F O R E W O R D

This ***Procedural Manual for DAO 2003-30*** is intended to clarify provisions of DAO 2003-30, PD 1586 and other applicable laws. Therefore, in cases of conflict, the provision of DAO 2003-30, PD 1586 and other applicable laws shall prevail.

It should be noted that this ***Manual*** contains the general guidelines and procedures for the implementation of the Philippine EIS System, and should be treated as a procedural guide for the general public including the proponent, EIA consultants and other concerned entities. For technical reference, there are other (reference) materials that deal mainly with the technical aspects of the EIA study such as: EIA Technical Manual produced by the USAID-funded Industrial Environmental Management Project for DENR, the textbook on Environmental Impact Assessment by Larry W. Canter, and the numerous technical publications (e.g., handbooks, manuals, guides) of the US Environmental Protection Agency, World Bank, Asian Development Bank, various UN agencies and many others.

This ***Manual*** is essentially divided into 11 sections or chapters. Additional details (e.g., formats) are provided in the various annexes.

- Section 1 – contains the introduction and a brief discussion of the basic framework of the Philippine EIS System.
- Section 2 – discusses the scope of the Philippine EIS System. It provides the technical definitions and numerical parameters needed or used in the determination of coverage.
- Section 3 – discusses the documentary requirements for the respective categories of covered projects.
- Section 4 – deals with the various procedures of the Philippine EIS System from scoping to the review of the submissions.
- Section 5 – deals with the concept of public participation including the identification of stakeholders. It provides proponents and preparers with the framework wherein public participation can be used to promote social acceptability. It also contains the guidelines for the conduct of public consultation and public hearing.
- Section 6 – discusses the parameters and frameworks by which DENR will determine the *social acceptability* of a proposed project.
- Section 7 – contains the guidelines and procedures for monitoring activities ranging from monitoring by proponent (or self-monitoring) to MMT as well as compliance monitoring by DENR. The section also contains the guidelines for the establishment and implementation of EGF.
- Section 8 – discusses the various administrative procedures such as complaint management and the appeal procedures among others.
- Section 9 – discusses the various parameters and criteria for decision making by DENR-EMB including the requisite decision documents.
- Section 10 – deals with the filing fees and the use of review fund
- Section 11 – deals with fines, penalties and sanctions

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1. Introduction

The 1987 Philippine Constitution lays down the basic framework for our policy on the environment. Section 16, Article II states that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." Section 15 of the same Article also mandates the State "to protect and promote the people's right to health."

To implement this policy, Executive Order No. 192 designated the Department of Environment and Natural Resources (DENR) as the "primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources." Its Environmental Management Bureau (EMB) is specifically tasked "to recommend rules and regulations for environmental impact assessments and provide technical assistance for their implementation and monitoring."

1.1 The Philippine Environmental Impact Statement (EIS) System

Presidential Decree (PD) No. 1151, otherwise known as the "Philippine Environmental Policy," is the first policy issuance on Environmental Impact Statement (EIS) System in the Philippines. Effective since 1977, section 4 thereof explicitly requires "*all agencies and instrumentalities of the national government, including government-owned and controlled corporations, as well as private corporations, firms and entities to prepare an environmental impact statement (EIS) for every action, project or undertaking which significantly affects the quality of the environment.*"

The Philippine EIS System was formally established in 1978 by virtue of PD No. 1586. Reiterating the policy statement under PD 1151, it declared environmentally critical projects (ECPs) and projects within environmentally critical areas (ECAs) as projects which require the submission of an EIS. Section 4 thereof provides that "*no person, partnership or corporation shall undertake or operate any in part such declared ECP or project within an ECA without first securing an Environmental Compliance Certificate (ECC).*" PD 1586 also identified the lead agency for the implementation of the EIS System and provided sanctions for its violation.

The major categories of ECPs and ECAs were identified through Presidential Proclamation No. 2146, series of 1981. The categories were given technical definitions by EMB's predecessor agency, the National Environmental Protection Council (NEPC), through NEPC Office Circular No. 3, series of 1983.

PD 1586 was implemented through the issuance of a number of administrative regulations and guidelines. The first of such administrative issuance is the *implementing rules and regulations* passed by NEPC in 1979, and amended in 1984.

Since then, the EIS system has undergone several refinements to make it a more effective planning, management, and regulatory tool in addressing environmental problems in the country. The DENR has consistently endeavored to strengthen and tighten the system, by continuously introducing new features and requirements in response to changing economic realities and the growing environmental consciousness of the Philippine populace.

The DENR, when it assumed the powers and responsibilities of the NEPC, issued Department Administrative Order (DAO) No. 21 in 1992, further amending the NEPC-issued rules. On 2 December 1996, the DENR issued DAO No. 96-37 to further strengthen the EIS System. On 2 November 2002, the *Office of the President* issued *Administrative Order No. 42 (A.O. 42)* which intends to rationalize the implementation of the Philippine EIS System to make it a more effective planning tool for sustainable development.

This latest issuance is envisioned to address deficiencies in the system that hinders its effectiveness as a tool for proper environmental management and to institutionalize the incorporation of environmental concerns in the country's effort to hasten national development in the most efficient manner so that neither the environment nor national development would be compromised. It is consistent with the current thrust of the State to achieve optimum economic development and at the same time ensuring that present generation meets its needs without compromising the ability of future generations to meet their own needs.

To implement such objectives, DAO No. 03 series of 2003 or DAO 2003-30, was issued to further streamline the EIS system and to strengthen the processes for its implementation.

1.2 Basic Policy and Operating Principles

The basic DENR policy governing the implementation of the Philippine EIS system is articulated in Section 1.0, Article I of DAO 2003-30: "*Consistent with the principles of sustainable development, it is the policy of the DENR to implement a system-oriented and integrated approach to the EIS system to ensure a rational balance between socio-economic development and environmental protection for the benefit of present and future generations.*"

The following are the key operating principles in the implementation of the Philippine EIS System:

a. The EIS System is concerned primarily with assessing the direct and indirect impacts of a project on the biophysical and human environment and ensuring that these impacts are addressed by appropriate environmental protection and enhancement measures.

b. The EIS System aids proponents incorporating environmental considerations in planning their projects as well as in determining the environment's impact on their project.

c. Project proponents are responsible for determining and disclosing all relevant information necessary for a methodical assessment of the environmental impacts of their projects.

d. The review of the EIS by EMB shall be guided by three general criteria: (1) that environmental considerations are integrated into the overall project planning, (2) that the assessment is technically sound and proposed environmental mitigation measures are effective, and (3) that social acceptability is based on informed public participation.

e. Effective regulatory review of the EIS depends largely on timely, full, and accurate disclosure of relevant information by project proponents and other stakeholders in the environmental impact assessment (EIA) process;

f. Social preparation shall be conducted by the proponent for the project is a result of meaningful public participation, which shall be assessed as part of the ECC application, based on concerns related to the project's environmental impacts;

g. The timelines prescribed by DAO 2003-30 in which an ECC must be issued or denied, apply only to processes and actions within the EMB's control and do not include actions or activities that are the responsibility of the proponent.

1.3 Objectives

The objective of this *Procedural Manual* is to rationalize and streamline the EIS System in order to make it more effective as a planning and management tool by:

a. Making the System more responsive to the demands and needs of the project proponents and the various stakeholders;

b. Clarifying the coverage of the System, and updating it taking into consideration industrial and technological innovations and trends;

c. Standardizing requirements to ensure focus on critical environmental parameters;

d. Simplifying procedures for processing ECC applications, and establishing measures to ensure adherence to ECC conditions by project proponents, and

e. Assuring that critical environmental concerns are addressed during project development and implementation.

1.4 EIA and the Project Planning Cycle

Aware of the possible negative effects of the implementation of industrial and other activities, government had instituted measures to encourage the use of EIA as a planning and decision making tool. The concept is premised on developing a process that will provide useful information to decision maker (both on the proponent and government side) at the appropriate time in the project cycle.

Environmental impact can be defined as any change in the environment that is caused by an activity or a factor (Ward, 1978). The change may occur in air (e.g. increase in sulfur oxide concentration), water, land, and people or society. The process of identifying, predicting and evaluating the changes or impacts as a consequence of operational procedures, projects, programs, policies and legislative proposals is commonly known as environmental impact assessment or EIA. Moreover, EIA interprets and communicates the information about those impacts and proposes measures for their management (CEARC, 1988).

EIA offers an integrated approach for preventing environmental problems and, therefore, is an effective instrument in environmental management. It contributes to the acceptance of integrated environmental management by providing the decision-maker with an integrated picture of the environmental consequences of a proposed activity and its alternatives (United Nations Economic Commission for Europe, Seminar Report, 1987).

A. EIA as a Planning and Decision-Making Tool

Proponents should adopt procedures to integrate EIA with the planning process, not just to comply with regulatory requirements, but more importantly so that projects or programs are better sited and better designed for environmental sustainability.

As a basic principle, EIA should be used to enhance planning and to guide decision-making. In this context, decision-making refers to DENR's issuance of an ECC so that the proposed project can proceed to implementation. The other aspect of decision-making refers to the incremental, technical decision-making that occurs throughout the planning process (e.g., identification and selection of alternatives). Indeed, the real value of the EIA process is in the reduction of adverse environmental impacts as a result of incremental decision-making before a proposed action reaches final decision-making on whether it should be allowed to proceed or not.

EIA is designed to assist planning and decision-making and not to justify decisions that have already been made. A decision to adopt a particular project or program alternative should be based in the EIA report and other planning documents (e.g., feasibility study report). Preferably, the EIS should show a record of decisions made throughout the planning process. As such, the EIS should identify the alternatives considered during decision-making; discuss preferences among alternatives with respect to relevant environmental, technical, and economic considerations; and describe conformity with environmental laws

and regulations. The EIS should also include monitoring and enforcement plans for the proposed mitigation measures.

EIA, if properly utilized, has real effects on projects or undertakings. It should enhance and complement the project planning process. Its significance is determined if it actually influence decision-making in project planning. If so, it would have fulfilled its role as an instrument to protect environment and ensure sustainable development.

B. The Environmental Impact Assessment Process

A distinction should be made between the EIA process and the EIA study. The EIA process is a set of steps, one of which is the EIA study. As such, the process of EIA is the larger context in which the EIA study is undertaken. The EIA process involves steps that start from the announcement of a development proposal up to the monitoring of activities once the development is in operation. This overall process is shown in ***Figure 1-1***.

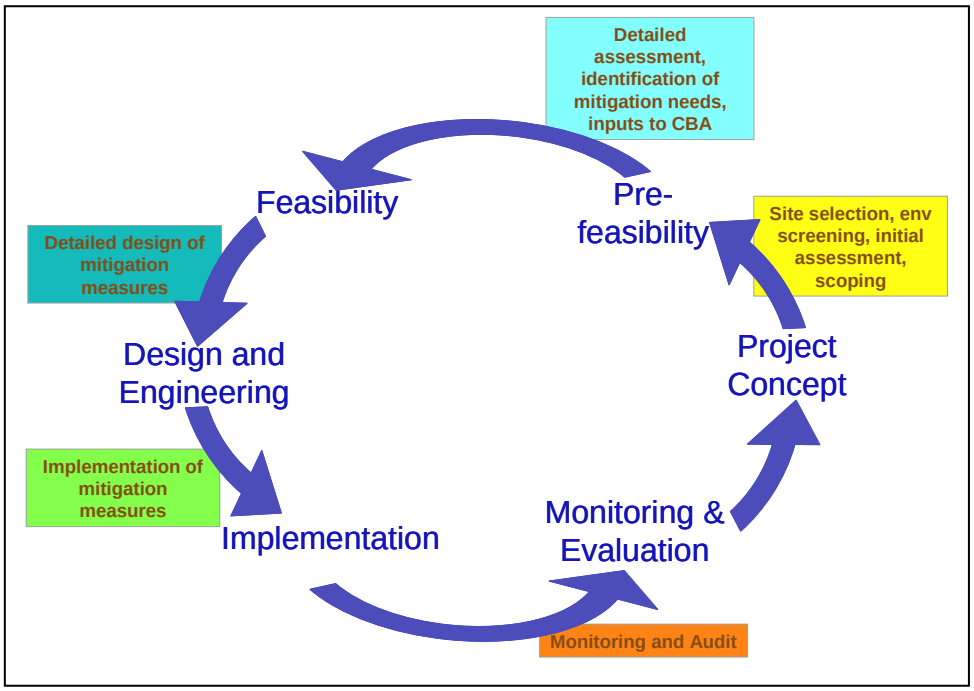


Figure 1-1. EIA and the Project Cycle

The EIA study is just one step in the overall EIA process. The latter consists of screening, preliminary assessment, scoping, EIA study, review, decision-making, and monitoring. One may further group the steps into a pre-study phase (i.e., screening, preliminary assessment and scoping), the EIA study proper, and the post-study stage (review, decision-making, and monitoring). Pre-study work is important in focusing the EIA study to address the most relevant and important issues, in particular those issues that are of primary concern to affected or interested parties. The scoping during pre-study is part of the regulatory process. It involves deciding which types of programs or projects need to undergo an EIA and what type of EIA documentation is required. Follow-on work (e.g., compliance monitoring) during the post-study phase is important in ensuring that the EIA findings influence project decisions and that mitigation measures are actually adopted during implementation.

The EIA study proper, which is the central part of the EIA process, consists of various sub-steps: impact identification, impact prediction, impact evaluation, impact mitigation, and impact assessment documentation. The EIA study is more effective as a planning tool when

undertaken systematically within the overall EIA process described above, than when the EIA study is done in isolation. The EIA process in turn needs to be in tandem with the overall program or project development process.

1. Scoping

Before conducting the EIA study, scoping is done to define the range of actions, alternatives, and impacts that are to be examined. Scoping is also a formal step governed by guidelines and requiring documentation of outcome under the regulatory system for EIA. Scoping provides an early link between the DENR and the proponent so as to ensure that the EIA addresses relevant issues and presents results in a form consistent with the regulatory review requirements.

A key purpose of scoping is also to allow interested parties (e.g., the stakeholders) to make their concerns known, and the step helps ensure that the EIA study proper actually addresses issues and potential impacts of concern to all parties. Through a formal scoping within the regulatory EIA system, an agreement is made at the outset of the EIA study to identify what issues and alternatives would be examined, and to define the responsibilities of the various parties or stakeholders. However, this does not prevent adding to or revising the scope of the EIA as the study progresses in light of new information or issues, as long as the new issues raised are deemed valid by parties concerned. Also, under the regulatory system, the scoping exercise will address the issue of whether an environmental risk assessment is required, and to determine and agree on the process of dealing with issues relating to social acceptability. In summary, the approved Scoping Report will serve as the basis for the preparation or conduct of the EIS, and the review of the submitted EIS.

There are a variety of techniques available for involving the public during scoping and throughout the EIA process. However, each public involvement strategy must be tailored to the circumstances of the proposed activity, as well as the community in which the public involvement process is to occur.

2. Baseline Study

The term baseline means a description of the existing ecosystem situation before development against which potential impacts of the proposed project may be identified and subsequent actual changes detected through monitoring. Baseline study is the data gathering phase of the EIA study. It should focus on gathering data relevant to the issues and concerns raised during the scoping. Depending on the adequacy of the available secondary data to address the issues raised, primary data should be generated to supplement available data in order to build a sufficient picture of the project area and the impact zones. Baseline data normally should consist of statistically adequate descriptions of ecosystem components and processes prior to the onset of planned action.

