695

April 25, 2023

DENR MIMAROPA RECORDS SECTION

MEMORANDUM

FOR

The Regional Executive Director

DENR MIMAROPA Region

THRU

The OIC, Assistant Regional Director for Technical Services TIME

FROM

The OIC PENR Officer

SUBJECT

SUBMISSION OF LACKING REQUIREMENTS RE: APPLICATION FOR FOREST LAND **USE AGREEMENT-**OTHER LAWFUL **PURPOSES** (FLAg-OLP) BY THE **PROVINCIAL GOVERNMENT** OF MARINDUQUE, REPRESENTED BY GOVERNOR PRESBITERO J. VELASCO JR. OVER A FORMER BALOGO PORT AREA LOCATED IN

BRGY. BALOGO, STA. CRUZ, MARINDUQUE

Submitted herewith are the lacking requirements submitted by the Provincial Government of Marinduque, represented by Governor Presbitero J. Velasco Jr. which was received on April 24, 2023, relative to FLAG-OLP Application over Balogo Port Area in Brgy. Balogo, Sta. Cruz, Marinduque, as follows;

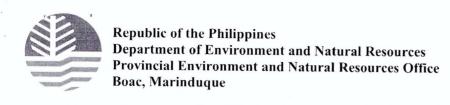
• Certificate of Non-Overlap (CNO-R4B-2023-006)

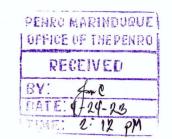
• Environmental Compliance Certificate (ECC-OL-R4B-2023-0053)

For information and record.

"For and in the Absence of the PENR Officer"

ENGR. CYNTHIA O EOZANO Chief, Technical Services Division In-Charge, Office of the PENRO





PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

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· Rommel Fernandez

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Subject: *regarding the GSUP Balogo Application - Rommel Fernandez

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DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
Rommel Fernandez	Imelda Diaz	04/24/2023 11:30 AM	04/24/2023 11:31 AM	1 min	For evaluation and comment/s.		
Fernandez	PS. Sir.	11:30 AM	The second secon			s fr te: Grup	



Republic of the Philippines

Province of Marinduque







April 24, 2023

281-A 192. 24 2023 10:25 AM

IMELDA A. DIAZ

OIC PENRO

Department of Environmental and Natural Resources Boac, Marinduque

Dear Mrs. Diaz:

Greetings in the name of Public Service!

In relation to the application for the Gratuitous Special Use Permit (GSUP) in Balogo Port located in Barangay Balogo, Sta. Cruz, Marinduque, we are sending herewith the original copy of Certificate of Non-Overlap issued by the National Commission on Indigenous Peoples (NCIP) that certifies that the Province of Marinduque does not overlap any ancestral domain/land of Indigenous Cultural Communities/Indigenous Peoples.

Thank you and Godbless.

Sincerely,

<u>ATTY. ROMMEL P. FERNANDEZ</u>

Provincial/Legal Officer





Republic of the Philippines Department of Environment and Natural Resources

ENVIRONMENTAL MANAGEMENT BUREAU - MIMAROPA

PENRO Compound, Brgy. Suqui, Calapan City, Oriental Mindoro.

Regional Satellite Office: 6th Floor DENR by the Bay Bldg., 1515 Roxas Blvd., Ermita, Manila.

Office of the Regional Director: (02) 8536 9786; Clearance and Permitting Division: (02) 8633 2587.

Records Management Unit: (02) 8633 8900;

E-mail Address: embmimaropa@emb.gov.ph

Website: www.mimaropa.emb.gov.ph

March 13, 2023

ECC-OL-R4B-2023-0053

Hon. PRESBITERO J. VELASCO, JR.
Governor
PROVINCIAL GOVERNMENT OF MARINDUQUE
Provincial Capitol, Boac, Marinduque

Subject:

ENVIRONMENTAL COMPLIANCE CERTIFICATE

Dear Governor Velasco, Jr.;

This refers to the Environmental Compliance Certificate (ECC) application for the proposed REPAIR AND REHABILITATION OF BALOGO PORT PROJECT to be located at Brgy. Balogo, Santa Cruz, Marinduque.

After satisfying the requirements of the said application, this Bureau has decided to grant an ECC for the above-mentioned project.

With the issuance of this ECC, you are expected to implement the measures presented in the Initial Environmental Examination Checklist (IEEC) Report, intended to protect and mitigate the project's adverse impacts on community health, welfare, and the environment. Environmental considerations shall be incorporated in all phases and aspects of the project.

