ENVIRONMENT SECTOR

DENR Administrative Order
No. 11
March 28, 1994

SUBJECT : Supplementing DENR Administrative Order No. 21, Series of 1992, and Providing for Programmatic Compliance Procedures Within the Environmental Impact Statement (EIS) System.

Article I. POLICY OBJECTIVES AND DEFINITION OF TERMS

Sec. 1.0 Basic Policy

1.1.1 Supplementing DENR Administrative Order NO. 21 on the implementation of the EIS System, the Department also seeks to assure environmentally and socially acceptable development of industrial areas within the Philippines in furtherance of, among other provisions, Art. I, Section 8, Rules and Regulations Implementing the Intent and Provisions of PD 1586 Establishing the Environmental Impact Statement (EIS) System in Relation to Presidential Decree No. 1151 Promulgating the Philippine Environmental Policy.

Sec. 2.0 Policy Objectives

1.2.1 To identify environmental constraints and opportunities of natural systems in order to guide the planning and development of industrial projects that have multiple stages or components.

1.2.2 To incorporate incentives for industrial siting in regional industrial centers.

1.2.3 To incororate cost-effective environmental management systems in compliance with Philippine environmental standards.

1.2.4 To assess the carrying capacity of the natural environment in areas designated for industrial development.

1.2.5 To assure environmentally sensitive development of industrial projects and programs.

1.2.6 To assess the induced effects on the social and natural environment of concentrated industrialization programs.

1.2.7 To streamline the procedures for environmental compliance for industries locating in regional industrial centers.

1.2.8 To encourage industries to locate in geographic areas which are environmentally and socially suitable to their activities.

1.2.9 To ensure transparency through wide participation of concerned sectors, especiallly the local communities, in compliance monitoring of development projects and programs.

Sec. 3.0 Definition of Terms

1.3.1 For the purpose of these rules and regulations, whenever any of the following words and terms are used therein, they shall have the meaning ascribed in this section:

1. **Ambient levels or standards** - refers to the allowance of maximum levels of selected pollutants in a water body or the surrounding air, with an adequate margin of safety, that will protect public health and the environment.

2. **Carrying Capacity** - refers to the capacity of natural and human environments to accommodate and absorb change without experiencing conditions of instability and attendant degradation.

3. **CENRO** - refers to the Community Environment and Natural Resources Officer of the DENR.

4. **Compliance Monitoring or Monitoring** - refers to the activity, usually through inspections, sampling, or other means of evaluation, designed to gauge the level of compliance with the

conditions stipulated in the ECC and permits issued and in the EIS submitted.

5. **DENR** - refers to the Department of Environment and Natural Resources.

6. **Discharge Allocations** - refers to pollution loadings that may be borne by the carrying capacity of a given area and which may be assigned to one or a number of industrial sources to ensure that ambient levels are not exceeded

7. **Eco-profile or ecological profile** - refers to geographic-based instruments for planners and decision-makers which present an evaluation of the environmental quality and carrying capacity of an area. They are the result of the integration of primary and secondary data and information on natural resources and anthropogenic activities on the land which are evaluated by various environmental risk assessment and forecasting methodologies that enable DENR to anticipate the type of development control necessary in the planning area. The technical detail is of particular use in the formulation of an EIS for a project or program.

8. **EMB** - refers to the Environmental Management Bureau.

9 **Environmental Compliance Certificate (ECC)** - refers to the document issued by the Secretary of the Department of Environment and Natural Resources or his duly authorized representative certifying that the proposed project or program under consideration will not bring about unacceptable environmental impacts and that the proponent has complied with the requirements of the Environmental Impact Statement (EIS) System for programmatic compliance.

10. **Environmental Impact Assessment (EIA)** - refers to the process of predicting the likely environmental consequences of implementing project or program activities.

11. **Environmental Impact Statement Review Committee** - refers to the body of experts from various fields organized by DENR whose main task is to assist the DENR in evaluating EIS and other documents from time to time.

12. **Environmental Impact Statement/Study (EIS)** - refers to the documentation of studies on the environmental impacts of a project or program including the discussions on direct and indirect consequences upon human welfare nad ecological and environmental integrity. The EIS may vary in its specific application to differing projects nad programs but shall contain in every case all the relevant information and details about the project to enable the DENR and other concerned parties to make judicious decisions regarding the carrying capacity of certain areas and systems to support proejcts or programs. Such EIS shall substantially conform with the outline set forth in Annex A.

13. **Environmental Impact Statement (EIS) System** - refers to the entire process of organization, administration and procedure institutionalized for the purpose of assessing the significance of the effects of physical developments on the quality of the environment.

14. **Environmental Monitoring Fund** - refers to an ECC conditionality created to support the activities of the Multisectoral Monitoring Teams and a reasonable environmental information program.

15. **Export Processing Zone (EPZ)** - a type of industrial estate. It is a customs-controlled manufacturing enclave where industries are allowed to import raw materials and export finished goods without duty and tax charges and import restrictions. The rationle is to encourage the processing of imported raw materials for re-export while freeing the importer/exporter of the bureaucratic procedure and red tape normally associated with such operations. EPZs are designed mainly to attract foreign

investments although local entrepreneurs may also establish enterprises in this area.

16. **Industrial Estate (IE)** - refers to a tract of land subdivided and developed according to a comprehensive plan, under a unified and continuous management, with provisions for basic inrastructure and utilities with or without prebuilt standard factory buildings and common service facilities, for the use of a community of industries.

17. **Market Incentive** - an administrative instrument founded in law or regulation that endeavors to stimulate the achievement of an environmental benefit through the market system without recourse to command-and-control regulations.

18. **Methodologies to forecast environmental impacts, ambient levels, and discharge allocation** - refers to such techniques as:

Delphi Technique - uses the opinions of knowledgeable experts and through a repetitive process, converges toward group consensus

Mathematical Modeling - principal cause-effect relationships of a proposed action are described in terms of mathematical functions and combined to yield a mathematical model capable of predicting future environmental conditions. It is particularly helpful in assessing ambient levels

Simulation - generally used to assess the probabilities of varous classes of events, or to forecast environmental changes from existing general trends. For example, the Monte Carlo Method may be used to estimate how frequently the concentration of the contaminant in the discharge might exceed a particular value.