3. Impact Identification

Using the data collected in the baseline study and the information that may be generated by the engineering design group, potential impacts of the project can be identified. The step basically answers the question: "What will happen as a result of the project? This step is a bridge or link between baseline studies and impact prediction. Impact identification usually involves meetings between the EIA team and the engineering team. It is heavily dependent on the experience of the teams. There are no *hard and fast* rules that spell out the steps or procedures in impact identification. It is necessary that the members of the EIA team possess adequate

knowledge and sufficient experiences to comprehensively identify the potential impacts.

4. Impact Prediction

Identified potential impacts should be studied further to estimate the magnitude of change. It answers the question: "What would be the extent of the impact?" In predicting impact, one really formulates a hypothesis on the cause-and-effect interaction between project activities, which are represented as independent variables and the valued ecosystem components and processes as the dependent variables. In making impact predictions, it is useful to include the estimates of the probability of occurrence and the associated risks, timing and direction of impacts.

5. Impact Evaluation

The evaluation is basically a question of "How important is the predicted impact?" Impact evaluation boils down to knowing or selecting the significant impacts since not all identified impacts are significant. Only important adverse environmental impacts will have to be mitigated. Hence, it is necessary to know which impacts are important.

6. Impact Mitigation and Preparation of Environmental Management Plan

If the results of the evaluation show that some impacts are likely to be significant, then the project team has to consider what to do about them. In this step of the EIA study, a wide range of measures may be proposed to prevent, reduce, remedy or compensate for each of the adverse impacts assessed as being significant. Possible mitigation measures generally include:

- Changing project sites, routes, processes, raw materials, operating methods, disposal sites, phasing of project activities, or engineering designs,
- Introducing pollution controls, waste treatment, monitoring, landscaping, personnel training, special social services, or public education, or
- Offering as compensation the restoration of damaged resources, including providing compensation money to affected persons, concessions on other issues, or off-site programs to enhance some other aspect of the environment or quality of life for the affected community

These various measures are then compared and trade-offs among alternatives weighed. The EIA study team is expected to propose an environmental management plan that optimally combines the recommended measures. The plan may include technical control measures, a management scheme for coordinating various project implementation activities, monitoring of impacts, provision for unexpected impacts, and suggested items for inclusion into the detailed planning or engineering specifications of the project.

The study team should analyze the implications of adopting different mitigation options, so that the most practical choices can be made. An important implication that should be addressed is the cost to be incurred in implementing the mitigation measures. A minimum requirement is that the environmental management plan should include a budget.

7. EIA Documentation

EIA documentation, in its broad sense, refers to the preparation of both the formal and informal reports and records of the proceedings, findings, analysis, and results of

the EIA processes. It includes such documents as Project Profile, Scoping Report, IEE or EIS documents, process documentations, proofs of social acceptability, proposal for EGF, ERA and other documents. The purpose of EIA documentation is to present and communicate to decision makers and other affected parties the data and information gathered during various stages of the EIA process; the methods by which they were gathered; the results of the EIA study; and the ways in which adverse impacts will be prevented, reduced, mitigated and monitored.

On the regulatory side, the decision to grant or deny an ECC for a proposed project depends on the quality of the EIA documentation, which in turn reflects the quality of the EIA performed. The formal decision documents under the Philippine EIS system mainly consist of the IEE or the EIS.

C. EIA within the Project Development Cycle

EIA, as a management tool, must provide adequate information to ensure that environmental considerations are anticipated and addressed by decision-maker. The integration of EIA within the project cycle can start as early as the pre-feasibility stage. At this point, the EIA process can influence decision on site selection and identification of significant issues. Some of the tools that may be used are environmental screening, initial assessment or scoping. At the feasibility study stage, the EIA can contribute detailed assessment of potential significant impacts, identification of mitigating measures, and the corresponding inputs to the cost-benefit analysis. Inputs on detailed design or parameters for the mitigation measures may be done at the design and engineering stage. The EIA insure that the mitigation measures and environmental management plan are implemented during the implementation stage of the project development cycle. Likewise, at the monitoring and evaluation stage, it collects data through monitoring and auditing activities, providing lessons for future projects.

1. Benefits of Integrating EIA with Planning

The basic premise here is that the use of EIA enhances the quality of planning. An EIA identifies problems, conflicts, and natural resources constraints that could affect the overall viability of a program or project. It also examines how a proposed activity might cause harm to people, their property or their livelihoods, or to nearby developments. After predicting potential problems, the EIA identifies measures to minimize the problems and recommends ways to improve the project's sustainability.

Thus, EIA is a management tool for proponents and regulatory agencies who make important decisions about major development proposals. In this sense, EIA is similar to other conventional planning tools, such as economic analysis and engineering feasibility study. Most decision makers are already familiar with economic and engineering studies. These tools provide basis for designing technically and economically viable projects. EIA is now seen as an equally important tool in designing viable programs or projects. It forms one component of the total information – including technical and economic – which decision-makers can draw upon to guide their decisions.

In the past, many major development activities encountered problems because of insufficient attention paid to the relationship of the proposed activities with their surrounding environment. Some became unsustainable because the resources on which they were based were rapidly depleted or degraded. Others had to be abandoned because of public opposition, or were financially encumbered by unforeseen costs arising from environmental remediation requirements or liability for environmental damages that could have been foreseen and avoided during planning. EIA helps identify, predict and assess potential environmental impacts that could

cause such problems, so that project design may be improved by incorporating measures to avoid environmental problems into plans at an early stage.

2. The Project Cycle and the EIA Process

At the project level, EIA should be undertaken so that it feeds into all key stages of the project development process. This integration ensures that environmental mitigation measures, including alternatives to the project, have an opportunity to be considered early and during the time of the actual planning itself.

EIA undertaken after key planning decisions have been made (e.g., siting, technical specifications) are generally less effective, in that it is more costly and time-consuming to alter the project design after many key, incremental decisions have already been made.

3. The Timing of EIA

EIA must be integrated with planning at the earliest possible time so that the EIA documentation will be completed and ready to be included in every report or documents submitted to the decision maker. A "proposal" originates when a proponent has a development objective and is in the process of making a decision on one or more means of accomplishing it.

EIA documents should not be prepared until prospective proposals are more concrete than mere concept. The initiation of EIA should coincide with the feasibility analysis stage of projects and the EIA documentation should be available before the project or program has reached a stage of investment or commitment to implementation.

In fact, DAO 96-37 reiterated this perspective by stating in Section 1 Article III: "Scoping shall be initiated by the proponent at the earliest possible stage of project development to define the range of actions, alternatives and impacts to be examined." EIA must not be conducted or undertaken until scoping has been completed. For IEE, DAO 96-37 only recommends scoping as an option for the proponent to undertake or not.

4. The Terms of Reference for EIA

As stated, the EIA study should determine the environmental impacts of the project and provide appropriate inputs at various stages of the project cycle. At the pre-feasibility stage, impact studies shall include environmental screening and assessment to determine whether the project is covered by the Philippine EIS System or not, project site selection, and scoping of key issues and concerns. EIA inputs in the feasibility studies shall include assessment of significant impacts, identification of mitigation needs, and cost/benefit analysis. In the design and engineering stage, the impact studies shall provide inputs in the form of detailed mitigating measures. Impact studies shall also incorporate environmental monitoring program in the project benefit monitoring and evaluation component.

DAO 96-37 mandated that the Scoping Report "shall serve as a basis for the EIA and the review of the EIS." It is important therefore, for the proponent to consider the conduct of an EIA as management tool that will at the same time satisfy regulatory requirements of the EIS System.

5. Selecting the EIA team

The type and scale of a project dictates the required composition of the interdisciplinary team who will conduct the assessment activities. The EIA team is normally composed of an ecologist, environmental engineer, economist and a sociologist. Depending on the magnitude and characteristics of the project, other specialists (e.g., geologist, hydrogeologist, risk assessment, anthropologist, etc.) may be included. All team members should be experienced in the practice of environmental impacts prediction and evaluation.

1.5 Procedural Manual for DAO 2003–03

This Procedural Manual is designed to serve as the primary reference material for DENR staff or personnel, project proponents, EIA preparers and practitioners, environmental units of government agencies, local government officials, non-governmental or people's organization, and other stakeholders involved in the implementation of the Philippine EIS system. It is designed to clarify the steps and procedures required to implement the various provisions of DAO 2003-30. The Manual focuses on the processes rather than the technical aspects of the EIA.

The responsibility of the project proponent starts with the preparation of an EIS to the issuance of the ECC and even further in initiating project compliance and monitoring activities. Also, it should be noted that the issuance of an ECC does not exempt a project proponent from securing related permits (such as sanitary, conversion, water, and building permits) from concerned government agencies under other existing laws, rules and regulations.

> The Procedural Manual is intended to clarify provisions of DAO 2003-30, PD 1586 and other applicable laws. Therefore, in cases of conflict, the provision of DAO 2003-30, PD 1586 and other applicable laws shall prevail.

The main features of DAO 2003-30 discussed in the Procedural Manual are the following:

- ***Clarifications on the Scope of the Philippine EIS System.*** The Manual provides a more detailed listing of projects that are within and outside the scope of the EIS system based on project type and size. It follows the provisions under A.O. 42 that limits the requirement to secure ECC to only those projects with *significant* negative environmental impacts. Projects, upon being proven to be purely environmental enhancing, are exempted from securing ECCs.
- ***Simplification of Requirements for Securing ECC.*** Requirements for securing ECCs are *customized* based on the nature of the project and its status. Consistent with the provisions of A.O. 42, this Manual provides details on the different types of *requirements* that focus on the critical environmental impacts of specific project categories. For certain projects, for example, pro-forma IEE checklists have been developed to make it easier for small businesses to comply with the requirements of the system. Also, for environmentally critical projects with intention to expand their operation, an *Environmental Performance Report and Management Plan* is required instead of an EIS.
- ***Streamlining of Procedures.*** One of the main features of A. O. 42 is the decentralization of ECC application approving authority. The Procedural Manual contains details on the types of projects whose ECC application can be processed and decided at the various levels of authority. It also details the application processing time limits for different projects and provisions on the *automatic* approval for projects where the maximum allowable processing time has been exceeded. Moreover, through the

programmatic compliance policy, projects that are co-located in regional industrial centers may obtain programmatic ECC – thus, removing the need to secure individual ECCs.

- ***Strengthening the Implementation of the Philippine EIS System.*** Another main feature recognized in the presidential directive is the strengthening of the EIS System implementation through coordination or partnership with other government agencies and organizations, information systems improvements and the creation of the EIA Division.

2. Scope of the Philippine EIS System

The Philippine EIS system covers projects and undertakings categorized as Environmentally Critical Projects (ECPs) and projects located in Environmentally Critical Areas (ECAs). These projects cannot proceed unless DENR issue an Environmental Compliance Certificate (ECC).

To ensure that only projects or undertakings with significant negative environmental impacts are covered by the System, the following factors were considered in determining the scope or coverage of the EIS System:

a. The nature of the project and its potential to cause significant negative environmental impacts, and

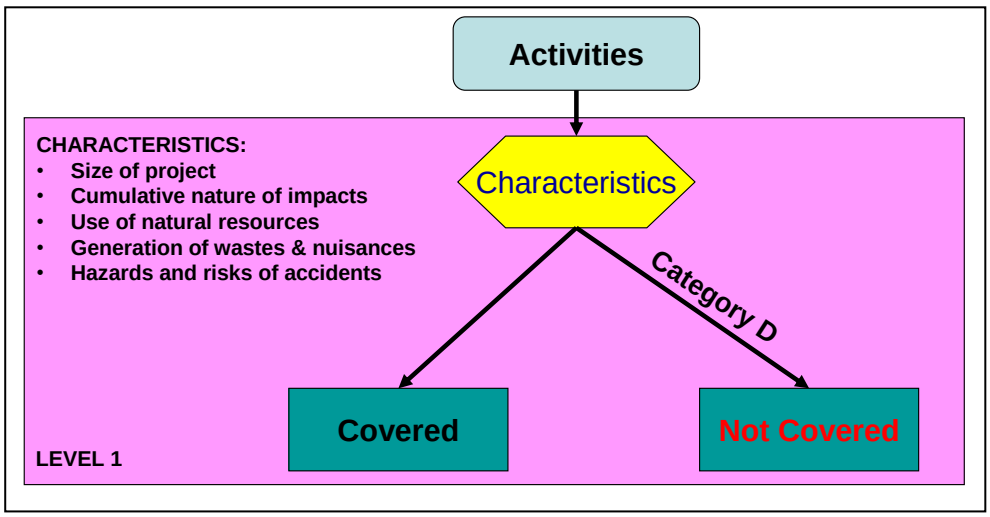
b. The sensitivity or vulnerability of environmental resources in the project area.

The operationalization of these parameters utilizes three sets of specific criteria in order to determine if projects or undertakings are covered by the EIS System. Essentially, DENR uses a two-level screening process to determine the level of coverage of projects or undertakings:

LEVEL 1. The criteria on "*Characteristics of the Project or Undertaking*" is used to determine if a project or undertaking is "**COVERED**" or "**NOT COVERED**".

The criteria (Set A) to determine coverage are as follows:

- Size of the project
- Cumulative nature of impacts vis-à-vis other projects
- Use of natural resources
- Generation of wastes and environmental-related nuisance
- Environment-related hazards and risk of accidents



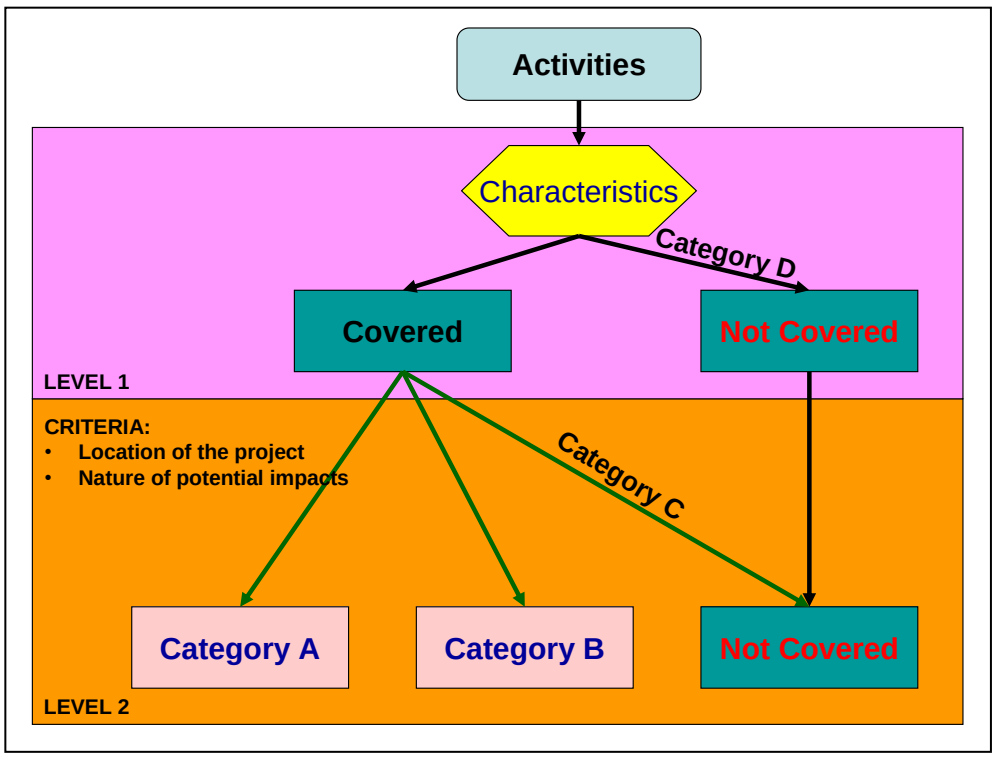
LEVEL 2. After a project is deemed to be covered, it is then classified using the criteria in *Set B* and *Set C* as "**CATEGORY A**", "**CATEGORY B**" or "**CATEGORY C**".

