



7 October 2023

MEMORANDUM

FOR : THE REGIONAL EXECUTIVE DIRECTOR
DENR MIMAROPA Region

FROM : THE REGIONAL DIRECTOR
EMB MIMAROPA Region

**SUBJECT : BRIEFER ON THE ACTIONS TAKEN BY EMB – MIMAROPA
REGION IN RELATION TO THE OPERATIONS OF ALTAI
PHILIPPINES MINING CORPORATION AND OIL SPILL INCIDENT
IN NAUJAN, ORIENTAL MINDORO**

**OPERATIONS OF ALTAI PHILIPPINES MINING CORPORATION (SIBUYAN,
ROMBLON – MINING ACTIVITY)**

BACKGROUND INFORMATION

This Office acquired jurisdiction over the Altai Philippines Mining Corporation (APMC) through regular monitoring of its compliance with environmental laws (*i.e.*, RA 8749 (*Clean Air Act of 1999*), RA 9003 (*Ecological Solid Waste Management Act of 2000*), RA 9275 (*Philippine Clean Water Act of 2004*), RA 6969 (*Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990*), and PD 1586 (*Philippine Environmental Impact Statement*)).

**CHRONOLOGICAL EVENTS OF THE ACTIONS TAKEN BY EMB – MIMAROPA AS
OF JULY 20,2023 IN RELATION TO THE OPERATIONS OF ALTAI PHILIPPINES
MINING CORPORATION**

January 06, 2023	The EMB Central Office through its official website posted a Notice of Public Scoping in favor of Altai Philippines Mining Corporation (APMC) along with the Project Description Report (PDR).
January 09, 2023	The EMB Regional Office received a Memorandum from the EMB Central, requesting a representative to facilitate the Public Scoping for the proposed Nickel Project of Altai Philippines Mining Corporation (APMC).
January 19, 2023	The APMC, with representatives from the EMB Regional Office, conducted the Public Scoping in preparation for the application of an Environmental Compliance Certificate (ECC) for the mining operation.
January 29, 2023	Altai Philippines Mining Corporation was issued an Online Hazardous Waste Generator ID with Online Registration No. OL-GR-R4B-59-037917.
January 30, 2023	EMB – MIMAROPA Region received a complaint from Bantay Kalikasan ng Sibuyan Island requesting therein the following reliefs: 1. Revoke OTP-APMC-162-001-2022-MIMAROPA and OEP DENR-MGB- 22-008; 2. Conduct a thorough investigation of the anomalous and highly irregular issuance of the transport and export permits;