Geographical Information Systems (GIS) - are essentially computerized graphical overlays and interacting data files. If environmental features are "mapped" systematically,

information acquired on specific projects can be combined, and the GIS database becomes more detailed over time.

Cost-Benefit Analysis - a formalized accounting of the anticipated costs and benefits of an action of particular use when comparing alternative forms of an action. It is not limited to economic costs, but includes risks to long-term environmental quality and public health.

Environmental Risk Assessment - a category of analysis by which the potential risk of harm to individuals, communities and ecosystems can be evaluated. It is expected to be of significant value in the EIS process.

19. **Multisectoral Monitoring Team** - refers to a team of project or program stakeholders from representative sectors, most particularly local communities, organized and chaired by DENR for the purpose of providing general oversight over ECC conditionalities.

20. **PENRO** - refers to the Provincial Environment and Natural Resources Officer of the DENR.

21. **Permit** - refers to a license issued by DENR to project or program facilities that limits emission/effluent discharges of individual sources in accordance with environmental standards.

22. **Pollution Management Appraisal (PMA)** - an analytical technique for identifying methods by which industrial firms can reduce the amount or hazard of wastes generated, through methods such as source reduction, recycling/reclamation/reuse or pollution control measures.

23. **Program** - refers to activities and actions of an undertaking consisting of a series of similar projects or enterprises, or a project subdivided into several phases and/or stages of determinable duration, whether situated in a contiguous area or

geographically dispersed, which may have significant impact on the environment.

24. **Programmatic Compliance** - refers to activities undertaken by a proponent to comply with the policies and procedures established by this regulation to secure an ECC for its project or program.

25. **Project** - refers to activities and actions of an undertaking characterized by several components or a cluster of enterprises co-located in a designated area which may have significant impact on the environment.

26. **Project Profile (PP)** - refers to the document submitted by the project proponent substantially describing the proposed project or program and containing sufficient descriptive detail of the environmental aspects of a proposed project or program to enable DENR to determine whether the project or program is subject to programmatic compliance procedures.

27. **Project or Program Administrator** - refers to the operational representative of the proponent who is vested with the authority and responsibility to manage the compliance of the project or program with permitted discharges and emission allocations which are subject to DENR's regulatory authority and approval.

28. **Proponent** - refers to any person, group, authority, association, public corporation, private corporation, or other body undertaking or intending to undertake a project or program and duly vested with administrative authority and responsibility over the project or program.

29. **Public Hearing** - refers to the activity undertaken by DENR to gather facts and elicit all issues, concerns and apprehensions and at the same time provide the proponent with the opportunity to present the project or programs to the people/ community who would be affected by such.

30. **RED** - refers to the Regional Executive Director of DENR.

31. **Regional Industrial Center (RIC)** - refers to a city or municipality prioritized by the Regional Development Council and the RIC Task Force as priority area where government can rationalize the distribution of public and private investments in industrial infrastructure to support its efforts of hastening the growth and development of lagging regions and at the same time effect dispersal of industries.

32. **Remediation Plan** - refers to the formulation of measures or a methodology for achieving mitigation of one or more ECC conditionality violations.

33. **RTD** - refers to the Regional Technical Director for Environmental Management and Protected Areas Services of the DENR regional offices.

34. **Social Acceptability** - refers to the process, respected by both DENR and a proponent, which ensures that the concerns of affected communities are incorporated into the decision-making process for programmatic compliance.

Article II. EIS PROGRAMMATIC COMPLIANCE PROCEDURES

Sec. 1.0 Project and Programs Covered

2.1.1 Projects that fall into the following categories are within the purview of programmatic compliance, as more fully articulated by guidelines published by EMB:

a. Program consisting of a series of similar projects, or a project subdivided into several phases and/or stages whether situated in a contiguous area or geographically dispersed, such as energy projects.

b. Project consisting of several components or a cluster of projects co-located in a designated area such as an industrial estate or export processing zone.

c. The expansion of a program or project which may have significant impact on the environment.

2.1.2 A proponent, if it is unsure whether it falls within programmatic compliance guidelines, may submit a Project Profile (PP) to the DENR Regional Office or Offices having jurisdiciton over the proposed undertaking for a determination. If more than one Regional office is involved, they shall make a joint determination unless the Secretary or his designated representative shall appoint a single region or other DENR unit to make such determination. For these purposes, the PP shall contain sufficient detail of the project or program elements, or the expansion thereof, to enable a procedural assessment to be made as to whether the undertaking is subject to programmatic compliance procedures. In that connection, an environmental description of sources and emissions, rather than an analysis of their impacts, will constitute sufficient accompanying technical detail.

For reasons of administrative convenience, DENR may direct a proponent to divide a staged program into parts and require the submittal of a separate EIS for such staged part.

2.1.3 Undertakings that are determined to be outside the purview of programmatic compliance pursuant to section 2.1.1 above, may be subject, however, to the requirements of the individual project EIS as provided under DENR Administrative Order No. 21, Series of 1992.

2.1.4 Project and progrms shall not be developed within the Integrated Protected Areas System of the Philippines, as designed by DENR, unless such areas are designated by the President or his duly appointed representative to accommodate such projects and programs, as the public interest may warrant.

Sec. 2.0 The Proponent

The proponent shall include a person, group, authority, association, public corporation, private corporation, or other body duly vested with administrative authority and responsibility over the project or program. DENR shall publish guidelines on the types of projects and programs, and expansions thereof, that qualify for programmatic compliance and determine whether a proposed proponent has met them.

Sec. 3.0 Review of Projects and Programs for Programmatic Compliance

2.3.1 The DENR Regional Offices, with assistance form EMB, shall be responsible for processing EIS programmatic compliance documents.

2.3.2 A proponent having a project or program, or expansion thereof, that is subject to programmatic compliance shall be provided with a copy of the scoping guidelines published by DENR for its guidance. On the basis of the regulations hereunder and the scoping guidelines, the proponent shall prepare and submit an environmental impact statement (EIS) to the Regional Office. The EIS may be prepared by the proponent's technical staff or be commissioned to a competent contractor, at the option of the proponent.

2.3.3 The proponent of such project or program, or expansion thereof, seeking programmatic compliance shall pay the necessary fees in accordnce with the schedule of fees.