In terms of location of the Project, the criteria (Set B) are:

- Vulnerability of the project area to disturbances due to its ecological importance, endangered or protected status
- Conformity of the proposed project to existing or approved land use
- Relative abundance, quality and regenerative capacity of natural resources in the area, including the impact absorptive capacity of the environment

And for the nature of the potential impact/s, the criteria (Set C) are:

- Geographic extent of the impact and size of affected population
- Magnitude and complexity of the impact
- Likelihood, duration, frequency and reversibility of the project



Based on these operational criteria and procedures, DENR classifies projects or undertakings into the following categories:

a. **Category A**. Environmentally Critical Projects (ECPs) with significant potential to cause negative environmental impacts.

b. **Category B**. Projects that are not environmentally critical in nature, but which may cause negative environmental impacts because they are located in environmentally critical areas (ECAs)

c. **Category C**. Projects intended to directly enhance environmental quality or address existing environmental problems

d. **Category D**. Projects not falling under other categories OR unlikely to cause adverse environmental impacts

Proponents of co-located or single projects that fall under **Category A** or **Category B** are required to secure ECC. For co-located projects or projects in economic zones, the proponent has the option to secure a programmatic ECC. Otherwise, each locator-proponent shall be required to secure individual (project-specific) ECCs.

In general, ECC applications for projects under **Category A** or **Category B** shall be based on an EIS or IEE Report, respectively. However, in cases where the IEE Report fails to address all environmental issues or concerns, the application may be upgraded to an EIS Report. While proponents for projects classified as **Category C** are required to submit *Project Description* for issuance of *Certificate of Non-Coverage*.

A **Category D** is considered as outside the purview of the Philippine EIS System, and shall be issued *Certificate of Non-Coverage* or CNC upon request by the proponent. However, DENR-EMB may require such projects or undertakings provide additional environmental safeguards as it may deem necessary.

> Projects or undertakings introducing new technologies or processes (including but not limited to construction techniques) that have indeterminate environmental impacts will be required to submit a Project Description. The submission shall then be used by DENR-EMB as basis for screening and the determination of its category.

Table 2-1 provides a summary of the categorization of various projects or undertakings. DENR-EMB will continually update the list to include other industry groups, undertakings, activities and project not included in the list. Such updating will be in coordination and consultation with the DTI, DOST, other pertinent government agencies and stakeholders.

2.1 Technical Definitions of Environmentally Critical Projects

In accordance with *Presidential Proclamation No. 2146, series of 1981* and *Proclamation No. 803 (Series of 1996)*, the four (4) main categories of ECPs are (1) *heavy industries*; (2) *resource extractive industries*; (3) *infrastructure projects* and (4) *golf course projects*. Classified as **Category A** under DAO 2003-30, projects under this category are required to secure an ECC prior to implementation.

Under each category, there are sub-categories of ECPs. These sub-categories are, however, not exclusive and may be further re-defined by the DENR-EMB from time to time. Rapid technological advancement makes it impossible to name all potential projects that may have significant negative impact on the environment. In exercising its sound judgment and discretion, the DENR shall apply a liberal interpretation of the law on coverage.

> The numerical thresholds or criteria for the determination of category are contained in ***Table 2.1*** at the end of this section.

Taking into consideration the rationale of the EIS System, it shall use the "*significant impacts on the quality of the environment*" test as stated in PD 1152 and PD 1586. In order to guide project proponents, the following sub-category of projects and undertakings shall be considered as an ECP:

A. Heavy Industries

1. Non-Ferrous Metal Industries

"Non-ferrous metal industries" shall refer to the organized and coordinated arrangement of manufacturing processes designed to prepare, smelt, process or recycle non-ferrous metals into marketable products.

This classification shall include projects characterized by any of the following specifications:

- Classified as large-scale industrial plants under the implementing rules and regulations of LOI no. 950;
- Having a designated annual rated capacity equal to or exceeding 3,000 metric tons product; and
- Will process toxic non-ferrous metals such as cadmium, chromium, and lead.

2. Iron and Steel Mills

"Iron and steel mill projects" shall refer to the organized and coordinated arrangement of manufacturing processes designed to prepare or smelt or process iron ores, steel scraps or primary iron and steel mill products into marketable products except when process involves reheating or resizing only.

The following projects or undertaking falls under this category:

- Classified as a large-scale industrial plants under the implementing rules and regulations of LOI no. 950; and
- Having a designated annual rated capacity equal to or exceeding 30,000 metric tons products.

3. Petroleum and Petrochemical Industries

"Petroleum and Petrochemical Industries" shall refer to the organized and coordinated arrangement of manufacturing processes designed to physically and/or chemically transform petroleum and its derivatives into marketable products.

The following projects or undertaking falls under this category:

- Classified as large-scale industrial plants under the implementing rules and regulations of LOI no. 950;
- Refineries with designated capacities equal to or exceeding 30,000 barrels of petroleum per year; and
- Petrochemical industry projects with designated annual rated capacities of 30,000 tons.

4. Smelting Plants

"Smelting plant projects" shall refer to the organized and coordinated arrangement of manufacturing processes designed to smelt metals or alloys and cast the same into some special form.

- Classified as large-scale industrial plants under the implementing rules and regulations of LOI no. 950;

- Having a designated annual rated capacity equal to or exceeding 15,000 metric tons raw materials; and
- Will process toxic non-ferrous metals such as cadmium, chromium, and lead.

B. Resource Extractive Industries

1. Major Mining and Quarrying Projects

Major mining and quarrying projects shall refer to projects involving the extraction and processing of metals, metalliferous ores, fuel, precious stones, clays, fertilizers and other earth-based materials on a commercial scale and are characterized by any or a combination of the following:

- Ore-processing by cyanidization, flotation, mechanized grinding and/or crushing, magnetic separation and or mechanized gravity concentration. This also included mineral processing involving the establishment of a manufacturing plant (e.g. cement, other cement products, clinker, limestone and other non-metallic minerals processing plant);
- Utilization of the open-pit ,method with mechanical operations and/or blasting;
- Underground mining using blasting and/or mechanized extraction;;
- Marine or off-shore mining (including extraction of coal, deuterium, oil and gas); and
- Extraction of oil and gas (on-shore).

Without prejudice to the supplemental guidelines that may be issued by the DENR Secretary, it is noted that the New Mining Act of 1995 (Republic Act No. 7942) and DENR Administrative Order 96-40 implementing the New Mining Law specifically provides for projects or project phases that require the issuance of an ECC.

Section 70 of Republic Act No. 7942 (RA 7942) clearly states that, "*Except during the exploratory period of a mineral agreement, or Financial or Technical Assistance Agreement, or exploratory permit, an Environmental Compliance Certificate is required based on the EIA system and the Local Government Code.*"

The Implementing Rules and Regulations of the New Mining Act (DAO 96-40) further clarified that an ECC is no longer required *during the exploratory phase* of major mining projects. In lieu thereof, mining proponents are required to submit before the Mines and Geo-Sciences Bureau (MGB) an Environmental Work Program (EWP). Furthermore, coal exploration is not covered by this provision of DAO 96-40.

In all other phases and prior to the development, construction and utilization of resources covered by applications for mineral agreements and financial or technical assistance agreements (FTAA), the issuance of an ECC is required. The ECC shall be the basis for the consequent preparation of the project's Environmental Protection and Enhancement Program (EPEP) under DAO 96-40.

An ECC is similarly required before any quarrying activity, or any extraction, removal and disposition of sand and gravel, or guano and gemstone resources may be undertaken by its proponent/s.

Proponents of projects that require the use of sand (e.g., beach sand, white sand, coral sand, etc.) such as golf courses, theme parks, malls are required to show proof that the suppliers of such sand have the necessary ECCs to cover their operations. Furthermore, proponents must also certify that the sources of sand are duly designated areas for sand quarrying.

2. Forestry Projects

Current guidelines for major forestry projects, such as those involving applications for Industrial Forestry Management Agreements (IFMAs), Socialized Industrial Forestry Management Agreements (SIFMAs), and other community-based forestry projects expressly require the issuance of an ECC prior to commencement of these projects.

Logging Projects

Logging projects shall refer to the cutting and commercial scales.

Major Wood Processing Projects

Major Wood Processing shall refer to the processing of logs and other forest raw materials into finished or semi-finished products.

This classification shall include, among others:

i.) Sawmills;

ii.) Wood manufacturing/processing plants producing veneer, plywood, wall board, blockboard, crates, etc.;

iii.) Pulp and paper mills

Introduction of Flora and Fauna in Public/Private Forests

This shall refer to the introduction of exotic species of flora and fauna to private or public forests.

Forests Occupancy

This shall refer to the occupancy of people residing within public forests for livelihood purposes and associated management projects.

Extraction of Mangrove Products

This shall refer to the cutting and gathering of mangrove timber and its products.

Grazing Projects

This shall refer to the management of forest range resources for forage productivity needed to support livestock production.

Grazing projects shall be considered critical if such will exceed the natural grazing capacities of the areas involved (1 head/hectare), as specified by MNR A.O. No. 50 (1982).

3. Dikes for/and Fishpond Development Projects

This refers to natural or artificial water impoundment involving construction of dikes, establishment of fishcages and similar undertakings for aquaculture purposes or salt production.

Fishpond development projects shall be considered critical if such will involve utilization of areas equal to or greater than 25 hectares for inland-based (e.g. lakes,

rivers, bays, etc.) or utilization of areas equal to or greater than 100 hectares for projects in water bodies (coastal areas)

C. Infrastructure Projects

1. Major Dams

This shall refer to all impoundment structures and appurtenances with storage volumes equal to or exceeding 20 million cubic meters.

2. Major Power Plants

This refers to power generating plants, transmission and distribution systems (substations) utilizing, or run by, fossil fuels, geothermal resources, natural river discharge, pondage or pump storage.

3. Major Reclamation Projects

This refers to projects which involve the filling or draining of areas (foreshore, marshes, swamps, lakes, rivers, etc.) equal to or exceeding 50 hectares.

4. Major Roads and Bridges

This refers to the construction, significant extension, expansion, widening or improvement of all national roads and bridges and any significant extension or improvement thereof which will:

i.) Traverse any highly developed urban area(s);

ii.) Affect the hydrology of the traversed area(s); and

iii.) Substantially increase or impede traffic flow.

D. Golf Course Projects

This refers to all golf course projects, whether established as a single component or as part of a recreation or other facilities. It should be noted that projects or portions thereof, although with separate EIS submissions, will be evaluated as an integrated project for the purpose of determining or categorizing as ECP. For example, a hotel complex with an 18-hole golf course shall be treated as “one” ECP.

2.2 Technical Definitions of Environmentally Critical Areas

In accordance with *Presidential Proclamation No. 2146, series of 1981*, there are twelve (12) main categories of ECAs. Projects located in ECAs are classified as **Category B** under DAO 2003-30, and are required to secure an ECC prior to implementation. As in the case of ECPs, the DENR is also expected to exercise its sound judgment and sound discretion in determining which projects are located within ECAs. In exercising such function, the DENR shall apply a liberal interpretation of the law on coverage, taking into consideration the rationale of the EIS system, and shall use the “significant impacts on the quality of the environment” test under PD 1152 and PD 1586.

An area is environmentally critical under Section 1.0 (b), Article II of DAO 96-37 if it exhibits **any** of the following characteristics:

A. Areas declared by law as national parks, watershed reserves, wildlife preserves, and sanctuaries

The laws referred to by this provision are Pres. Decree No. 705, as amended, otherwise called as the "Revised Forestry Code", Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act, and other issuances including international commitments and declarations.

A "*national park*" is defined under Section 4(c) of the NIPAS Act as "a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such area."

A "*wildlife sanctuary*" is defined under Section 4(m) of the NIPAS Act as "an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulations for their perpetuation."

All other protected areas covered by NIPAS shall likewise be included in this category.

B. Areas set aside as aesthetic, potential tourist spots

Aesthetic potential tourist spots shall refer to areas declared and reserved by the Department of Tourism or other appropriate authorities for tourism development.

C. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna)

This refers to wilderness areas and areas such as Mt. Bako, Mt. Apo, etc., which are natural habitats of endangered or threatened, rare and indeterminate species of flora and fauna.

1. Indeterminate species shall refer to plant or animal species which are apparently endangered but where data currently available are insufficient for a reliable assessment.
2. Threatened species shall refer to any plant or animal species which is likely to become endangered species within the foreseeable future throughout all or just a significant portion of its range.
3. Rare species shall refer to plant or animal species which are not under immediate threat of extinction but occurs in small numbers.
4. Endangered species shall refer to plant or animal species which are actively threatened with extinction and whose survival are unlikely without protective measures.

D. Areas of unique historic, archeological, geological, or scientific interests

Areas of unique historic, archeological, or scientific interest refer to military and non-military shrines which are of cultural, historical, and scientific significance to the nation.

This classification includes national historical landmarks, geological monuments, and paleontological and anthropological reservations as may be designated or determined by the National Historical Institute, National Museum, National Commission for Culture and the Arts, National Commission on Geological Sciences, and other appropriate authorities.

E. Areas which are traditionally occupied by cultural communities or tribes

This refers to all ancestral lands of National Cultural Communities identified in Sec. 1 of P.D. No. 410 and settlements designed, implemented and maintained by the PANAMIN for national minorities (non-Muslim hill tribes referred to in P.D. No. 719) as may be amended by Republic Act No. 8371 the Indigenous Peoples Rights Act of 1997 (IPRA) and its IRR.

This also refers to all areas that are occupied or claimed as ancestral lands or ancestral domains by indigenous communities, or certified as such (CADC/CALC) pursuant to DENR Admin. Order No. 2, series of 1993 regarding identification and delineation of ancestral land or domain claims.

F. Areas frequently visited and or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.)

The area shall be so characterized if <u>any of the following conditions exist</u>:

1. Areas frequently visited or hard-hit by typhoons

This shall refer to all areas where typhoon signal no. 3 was hoisted for at least twice a year during the last five (5) years prior to the year of reckoning. For example, a determination made in July 1997 will consider the weather records from 1992 to 1996.

2. Areas frequently visited or hard-hit by tsunamis

This shall refer to all coastal zones and offshore areas subjected to an earthquake of at least intensity VII in the Rossi-Forel scale and hit by tsunamis during the period 1638 until year of reckoning. For example, a determination made in December 1997 will consider records from 1638 to 1997.

3. Areas frequently visited or hard hit by earthquakes

This shall refer to all areas subjected to earthquakes of at least intensity VII in the Rossi-Forel scale during the period 1949 until the year of reckoning.