This Certificate does not create any right nor be used as authorization to implement the project, you may proceed with the implementation only after securing all the necessary and relevant permits from other pertinent Government Agencies. This Office shall be monitoring the project periodically to ensure strict compliance with the stipulations cited in the attached ECC.

Please be guided accordingly.

JOE AMPIFM. SALINO
Regional Director



Republic of the Philippines Office of the President

NATIONAL COMMISSION ON INDIGENOUS PEOPLE

3/F Argo Building 574 Edsa Corner, P. Tuazon Blvd. Cubao, Quezon City

Email: region4b@ncip.gov.ph

Control No. CNO-R4B-2023- ∞6

CERTIFICATE OF NON-OVERLAP

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the applied area for the construction of Balogo International Port of the Provincial Government of Marinduque, located in Barangay Balogo, Sta. Cruz, Marinduque covering a total area of 36.1694 hectares, DOES NOT OVERLAP any Ancestral Domain/Land of Indigenous Cultural Communities/Indigenous Peoples based on the assessment of secondary data conducted in accordance with National Commission on Indigenous Peoples Administrative Order No. 3, Series of 2012.

THIS IS TO CERTIFY FURTHER that the proponent is required to undergo Free and Prior Informed Consent (FPIC) process in accordance with the Affidavit of Undertaking, in the event it is determined that there is, in fact, an overlap, in whole or in part, with any ancestral domain/land.

This office, however, reserves whatever action needed to be undertaken to protect the rights and interest of the Indigenous Cultural Communities/Indigenous Peoples concerned, including the cancellation/revocation of this certification, as the case maybe.

Issued in compliance with Section 59 of Republic Act No. 8371, otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997.

Issued this 17th day of April 2023 at Que 2011 City, Philippines.

Certified:

MARIE GRACE T. PASCUA. CESO III

Regional Director 4

Concurred:

JEORGE M.

Commissione

Island Group and the rest of the Visayas

ARGADO

Copy Furnished:

- 1. ADO
- 2. Concerned Regulatory Agency
- 3. Office of the Ethnographic Commissioner
- 4. File



Republic of the Philippines Department of Environment and Natural Resources

ENVIRONMENTAL MANAGEMENT BUREAU - MIMAROPA

PENRO Compound. Brgy. Suqui, Calapan City, Oriental Mindoro Regional Satellite Office: 6th Floor DENR by the Bay Bldg., 1515 Roxas Blvd., Ermita, Manita Office of the Regional Director: (02) 8536 9786; Clearance and Permitting Division: (02) 8633 2587 Records Management Unit: (02) 8633 8900; E-mail Address: embmimaropa@emb.gov.ph Website: www.mimaropa.emb.gov.ph

ENVIRONMENTAL COMPLIANCE CERTIFICATE

(Issued under Presidential Decree 1586)

ECC-OL-R4B-2023-0053

THIS IS TO CERTIFY THAT THE PROPONENT, PROVINCIAL GOVERNMENT OF MARINDUQUE, represented by its Governor, Hon. PRESBITERO J. VELASCO, JR., is granted this Environmental Compliance Certificate (ECC), for the REPAIR AND REHABILITATION OF BALOGO PORT PROJECT located at Brgy. Balogo, Santa Cruz, Marinduque by the Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau (EMB).

SUBJECT ONLY to the conditions and restrictions set in this ECC and in the attached document labelled as Annexes A and B.

This Certificate is issued with the following details:

PROJECT DESCRIPTION

This ECC shall cover the Repair and Rehabilitation of the Balogo Port Project with a total project area of 130,000 square meters (13.0 Hectares) covered by a Gratuitous Special Use Permit (GSUP) application located at Brgy. Balogo, Santa Cruz, Marinduque.

Project's facilities and structures are enumerated to wit:

100 Square Meter RO-RO Ramp, 755.876-meter Road, 71.540-meter Wharf, Septic Tanks, Material Recovery Facility (MRF), Admin Building, and Generator Set.

The project shall operate and maintain its facilities and amenities as contained in the submitted Initial Environmental Examination Checklist (IEEC).

This Certificate is issued in compliance with the requirements of Presidential Decree No. 1586, and in accordance with DENR Administrative Order (D.A.O.) No. 2003-30. Non-compliance with any of the provisions of this Certificate shall be a sufficient cause for the cancellation of this Certificate and/or imposition of a fine in an amount not to exceed Fifty Thousand Pesos (P50, 000.00) for every violation thereof without prejudice to the imposition of fines and penalties under other environmental laws. The EMB, however, is not precluded from reevaluating and correcting any deficiencies or errors that may be found after the issuance of this Certificate.