2.3.4 DENR shall eco-profile all Regional Industrial Centers (RICs) officially designated as such by the Government of the Philippines and shall establish their respective environmental carrying capacities, baselines, and ambient levels. Application for programmatic compliance within an RIC must await completion of the eco-profile. If a proponent thereafter applies for programmatic compliance within an RIC, it shall be able to avail itself of the eco-profile's conclusions respecting environmental carrying capacities and ambient levels, and shall propose in its draft EIS

the allocation of emissions for all sources, both existing and reserved for future allocations, respecting its project, program, or expansion. The proponent will address in its EIS all other matters required by the scoping guidelines.

2.3.5 If the proponent applies for programmatic compliance outside a Regional Industrial Center, it shall prepare and submit a full EIS at its own cost. The proponent shall include in its submittal baseline environmental data, ambient levels for the affected area in the relevant media, appropriate and applicable environmental risk assessment, and proposed emission levels.

2.3.6 Upon completion of the EIS, the proponent shall submit at least fifteen (15) legible copies of the document to the Regional Office for review.

2.3.7 Upon receipt of the EIS, the Regional Office shall forward a copy of the document to the EMB for comment on its consistency with the eco-profile of the RIC, if relevant, and the remaining copies to the appropriate regional EIS unit which shall initially evaluate the submitted document as to its content and completeness. Within thirty (30) days, the regional EIS unit shall decide whether or not the information contained in the EIS is sufficient for a thorough evaluation of the subject environmental impacts. The regional EIS unit shall then inform the proponent of any additional information that may be needed for further evaluation of the EIS, and may also recommend and perform an ocular inspection of the proposed site or sites of the undertaking in question in order to check the veracity of the information contained therein. After the evaluation, the regional EIS unit, in its discretion, may convene the Regional EIA Review Committee to assist in the review process. EMB will assist in the review process as a resource, as needed.

2.3.8 The Regional EIA Review Committee shall be selected from a pool of technical experts and subject area specialists both from within DENR and from outside sources such as the academic community and the private sector. EMB shall supplement the Committee's pool of experts when occasion demands. The Regional Office or Review Committee will schedule the holding of a public hearing, subject to the process stipulated

in Article II, section 4, and may likewise require the proponent to submit additional information, if necessary. The proponent will also be expected to demonstrate social acceptability of the project or program, in accordance with guidelines published by EMB/DENR.

2.3.9 After a thorough evaluation of all inputs, the Regional Office or the Regional EIA Review Committee, as the case may be, shall recommend the approval or denial of the Environmental Compliance Certificate (ECC) by the Secretary of the DENR or his duly designated representative.

Sec 4.0 Conduct of a Public Hearing

Public Hearing(s), the number at the discretion of the DENR Regional Office, shall be held to promote a wide and timely exchange of views, information, and concerns among the affected parties, communities, and the proponent. At a minimum, the proponent will present the tentative conclusions of the EIS and their technical justification for the public's benefit and information.

2.4.1 Notice of Public Hearing

A notice of public hearing shall be published once a week for two (2) consecutive weeks in any newspaper of general circulation and in the area(s) of the project or activity at least twenty (20) calendar days prior to a scheduled hearing. Notices shall likewise be posted in conspicuous places in the municipality or barangays where the project or projects are to be located. Expenses for the notices shall be borne by the proponent.

2.4.2 Designation of Hearing Officers

The Secretary or his duly designated representative shall appoint hearing officers for the conduct of public hearings.

2.4.3 Powers and Duties of Hearing Officers

Hearing Officers shall have the power and authority to conduct proceedings with the aim of eliciting further information and more pertinent facts.

They will ensure that all responsible positions/concerns are afforded an opportunity to be heard.

The Hearing Officers shall submit a report of their findings to the Regional Office or Review Committee, as appropriate, within fifteen (15) working days after the hearing.

2.4.4 Nature of Proceedings

Public hearings shall be summary in nature and need not strictly adhere to the technical rules of evidence.

Copies of the report shall be considered as public documents and shall be made available to all concerned parties and other interested entities, upon request.

Sec. 5.0 Scoping Procedures and Guidelines

2.5.1 DENR shall require the proponent to involve the broadest range of stakeholders in the project or program in formulating the specific focal coverages of the EIA study, prior to its commencement, with a view toward seeking and eventually obtaining proofs of social acceptability before the ECC is issued.

2.5.2 The EMB/DENR shall develop scoping guidelines and terms of reference for projects and programs subject to programmatic compliance. The guidelines shall include the following:

1. General objectives of programmatic compliance for projects or programs

2. Project siting and discussion of alternative sites

3. Discussion of alternative technologies

4. Pollution prevention guidelines, including a framework for the operation of market based incentives

5. Guidelines for the use of environmental risk assessment, mathematical modelling, simulation, Delphi techniques, geographical information (GIS), cost-benefit analyses, and other analytical and forecasting techniques for assessing environmental carrying capacity, impacts, and emission allocations in a given area

6. Proofs of social acceptability

7. Mitigation of infrastructure burdens

8. Guidelines for allocation of responsibilities for monitoring

9. Project components and time frame for implementation

10. Framework for the provision of an Environmental Monitoring Fund and financial responsibility options and methods

Sec. 6.0 Granting of Environmental Compliance Certificate

An Environmental Compliance Certificate (ECC) is issued by the DENR Secretary or his duly designated representative to a proponent after having satisfied the process described in Article II of this Order. The ECC shall highlight the following conditionalities:

1. Scope and delineation of the project of program and site(s)
2. Pre-operational and construction activities
3. Terms of reference for the siting and approval of project or program
4. Terms of reference for programmatic and phased project approval
5. Terms of reference for annual Pollution Management Appraisals
6. Terms of reference for multisectoral monitoring of ECC general conditionalities
7. Terms of reference for discharge permits required under all relevant media programs and the emission allocations recommended therefor (for submission to the relevant DENR Regional permitting and monitoring units for operationalizing)

8. Terms of reference for the Environmental Monitoring Fund
9. Terms of reference for implementation of financial responsibility where warranted by public risk

Sec. 7.0 Monitoring

2.7.1 Discharge allocations to sources in the project or program will become operationalized through permits issued by the appropriate DENR Regional Office and administered by the project or program administrator. EIS documentation will establish the discharge levels to be permitted. The Regional Office will also conduct compliance monitoring in order to assure the integrity of the permit limitations and discharge allocations of the project or program.