4. Storm surge-prone areas

This refers to all areas identified as such by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA).

5. Flood-prone areas

This shall refer to low-lying areas usually adjacent to large active water bodies experiencing regular or seasonal inundation as a result of changes in mean water level of these water bodies.

6. Areas prone to volcanic activities

This refers to all areas identified as such by Philippine Institute of Volcanology and Seismology (PHIVOLCS).

7. Areas located along fault lines or within fault zones

This refers to all areas identified as such by Philippine Institute of Volcanology and Seismology (PHIVOLCS).

8. Drought-prone areas

This refers to all areas identified as such by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA).

For purposes of accuracy, the areas referred to in (F) shall be identified and/or declared as such by appropriate national government agencies such as PAGASA, PHIVOLCS, etc.

G. Areas with critical slope

This shall refer to all lands with slope of 50% or more not classified in this listing as environmentally critical.

This classification shall also cover alienable and disposable forest lands and unclassified forests.

H. Areas classified as prime agricultural lands

Prime agricultural lands shall refer to all irrigated and irrigable areas and other areas mapped under the Network of Protected Areas for Agriculture (NPAA) of the Bureau of Soils and Water Management (BSWM). The NPAA Guide covers all regions of the country and available in a 1:50,000 scale at the Agricultural Land Management and Evaluation Division (ALMED), BSWM.

I. Recharged areas of aquifers

Recharged areas of aquifers shall refer to sources of water replenishment where rainwater or seepage actually enters the aquifers.

Areas under this classification shall be limited to all local or non-national watersheds and geothermal reservations.

J. Waterbodies

Waterbodies shall refer to waters that are tapped for domestic purposes, within the controlled or protected areas declared by the appropriate authorities or which support wildlife and fishery activities.

K. Mangrove Areas

Mangrove areas are tidal areas covered by salt-tolerant, intertidal tree species.

This classification shall refer to areas declared as mangrove swamp forest reserves by Proclamation No. 2152 and mangrove forests declared as wilderness areas by Proclamation No. 2151.

L. Coral Reefs

Coral reefs shall refer to areas characterized by the assemblage of different types of marine plants and organisms.

This classification shall include all areas identified by local sources such as the UP-Marine Sciences Institute, DENR-Coastal Environment Program, etc. to be rich in corals.

2.3 Procedures for Determining Project Categories

As stated, under *Presidential Proclamation No. 2146, series of 1981* and *Proclamation No. 803 (Series of 1996)*, there are four (4) main categories of ECPs, which are classified as **Category A** under DAO 2003-30. In addition, there are twelve (12) main categories of ECAs. Projects located in ECAs are classified as **Category B** under DAO 2003-30. All projects classified under these categories are required to secure an ECC prior to implementation.

For purposes of determining project categories, the following procedures shall apply:

- Project proponent may consult the EMB Central Office or the concerned Regional Office to determine the category of a proposed project or undertaking.
- In cases where the DENR PENRO and/or CENRO have prepared an ECA map or ECA maps, a certificate may be obtained from the applicable office for purposes of determining whether the project site is an ECA or not. It should be noted that PENRO or CENRO units that have not prepared ECA map/s shall not issue any certification related to the determination of ECA coverage.
- In case the project proponent does not agree with the determination of DENR-EMB that the project is located in an ECA, the responsibility to *disprove* such determination is with the project proponent. As such, the project proponent must obtain **ALL** the required certifications from the concerned government agencies that the project site does not fall in any of the 12 ECA categories under the Philippine EIS System.
- Certification/s related to the determination of ECA coverage must come from the competent government agencies. For example, certification/s related to volcanic or earthquake activities from be obtained from PHILVOCS, while certification/s related to typhoons or tsunamis must be obtained from PAGASA.

Projects categorized as **Category C** are intended to directly enhance environmental quality or provide direct mitigation measures to address existing environmental problems, while **Category D** projects are unlikely to cause adverse environmental impacts and shall not be covered by the EIS System. In addition, projects not classified as ECPs nor located in ECAs are also included in **Category D**.

As a general rule, projects that are considered as environmental enhancing or are direct mitigation measures must satisfy any of the following criteria:

- Projects or undertakings that lead to Improvement of environmental quality without the corresponding significant negative environmental impact/s.
- Pollution control devices or similar facilities that are intended to prevent emissions and/or discharges beyond allowable limits (for compliance with Clean Air Act or Clean Water Code). Also included are devices or facilities required under the ECC condition/s of the

"*main*" project. For example, a cement plant is required under its ECC to put up an EP, the construction of the EP would not require a separate ECC.

It should be noted that independent or "*stand-alone*" facilities such as WTP that are intended to cater to the needs of several establishments or locators are not considered as **Category C**. As such, proponents of such facilities need to procure an ECC prior to implementation.

- Preventive or proactive measures against potential natural hazards (such as shore protection, river embankment, etc.)

The indicative list of projects classified under **Category C** includes the following projects or undertakings:

- Seawalls
- Reforestation projects – the inclusion of reforestation project/s in **Category C** shall be based on the recommendation/s and endorsement of FMB and/or PAWB on a case-to-case basis.
- Artificial Reefs
- Embankment
- Riverbanks Stabilization

For **Category D**, the following sub-categories provide the listing and description of projects under this category:

- Projects that were operational prior to 1982. The following guidelines shall be applicable:
  - ✓ The existing process or operation prior to 1982 was not expanded in terms of production capacity (volume of output; number of product lines) or area (the area of expansion is located in an environmentally critical area). For example, an old sugar mill deciding to put up a sugar refinery plant or an alcohol distillery plant as part of its expansion program shall no longer be considered as not covered by the EIS System.
  - ✓ The project had not stopped operation for a continuous period of at least two (2) years since 1982. For example, a fruit processing plant that started operations prior to 1982 but closed in 2002, its resumption of services or operations in 2005 shall be covered by the EIS System.
  - ✓ The technology/production method or manufacturing process/operation used prior to 1982 was not modified. For example, a gold mining company deciding to change its mining method from underground mining to the block caving method shall now be covered by the EIS system.
  - ✓ The existing project facilities or structures prior to 1982 were not changed or added to. It must be noted, however, that the addition or change in facilities or structures will not have significant adverse impact on the environment.

  Project previously not covered by the Philippine EIS System under DAO 21 or DAO 96-37 that were subsequently by a *new* issuance shall be deemed **not covered** if implemented prior to the date of the appropriate issuance. For example, gasoline stations constructed before 1998 (issuance of MC 01 Series of 1998 dated 11 June 1998) are not covered.

  Correspondingly, projects that are previously covered by the Philippine EIS System, but are categorized currently as **Category D** shall be considered as not covered.

- Facilities for service industries that does not emit pollutants except for domestic wastes and occupying a space equal to or less than 2,500 m^2 in urban areas OR one hectare in rural areas.

  Service industry is defined as the sector of economy that supplies the needs of consumers but produces no tangible goods. Examples include information technology services, vehicle emission testing centers, consultancy services, brokerage, trucking, banks, lending institutions, telecommunications and broadcasting towers, trading (of securities, stocks, etc.) business and similar activities.

  Structural integrity of telecommunication and broadcasting towers, including similar structures, is deemed to be under the jurisdiction of the LGUs (in line with the building code requirements). And, radiation concerns are deemed to be under the jurisdiction of DOH.

- Facilities for the *Barangay Micro-Business Enterprises (BMBE) Projects* as defined by R.A. 9178 including similarly-scaled projects with less than PhP 3.0 million capitalization involving only assembly of components, molding, sculpturing, cutting, sewing, knitting, weaving, briquetting and carpentry works. Also included in this category are cottage industries such as manufacture of stuffed toys, handicraft, souvenir items, decorative accessories, paper boxes, rope, twines, throw pillow, etc. However, projects or activities that generate toxic or hazardous materials and/or strong/highly pollutive wastes are covered by the Philippine EIS System.
- Transportation facilities including garage or terminals that do not include service facilities and occupying an area equal to or less than 5,000 m^2.
- Importation or purchase of equipment
- Commercial establishments that sells only non-perishable goods and/or showrooms for motor vehicles and similar products without canteen or food stalls
- Cut-flower industry/projects
- Environmental enhancement/improvement projects such as tree planting in forests or sloping areas (regardless of size)

Annex A contains a more detailed listing of **Category D** projects.

2.4 Technical Requirements

Proponent/s who wish to undertake a project that is considered as an **ECP** (or categorized as **Category A**), regardless of location, must prepare an Environmental Impact Statement (EIS). The EIS is submitted to the EMB as the primary basis for the review and eventual issuance or denial of an ECC by the DENR Secretary. In general, it is the EMB that is responsible for implementing the EIS system for ECPs.

On the other hand, proponents whose projects are located within ECAs (or categorized as **Category B**) are generally required to submit an Initial Environmental Examination (IEE) to the Environmental Impact Assessment Division (EIAD) of the DENR-EMB Regional Office where the ECA and the project are proposed to be situated.

The submission of an IEE, however, does not preclude the DENR-EMB Regional Director (RD) from further requiring the proponent to submit an EIS if necessary. The RD may eventually order the proponent to submit an EIS if the proposed project has high potential to cause significant negative environmental impact/s or is of such scale and magnitude that an EIS becomes a more appropriate document to submit.

Further, proponents of projects within ECAs, for the same reasons as above, may immediately opt to prepare and submit an EIS in lieu of an IEE. In both cases, the IEE or

EIS, as the case may be, will be the primary basis for the review and issuance or denial of ECC by the Regional Director.

The following criteria, among others, shall guide proponents and the DENR-EMB RO in determining whether a project in an ECA will be required to submit an EIS instead of an IEE:

- significant environmental impacts have not been adequately addressed by proposed mitigation and enhancement measures;
- strong public opposition or low social acceptability;
- high risk to public safety, welfare, and health;
- use of significant amount of highly pollutive substances
- production of toxic or hazardous wastes; or
- significant socio-cultural impacts.

The following indicative list provides examples of projects or activities whose proponents are required to submit an EIS instead of IEE:

- Textile, Wood, Rubber, Pulp and Paper Industries – "Textile, Wood, Rubber, Pulp and Paper Industry" shall refer to the organized and coordinated arrangement of manufacturing processes designed to produce marketable products and secondary raw materials from fibers, woods, rubber, paper and similar materials.
- Food and Related Industries – "Food and Related Industry" shall refer to the organized and coordinated arrangement of manufacturing processes designed to produce food, food by-products and beverages from various raw materials sources into marketable goods. The following projects or undertaking falls under this category: sugar mills, distillation and fermentation plants, fruit and vegetable processing, processing of dairy products, Animal products processing (fish/meat processing, canning, slaughterhouses, etc.), food preservation (e.g., drying, freezing) and other methods aside from canning, Leather tanning and related industries, Gelatin, adhesives and other food by-products processing plants, coconut processing plants, and other types of food processing industries.
- Packaging Materials Industries – "Packaging Material Industry" shall refer to the organized and coordinated arrangement of manufacturing processes designed to produce paper, plastics, glass and metal-based packaging materials from various raw materials sources using molding, heating and other mechanical processes only.

On the other hand, non-coverage under the Philippine EIS System means that proponents of projects cited under the foregoing provision are no longer expected to secure an ECC. Those projects that are not covered by the EIS system may be issued a CNC by the EMB or the EMB Regional Office, as the case may be, upon request made by a proponent.

For the listing and the limits to identify the Category of projects, please refer to ***Table 2-1***. While the procedures for securing an ECC or CNC can be found in Section 4.

Projects or Undertakings	Category		
	A	B[1]	D – CNC
A. Heavy Industries			
1. Non-Ferrous Metal Industries			
Classified as large-scale industrial plants under the implementing rules and regulations of LOI no. 950;	=> 3,000 MT tons annual rated capacity of product	<3,000 MT product annual rated capacity of product	=< 1.0 MT annual rated capacity of product but not to exceed 200 MT of product annual rated capacity
Will process toxic non-ferrous metals such as cadmium, chromium, and lead.	=> 3,000 MT tons annual rated capacity of product	<3,000 MT product annual rated capacity of product	Use of toxic chemicals (e.g., Cyanide, cadmium, mercury) =<1 kg/month
2. Iron and Steel Mills			
Organized and coordinated arrangement of manufacturing processes designed to prepare or smelt or process iron ores, steel scraps or primary iron and steel mill products into marketable products except when process involves reheating or resizing only; and Classified as a large-scale industrial plants under the implementing rules and regulations of LOI no. 950	=> 3,000 MT product rated capacity	< 3,000 MT product rated capacity	=< 1.0 MT product rated capacity but not to exceed 200 MT of product annual rated capacity
3. Petroleum and Petrochemical Industries			
Refineries	>= 30,000 barrels annual production capacity	< 30,000 barrels annual production capacity	=< 1.0 barrels annual but not to exceed 200 barrels per year
Petrochemical industry projects	=> 30,000 tons annual production capacity	< 30,000 tons annual production capacity	=< 1.0 tons daily production capacity but not to exceed 200.0 tons per year
Storage of petroleum, petrochemical or related products		EIS: >= 5,000 MT capacity IEE: < 5,000 MT capacity	< 20,000 L capacity
Recycling of oil and other petroleum-based chemicals		EIS: Processing => 10 MT per day IEE: Processing < 10 MT per day	=< 1.0 MT daily processing capacity but not to exceed 200.0 MT per year
4. Smelting Plants	=> 15,000 MT annual rated capacity of raw materials OR Use of toxic chemicals >10.0 kg/month	< 15,000 MT annual rated capacity of raw materials OR Use of toxic chemicals < 10.0 kg/month	=< 1.0 MT daily production capacity but not to exceed 200.0 MT per year

[1] **Category B** projects are *projects* or *undertakings* that satisfy these threshold/criteria AND are located in ECA.