	3. That a Cease-and-Desist Order be issued against APMC for conducting illegal mining operations without the required ECC.
January 31, 2023	The Regional Office received an ECC application through ECC online system from Altai Philippines Mining Corporation (APMC) for the Causeway and Road Network.
January 31, 2023	<p>EMB – MIMAROPA Region issued a response letter to Bantay Kalikasan ng Sibuyan Island informing them that their complaint letter dated 30 January 2023 was endorsed to EMB – Central Office which has proper jurisdiction to resolve the case as APMC has a pending ECC application with the latter.</p> <p>Likewise, EMB – MIMAROPA Region issued a letter officially endorsing the complaint of Bantay Kalikasan ng Sibuyan Island to EMB – Central Office for the proper disposition of the case.</p>
January 31, 2023	<p>APMC submitted a Supplemental Position Paper in connection with the NOV's issued against APMC's Office Building dated August 22, 2022.</p> <p>Attached to their Supplemental Position Paper are copies of the approved Online Hazardous Waste Generator ID, PCO Certificate of Accreditation, Order of Payment, and copies of Official Receipts (<i>O.R. Nos.0849372B and 7660996F</i>) dated 02 February 2023.</p>
February 01, 2023	A site inspection was conducted by the Chief, Environmental Management Service – Romblon in relation to the alleged construction and continuous operation of a causeway with respect to the exploration activity of APMC.
February 02, 2023	<p>The ECC online application was categorically returned due to the fact that the causeway project applied for ECC falls under the critical component of the mining operation, which should be applied and processed in the EMB Central Office.</p> <p>A site inspection report from the Chief Environmental Management Services – Romblon was received by the EMB Regional Office regarding the construction of the Causeway and other relative components of the mining project.</p> <p>Issuance of Notice of Violation (NOV) under Section 4 of the Philippine Environmental Impact Statement System or PD.1586 has been recommended.</p> <p>APMC settled the penalty for violation of R.A. 9275 as evidenced by Official Receipt No. 0849373B.</p> <p>A Notice of Violation was issued against Altai Philippines Mining Corporation for violation of Section 4 of Presidential Decree 1586 for the construction/operation of a causeway project located at Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon, without a valid Environmental Compliance Certificate.</p>
February 06, 2023	<p>The copy of the NOV for PD 1586 and Resolution for RA 9275 was served personally to Altai Mining Corporation by personnel of EMB – MIMAROPA Region by virtue of Mission Order No. 2023-001.</p> <p>The NOV and Resolution were received by Ms. Charmaine G. Chan, Front Desk Receptionist, and authorized personnel by Altai to receive the NOV and Resolution.</p> <p>A Joint Order was issued by DENR – MIMAROPA, EMB MIMAROPA Region, and MGB- MIMAROPA relative to the Illegal Construction of a Causeway and Other Relative Activities of Altai Philippines Mining Corporation.</p>

	<p>Among others, Altai Philippines Mining Corporation was ordered to CEASE AND DESIST from the construction and operation of its causeway in Sitio Bato, Brgy. España, San Fernando, Sibuyan Island, Romblon as a precautionary measure against potentially irreparable damage to the environment.</p> <p>A Petition for Issuance of a Writ of Kalikasan with Prayer for Issuance of Temporary Environmental Protection Order (TEPO) (G.R. No, 2615146) was filed before the Supreme Court by Veronica R. Batan, et. al against DENR, MGB, and APMC.</p>
February 07, 2023	<p>A Technical Conference was conducted between personnel of EMB – MIMAROPA Region and representatives of Altai Philippines Mining Corporation.</p> <p>During the Technical Conference, Altai Philippines Mining Corporation has committed to comply with the following commitments, to wit:</p> <ol style="list-style-type: none"> 1. Altai Philippines Mining Corporation will write to EMB – Central Office to clarify as to whether the ECC Application for the causeway project should be filed with the EMB - Central Office or Regional Office. 2. Altai Philippines Mining Philippines Corporation shall secure PRA Permit from the Philippine Reclamation Authority and Area Clearance from DENR. 3. Altai Philippines Mining Corporation shall secure a clearance from the Office of the Secretary prior to the final approval of the technical scoping checklist as required under DENR Memorandum Order No. 2023-01 since a protected area (Mt. Guiting-Guiting) is located within the province. 4. Altai Philippines Mining Corporation also committed to file a Position Paper within ten (10) days from the conduct of the technical conference. 5. Altai Philippines Mining Corporation also expressed its willingness to comply with all the requirements pursuant to Presidential Decree 1586 and its Implementing Rules and Regulations. <p>The Joint Order issued by DENR – MIMAROPA, EMB – MIMAROPA, and MGB – MIMAROPA was received by representatives and legal counsel of Altai Philippines Mining Corporation who attended the Technical Conference.</p> <p>Altai Philippines Mining Corporation filed a Position Paper in response to the NOV issued by PENRO – Romblon.</p>
February 08, 2023	Altai Philippines Mining Corporation submitted a Position Paper in response to the NOV issued against the project dated February 02, 2023.
February 15, 2023	<p>This Office received a copy of the Notice of Voluntary Stoppage of Exploration and Related Activities from Altai Philippines Mining Corporation dated 14 February 2023.</p> <p>In the said Notice, APMC informed this Office of the voluntary cessation of all of their activities including the exploration effective February 06, 2023.</p> <p>APMC Exploration Base Camp located at Sitio Talaba, Taclobo, San Fernando, Romblon was issued a Wastewater Discharge Permit (<i>Permit</i></p>