2.7.2 The Regional Office shall initiate the formation of a Multisectoral Monitoring Team for an approved project or program and will serve as Chair of the Team's activities. Its principal function will be to provide general oversight over the conditionalities imposed in the ECC. The composition of the Multisectoral Monitoring Team shall broadly represent the sectoral stakeholders of the project or program, and most particularly the local communities.

Sec. 8.0 Pollution Management Appraisals and Market Incentives

2.8.1 Annual Pollution Management Appraisals (PMAs) shall be required of the proponent (and its operational successors) at their own expense as a conditionality of ECC issuance. The PMAs will be required of each project component of the overall project or program. The first PMA will be due on the first anniversary of the issuance of the ECC. The purpose of the PMA is to examine the materials, processes, and procedures of an industrial operation in order to identify opportunities for waste minimization or source reduction, pursuant to pollution prevention guidelines established by EMB/DENR. The PMA shall not be used by DENR for compliance monitoring purposes.

2.8.2 EMB/DENR shall prepare a separate guideline on the PMA administrative process.

2.8.3 The project or program administrator (who shall be the successor to the project proponent) shall annually certify to the appropriate DENR Regional Office that the annual PMA has been performed for each project component. The certification shall include the auditor's conclusion on whether any opportunities have been identified to achieve waste minimization or source reduction and a description of such opportunities.

2.8.4 The Regional Office shall examine the PMA certifications submitted pursuant to Sec. 2.8.3 above. After the first three annual submittals, and every two years thereafter, the project or program administrator, subject to the agreement of the Regional Office, shall establish waste minimization or reduction targets for the discrete project components of each overall project or program; or, alternatively, for the project or program as a whole. The project or program administrator shall endeavor to meet the targets established and, to that end, shall report on the progress achieved by the project or program to the Regional Office beginning one year following the establishment of the first target, and every two years thereafter. The reporting form to be used by the project or program administrator shall be formulated by EMB/DENR.

2.8.5 When a project or program achieves a measure of waste minimization or reduction, it shall be rewarded by such incentives as DENR may from time to time formulate for these purposes, including, but not limited to, the following incentive for permit tradeability and management. The increment saved through a waste minimization measure shall represent a reduction from the allocation assigned to the waste discharge of the project facility, and shall be measured by the DENR or by duly accredited independent contractors and then certified by the Regional Office. This increment may be sold at the market price to another project or program needing additional waste allocation under its permit. The needy project or program shall be located in the host RIC or in any other RIC that has been eco-profiled by EMB, in accordance with Section 2.3.4. This market incentive will not be available to any project or program located outside of an RIC.

Sec. 9.0 Environmental Monitoring Fund and Financial Responsibility

2.9.1 An Environmental Monitoring Fund shall be created by each project as a conditionality of its ECC. Such Fund will be used (1) to support the activities of any Multisectoral Monitoring Team established herein under Section 2.7.2 and (2) to fund a reasonable community-based environmental information program. EMB/DENR shall publish guidelines on the nature of such expenditures and their budgetary levels.

2.9.2 In addition, where warranted by public risk, DENR is authorized to enter into negotiations with a proponent to ensure its financial responsibility to respond to the following contingent events should a response be ordered by any lawful authority: corrective action for damage to the environment and/or damage to person or property, through exposure to toxic substances or waste. Mechanisms that may be used to demonstrate such financial responsibility include, but are not limited to, commercial insurance, self-insurance through a financial test, surety bond, letter of credit, and trust fund, or a combination of these instruments. EMB/DENR will publish guidelines on the implementation of financial responsibility and the use of such mechanisms. Except as modified by these provisions, the Environmental Guarantee Fund as contemplated by DAO No. 21, Series of 1992, shall not be imposed herein.

Sec. 10.0 Memorandum of Agreement with Local Government Units

2.10.1 After the eco-profile of each RIC has been completed pursuant to Section 2.3.4, DENR shall meet with all of the affected Local Government Units (LGU) at the barangay, municipal, and provincial level, together with other organized sectors, and brief them on its technical findings, pursuant to the spirit of Art. 3, Sections 9c and (d), Rules and Regulations Implementing the Local Government Code of 1991.

2.10.2 After consultations have taken place between DENR and the appropriate LGUs, and appropriate interest is expressed on the part of the LGUs,

DENR shall undertake to enter into a Memorandum of Agreement (MOA) with the LGUs, either jointly or severally, with a view toward incorporating, either originally or by amendment, the eco-profile for each RIC in the Comprehensive Land Use Plan required of the LGUs pursuant to Art. 41, **Ibid.,** with particular reference to the requirement therein that "ecological balance" be considered in the Plan.

Article III DUTIES AND RESPONSIBILITIES OF ACTORS IN THE EIS PROGRAMMATIC COMPLIANCE PROCESS

Sec. 1.0 Proponents

a. conduct an Environmental Impact Assessment (EIA) of the proposed project and submit its findings to DENR in accordance with the prescribed guidelines

b. involve the public in project scoping and other appropriate opportunities

c. provide a true, complete and accurate EIS

d. publish the notice of public hearing

e. provide resource persons to make presentations and answer questions during public meetings and hearings

f. ensure that appropriate post-assessment permits are in place and that monitoring and reporting are carried out as required.

g. comply with the conditionalities of the ECC.

h. submit the required reports to the DENR

Sec. 2.0 DENR

3.2.1 *Office of the Secretary*

a. approves and issues EIA policies, plans, programs, and guidelines

b. advises the President and Congress on the need to enact and modify laws relative to the EIS System

c. Issues or denies the Environmental Compliance Certificate for EIS documents submitted under Section 2.3.6

3.2.2 ***EMB***

a. formulates, recommends, and coordinates the implementation of EIA policies, plans, programs and guidelines relative to the EIS System

b. in coordination with regional offices, conducts assessments and evaluations of the EIS to serve as basis for recommending the issuance/ denial of the ECC and/or advises the proponent that its project as planned needs modification and correction

c. performs eco-profiles of areas and natural systems, including Regional Industrial Centers, in order to facilitate their evaluation for development

d. serves as the administrative body which carries out certain support procedures of the EIS System

e. develops procedural assessment and eco-profile guidelines and prescribes the appropriate scoping gudelines for projects and programs undertaking programmatic compliance

f. supports and supplements the EIS Review Committee when necessary

g. In cooperation with the Regions, solicits in writing comments from other government agencies and persons with expertise or regulatory powers over the proposed projects and programs

h. coordinates with the DENR field offices, local government units (LGUs), non-governmental organizations (NGOs), people's organizations (POs), proponents and other government agencies in the conduct of actual compliance and multisectoral monitoring of projects and programs granted ECCs under programmatic compliance

i. provides technical assistance to the Regional Offices in the conduct of public hearings

j. initiates consultations with Local Government Units, and other sectors, with a view toward entering into a Memorandum of Agreement designed to incorporate eco-profiles into LGU Comprehensive Land Use Plans.