Projects or Undertakings	Category		
	A	B[1]	D – CNC
5. Chemical Industries			
Manufacturing, processing and/or storage of hazardous and/or toxic materials		EIS: Use of toxic/hazardous materials >= 1.0 MT per month IEE: Use of toxic/hazardous materials < 1.0 MT per month	Use of toxic/hazardous materials >= 1.0 Kg per month
Surface coating industries (paints, pigments, varnishes, lacquers, anti-fouling coating, printing inks)		EIS: => 30,000 MT annual production capacity IEE: < 30,000 MT annual production capacity	=< 1.0 MT daily production capacity but not to exceed 200.0 MT per year
Manufacture of agrichemicals		EIS: => 30,000 MT annual production capacity IEE:< 30, 000 MT annual production capacity	=< 1.0 MT daily production capacity but not to exceed 200.0 MT per year
Pharmaceutical industries and manufacture of soap and detergents, health and beauty products, and other consumer products.		EIS: >= 50,000 MT annual production capacity IEE: < 50,000 MT annual production capacity	=< 1.0 MT daily production capacity but not to exceed 200.0 MT per year
Manufacture of explosives, propellants and toxic chemical agents.		EIS: >= 5 MT daily production capacity IEE: >= 100.0 Kg but < 5 MT daily production capacity	=< 100.0 Kg daily production capacity but not to exceed 2.0 MT per month
B. Resource Extractive Industries			
1. Major Mining and Quarrying Projects			
Mineral or ore-processing	>= 70,000 MT annual processing capacity (inputs)	< 70,000 MT annual processing capacity (inputs)	=< 1.0 MT daily processing capacity (inputs) but not to exceed 200.0 MT per year
Cement, other cement products, clinker, limestone and other non-metallic minerals processing plant.	>= 50,000 MT annual production capacity	< 50,000 MT annual production capacity	=< 1.0 MT daily production capacity but not to exceed 200.0 MT per year
Ceramic industries, manufacture of glass and glass products, manufacture and processing of calcium and other metallic minerals (e.g., copper, lead, zinc, sulfur, silver, magnesium and manganese)	>= 70,000 MT annual production capacity	< 70,000 MT annual production capacity	=< 1.0 MT daily production capacity but not to exceed 200.0 MT per year
Extraction of ores (on shore)			

Projects or Undertakings	Category		
	A	B[1]	D – CNC
• Open pit method with mechanical operations, blasting or combinations thereof	Regardless of capacity or area		
• Other methods	>= 150,000 MT per annum OR Mining area >= 25 hectares	<150,000 MT per annum AND Mining area < 25 hectares	=< 1.0 MT daily production capacity but not to exceed 200.0 MT per year
Limestone quarry and extraction of sand, stone and gravel and other non-metallic Minerals	>= 75,000 MT per annum OR Quarry area >= 20 hectares	<75,000 MT per annum AND Quarry area < 20 hectares	
Off-shore mining (including extraction of deuterium, oil and gas)	Regardless of capacity or area		
Coal mining	Regardless of capacity or area		
Extraction of Oil and Gas (on- shore)			
• Extraction of oil	>= 4,000 barrels (or equivalent) per day extraction rate	< 4,000 barrels (or equivalent) per day extraction rate	
• Extraction of gas	>= 250,000 cubic meters per day extraction/production rate	< 250,000 cubic meters per day extraction/production rate	
2. Forestry Projects			
Logging Projects	Cutting of trees equivalent to >= 5,000 cubic meters	Cutting of trees equivalent to < 5,000 cubic meters	Cutting of < 20 trees in an area < 5 hectares outside critical slopes
Major Wood Processing Projects	>4,000 cubic meters (equivalent) of product per year	>1,000 – 4,000 cubic meters (equivalent) of product per year	Less than on equal to 1,000 cubic meters (equivalent) of product per year
Pulp and Paper Industries	=> 50,000 MT annual production capacity	< 50,000 MT annual production capacity	
Introduction of Exotic Flora or Fauna	Regardless of number or area		
3. Dikes for/and Fishpond Development Projects			
Fishery/Aquaculture Projects (inland-based, e.g., lakes, rivers, bays, etc.)	>= 25 hectares	>= 1 hectare but < 25 hectares	< 1 hectare
Fishery/Aquaculture Projects in water bodies (coastal areas)	>= 100 hectares	>= 1 hectare but < 100 hectares	< 1 hectare
C. Infrastructure Industries			
1. Major Dams	Reservoir (flooded area) >= 25 hectares OR >= 20 million cubic meters capacity	Reservoir (flooded area) < 25 hectares AND < 20 million cubic meters capacity	
2. Major Power Plants			

Projects or Undertakings	Category		
	A	B[1]	D – CNC
Gas-fired thermal power plants	>= 50.0 MW rated capacity	>= 10.0 MW but < 50.0 MW rated capacity	< 10.0 MW rated capacity
Other thermal power plants (e.g., diesel, bunker, coal, etc.)	>= 30.0 MW rated capacity	>= 5.0 MW but < 30.0 MW rated capacity	< 5.0 MW rated capacity
Waste-to-energy projects including biogas projects	>= 50.0 MW rated capacity	< 50.0 MW rated capacity	
Geothermal facilities	>= 50.0 MW generating capacity	>= 1.0 MW but less than 50.0 MW generating capacity	< 1 MW generating capacity
Hydropower facilities	Impounding >= 20 million cubic meters	Impounding < 20 million cubic meters	Run-of-river system
Renewable energy projects such as ocean, solar, wind, tidal power and fuel cell (for biogas and waste-to-energy projects refer to above)		**EIS:** >= 100 MW rated capacity **IEE:** >= 5 MW but < 100 MW rated capacity	< 5 MW rated capacity
3. Major Reclamation Projects	>= 50 hectares	< 50 hectares	
4. Major Roads and Bridges			
Bridges and viaducts, new construction	>= 10.0 Km	>= 80 m but < 10.0 Km	< 80 m
Bridges and viaducts, rehabilitation/Improvement		>= 50% increase in capacity (or in terms of length/width)	< 50% increase in capacity (or in terms of length/width)
Roads, new construction	>= 20.0 Km (no critical slope) >= 10.0 Km (with critical slope)	< 20.0 Km (no critical slope) < 10.0 Km (with critical slope)	Farm-to-market roads of < 2 Km
Roads, rehabilitation/Improvement		>= 50% increase in capacity (or in terms of length/width)	< 50% increase in capacity (or in terms of length/width)
Elevated roads, flyover/cloverleaf/interchanges		Regardless of size	
Tunnels and sub-grade roads and railways	>= 1.0 Km	< 1.0 Km	
Pedestrian passages		Underpass	Overpass
On-grade railway system	New railways	Rehabilitation of railways	
5. Major Ports and Harbors			
Airports		EIS: New projects OR major improvements (>= 50% extension/widening of runway) IEE: Minor improvements (< 50% extension/widening of runway) OR Private airstrip	Repair and rehabilitration of existing facilities (no expansion)

Projects or Undertakings	Category		
	A	B[1]	D – CNC
Causeways, Ports and harbors, new		EIS: >= 15.0 hectares reclamation OR >= 25.0 hectares (w/o reclamation)	
		IEE: < 15.0 hectares reclamation OR < 25.0 hectares (w/o reclamation)	
Causeways, Ports and harbors, expansion or improvements		EIS: >= 5.0 hectares reclamation OR >= 10.0 hectares (w/o reclamation)	< 1.0 hectares (w/o reclamation)
		IEE: < 5.0 hectares reclamation OR >= 1.0 hectares but < 10.0 hectares (w/o reclamation) [for Ro-Ro Projects: proponent can use the prescribed IEE Checklist]	
6. Irrigation, Water Supply or Flood Control Projects			
Water Supply Systems		**EIS:** more than six production wells and other systems (e.g., infiltration gallery, etc.)	
		IEE: six or less production wells	
Water Supply System (Distribution only)		Level III	Level II and Level I
Irrigation System (distribution system only)		**EIS:** >= 1,000 hectares service area	< 300 hectares service area
		IEE: < 1,000 hectares service area	
Impounding System or Flood Control Project		**EIS:** Reservoir (flooded area) >= 25 hectares	
		IEE: Reservoir (flooded area) < 25 hectares	

Projects or Undertakings	Category		
	A	B[1]	D – CNC
7. Pipelines			
Fuel pipelines		EIS: Length >= 25 kilometers IEE: Length < 25 kilometers	
Other pipelines		EIS: Length >= 50 kilometers IEE: Length < 50 kilometers	
8. Waste Management Projects			
Sanitary landfill for domestic wastes only		EIS: >= 1,000 MT daily capacity IEE: < 1,000 MT daily capacity	
Landfill for industrial and other wastes		EIS: Multi-users IEE: Single-user	
Materials Recovery Facilities		with composting facilities (see category of composting below))	Segregation only
Hazardous waste treatment, recycling, and/or disposal facilities (for recycling of lead, see details in *Heavy Industries*)		EIS: >= 10.0 MT per year capacity IEE: < 10.0 MT per year capacity	
Industrial and hospital waste (non-hazardous) materials treatment facilities		EIS: >- 50.0 cubic meters per day IEE: < 50.0 cubic meters per day	
Domestic wastewater treatment facility		EIS: >= 5,000 cubic meters daily capacity IEE: < 5,000 cubic meters daily capacity	< 30 cubic meters daily capacity
Receiving facilities, paper and plastic recycling		EIS: >= 300,000 MT per annum to be treated IEE: < 300,000 MT per annum to be treated OR involve use of chemicals	involve manual or mechanical processes only
Compost/fertilizer making		>= 15 MT daily capacity or 5,475 MT annual capacity	< 15 MT daily capacity or 5,475 MT annual capacity
D. Golf Course Projects			

Projects or Undertakings	Category		
	A	B[1]	D – CNC
Golf course projects/complex	>= 9 hole golf course	< 9 hole golf course	
E. Other Projects			
1. Buildings and other structures			
Family dwellings/apartment type			Regardless of area
Motels, Hotels, Condominium/Apartelles (residential) Commercial, [Business centers with residential units (mixed use), malls, supermarkets]		**EIS:** >= 25,000 square meters (gross/total floor area including parking and other areas) **IEE:** >= 10,000 square meters but < 25,000 square meters (gross/total floor area including parking and other areas)	< 10,000 square meters (gross/total floor area including parking and other areas) OR Kiosk-type or mobile fastfoods
Commercial, [office spaces only] Institutional and other related facilities: religious, government, and educational		**EIS:** >= 50,000 square meters (gross/total floor area including parking and other areas) **IEE:** >= 15,000 square meters (gross/total floor area) but < 50,000 square meters (gross/total floor area including parking and other areas)	< 15,000 square meters (gross/total floor area including parking and other areas)
Institutional and other structures with laboratory facilities		Regardless of size or area	
Institutional and other related facilities: medical facilities		**EIS:** Tertiary hospitals or medical facilities **IEE:** Secondary or primary hospitals or medical facilities	Clinics (out-patient, health centers, dental clinics) including rural health units
Storage facilities, non-toxic/hazardous materials		>= 10,000.0 square meters (gross/total floor area)	< 10,000.0 square meters (gross/total floor area including parking and other areas)
Storage facilities, toxic or hazardous materials		**EIS:** >= 1,000 MT capacity **IEE:** < 1,000 MT capacity	< 100 Kg capacity
Subdivision and housing projects, resettlement projects and other similar (horizontal) land development projects		**IEE:** >= 10 hectares **IEE Checklist:** < 10 hectares	
Cemetery, crematorium, etc.		>= 5.0 hectares	< 5.0 hectares, OR funeral parlors, crematorium, columbarium
2. Agricultural Projects			

Projects or Undertakings	Category		
	A	B[1]	D – CNC
Livestock projects (Note: Only Contract growing is covered by the Philippine EIS System. Other livestock projects are deemed to be under the jurisdiction of the concerned LGU/s)		**EIS:** >= 100,000 heads poultry/birds OR >= 1,000 heads pigs/goats	< 10,000 heads poultry/birds OR < 100 heads pigs/goats
		IEE: >= 10,000 heads but < 100,000 heads poultry/birds OR >= 100 heads but < 1,000 heads pigs/goats	
Agricultural plantation		**EIS:** >= 1,000 hectares	< 100 hectares
		IEE: >= 100 hectares but < 1,000 hectares	
Agricultural processing facilities		**EIS:** => 50,000 MT annual production capacity	< 5,000 MT annual production capacity
		IEE: => 5,000 MT but < 50,000 MT annual production capacity	
3. Textile, Wood, Rubber		**EIS:** => 50,000 MT annual production capacity	
		IEE: < 50,000 MT annual production capacity	
4. Food and Related Industries			
Sugar Mills		**EIS:** => 50,000 MT annual production capacity	
		IEE: < 50,000 MT annual production capacity	
Distillation and Fermentation Plants		**EIS:** => 50,000 MT annual production capacity	
		IEE: < 50,000 MT annual production capacity	
Fruit and vegetable processing		**EIS:** >= 500 Kg daily processing capacity	
		IEE: < 500 Kg daily processing capacity	
Processing of dairy products		**EIS:** >= 100,000 L (liquid) OR >= 100,000 Kg (solid) monthly production capacity	
		IEE: < 100,000 L (liquid) OR < 100,000 Kg (solid) monthly production capacity	

Projects or Undertakings	Category		
	A	B[1]	D – CNC
Coconut processing plants		**EIS:** >= 25,000 MT per month production capacity	
		IEE: < 25,000 MT per month production capacity	
Animal products processing (fish/meat processing, canning, slaughterhouses, etc.)		**EIS:** >= 10,000 Kg daily production capacity	< 500 Kg daily production capacity
		IEE: >= 500 Kg but < 10,000 Kg daily production capacity	
Food preservation (e.g., drying, freezing) and other methods aside from canning			Regardless of capacity (please see coverage under *building and other structures*)
Other types of food (and other food by-products, additives, etc.) processing industries		**EIS:** >= 50,000 MT annual production capacity (finished product)	
		IEE: < 50,000 MT annual production capacity (finished product)	
Leather and related industries		>= 1 MT raw hides per day (or 25 MT per month)	< 1.0 MT per day (or 25 MT per month)
5. Packaging Materials Industries			
Paper and plastic based products		>= 15,000 MT annual production capacity	< 15,000 MT annual production capacity
Glass-based products		>= 60 MT daily production capacity	< 60 MT daily production capacity
Metal-based products		>= 30 MT daily production capacity	< 30 MT daily production capacity
6. Tourism Projects			
Resorts and other tourism/leisure projects		**EIS:** >= 25 hectares	10 rooms/units OR 1,000 square meters in land area
		IEE: < 25 hectares	
		IEE Checklist: < 5 hectare	
7. Wildlife Farming or any related projects (as defined by PAWB)		Establishments or facilities for wildlife farming	

3. Documentary Requirements for Proponent

Proponent/s who wish to undertake a project that is considered as an **ECP** (or categorized as **Category A**), regardless of location, must prepare an Environmental Impact Statement (EIS). The EIS is submitted to EMB as the primary basis for the review and eventual issuance or denial of an ECC by the DENR Secretary. In general, it is the EMB-Central that is responsible for implementing the EIS system for ECPs.

On the other hand, proponents whose projects are located within ECAs (or categorized as **Category B**) are generally required to submit an Initial Environmental Examination (IEE) to the Environmental Impact Assessment Division (EIAD) of the DENR-EMB Regional Office where the ECA and the project are proposed to be situated.

Non-coverage under the Philippine EIS System means that proponents of projects categorized as **Category C** or **Category D** are no longer expected to secure an ECC. These projects may be issued a Certificate of Non-Coverage (CNC) by the EMB-Central or the DENR-EMB RO, as the case may be, upon request made by a proponent.

Table 3-1 summarizes the documentary requirements of proponents based on the type of project. The documents that have to be submitted vary depending on the project category. The technical definitions, as contained in DAO 2003-30, of the various documentary requirement/format are as follows:

- Programmatic Environmental Impact Statement (PEIS) – a documentation of comprehensive studies on environmental baseline conditions of a contiguous area. It also includes an assessment of the carrying capacity of the area to absorb impacts from co-located projects such as those in industrial estates or economic zones (ecozones).
- Environmental Impact Statement (EIS) - the document of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking, including the appropriate mitigating and enhancement measures to address the identified environmental impacts.
- Initial Environmental Examination (IEE) - the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for, non critical projects or undertakings located in an ECA. The IEE replaces the Project Description required under DAO 21, series of 1992.
- Initial Environmental Examination (IEE) Checklist - a short and simplified checklist version of an IEE prescribed by the DENR and required to be filled up by proponents for describing the project's environmental impact and corresponding mitigation and enhancement measures for non-critical projects located in an ECA. The DENR prescribes appropriate corresponding IEE Checklists for different projects with minimal and manageable impacts.
- Programmatic Environmental Performance Report and Management Plan (PEPRMP) – documentation of actual cumulative environmental impacts of co-located projects with proposals for expansions. The PEPRMP should also describe the effectiveness of current environmental mitigation measures and plans for performance improvement.