Issued at EMB-R4B, 1515 L, and S Building, Roxas Boulevard, Manila this March 13, 2023.

Recommending Approval:

Approved:

JOE AM

ENGR. BUENA FE A. RIOFLORIDO Chief, Clearance and Permitting Division

Regional Director

M. SALINO

I. ENVIRONMENTAL MANAGEMENT

All commitments, mitigating measures, and monitoring requirements, contained in the Initial Environmental Examination Checklist (IEEC) for the REPAIR AND REHABILITATION OF BALOGO PORT PROJECT particularly in the Environmental Management Plan/ Environmental Monitoring Plan, including any modifications and/or additional information as approved by the EMB, shall be instituted to minimize any adverse impact of the project to the environment throughout its implementation, which shall include among others to wit:

POTENTIAL IMPACT PER PROJECT ACTIVITY PER PROJECT PHASE	MITIGATING MEASURES	RATING/ PERFORMANCE OF MITIGATING MEASURES
A. Construction Phase		
A.1 Site Development including m	inor excavation	
Potential siltation of nearby bodies of water due to soil erosion	 Provision of sediment control measures such as sediment traps, slope stabilization, etc. 	100% no siltation of nearby bodies of water
Degradation of surface water quality due to contamination from domestic wastewater	 Provision of portalets for construction workers (if necessary) Note: at least one (1) portalet for 60 workers where the number of male workers exceeds 500 (as per IRR-Industrial Hygiene, PD 856 Amending Administrative Order 111 Series of 1991) Note: at least one (1) portalet for 25 workers where the number of male workers exceeds 100 (as per IRR-Industrial Hygiene, PD 856 Amending Administrative Order 111 Series of 1991) Provision of a septic tank or wastewater collection system for workers Hauling of wastewater from portalets/ septic tanks by a third-party contractor with a license/permit from LGU and with a valid Discharge Permit for a wastewater treatment facility 	100% no discharge of domestic wastewater to nearby bodies of water
Generation of dust from site preparation	Maintain a wet access road surface/project site by sprinkling water at least twice (2x) a day during the dry season	100% no dust generation
Generation of noise from heavy equipment	Use of mufflers and exhaust silencers for construction equipment Provision of appropriate noise mitigating measures (such as the construction of fences, enclosure of stationary work areas and equipment, maintenance of equipment, etc.) whenever applicable	100% Noise within standards
Generation of spoils (including excavated soils)	Excavated materials shall be properly stockpiled and properly disposed of or reused. Excess soil materials shall not be deposited along areas traversed by runoff and away from waterways and valuable crops. The proponent shall identify stockpile sites (with geographical coordinates) Spoil materials will be hauled by a third-party hauler with approved 100% no spoil materials will be left unattended and no mud/dirt will be transferred in the road permit/clearance from LGU or the proponent should	100% no spoiled materials will be left unattended, and no mud/dirt will be transferred in the road



	identify disposal sites (with geographical coordinates)	
	Trucks shall be thoroughly washed before leaving the project site to avoid the transfer of mud/dirt in the road Use of spoils as fill materials in lower areas is subject to the approval of LGU.	
Generation of spoils (including excavated soils)	 Segregation and collection of construction debris in compliance with RA 9003 Hauling of construction debris by 3rd party hauler 	100% collected/hauled construction debris
Generation of used oil, paint, batteries, and other hazardous materials	 Provision of storage for hazardous wastes with proper labeling. Collection of hazardous wastes by DENR-accredited 3rd party hauler and treater 	100% compliance with RA 6969
B. Operational Phase		
B.1 Operation and maintenance of	facilities	
Generation of solid wastes	 Provision and maintenance of Materials Recovery Facility Implement recovery re-use and recycling of waste materials Provide receptacles/bins for solid wastes Composting of Organic Wastes 	100% compliance with RA 9003
Contamination of surface water from domestic wastewater	Provision of adequate Wastewater Treatment Facility (Sewage Treatment Plant) to treat the collected wastewater, whichever is applicable: Hygienic septic tank (for 212 occupants or less – DILG MC 2019-62) with regular desludging by third party contractor (the contractor must have a valid discharge permit of its treatment facility) Wastewater treatment facility (for more than 212 occupants – DILG MC 2019-62) Note: For 98L per person per day water consumption; 80% will become wastewater – hence for 300 persons; at least 23.52 cubic meters per day	100% conformance to effluent standards
Generation of used oil (from the motor pool/service bay) and other hazardous waste materials (busted lamps, used batteries, etc)	WTF capacity shall be installed and operated Provision of centralized storage facility/area and collected by hazardous wastes DENR accredited 3rd party haulers/treaters. Hazardous waste generation ID shall be secured from EMB. Provision of Oil and water separator/trap	100% compliant with RA 6969
Generation of Solid Wastes	 Segregation of wastes and provision of a waste storage facility Provision of a Materials Recovery Facility (MRF) Hauling of solid wastes by third-party hauler with permit/clearance from LGU 	100% conformance with RA 9003
Generation of effluents due to wastewater generation	Monitoring of the following significant effluent quality parameters (based on PSIC Code 47300, 4661):	100% compliance with DENR effluent standards (RA 9275); (i.e.DAO 2016-08 and DAO 2021-19)