3.2.3 *Regional Offices*

a. implement the laws, policies, plans, programs, projects, rules and regulations of the DENR relative to the EIS System

b. review, assess, and evaluate EIS for programmatic compliance

c. investigate EIS-related complaints

d. conduct on-site inspections for EIS purposes and make necessary recommendations

e. conduct actual compliance monitoring of projects granted ECC and prepare the necessary reports

f. coordinate with other government agencies, non-governmental organizations, local government units, private offices and proponents in the region in the implementation and enforcement of EIS System rules and regulations and in public information campaigns

g. initiate the conduct of public hearings

h. initiate the formation of and chair Multisectoral Monitoring Teams for programmatic compliance

i. chair the Regional EIS Review Committee when it is utilized for EIS review purposes

j. recommend approval or denial of the ECC for EIS programmatic under Section 2.3.9

k. administer pollution prevention programs in coordination with project and program administrators through pollution management appraisals and other means, and initiate market-based incentives

3.2.4 *PENRO and CENRO*

a. coordinate with local government units, barangay officials, NGOs, POs and local residents relative to the EIS System

b. conduct public information campaign regarding the EIS System

c. assist the Regional Office in the conduct of on-site inspections and monitoring

3.2.5 *EIS Review Committee*

a. whenever convened, in the discretion of the Regional Office, assist the EIA unit in the evaluation and review of EIS documents

b. make recommendations regarding the issuance or non-issuance of Environmental Compliance Certificate of proposed projects or programs under review

Article IV - PENALTIES, GROUND FOR CANCELLATION OF ECC AND ADMINISTRATIVE SANCTION

In general, the project or program administrator shall be accountable for compliance with the ECC issued to his project or program; and the individual component facilities under a project or program may be held accountable under other authorities for compliance with their individual permits and for appropriate corrective action. Accordingly, the Secretary of the Department of Environment and Natural Resources or his duly authorized representative shall impose penalties upon project or program administrators found violating provisions of PD 1586 or its implementing rules and regulations. Nothing herein contained, however, shall prevent the imposition of any sanctions, whether civil or criminal, against a project/ program's individual component facilities (and their managers) that may be

authorized under any other pollution control law or regulation of the Republic of the Philippines that regulates discharges, effluents, emissions, conditions, or procedures to which such individual component facilities are subject.

Sec. 1.0 Scope of Violations

4.1.1 Projects or programs defined under Section 2.1.1 found operating without an ECC.

4.1.2 Project or programs found violating ECC conditions.

Sec. 2.0 Imposition of Penalties

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4.2.1 A report which will serve as the basis for the imposition of fine will be prepared by the Regional Office. The report will include the following information, at a minimum:

a. Brief background of the project or program including any previous violation, if any.

b. Nature of the violation and/or the ECC conditions violated.

c. Results and discussion on any measurement, sampling or monitoring activities conducted either by EMB, Regional Environmental Management Protected Areas .(EMPAS) or DENR accredited research institutions, academic and/or technical organizations.

d. Discussion on the results obtained and the corresponding adverse impacts caused by the violations.

e. Recommended amount of fine to be imposed in accordance with this Order.

4.2.2 The Report shall be submitted to the Director of EMB or the Regional Executive Director (RED), as the case may be, for appropriate action.

4.2.3 The EMB Director or RED shall issue an order for the imposition of penalties.

4.2.4 Nature of Violations and Corresponding Fines

A. Projects or programs which are established and/or are operating without an ECC

Any project or program which has been classified or is classifiable under Section 2.1.1 and has been established and/or is operating without an ECC shall be liable to penalty.

Any project or program that is subject to programmatic compliance and is operating without an ECC shall be informed by DENR about the nature of the violation and the corresponding amount of fine proposed to be imposed.

The DENR shall evaluate the merits of the explanation submitted by the proponent or the duly authorized representatives of the violating project or program and decide whether or not a fine and submission of EIS/PD shall be imposed.

The amount of fine shall not exceed P50,000 for each violation, at the discretion of the DENR.

The violator shall settle all requirements within forty-five (45) days following notification. A separate violation occurs for each day that extend beyond such forty-five (45) day period without having settled all requirements. The fine shall not exceed P50,000 for each such separate violation. Failure to comply with these requirements also constitutes grounds for issuance of an order for the cessation of project or program operation.

B. Projects or programs violating ECC Conditions

1. First Violation

The proponent (or the project or program administrator) shall be informed about the nature of the violation by the Director of the EMB or the RED, and shall be asked to explain, within seven (7) days following receipt of notification, why it should not be penalized. The Director of the EMB or the RED shall decide within seven days (7) days following receipt of explanation whether the justification is meritorious or a violation has been committed.

The Director of EMB or RED, upon determination that a fine is warranted, shall impose a fine and require the proponent (or the project or program administrator) to submit a remediation plan that will address the violations. The Plan will also contain a time frame for completion of the remediation. The Plan shall be approved by the Director of EMB or RED. If the violator does not submit a Plan within five (5) days of the order to do so by the Director of EMB or RED, the latter shall impose a Plan.

The amount of fine for each violation of the ECC conditions shall not exceed P50,000 which shall be set at the discretion of the DENR. A separate violation occurs for each day that extends beyond the time frame for remediation completion established inthe remediation Plan. the fine shall not exceed P50,000 for each such separate violation. Failure to comply with these requirements also constitutes grounds for the summary suspension or revocation of the ECC.

2. Subsequent Violations

Upon further violation of any ECC condition by any proponent (or project or program administrator), the EMB or Regional Office may order, in addition to the imposition of fines as provided in subsection B.1 (above) of this Sec. 4.2.4 or such other sanctions as may be available under applicable pollution control laws, the cessation of operations and the revocation of the violator's ECC, and shall pursue these remedies under

any legal authority available to DENR whether intrinsic or extrinsic to PD 1586 and its rules.