Table 3-1. Documentary Requirements under DAO 2003-30

CATEGORY		APPLIED TO	DOCUMENTS REQUIRED FOR ECC/CNC APPLICATION
A: Environmentally Critical Projects	**A-1**: New	Co-located projects	Programmatic EIS
		Single Project	EIS
	A-2: Existing and to be expanded (including undertakings that have stopped operations for more than 5 years and plan to re-start, with or without expansion) **A-3**: Operating without ECC	Co-located projects	Programmatic EPRMP
		Single Project	EPRMP
B: Non-Environmentally Critical But located in an ECA	**B-1**:New	Single Project	IEE or IEE Checklist (if available)
	B-2: Existing and to be expanded (including undertakings that have stopped operations for more than 5 years and plan to re-start, with or without expansion) **B-3**: Operating without ECC	Single Project	EPRMP (based on a checklist if available)
		Co-located Project	PEPRMP
C: Environmental Enhancement or Direct Mitigation		Co-located or Single Projects	Project Description
D: Not Covered			Project Description or Proof of Project Implementation prior to 1982 (if applying for CNC)

- Environmental Performance Report and Management Plan (EPRMP) – documentation of the actual cumulative environmental impacts and effectiveness of current measures for single projects that are already operating.
- Project Description (PD) – document, which may also be a chapter in an EIS, that describes the nature, configuration, use of raw materials and natural resources, production system, waste or pollution generation and control and the activities of a proposed project. It includes a description of the use of human resources as well as activity timelines, during the pre-construction, construction, operation and abandonment phases. It is to be used for reviewing co-located and single projects under **Category C** as well as for **Category D** projects.

3.1 Documentary Requirements for Category A Projects

Under DAO 2003-30, there are two major groups of projects under **Category A** or Environmentally Critical Projects: New Projects and Existing Projects. The documentary requirements for these categorizations are as follows:

A. New Projects (Category A-1)

1. Co-located Projects

Co-located projects/undertakings is defined under DAO 2003-30 as projects, or series of similar projects or a project subdivided to several phases and/or stages by the same proponent, located in contiguous areas.

The document required is a **Programmatic EIS** based on an eco-profile and focused on the most critical environmental parameters. The Programmatic EIS should be submitted to the EMB Central Office and reviewed by an EIA Review Committee (EIARC) and endorsed by the EMB Director. The approving authority will be the DENR Secretary. The maximum processing time in deciding to grant or deny an ECC is 180 working days after the PEIS had been accepted by DENR-EMB.

At the minimum, the PEIS shall contain the following:

- Executive Summary;
- Summary matrix of scoping agreements as validated by EMB;
- Project Description
- Eco-profiling of air, land, water, and relevant people aspects;
- Environmental carrying capacity analysis;
- Environmental Risk Assessment (if found necessary during scoping);
- Environmental Management Plan to include allocation scheme for discharge of pollutants; criteria for acceptance of locators, environmental management guidebook for locators, and environmental liability scheme;
- Duties of the Environmental Management Unit to be created;
- Proposals for Environmental Monitoring & Guarantee Funds and terms of reference for the Multi-partite Monitoring Team, and
- Accountability Statements of the preparer and the proponent.

For more details on the requirements in the preparation of the PEIS, please refer to the *Administrative and Technical Procedural Guidebook for Programmatic EIS Compliance*.

2. Single Projects

The document required is an **Environmental Impact Statement (EIS)**. The EIS should be submitted to the EMB Central Office, to be reviewed by an EIA Review Committee (EIARC), and endorsed by the EMB Director to the approving authority (DENR Secretary). The maximum processing time in deciding to grant or deny an ECC is 120 working days after the EIS had been accepted by DENR-EMB.

At the minimum, the EIS shall contain the following:

- EIS Executive Summary;

- Scoping report identifying critical issues and concerns, as validated by the EMB;
- Project Description;
- Baseline environmental conditions focusing on the sectors (and resources) most significantly affected by the proposed action;
- Impact assessment focused on significant environmental impacts (in relation to project construction/commissioning, operation and decommissioning), taking into account cumulative impacts;
- Environmental Risk Assessment (if determined by EMB as necessary during scoping);
- Environmental Management Program/Plan;
- Supporting documents, including technical/socio-economic data used/generated; certificate of zoning viability and municipal land use plan; and proof of consultation with stakeholders;
- Proposals for Environmental Monitoring and Guarantee Funds including justification of amount, when required;
- Accountability statement of EIA consultants / preparers and the project proponent; and
- Other clearances and documents that may be determined and agreed upon during scoping.

The details of the recommended format for an EIS are presented in ***Annex B***.

B. Existing Projects for Expansion (Category A-2 and A-3)

This sub-category, **A-2** and **A-3**, covers all projects that are currently existing and operating with plans for expansion. Also included in the sub-category are projects or undertakings that have stopped operations for more than 5 years and plan to re-start, with or without plans for expansion. Under sub-category A-3 are facilities that are operating without ECC – who may apply for ECC without prejudice to sanctions/penalties that may be imposed by DENR.

1. Co-located Projects

Co-located projects/undertakings is defined under DAO 2003-30 as projects, or series of similar projects or a project subdivided to several phases and/or stages by the same proponent, located in contiguous areas.

The document required is a **Programmatic Environmental Performance Report and Management Plan (PEPRMP)**. Similar to the PEIS, the PEPRMP should be submitted to the EMB Central Office and reviewed by an EIA Review Committee (EIARC) and endorsed by the EMB Director to the approving authority (DENR Secretary). The maximum processing time in deciding to grant or deny an ECC is 120 working days after the PEPRMP had been accepted by DENR-EMB.

At the minimum, the PEPRMP shall contain the following:

- Project description of the co-located projects;
- Documentation of the actual environmental performance based on current/past environmental management measures implemented, and
- An EMP based on an environmental management system framework and standard set by EMB.

The PEPRMP should present the actual cumulative environmental impacts of co-located projects with the proposed expansions. The PEPRMP should also describe the effectiveness of current environmental mitigation measures and plans for performance improvement. ***Annex C*** presents the suggested outline, format and contents of a PEPRMP.

2. Single Projects

The document required is an **Environmental Performance Report and Management Plan (EPRMP)**. Similar to the EIS, the EPRMP should be submitted to the EMB Central Office and reviewed by an EIA Review Committee (EIARC) and endorsed by the EIA Division Chief to the approving authority (EMB Director). The maximum processing time in deciding to grant or deny an ECC is 90 working days after the EPRMP had been accepted by DENR-EMB.

At the minimum, the EPRMP shall contain the following:

- Project description;
- Baseline conditions for critical environmental parameters;
- Documentation of the actual environmental performance based on current/past environmental management measures implemented;
- Detailed comparative description of the proposed project expansion and/or process modification with corresponding material and energy balances in the case of process industries; and
- An EMP based on an environmental management system framework and standard set by EMB.

Annex D presents the suggested outline, format and contents of an EPRMP. It should be noted that the proponent may submit an EMS-based EMP in lieu of an EPRMP as provided for in DAO 2003-30.

3.2 Documentary Requirements for Projects Located in Environmentally Critical Area/s

This section covers projects that are not classified as **Category A** but are located in environmentally critical area/s. Under DAO 2003-30, there are two major groups of projects under **Category B**: New Projects and Existing Projects. The documentary requirements for these categorizations are discussed in the succeeding sections.

A. New Projects (Category B-1)

1. Initial Environmental Examination (IEE) Report

The document required is an **Initial Environmental Examination (IEE) Report**. The IEE Report should be submitted to the EMB Regional Office where the proposed project is to be located. The review shall be undertaken by the EIA Division and endorsed by the EIA Division Chief. The approving authority will be the DENR-EMB Regional Director. The maximum processing time in deciding to grant or deny an ECC is 60 working days after the IEE Report had been accepted by DENR-EMB.

The submission of an IEE, however, does not preclude the DENR-EMB Regional Director (RD) from further requiring the proponent to submit an EIS if necessary. The RD may eventually order the proponent to submit an EIS if the proposed project has

high potential to cause significant negative environmental impact/s or is of such scale and magnitude that an EIS becomes a more appropriate document to submit. Further, proponents of projects within ECAs, for the same reasons as above, may immediately opt to prepare and submit an EIS in lieu of an IEE.

At the minimum, the IEE Report shall contain the following:

- Project description;
- A brief of the environmental setting and receiving environment, including the primary and secondary impact areas;
- A brief description of the project or undertaking and its process of operation;
- A brief description of the environmental impact of the project or undertaking, including its socio-economic impact;
- A matrix of mitigation and enhancement measures;
- A documentation of the consultative process undertaken, when appropriate;
- Other clearances and documents that may be determined and agreed upon during scoping.
- Accountability Statements of the preparer and the proponent.

The recommended format for an IEE Report are presented in ***Annex E***.

2. IEE Checklist Report

In line with the objective of streamlining the Philippine EIS System, the DENR-EMB had developed a number of IEE Checklist Reports. The IEE Checklist Report is a simplified form designed to assist proponent/s of small project/s in complying with the EIS System. The Report, to be accomplished and submitted before undertaking a project, consists of a series of questions that deals with issues and concerns under the EIS system. The questions will also provide the proponents with information on environmental impacts, both positive and negative, which will be caused by the proposed project. As a continuing effort in streamlining the Philippine EIS System, the DENR-EMB shall continue to develop more IEE checklists, including the update of existing ones, with the cooperation of relevant government agencies and/or the private sectors.

The use of an IEE Checklist Report which has been duly adopted by the DENR-EMB shall not require the service or signature of a preparer/s. The proponent's signature in the Report shall be sufficient. The proponent may seek the help of any person to assist in the completion of the Report. DENR personnel may also extend technical assistance by clarifying questions in the IEE Checklist Report. However, the use of an IEE Checklist Report does not, in any way, preclude the DENR-EMB Regional Director from further requiring the proponent to submit a full IEE report or an EIS.

Currently, DENR-EMB has the following available IEE Checklist Reports for the use of proponent:

- Batching Plant
- Community Based Forest Resources Utilization with area of less than 500 hectares
- Gasoline stations

- Housing and land development such as resettlement project, economic and socialized housing project, open market housing, and projects under the Community Mortgage Program with area of 10 hectares and below
- Inland fishery project with water spread area from 1.0 to 10.0 hectares
- Irrigation system (distribution network only) with service area greater than 300 hectares but less than 700 hectares
- LPG storage and refilling (facilities with 5,000 tons or more capacity shall be required to conduct an environmental risk assessment, *please see ERA section for more details*)
- Marble slab processing plant
- Mini-hydropower project with rated capacity of 5 to 30 MW and water impoundment of less than 20 million cubic meters
- Organic fertilizer (composting) facilities with an annual production capacity exceeding 15 MT/day (or 5,475 MT annual capacity)
- Piggery farm with more than 100 heads but less than 500 heads (capacity) of pigs or sows
- Plastic recycling
- Poultry with space/capacity for 10,001 to 50,000 birds
- Power barge with capacity of more than 1 but less than 10.0 MW
- Power transmission lines carrying a voltage of between 138 KV to 230 KV and less than 20 Km in length.
- Private land timber utilization (PLTU) for cutting of more than 20 trees with corresponding volume equivalent between 200 to 1,000 cubic meters in privately titled land of less than 5.0 hectares
- Public market with gross floor area of 10,000 to 20,000 m^2
- Rice mill with more than 1 ton/hr production capacity (without multiple pass)
- Roads construction involving a total length of 2.0 to 10.0 km (if traversing areas with no critical slopes) or 2.0 to 5.0 km (if traversing areas with critical slopes); OR bridges with a total length of 80 m to 5.0 km.
- Sand and gravel quarrying in areas of not more than 5.0 hectares
- Sewage collection, transport, treatment and disposal
- Slaugtherhouse with greater than 500 kg./day production
- Small-scale lime extraction project limited to an area of less than 5.0 hectare or use *beehive* for cooking and simple processing (e.g., classifier)
- (DBP) Sustainable Logistics Development Program's components of cold chain (stationary facilities for storing agricultural products), grain highway, Ro-Ro Facilities (with access road of 2.0 to 5.0 km. if traversing areas with critical slope or 2.0 to 10.0 km if not in critical slope) OR rehabilitation of *small* port facilities.
- Small water impounding project (SWIP) with not more than 20 million cubic meter of impounded water
- Tourism projects (resorts, theme parks or similar establishments) with total land area of 1,000 m^2 to 5.0 hectares (for hotel and inns, please refer to *Building and Other Structures* in ***Table 2-1***).

- Transportation terminal (for buses, jeepneys and other modes of transportation) with total gross floor area of 10,000 m^2 to 20,000 m^2

B. Existing Projects for Expansion (Category B-2 and B-3)

This sub-category, **B-2** and **B-3**, covers all projects (non-ECPs but located in ECA/s) that are currently existing and operating with plans for expansion. Also included in the sub-category are projects or undertakings that have stopped operations for more than 5 years and plan to re-start, with or without plans for expansion. Under sub-category **B-3** are facilities that are operating without ECC – who may apply for ECC without prejudice to sanctions/penalties that may be imposed by DENR.

1. Co-located Projects

Co-located projects/undertakings is defined under DAO 2003-30 as projects, or series of similar projects or a project subdivided to several phases and/or stages by the same proponent, located in contiguous areas.

The document required is a **Programmatic Environmental Performance Report and Management Plan (PEPRMP)**. The PEPRMP should be submitted to the DENR-EMB RO where the projects are located, reviewed by an EIA Review Committee (EIARC) and endorsed by the EIA Division Chief. The approving authority will be the DENR-EMB Regional Director. The maximum processing time in deciding to grant or deny an ECC is 60 working days after the PEPRMP had been accepted by DENR-EMB RO concerned.

At the minimum, the PEPRMP shall contain the following:

- Project description of the co-located projects;
- Documentation of the actual environmental performance based on current/past environmental management measures implemented, and
- An EMP based on an environmental management system framework and standard set by EMB.

The PEPRMP should present the actual cumulative environmental impacts of co-located projects with the proposed expansions. The PEPRMP should also describe the effectiveness of current environmental mitigation measures and plans for performance improvement. ***Annex C*** presents the suggested outline, format and contents of a PEPRMP.

2. Single Projects

The document required is an **Environmental Performance Report and Management Plan (EPRMP)**. Similar to the IEE Report, the EPRMP should be submitted to the DENR-EMB RO concerned, reviewed by the EIA Division and and endorsed by the EIA Division Chief. The approving authority will be the DENR-EMB Regional Director. The maximum processing time in deciding to grant or deny an ECC is 30 working days after the EPRMP had been accepted by DENR-EMB RO concerned.

At the minimum, the EPRMP shall contain the following:

- Project description;
- Baseline conditions for critical environmental parameters;

- Documentation of the actual environmental performance based on current/past environmental management measures implemented;
- Detailed comparative description of the proposed project expansion and/or process modification with corresponding material and energy balances in the case of process industries; and
- An EMP based on an environmental management system framework and standard set by EMB.

Annex D presents the suggested outline, format and contents of an EPRMP.

It should be noted that under Section 5.2.7 of DAO 2003-30, an EMS-based EMP is an option that proponent may undertake in lieu of the EPRMP single projects applying for ECC under category A-3 and B-3.