	<i>No. DP-R4B-23-01452</i>) valid for one (1) year.
February 17, 2023	APMC filed thru the Online Permitting and Monitoring System an application for Permit to Operate (<i>OPMS Application No. 250896</i>).
February 22, 2023	Altai Philippines Mining Corporation filed a Motion for Reconsideration in response to the Joint Order issued by DENR, EMB and MGB – MIMAROPA Region dated February 06, 2023.
02 March 2023	A site inspection was conducted by the Chief, Environmental Management Service – Romblon on the exploration structures and activities of Altai Philippines Mining Corporation.
April 26, 2023	<p>This Office issued an Order (ROM-059-23) finding Respondent liable for violation of Section 4 of PD 1586 and its Implementing Rules and Regulations.</p> <p>APMC was then ordered to pay the fine amounting to FIFTY THOUSAND PESOS (Php 50,000.00), to be settled within fifteen (15) days from receipt of Order. Accordingly, APMC was also ordered to SUSPEND its operations EFFECTIVE IMMEDIATELY until and unless a valid ECC has been secured in favor of the project.</p>
May 05, 2023	<p>EMB Central Office issued a letter in response to the letter of APMC dated 08 March 2023 requesting for the conduct a technical scoping for the Proposed Nickel Mining Project located at Brgys. España and Taclobo, San Fernando, Sibuyan, Romblon.</p> <p>According to the letter, APMC was advised thru a letter dated 28 March 2023 to reconduct the public scoping and include in the Project Description the causeway as an integral component of APMC’s ECC application.</p> <p>APMC was advised that EMB – CO can facilitate the conduct of the technical scoping upon submission of the updated Project Description and the re-conduct of the Public Scoping.</p>
May 16, 2023	The undersigned thru a Memorandum addressed to The Director, EMB, requested for the cancellation of the CNCs issued in favor of APMC and recommended for the issuance of NOV against APMC due to the extent of significant earth movement and volume of extraction used for bulk sampling.
June 13, 2023	<p>The Supreme Court issued a Resolution in the case of Batan, et. al vs. DENR, MGB, and APMC (G.R. No. 265146).</p> <p>The SC acting on the Petition for Issuance of a Writ of Kalikasan with Prayer for Issuance of Temporary Environmental Protection Order (TEPO) filed by the Petitioners resolved the following:</p> <ol style="list-style-type: none"> Issue a Writ of Kalikasan against the Respondents; Require the Respondents to file a Verified Return/Comment on the petition within a non-extendible period of ten (10) days after service of the writs; Refer the case to the Court of Appeals for further reception of evidence pursuant to A.M. No. 09-6-8-SC; and Deny the prayer for the ex-parte Temporary Environmental Protection Order.
July 10, 2023	The OSG, representing the DENR and MGB in the case of Batan, et.al vs. DENR, MGB, and APMC (G.R. No. 265146) filed a verified return, as required by the SC in its Resolution dated 13 June 2023.

WAYS AHEAD

This Office shall continue to conduct regular monitoring activities on the project site and ensure that the structures which have been issued permits comply with pertinent environmental laws and regulations. Furthermore, this Office shall continue to collaborate with the Office of the Solicitor General pertaining to legal matters in the case of Batan et. al. vs. DENR.

OIL SPILL INCIDENT IN NAUJAN, ORIENTAL MINDORO

ACTIONS TAKEN

WATER QUALITY MONITORING

Since 01 March 2023, EMB – MIMAROPA Region along with our technical teams from the Regional Environmental Laboratory, Provincial Environmental Management Unit (PEMU) – Oriental Mindoro and Occidental Mindoro have been working non-stop in collecting and analyzing the water samples for oil and grease from areas affected by the oil spill, coordinating and providing technical assistance to local government units and other concerned government agencies and assisting in clean- up operations.