Sec. 3.0 Implementing Body

The EMB and DENR Regional Offices shall be responsible for determining whether there has been any violation of PD 1586, and its implementing rules and regulations.

Sec. 4.0 Motion for Reconsideration

All Motions for Reconsideration by the proponent (or the project or program admil1istrator) shall be submitted to the EMB Director or RED within fifteen (15) days following receipt of the DENR order. The EMB Director or the RED shall issue a decision on the Motion for Reconsideration within (30) days following receipt of the motion. The decision of the EMB Director or the RED, as the case may be, shall be final. A Motion for Reconsideration shall not stay the daily accumulation of penalties for non-compliance with a remediation plan.

Sec. 5.0 Appeals

Any appeal from the decision/order of the EMB Director or RED shall be filed by the proponent (or the project or program administrator) with the Office of the Secretary within fifteen (15) days following the receipt of the said order or devisor. The Secretary shall issue a decision on the appeal within a period of thirty (30) days following the receipt of the said appeal. The decision of the Secretary shall be final and executory.

Article V - SUPPLEMENTAL RULES AND REGULATIONS

5.1 An application for an ECC which has been inactive on the part of the proponent for at least a year shall be returned to the proponent. The DENR shall notify the proponent one month before the application is terminated.

5.2 If, after termination, the proponent decides to proceed with its project, it is considered a new application and the proponent shall pay the corresponding fee.

Article VI - TRANSITORY PROVISION

Considering the technical details needed to operationalize this order, the EMS shall prepare the appropriate blueprint plans of action that will prepare the implementation of the order within a period not to exceed one year from the effectivity of the said order.

Article VII - EFFECTIVITY

This AO shall take effect thirty (30) days after publication of the Implementing Rules and Regulations in any newspaper of general circulation.

Article VIII - REPEALING CLAUSE

All rules and regulations found inconsistent herewith shall be superseded by this administrative order.

ANGEL C. ALCALA
Secretary

Recommending Approval:

BEN S. MALAYANG III
Undersecretary for Field Operations

BENJAMIN C. BAGADION, JR.
Undersecretary for Environment and Research

RACHEL A. VASQUEZ
OIC, Director, EMS

DENR Administrative Order
No. 20
June 16, 1994

SUBJECT : Schedule of Laboratory Fees for the Environmental Management Sector.

Pursuant to the provisions of Section 6 of Presidential Decree No. 984, otherwise known as the "Pollution Control Decree of 1976", and by virtue of Executive Order No. 192, Series of 1987 and Memorandum Circular No. 121 of the Office of the President, the Department of Environment and Natural Resources (DENR), hereby adopts and promulgates the following Schedule of Laboratory Fees for Environmental Samples.

AMBIENT AIR/EMISSION SAMPLES
AIR QUALITY PARAMETERS

	PARAMETER	TYPE OF SAMPLE (Analytical Method)	FEE/CHARGE PER SAMPLE (In Pesos)
01.	Arsenic (Diethyldithio-carbamate Colorimetric Method)	Particulate Matter	
	First Sample		320.00
	Succeeding Sample		200.00
02.	Chloride (Titrimetric Method)	Air-Ambient	140.00
03.	Dust Count (Glass Slide Method)	Air-Ambient	200.00

04.	Formaldehyde (Chromotropic/ Sulfuric Acid- Colorimetric Method)	Air-Ambient	
	First Sample		120.00
	Succeeding Sample		70.00
	(Methyl Benxothiazolone Hydrazone Hydrochloride- Colorimetric Method)		
	First Sample		135.00
	Succeeding Sample		85.00
05.	Free Chlorine (Methyl Orange Method)	Air-Ambient	70.00
06.	Hydrogen Chloride and Chlorine (Titrimetric Method)	Air-Ambient	220.00
07.	Hydrogen Fluoride and Fluorine (Titrimetric Method)	Air-Ambient	220.00
08.	Hydrogen Sulfide (Methylene Blue- Colorimetric Method)	Air-Ambient	
	First Sample		250.00
	Succeeding Sample		150.00
09.	Mercury (Cold Vapor Technique)	Air-Ambient	240.00

10.	Metals Antimony, Cadmium, Copper, Lead, Zinc (Wet Ashing - Atomic Absorption Spectrophotometer, AAS)	Particulate Matter	675.00
11.	Nitrogen Dioxide (Griess-Saltzman Method)	Air-Ambient	100.00
12.	Particle Size Measurement (Glass-Slide Method)	Air-Ambient	270.00
13.	Sulfur Dioxide (Pararosaniline Colorimetric Method)	Air-Ambient	
	First Sample		150.00
	Succeeding Sample		100.00
14.	Total Oxidants (Neutral Buffered Potassium Iodide Method)	Air-Ambient	120.00
15.	Total Suspended Particulates (Gravimetric Method)	Air-Ambient	100.00
16.	Ammonia	Air-Stack	
	(Nesslerization Method)		150.00
	(Indophenol-Colorimetric Method)		
	First Sample		100.00
	Succeeding Sample		80.00

17.	Flouride and Flourine (Titrimetric Method)	Air-Stack	280.00
18.	Hydrogen Sulfide (Cadmium Sulfide Method)	Air-Stack	100.00
19.	Sulfur Dioxide	Air-Stack	
	(Gravimetric Method)		640.00
	(Barium thorin - Titrimetric Method)		100.00
20.	Total Nitrogen Oxide (Phenoldisulphonic Acid Method)	Air-Stack	250.00

WATER/WASTEWATER SAMPLES
PHYSICO-CHEMICAL PARAMETERS

01.	Acidity (Titrimetric Method)	Water	70.00
02.	Alkalinity (Methyl Orange Titrimetric Method)	Water	70.00
03.	Ammonia	Water	
	(Indophenol Method)		
	First Sample		150.00
	Succeeding Sample		30.00
	(Phenate Method)		
	First Sample		150.00
	Succeeding Sample		30.00