3.3 Documentary Requirements for Category C and Category D Projects

This section covers projects that are classified as **Category C** (or environmentally enhancement or direct mitigation projects) and **Category D** (or projects not categorized as A, B or C).

The document required is a **Project Description (PD)**. The PD should be submitted to the DENR-EMB RO where the projects are located. The issuing authority is the DENR-EMB Regional Director. The maximum processing time for the issuance of the CNC is 15 working days after the PD had been accepted by DENR-EMB RO concerned.

For projects that were classified as **Category D** on the grounds that the facilities was in operation prior to 1982 (subject to limitations stated in ***Section 2***), the required document is **any proof/s** that project implementation/operation was prior to 1982.

It should be noted that the issuance of CNC for projects contained in the indicative listing in the previous section is ministerial on the part of the DENR-EMB Director or Regional Director. For projects that are not in the indicative listing, the PD shall serve as the basis for screening by DENR-EMB to determine the category of the project.

The **PD** is a document that describes the nature, configuration, use of raw materials and natural resources, production system, waste or pollution generation and control and the activities of a proposed project. It includes a description of the use of human resources as well as activity timelines, during the pre-construction, construction, operation and abandonment phases. The **PD** shall contain the following:

- Description of the project;
- Location and area covered;
- Capitalization and manpower requirement;
- For process industries, a listing of raw materials to be used, description of the process or manufacturing technology, type and volume of products and discharges:
- For **Category C** projects, a detailed description on how environmental efficiency and overall performance improvement will be attained, or how an existing environmental problem will be effectively solved or mitigated by the project, and
- Timelines for construction and commissioning

Annex F presents the suggested outline, format and contents of a PD.

4. EIS System Procedures

This Section discusses the procedures while undergoing the processes of the Philippine EIS System. It shall guide proponents of the steps to be undertaken and the requirements of the system. Likewise, it shall guide implementers on the process and systems of evaluation and assessment. At a higher level, this section will ensure that environmental considerations are incorporated in all phases of project development for projects and programs within the scope of the EIS System through effective use of EIA principles and efficient implementation of the EIS System without being a hindrance to the government's efforts to accelerate economic development.

It should be noted that the *Procedural Manual for DAO 2003-30* contains only the general guidelines and procedures for the implementation of the Philippine EIS System, and should only be treated as a procedural guide by the general public including the proponent, EIA consultants and other concerned entities. In particular, this section deals only with the system procedures focusing on the requirements and the EIS review process. The general framework for the *actual* conduct of the EIA is discussed briefly in ***Section 1***. For more details, there are reference materials that deal mainly with the technical aspects of the EIA study such as: *EIA Technical Manual* produced by the USAID-funded Industrial Environmental Management Project for DENR, the textbook on *Environmental Impact Assessment* by Larry W. Canter, and the numerous technical publications (e.g., handbooks, manuals, guides) of the US Environmental Protection Agency, World Bank, Asian Development Bank, various UN agencies and many others.

4.1 Technical Requirements

This section deals with the technical requirements of the Philippine EIS system that are required for certain projects depending on their characteristics and/or magnitudes. The discussions cover such areas as: *scoping*, conduct of *environmental risk assessment*, and the conduct of *environmental health impact assessment*.

A. Scoping

Scoping is the first **critical step** in the EIS process where most of the key issues and concerns are **IDENTIFIED**, **DISCUSSED**, **CLARIFIED** and **AGREED UPON** by the key actors (like the proponent, preparer, EMB, DENR Regional Office, PENRO, CENRO, LGUs, other national government agencies [NGAs], EIARC and stakeholders) in the EIS system. Scoping is part of the process of assessing social acceptability of the project. It helps the proponent in handling social acceptability, which is a critical requirement in the ECC application. Likewise, it provides a focus for the review process through the agreed scope.

Scoping sets the tone of the EIA process. With scoping, a proponent can determine whether the project will encounter any difficulty in getting the approval or support of the local community. It determines the coverage, focus, depth and extent of environmental assessment to be undertaken and the basis of review. It is initiated

> It should be noted that ***scoping*** is only **mandatory** for projects that are required to submit EIS or PEIS. Projects requiring IEE Reports are not required to undergo the scoping process.
>
> *However, it is to the advantage of the proponent (for projects requiring IEE Reports only) to initiate a **technical scoping** meeting with DENR-EMB RO to guide him in establishing the range of actions to be undertaken, and alternatives and impacts to be examined.*

by the proponent at the earliest stage of project development in order to define and agree on the range of actions and alternatives to be undertaken and impacts to be examined by the various stakeholders.

The scoping process shall be undertaken to:

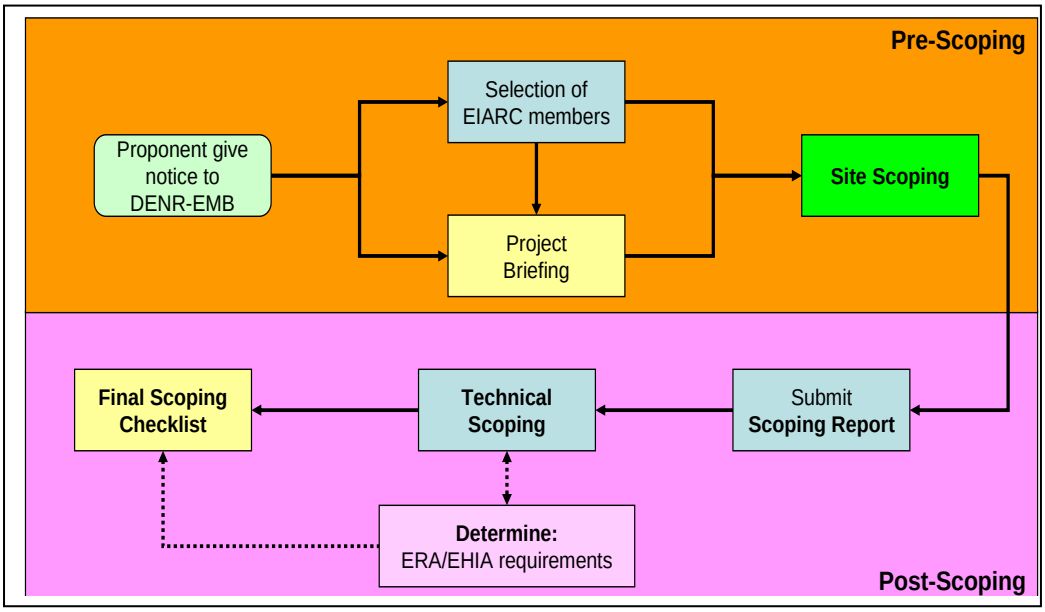
- provide an early link between the DENR and the proponent to ensure that the EIA addresses relevant issues and presents results in a form consistent with the EIA review requirements;
- allow stakeholders to make their concerns known to ensure that the EIA adequately addresses the relevant issues;
- establish an agreement at the outset of the EIA between the proponent, the DENR and the stakeholders on the issues and alternatives to be examined;
- address issues on carrying or assimilative capacity of the environment and identify possible legal constraints or requirements regarding the project proposal;
- determine whether the project or undertaking requires the conduct of environmental risk assessment; and
- determine and agree on the process of dealing with issues relating to social acceptability.

Scoping provides the project proponent an idea of prioritizing and coordinating data sourcing in order to avoid work and data overlaps. It seeks to minimize the need for additional information (AIs) during the review process as the requirements are already determined consistent with the procedural review criteria. ***Annex G*** contains the required format of the ***Scoping Report***.

The general procedures in the conduct of scoping are as follows:

- The proponent initiates the scoping by preparing and submitting a letter-request for scoping to the EMB office concerned.
- Based on the information submitted by the proponent, EMB shall select prospective members of the EIARC. Upon selection, a *project briefing* shall be conducted to orient or brief EMB personnel involved and the EIARC members. The meeting shall also be utilized to discuss technical issues such as the schedule/venue of and participants to be invited to the site scoping among others.
- A site scoping is conducted with key stakeholders in attendance.
- Submission by the proponent of the *Scoping Report*, which is essentially a process documentation of the site scoping.
- After the receipt of the *Scoping Report*, a scoping checklist shall be prepared by the proponent and validated by EMB and members of the EIARC.
- After validation, the *signed* scoping checklist (see ***Annex I***) shall serve as the *scope of the EIA study*.

The schematic flow is presented in the figure below, while the detailed procedures are discussed in the succeeding sections.



1. Pre-Scoping Requirements

The proponent/EIS preparers initiate the conduct of scoping by giving notice to the DENR-EMB or the DENR-EMB Regional Office about a scoping session for the proposed project. At this point, it is strongly recommended that the proponent meets with DENR-EMB for a briefing on the project.

This is done by preparing and submitting a letter-request for scoping accompanied by the following documents:

- ✓ Brief project description
- ✓ Vicinity/location map
- ✓ List of stakeholders to be invited for the site/formal scoping

The proponent/EIS preparers shall submit a minimum of five (5) sets/copies of the documents to DENR-EMB.

DENR-EMB evaluates the submitted documents and validates the completeness of the stakeholder listing. If necessary, DENR-EMB shall request for additional information or copies. The evaluation and assessment shall be completed within five (5) working days. DENR-EMB shall also identify the prospective EIARC members within the same period. At the discretion of DENR-EMB, the assistance of prospective EIARC members may be solicited in validating the list of stakeholders.

If the submitted documents are deemed adequate, EMB shall coordinate with the proponent/EIS preparers and prospective EIARC members to set the schedule of the site/formal scoping session.

It should be noted that the entire scoping is proponent-driven, i.e., it is the proponent who is essentially responsible for the conduct of the scoping process. The role of DENR-EMB shall be to invite the prospective EIARC members through letter/s signed by the Chief of the EIA Division. The proponent/EIS preparers shall be responsible for inviting the stakeholders, and for **all** the preparations and arrangements of the site/formal scoping. All expenses in connection with the site/formal scoping shall likewise be borne by the proponent/EIS preparers.

> The proponent is strongly urged to undertake social preparation to inform concerned stakeholders about the project. The social preparation process may be started by the proponent even before the formal notice to EMB or DENR RO about its intention to initiate the scoping process.
>
> Also, it is to the proponent's advantage that a broad segment of the stakeholders be represented in the scoping session to capture at this early stage the diversity of local concerns and socio-political dynamics. More so, the affected communities should be involved in scoping because it is their right to be informed of proposed changes that will affect them and to participate in decisions that will affect their lives.

The proponent/EIS Preparers distributes the invitation/public notices, prepares the materials to be presented during the session including project description, site development plan, map of the project area and impact zones and a matrix of possible issues and concerns of the project based on the applicable scoping guidelines.

> Ideally, there should only be one (1) formal scoping session in the project site, where all identified participants can effectively interact and share their views, concerns and knowledge on the project. However, in cases where the project area is large, stakeholders are widely dispersed, or if conflict in schedules and cost considerations make the conduct of only one (1) formal scoping session difficult, the proponent has the flexibility to decide and organize several formal scoping sessions to ensure broader participation of concerned stakeholders.

2. Selection of Members of the EIARC

Since the scoping and review processes are crucial points in the EIA process, they require the participation of qualified individuals with proven probity to conduct the review objectively and professionally. The EIARC shall be responsible for undertaking the substantive review of the EIS submitted by the proponent. Below are the general criteria in selecting the resource persons of the EIARC.

- The person shall be a qualified reviewer or has been recommended by an institution with proven expertise/s in the concerned area/field such as the academe, Department of Science and Technology or the Development Academy of the Philippines.
- The person is not a part of the EIA team or firm that prepared the EIS under review, or is not involved, in any way, in the preparation of the study.
- The person's field of expertise is relevant to the project being reviewed.
- The person is not a staff or employee of the concerned national government agency that prepared the EIA document. For example, a person from the Department of Energy should not review an energy

project. The person, however, may be invited as a resource person of the Review Committee.

- The person is neither a present nor previous employee/consultant of the proponent of the project. In the case of previous employee, the person must not have been connected with the company of the proponent for the past year or more.

The selection of EIARC members, including the resource person/s, may be initiated as early as this stage (technical scoping). This will allow the receiving office ample time to convene the EIARC.

3. Conduct of Site Scoping

During the site scoping, the proponent/EIS preparers shall be responsible for **all** the arrangements and requirements during the scoping session. The proponent/EIS preparers shall facilitate the scoping session and records/transcribes the proceedings using photos and attendance sheets, among others. The DENR-EMB representatives and EIARC members shall only be present to serve as witness and to observe the proceedings.

As a guide, the Scoping Session may have the following format or programs of activities:

Registration
National Anthem/Invocation
Welcome/Opening Remarks
Introduction of Participants
Leveling of Expectations
- Objectives of the Session
- Mechanics of the Session

Brief Presentation of the Proposed Project
Conduct of Scoping
- Scoping guidelines
- Matrix 1 (Environmental Parameters to be Considered)
- Matrix 2 (Issues/Impacts/Mitigation Measures)

Plenary/Open Forum/Workshop
Presentation of Workshop Outputs
Synthesis and Integration
Closing Remarks

The entire program may last for two to three hours depending on the discussions during Plenary/Open Forum and Workshop.

The procedures for managing a scoping session may be summarized as follow:

- Open the session with the singing of the national anthem/invocation and introduction of participants.
- Set the proper atmosphere for the session and conduct a leveling of expectations of the participants as to what the scoping aims to achieve from their own perspective. The Facilitator should handle the leveling activity and summarize all expectations raised by the various stakeholders.
- The Facilitator will then discuss the EIA process in general and the objectives of the scoping session in relation to the EIA process.

- The Facilitator will explain the rules and procedures to be observed during the scoping. This will include, among others, the following:
  - ✓ all participants can comment, make clarification or raise questions, issues and concerns pertinent to the project
  - ✓ comments, issues or concerns should be relevant to the project being scoped
  - ✓ there should be no interruptions during the presentation of the project description, except to clarify information which is not clear
  - ✓ comments, issues or concerns should be raised at appropriate time.
  - ✓ the participant raising an issue or concern should properly identify the sector he is representing
  - ✓ a friendly atmosphere and orderly discussion should be maintained during the entire session (ex. no cat calls)
- The first part of the scoping would be the presentation of the project description. The presentation should:
  - ✓ Provide sufficient details to allow the participants to visualize the project and identify possible impacts.
  - ✓ Involve the use of maps and other appropriate presentation materials for better understanding and appreciation of the project.
- After the presentation of the project description, a representative from the EIA preparer will present the map/s showing the various impact zones of the project and the minimum scope of the EIA based on the scoping guidelines for such project.
- For orderly discussion, the Facilitator together with the representative from the EIA preparer, will tackle the major environmental components to be impacted as follows:
  - ✓ physical environment (e.g. geology, soils, topography, water, air, etc.)
  - ✓ biological environment (terrestrial flora/fauna; aquatic ecology, etc.)
  - ✓ socio-economic environment (health, culture, employment, livelihood, displacement, etc.)
- The second part of the scoping would be the discussions on questions, issues/concerns and perceived impacts of the project. All issues/concerns and questions raised will be recorded.
- The Facilitator will then summarize the issues and concerns raised and assess their validity.
  - ✓ The proponent and the EIA preparers will be asked to comment on the issues or concerns raised and
  - ✓ The body will agree on the significant issues or concerns to be included by the EIA study.
- Based on the agreed upon issues or concerns, the Facilitator will direct the discussion to the scope and methodology of the various studies to be undertaken to address the issues/concerns raised. The EIA preparer will be asked to present their plan subject to validation, comments, refinement and affirmation by the body.