During the first month of the oil spill incident, March 2023, samples were taken for the analysis of volatile organic compounds specifically the Benzene, Toulene, Ethylbenzene and Xylene (better known as BTEX) and polyaromatic hydrocarbons (PAHs). BTEX are highly water-soluble components that quickly volatilize and are rapidly lost to the atmosphere within hours to days during sea-surface oil spills. Similarly, large scale oil spills such as the Naujan Oil Spill can alao release PAHs into the receiving environment. Both BTEX and PAHs are known to be carcinogenic and mutagenic. Hence the analysis of BTEX and PAH during the first month of monitoring. The results yielded a not detected levels of both BTEX and PAH in all the samples collected from the shorelines of Naujan, Pola and Pinamalayan. These are the three hardest hit areas by the oil spill incident.

As of the latest available oil and grease result per affected shoreline, out of 96 established monitoring stations, 41 stations are already within the normal water quality guidelines while the remaining 55 stations still exceed the water quality guidelines.

To check again for the presence of toxic volatile compounds in the affected shorelines, last 23-24 August 2023, this Office conducted another water sampling for the determination of volatile organic compounds, the BTEX group (benzene, toluene, ethylbenzene, and xylenes). Samples were taken at the shorelines of Bulalacao, Mansalay, Roxas, Bongabong, Bansud, Pinamalayan, Pola, Naujan, Calapan City, Baco, San Teodoro and Puerto Galera. Samples were analyzed on 29 August 2023 and yielded a not detected result. Results are all below the instrument and method detection limit. To date, this Office is still waiting for the release of the results for the PAHs.

AIR QUALITY MONITORING

Air quality was also monitored through the stations of the Baco-Calapan City-Naujan (BCN) Airshed. The stations measure PM 10 and the filter paper samples were also sent for source apportionment analysis.

To ensure that the air is free from these emission of volatile organic compounds brought by the oil spill, this Office also measured VOCs in air (Benzene, Ethylbenzene, m,p-Xylene, o-Xylene and Toulene). The priority areas are in the barangays of Pola, namely Brgy. Misong, Brgy. Buhay na Tubig and Brgy. Calima. All stations yielded undetected levels of VOCs. No traces of the above-mentioned analytes were detected during the time of sampling.

WASTE COLLECTION AS OF 05 JULY 2023

This Office also monitored the safe collection of all the wastes generated during the cleanup activities. A total of 412,084.50L or 370,876.05kg of oil-contaminated materials were generated from Oriental Mindoro (Calapan City, Naujan, Pola, Gloria and Bongabong) and Palawan (Taytay). These were collected by the Harbor Star.

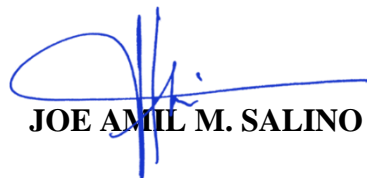
WAYS AHEAD

This Office commits to continuously monitor and strategize sampling frequency of water quality sampling in areas affected by oil spill. Further, for air quality monitoring, this Office commits to continue the source apportionment analysis for PM10 filter paper samples collected from Baco Station, Calapan Station, and Naujan Station of the BCN Airshed.

Further, for air quality monitoring, this Office commits to continue the source apportionment analysis for PM10 filter paper samples collected from Baco Station, Calapan Station, and Naujan Station of the BCN Airshed.

This Office shall monitor the implementation of the Clean-up Plan submitted by Harbor Star specifically on the hauling, storage, and disposal of hazardous waste. This Office commits to monitor confirmatory parameters in all affected shorelines to determine whether these pollutants are within toxic levels or not.

For the Regional Executive Director's information, records, and further instructions.



JOE AMIL M. SALINO