04.	Anions: Bromide, Chloride, Fluoride, Nitrate, Phosphate, Sulfate (Ion Chromatography)	Water	
	First Sample		150.00
	Succeeding Sample		100.00
05.	Biochemical Oxygen Deman (Azide Modification, 5-day BOD Method)		
	a. Without seed	Surface Water	
	First Sample		370.00
	Succeeding Sample		140.00
	b. Without seed	Piggery	
	First Sample	Effluent,	400.00
	Succeeding Sample	Sewage	200.00
	c. With seed		
	First Sample	Industrial	500.00
	Succeeding Sample	Effluent	250.00
06.	Boron (Carmine-Colorimetric Method)	Water	
	First Sample		150.00
	Succeeding Sample		75.00
07.	Chemical Oxygen Demand (Open Reflux Dichromate Method)	Water	
	First Sample		200.00
	Succeeding Sample		120.00

08.	Chloride (Argentometric Method)	Water	70.00
09.	Chlorophyll (Spectrophotometric Method)	Water	50.00
10.	Chromium Hexavalent (Diphenyl Carbazide-Colorimetric Method)	Water	
	First Sample		100.00
	Succeeding Sample		40.00
11.	Color (Visual Comparison Method - Platinum Cobalt Scale)	Water	30.00
12.	Conductivity (Conductivity meter)	Water	30.00
13.	Cyanide (Specific Ion Electrode Method)	Water	
	Without distillation		75.00
	With distillation		150.00
14.	Detergent (Methylene Blue - Active Substance Colorimetric Method)	Water	
	First Sample		100.00
	Succeeding Sample		50.00

15.	Dissolved Oxygen (Azide Modification, Iodometric Winkler Method)	Water	
	First Sample		100.00
	Succeeding Sample		30.00
16.	Hardness (EDTA Titration Method)	Water	
	First Sample		140.00
	Succeeding Sample		30.00
17.	Nitrate	Water	
	(Brucine Method)		
	First Sample		100.00
	Succeeding Sample		40.00
	(Cadmium Reduction Method)		
	First Sample		140.00
	Succeeding Sample		50.00
18.	Oil and Grease	Water	
	(Gravimetric Method)		100.00
	(Soxhlet Method)		200.00
19.	pH	Water	
	(Electrode Method)		30.00
20.	Phenols (Direct Photometric Method)	Water	
	Without distillation		
	First Sample		75.00
	Succeeding Sample		35.00

	With distillation		
	First Sample		150.00
	Succeeding Sample		75.00
21.	Phosphate		
	(Ascorbic Acid - Colorimetric Method)	Seawater	
	First Sample		125.00
	Succeeding Sample	Water	40.00
	(Stannous Chloride-Colorimetric Method)		
	First Sample		125.00
	Succeeding Sample		40.00
22.	Salinity (Salinometer)	Water	30.00
23.	Solids	Water	
	a. Settleable Solids (Imhoff Cone Method)		20.00
	b. Suspended Solids (Gravimetric Method)		60.00
	c. Total Solids (Gravimetric Method)		40.00
	d. Total Dissolved Solids (Gravimetric Method)		100.00
	e. Volatile Solids (Gravimetric Method)		200.00

24.	Sulfate (Barium Chloride - Turbidimeter Method)	Water	
	First Sample		100.00
	Succeeding Sample		30.00
25.	Turbidity (Nephelometric Method)	Water	30.00

BIOTA/WATER/WASTEWATER SAMPLES
ORGANIC PARAMETERS

01.	Organochlorines Aldrin, Alpha-BHC, Beta-BHC, Delta-BHC Gamma-BHC, Dieldrin, p,p - DDD, p,p - DDE, p,p - DDT Endosulfan Sulfate, Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide		
	a. (Gas Chromatography, GC, using Electron Capture Detector, ECD)	Biota	
	First Sample		625.00
	Succeeding Sample		135.00
	b. (GC using ECD)	Water	
	First Sample		1,800.00
	Succeeding Sample		700.00

02.	Organophosphates Dimethoate, Disulfoton, Malathion, Parathion Phorate, Sulfotep, Thionazin, o,o,o-TEP		
	a. (GC using Flame Photometric Detector, FPD) First Sample Succeeding Sample	Biota	625.00 135.00
	b. (GC using FPD) First Sample Succeeding Sample	Water	1,800.00 700.00
03.	Polychlorinated Biophenyls, PCBs Aroclor 1016, Aroclor 1232, Aroclor 1242, Aroclor 1248, Aroclor 1260		
	a. (GC using ECD) First Sample Succeeding Sample	Biota	625.00 135.00
	b. (GC using ECD) First Sample Succeeding Sample	Water	1,800.00 700.00

WATER/WASTEWATER/SEDIMENT/BIOTA SAMPLES
HEAVY METALS

01.	Dissolved Copper (Wet Ashing Method, Flame Atomic Absorption Spectrophotometer, AAS)	Water	200.00
	(Methyl Isobutyl Ketone, MIBK, Extraction, Flame AAS)	Seawater	350.00
02.	Total Arsenic (Hydride Generation, Flame AAS)	Water Sediment	260.00 300.00
03.	Total Cadmium, Copper, Iron, Lead Manganes, Nickel, Silver, Zinc (Wet Ashing Method, Flame AAS)	Water Sediment Biota	150.00/element 200.00/element 250.00/element
	(MIBX Extraction, Flame AAS)	Seawater	300.00/element
04.	Total Mercury (Cold Vapour Technique)	Water Sediment Biota Seawater	200.00 250.00 250.00 300.00

WATER/WASTEWATER/BIOTA SAMPLES
BACTERIOLOGICAL PARAMETERS

01.	Total and Fecal Coliform		
	a. (Multiple Tube Fermentation Technique)		
	(1) Potability testing	Water	100.00
	(2) With dilution	Surface Water	300.00
		Shellfish and other biota	250.00
	b. (Membrane Filter Method)		
	(1) Potability testing	Water	100.00
	(2) With dilution	Water	250.00
02.	Bacteria and other Micro-organisms		
	a. Salmonella	Water	350.00
	b. Shigella	Water	350.00
	c. Vibrio cholera	Water	350.00
	d. Vibrio algino-lyticus	Water	350.00
	e. Vibrio parahe-molyticus	Water	350.00
	f. Staphylococcus aureus	Water	350.00
	g. Pseudomonas aezugginosa	Water	350.00

03.	Heterotrophic Plate Count (Pour Plate Method)	Water	40.00

Any provision of the 1978 Rules and Regulations of Presidential Decree No. 984 as amended, the Schedule of Fees of 1984 and other existing fees of the DENR which are inconsistent herewith, are hereby repealed accordingly.

