise known as Philippine Clean Air Act of 1999, and conformation of the implementation of the project with the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 (R.A. 6969), may we be privileged to seek your intervention of finding out whether subject piggery farm has complied with these conditions of the ECC, and if not, may we know your appropriate action on the matter.



Mangatarem Unigang!



Republic of the Philippines
Province of Pangasinan
Municipality of Pangasinan
OFFICE OF THE MAYOR

Your judicious response on this matter is highly solicited so as we may be able to take appropriate concrete action on the petition of the residents of Barangay Umangan, this municipality, for the closure of subject piggery.

In the meantime, we will advise the owner of the piggery to temporarily stop the operation of the piggery for want of Mayor's Permit, making the business illegal, and subject to the outcome of the investigation relative to the petition of the residents thereof.

Trusting your prompt action on the matter.

Thank you so much and more power!

Very truly yours,

RAMIL M. MENTEZ
Municipal Mayor

cc. The Punong Barangay
Barangay Umangan
Mangatarem, Pangasinan
The Punong Barangay
Barangay Torres 1st
Mangatarem, Pangasinan