II. GENERAL CONDITIONS



- 1. That the proponent shall ensure that the project implementation shall **NOT COMMENCE** unless all required/clearances from the concerned government agencies are secured. EMB shall be advised when all the permits/clearances are secured and when will be the actual date of project implementation;
- 2. That the proponent shall conduct an effective Information, Education, and Communication (IEC) Program to inform and educate all stakeholders, especially its contractors, workers, and local residents about the mitigating measures embodied in its IEE Checklist, the conditions stipulated in this Certificate and the environmental and human safety features of the project for greater awareness, understanding and sustained acceptance of the project. The program shall be submitted to EMB-4B (MIMAROPA Region) on an annual basis;
- 3. That the proponent shall strictly manage all external, traffic problems, excessive surface runoff, dust, soil erosion, accidental spillage, and health hazards identified in the Initial Environmental Examination Checklist (IEEC) and, in case of emergency episodes, appropriate response activities shall be immediately undertaken for the protection of the workers/ personnel, host and nearby communities and the receiving environment;
- 4. That preservation and easement retention of natural drainage/waterways shall be undertaken and should conform with the provisions of the DENR Administrative Order No. 97-05 (Procedures in the Retention of Areas within certain distances along the Banks of Rivers, Streams, and Shores of Seas, Lakes, and Oceans for Environmental Protection). If disturbed, a replacement drainage system shall be constructed within two (2) months from the disturbance;
- That the solid waste management scheme as provided in the Environmental Management Plan (EMP) shall be continuously implemented from the start of the project construction as well as the operation;
- 6. A detailed site investigation which includes a detailed geotechnical study, erosion and dissolution of underlying limestone, and seismic risk analysis of the power plant and jetty areas shall be conducted, and submit a copy of the studies to the prior to project construction;
- 7. That proper Air Pollution Source and Control Installations (APSCI) shall be provided by the proponent to avert pollutant emissions;
- That the proponent shall practice effective precautionary measures in the protection and management of the terrestrial and aquatic resources in the area;
- That the construction and repair of the facilities shall not cause destruction of coral reefs and other marine organisms;
- 10. That the proponent shall have an effective Shore Reception Facility to prevent marine pollution.
- 11. That the proponent shall set up a competent Environmental Unit (EU) with a Pollution Control Officer, within sixty (60) days from the issuance of this Certificate and shall be duly accredited by this Office in accordance with DAO No. 02, series of 2014 (Revised Guidelines for Pollution Officer Accreditation). The Environmental Unit (EU) shall competently handle the environment-related aspects of the project. In addition to the monitoring requirements, as specified in the Environmental Management Plan/ Environmental Monitoring Plan, the EU shall have the following responsibilities:



- 11.1 Monitor actual project impacts vis-à-vis the predicted impacts and management measures in the Initial Environmental Examination Checklist (IEEC);
- 11.2 Recommend revisions to the EMP/EMoP, whenever necessary subject to the approval of EMB-4B (MIMAROPA Region);
- 11.3 Ensure that data gathered during monitoring activities are properly documented, assessed, evaluated and reported to EMB-4B (MIMAROPA Region) in accordance with the standard formats;
- 11.4 Ensure that monitoring and submissions of reports to EMB-4B (MIMAROPA Region) are carried out as required;
- 11.5 Regular submission of the following reports:
 - 11.5.1 A semi-annual *ECC Compliance Monitoring Report* within fifteen (15) days at the end of each semi-annual reporting period. The CMR must be provided with supporting documents and in accordance with the prescribed format stipulated in the Implementing Rules and Regulations of P.D. 1586;
 - 11.5.2 Submit a *Quarterly Self-Monitoring Report* within fifteen (15) days at the end of each quarter. The SMR must be in accordance with the prescribed format of the *Self-Monitoring Report (SMR)* pursuant to DAO 2003-27;
- 11.6 Submit an **Abandonment Plan** at least two (2) months prior to the abandonment activities. It shall include the identification of "hot spots" or areas of environmental concern, their rehabilitation, clean-up, remediation, and monitoring based on risk-based corrective action (RBCA). The project location, after clean-up and rehabilitation, may be used for other purposes, subject to consultation with relevant government agencies (LGU, DA, HLURB, etc.) and the DENR;
- 12. That health and sanitation practices shall be observed in all phases of the project and safety & personal protection equipment/devices shall always be provided to all employees/workers within the premises of the project site to prevent health and occupational hazards;
- 13. That a billboard containing this message: "Notice to the Public, the REPAIR AND REHABILITATION OF BALOGO PORT PROJECT of PROVINCIAL GOVERNMENT OF MARINDUQUE has been issued an Environmental Compliance Certificate (ECC-OL-R4B-2023-0053) by the Department of Environment and Natural Resources—Environmental Management Bureau MIMAROPA Region on March 13, 2023." shall be installed at all entry and exit points and in the perimeter of the project site facing the road during the construction phase to inform the general public within thirty (30) days from receipt of the ECC;
- 14. That a copy of the ECC shall be posted in a conspicuous location at the field office of the project site clearly visible to the public and shall be adequately framed or otherwise protected against damage and at the barangay bulletin board of the host barangay(s) within thirty (30) days from receipt of the ECC;
- 15. That any **authorized DENR-EMB personnel**, with proper identification card (ID) and travel/mission order, shall be allowed unconditional access to conduct an on-the-spot inspection and monitoring of the project without the need for prior notice to the proponent to oversee compliance to the ECC.



III. RESTRICTIONS

- 1. That no other activities should be undertaken other than what was stipulated in the Initial Environmental Examination Checklist (IEEC). Should there be an expansion of the project beyond the project description, construction of other structures beyond those stated in the Initial Environmental Examination Checklist (IEEC); or any change in the activity or location, shall be made subject to a new Environmental Impact Assessment (EIA) requirements:
- 2. That NO construction or development shall be allowed on the applied area without VALID Tenurial Instrument;
- 3. That no trees shall be affected in all phases of the project, or if there are any, necessary documents such as a "Tree Cutting Permit", "Balling Permit" and other permits/clearances, shall be secured from the concerned DENR sector pertaining to the implementation of the project;
- 4. That in case of transfer of ownership/management of this project, these same conditions and restrictions shall apply and the transferee shall be required to notify this Office concerned within fifteen (15) days as regards the transfer of ownership/management; and
- 5. That the proponent (PROVINCIAL GOVERNMENT OF MARINDUQUE) shall be accountable for any misrepresentation and failure to state material information in the submitted documents.

The conditions stipulated in this Certificate shall be deemed final within fifteen (15) days from receipt hereof and all conditions and restrictions set forth above shall be complied with by the herein grantee. This ECC is deemed expired if not implemented within five (5) years from the date of issuance and the proponent shall have to apply for a new ECC if it intends to pursue the project.



PROJECT ASSESSMENT PLANNING TOOL

For the assistance of the Proponent, LGUs, and other concerned government agencies (GAs) in the management of the project and better coordination in mitigation of the impacts of the project on its surrounding areas and the environment.

By way of recommendation, the following have been taken notice of by this Office and are providing these recommendations to the parties and authorities concerned for proper action and integration into their decision-making process.

	Other Regulatory Requirements/Conditions	Concerned Government Agencies/Entities		
1.	Compliance with the Sanitation Code of the Philippines;	DOH		
2.	Compliance with the Labor Code of the Philippines	DOLE – Bureau of working condition		
3.	Compliance with the Building Code of the Philippines	LGU Concerned		
4.	Compliance with the Ecological Solid Waste Management Act.	LGU Concerned		
	Secure tree-cutting permit	FMB – DENR		
ENVI	ENVIRONMENTAL PLANNING RECOMMENDATIONS FOR THE PROPONENT			

Priority of employment shall be given to qualified local residents. Adequate public information for jobs available to local residents in the affected areas shall be provided;

For the dissemination and proper action of the parties concerned.

Chief, Environmental Impact Assessment Section Chief, Clearance and Permitting Division



JOE AMPL M. SALINO Regional Director