This Order shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

ANGEL C. ALCALA
Secretary

Recommending Approval:

BEN S. MALAYANG III
Undersecretary for Field Operations

BENJAMIN C. BAGADION, JR.
Undersecretary for Environment and Research

RACHEL A. VASQUEZ
OIC, Director
Environmental Management Bureau

DENR Administrative Order
No. 24
August 01, 1994

SUBJECT : Interim Emission Standards for Used Imported Motor Vehicles.

Pursuant to the provision of Section 5(o) of E. O. No. 192, dated June 10, 1987, and in relation to Section 7 of Presidential Decree No. 1181 dated August 19, 1977, and further, in conformity with the Guidelines of the Inter-Agency Committee on Used Trucks and Engines (IAC-UTE) issued on 31 January 1994, the DENR hereby adopts and promulgates the following Interim Emission Standards for Imported Used Motor Vehicles.

Sec. 1. Scope - For purposes of inspection and testing prior to first registration of any imported used motor vehicle with the Land Transportation Office, the appropriate emission standard shall be the basis of action by all concerned agencies; provided that if the in-use emission standard of the country of origin differs from these standards (maximum limit), the more strict standard should be the basis of approval and first registration of the used vehicle.

Table 1

TYPE OF POLLUTANT	MAXIMUM LIMIT	TEST METHOD/ EQUIPMENT
Carbon Monoxide (CO)[a]	3.5% vol.	Idling tests/ NDIR Analyzer
Hydrocarbons (HC)[a]	500 ppm	Idling tests/ NDIR Analyzer
Smoke[b]	50 HSU	Free accelera-tion from low idle engine speed/ Hartridge opacimeter or filter-type smoke meter

Note:

a - For spark-ignition (gasoline fueled) motor vehicle.
b - For compression-ignition (diesel fueled) motor vehicle.

Sec. 2 Test Procedure and Equipment - See Annexes 1 and 2.

This order take effect fifteen (15) days after publication in two national newspapers of general circulation.

ANGEL C. ALCALA
Secretary

DENR Administrative Order
No. 28
July 26, 1994

SUBJECT : Interim Guidelines for the Importation of Recyclable Materials Containing Hazardous Substances.

1. General Policy

As a general policy and consistent with the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal and the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 otherwise known as Republic Act 6969, no importation of hazardous wastes, as defined in Chapter VII, Section 24 and 25 of DAO 29, Series of 1992 (Implementing Rules and Regulations of RA 6969) shall be allowed by the country.

However, importation of materials containing hazardous substances as defined under RA 6969, its implementing rules and regulations and subsequent directives for the control of importation of wastes, for recovery, recycling and reprocessing, may be allowed only upon obtaining prior written approval from the Secretary of the Department of Environment and Natural Resources or his duly authorized representative.

2. Scope and Coverage of the Guidelines

Coverage

2.1 These interim guidelines shall apply to prospective importers intending to import recyclable materials containing hazardous substances after 14 March 1994. In the context of these guidelines, a recyclable material is any material which is reused, following its original use, for any purpose of commercial, industrial, agricultural or economic value.

2.2 Importations which are already covered by the corresponding Letters of Credit prior to 14 March 1994 and are in transit or have been subjected to clearance inspections from competent

authorities of exporting countries, may be allowed entry, provided that the importers will comply with the registration requirements of such recyclable materials in accordance with Sections 2.3 and 2.5 of these guidelines.

Scope of Required Submissions

Registration Requirements

2.3 All importers of recyclable materials containing hazardous substances as listed in "Annex A" must first register with the Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau (EMB), by filling up and submitting Form R-1 detailing *interalia* the following information:

a) names and addresses of waste importer and receiving parties;
b) types and quantities of the imported material;
c) physical characteristics;
d) chemical characteristics;
e) justification for the import;
f) methods for handling, including collection, packaging, labelling, transportation, and route which must conform with internationally accepted standards;
g) listing of personnel who will be responsible for supervising the collection, transport and unpacking of the recyclable materials and their respective qualifications; and
h) emergency response plan describing steps to be taken by parties concerned in case of spill/accident which may occur during transport from the premises of the recyclable material generator to the importer.

Per Shipment Importation Requirements

2.4 Application for Importation Clearance (IC) for each shipment should be made by filling up and submitting form R-2 containing the following information:

a) names and addresses of waste importer and receiving parties;
b) types and quantities of the imported material;
c) Registry Reference Code;
d) an affidavit of undertaking specifying the following;

1) liabilities of parties for clean-up operations in case of spill and emergencies;
2) responsibility of the exporter to retrieve/return the waste when denied entry by the Government of the Philippines (GOP);
3) a copy of insurance coverage for the shipment; and
4) liabilities of parties to compensate for damages to properties and life in case of emergencies and accidents.

Procedure for Processing of Applications

A. Registration Applications

2.5 The EMB shall, upon receipt of the registration, determine the completeness of the submission and coordinate with the concerned Regional Office to inspect the recycling/receiving facility. Upon determination that the applicant has the capability to recycle the imported material in an environmentally acceptable manner, the EMB shall consider the importer as "registered". The registered importer may proceed with the importation by submitting the required import applications to the DENR.

B. Import Applications

2.6 Each shipment of imported recyclable material must be covered by an Importation Clearance (IC) which should be applied for at least thirty (30) working days prior to the actual importation. Only duly registered importers can apply for the IC. The EMB shall process the application by comparing the submission (Form R-2) against the registered information (R-1). Once the

examination is completed, an Importation Clearance (IC) covering that particular shipment shall be issued to the importer stipulating the conditions for the importation.

2.7 The procedural flow for the processing of the applications for recyclable material importation appears as Annex "B".

3. Conduct of Tests and Sampling of Materials

3.1 The DENR reserves the right to require the testing and sampling of the imported recyclable materials at the expense of the importer. Testing of imported materials shall be done by the DENR through its EMB laboratory and/or any of its duly recognized laboratories.

4. Transitory Provision

4.1 To facilitate the processing of registration and import applications, prospective importers may file simultaneously the above applications for a period of one year, starting with the effectivity of these guidelines. After this period, the EMB shall no longer process applications for ICs, unless the importer has been duly registered.

5. Effectivity

5.1 These guidelines shall take effect immediately unless otherwise revised and/or revoked.

ANGEL C. ALCALA
Secretary

note:
re-numbered DAO No. 24
to DAO 28,