- In the area of public participation, the group should already discuss and agree on the manner and mechanics by which the various stakeholders will participate in the EIA process. There are no set rules or procedures for this. It can vary per project depending on several factors, such as the level of commitment and interest of the stakeholders and others.
- The results of the agreed upon scope of the EIA will be summarized by the Facilitator for presentation to the stakeholders.

4. Post-Scoping Activities

Upon conclusion of the site or formal scoping session, the proponent and/or preparers shall submit a *Scoping Report* (1 printed copy + electronic file/copy) to DENR-EMB. The EMB may require the proponent to submit additional copies as necessary. As discussed, the Scoping Report (see ***Annex G*** for the format of the Scoping Report) shall contain the agreed upon *Scoping Matrix* and *Screening Form* as attachments.

As part of the documentation process, the scoping report should contain the *Scoping Matrices* (see ***Annex G*** for the format of the matrices) signed by the stakeholder, EIARC members and the DENR-EMB representative/s who attended the site scoping.

Within five (5) working days of the receipt of the scoping report, the DENR-EMB shall set a schedule for a technical scoping meeting to be attended by the prospective EIARC members.

During the technical scoping, the *scope of the EIA study* shall be finalized by the proponent, preparer/s, prospective EIARC members and the case officer/handler. The agreement shall be in the form of the *scoping checklist* (***Annex I***) to be signed by all parties. The *scope* shall be considered approved if signed by the EIA Division Chief. A copy of the approved *scope* shall be attached to the EIS to be submitted for screening.

In the finalization of the *scope*, the parties shall be guided by the following categorization of information:

- Critical information – critical information must be included in the EIS to serve as basis for decision in the granting or denial of ECC
- Essential information – essential information will allow reviewer to formulate ECC conditions
- Added-value information – added-value information, while not critical nor essential in the ECC decision, are nonetheless indicators of the seriousness and commitment of the proponent with regard to environmental issues.

The scoping checklist, upon approval, shall constitute the formal conclusion of the entire scoping exercise.

> In case of EIS review at the Regional Office level, the *agreed* scope of the EIA shall include the decision on whether a public hearing is required or not.

B. Environmental Risk Assessment

One of the major decision points during the Scoping Process is the determination of the need by the project to undertake an Environmental Risk Assessment (ERA) or not.

As defined by DAO 2003-30, ERA is the use of universally accepted and scientific methods to assess the risks associated with a project. It focuses on determining the and probability of occurrence of accidents and their magnitude (e.g., failure of containment or exposure to hazardous materials or situations.)

An ERA is not an entirely separate assessment but deals with the further analysis of hazards identified in the EIA. It builds upon the EIA such that risks are impacts where the likelihood of occurrence and magnitude of consequences are uncertain.

> The decision of whether to include an ERA in the EIS should be discussed and agreed upon during the scoping activity (i.e., technical scoping). A sound basis for arriving at a resolution would be to refer to experiences elsewhere that have similar materials, processes and conditions.

It should be noted that the ERA, within the context of Philippine EIS System, is concerned primarily with safety risks (characterized by low probability, high consequence, accidental nature and acute effects [human safety focus]). In contrast, geological risks are covered by the EGGAR requirement. While, health risks (characterized by high probability, low consequence, ongoing or continuing exposure and chronic effects [human health focus]) are assessed in the *environmental health impact assessment*.

This section deals only with system procedures of the ERA requirements. Technical guidelines and other reference materials on ERA may be found in the following materials:

- *Guidance on the Control of Major Accident Hazards Regulations 1999*. Health and Safety Executives, UK
- *Guidelines for Chemical Process Quantitative Risk Analysis*. Center for Chemical Process Safety, American Institute of Chemical Engineers
- *Loss Prevention in the Process Industry*. Frank P. Lees

1. Levels of Coverage and Requirements

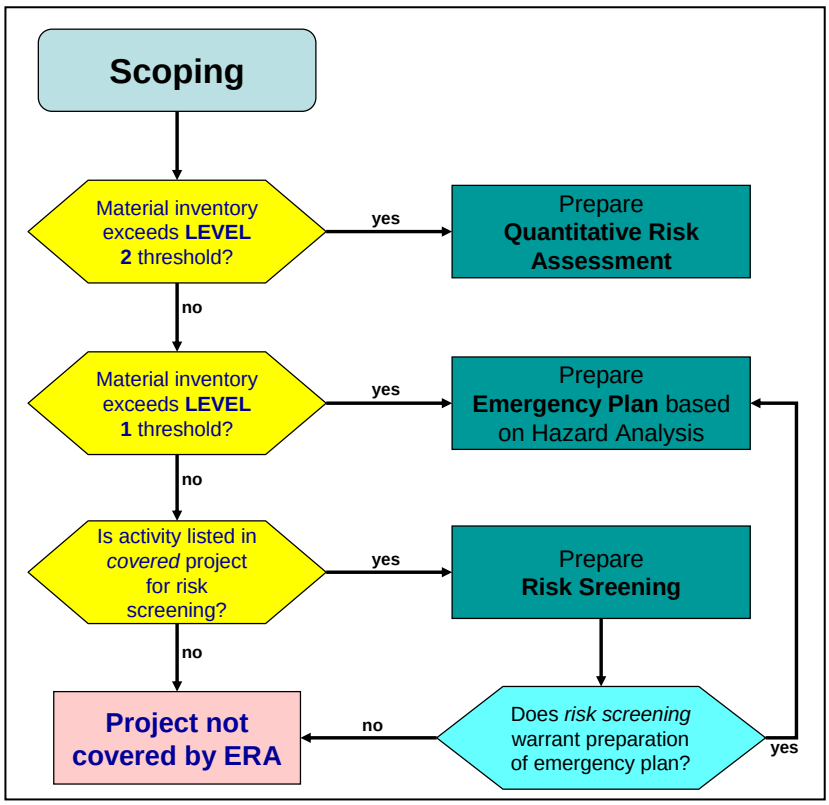
The requirement for the conduct of ERA shall be defined at three (3) levels:

- Level 2 – for facilities that will use, manufacture, process or store hazardous materials in excess of **Level 2** threshold inventory shall be required to conduct a Quantitative Risk Assessment (QRA) and prepare an Emergency/Contingency Plan based on the results of the QRA.
- Level 1 – for facilities that will use, manufacture, process or store hazardous materials in excess of **Level 1** threshold inventory shall be required to prepare an Emergency/Contingency Plan based on the worst case scenario. The Plan shall be based on a Hazard Analysis study.
- Risk screening level – specific facilities or the use of certain processes shall require the conduct of a risk screening study even if the projected or estimated inventory does not reach the threshold levels.

Please see ***Annex K*** for more details – especially on technical definitions and required formats.

2. System Procedures and Review Criteria

As stated, projects or undertakings categorized as **Level 2** shall be required to conduct a Quantitative Risk Assessment (QRA) and prepare an Emergency/Contingency Plan based on the results of the QRA. While projects or undertakings categorized as **Level 1** shall be required to prepare an Emergency/Contingency Plan based on the worst case scenario (as a result of a Hazard Analysis study.)



Projects or undertakings that are not categorized as Level 1 or Level 2, but is contained in the list for risk screening, shall be require to conduct a risk screening study even if the projected or estimated inventory does not reach the threshold levels. The submission of a risk screening study does not preclude DENR-EMB from further requiring the proponent to submit a hazard analysis or QRA if necessary. DENR-EMB may order the proponent to submit a hazard analysis or QRA if the proposed project has high potential to cause significant public (safety) risks.

Furthermore, it should be noted that the ERA coverage levels is independent (i.e., not linked) to the EIS documentary requirements. It is possible that a project or undertaking submitting an IEE Report will be required to submit a QRA. In the same analogy, a project or undertaking required to submit a full EIS may only be required to submit a risk screening study.

Review Procedures

As a general rule, the ERA shall be reviewed independently of the EIS. In the case of risk screening and hazard analysis, DENR-EMB shall invite a *risk assessment specialist* to evaluate and/or validate the study as a resource person. The evaluation and/or validation may be conducted independently of the EIS review process.

In the case of QRA, DENR-EMB shall convene a separate ERA Review Committee (ERARC) to evaluate and/or validate the study. The ERARC, consisting of at least three (3) members, shall be composed of *risk assessment specialists*.

The review of the ERA studies shall be based on risk criteria discussed in the succeeding section/s (also see ***Annex K*** for more details)

Individual Risk Criteria

Without prejudice to the supplemental guidelines that may be issued by the DENR Secretary, the acceptable individual risk criterion is set at 10^{-6} fatalities per year. Safety and/or mitigation measures should be incorporated such that hazard zones and the 10^{-6} individual risk per year contour DO NOT encroach into residential (i.e., non-industrial/non-commercial) areas.

Societal Risk Criteria

Without prejudice to the supplemental guidelines that may be issued by the DENR Secretary, the acceptable societal risk criterion is an FN curve with slope = –1 and with intercept at N = 1 of 10^{-3}. In cases of co-located projects, the criterion may be adjusted by DENR-EMB by one order of magnitude higher.

C. Environmental Health Impact Assessment

All projects or undertakings covered by the EIS System and classified by the Department of Health (DOH) as *health sensitive projects* or located in *health sensitive areas* shall include a separate chapter on *Environmental Health Impact Assessment (EHIA)*. The EHIA shall contain, among others, the following information:

- Health and sanitation information of the affected community
- Environmental health impact analysis/assessment
- Proposed control and mitigating measures for the environmental health impacts identified.

A more detailed discussion on the EHIA can be found in the *Philippine National Framework and Guidelines for Environmental Health Impact Assessment* published

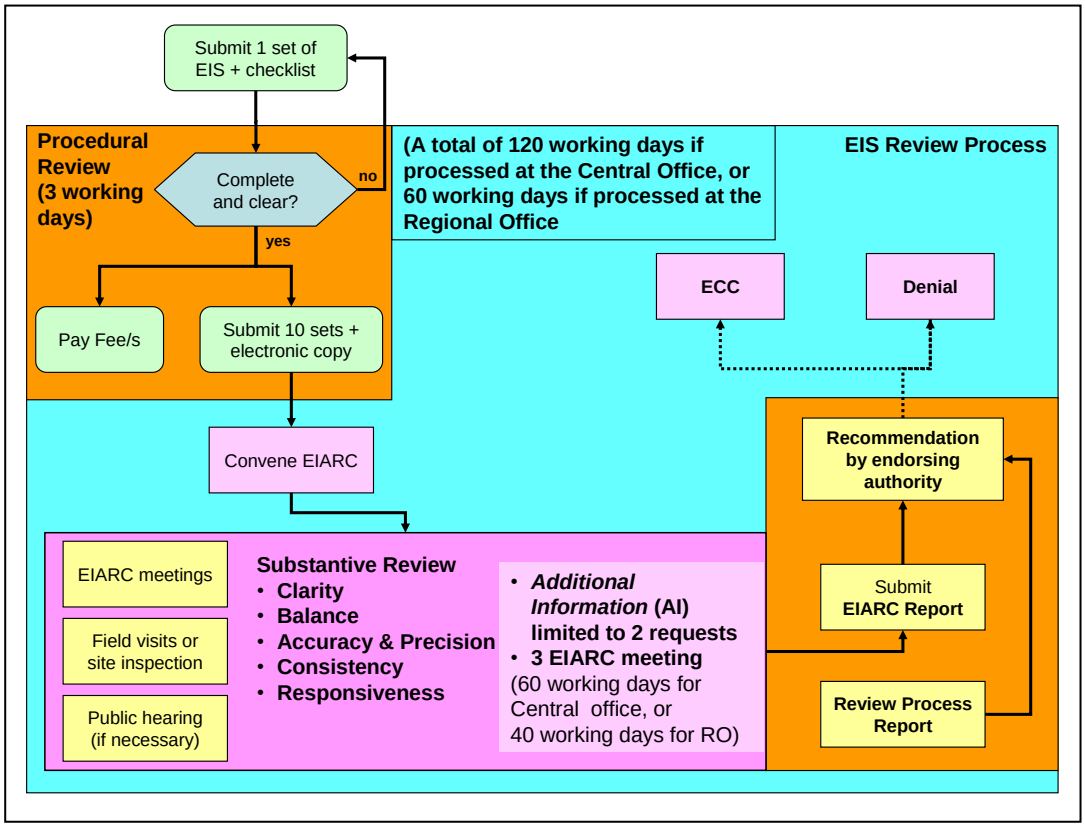
by the Environmental Health Service of the Department of Health in 1997. The material provides detailed guides on how to conduct the EHIA and the suggested format/s.

In accordance with the MOA of DENR-EMB and DOH, the EHIA shall be reviewed independently of the EIS. However, in applicable case, a DOH representative may be invited to join the EIARC as a resource person. It should be noted that the absence of endorsement from DOH with regard to the EHIA shall not, in any way, hamper or hinder the EIS review process within DENR-EMB.

In order to streamline the review process, a DOH representative shall be included in the EIARC as a *resource person*. As such, DENR-EMB shall send a letter-invitation to DOH as early as the scoping process (if applicable). The absence or non-attendance of the DOH representative/s implies that the project is not covered by the EHIA requirement.

4.2 Technical Procedures for the EIS Review Process

This section discusses technical procedures in the review of EIS in accordance with Article I Section 2 of DAO 2003-30 which tasks EMB with "standardizing requirements to ensure focus on critical environmental parameters' and 'simplifying procedures for processing ECC applications…'



The EIS review is generally a two-stage process. The first stage is a procedural review by the receiving staff of DENR-EMB. The second stage is substantive review by the EIARC (in the case of EIS) or the EIA Division (in the case of IEE).

A. Procedural Screening

At the conclusion of the EIA Study, the proponent/EIS Preparer shall prepare one (1) set of the Environmental Impact Statement (EIS) based on the *agreed* scope and submit the same to the EMB or EMB-RO. A copy of the *procedural screening checklist* shall be included in the submission.

The primary purpose of procedural screening is to screen for 1) completeness of information based on the scoping agreements and recent developments in the project area and 2) clarity of maps and figures in the EIS submitted before being subjected to substantive review.

The EIA case officer or handler shall screen the completeness of the submitted EIS and its conformance with the scoping agreements by validating the *procedural screening checklist* accomplished by the proponent/EIS preparer. To facilitate the screening process, the proponent/EIS preparer should indicate the chapters and page numbers where the required items in the EIS can be found. Results of the screening shall be transmitted to the proponent/EIS preparer within three (3) working days from receipt of the EIS. In the absence of any communication from DENR-EMB, the submitted draft is considered approved for submission and for substantive review. The date of submission can only be counted as Day 1 when the EIS document is officially received before 12:00 noon.

At this stage, full compliance with minimum requirements shall be imposed before the EIA document can be reviewed substantially. EIS review will focus on critical environmental parameters. As such, no EIA document shall pass the Procedural Review if critical information had not been completed.

If incomplete, the EIS documents shall be immediately returned to the proponent/EIS preparer for revision or submission of the missing requirement. The reason for non-acceptance shall be stated in writing at the appropriate place in the screening form.

> The EIS submission shall not be considered as complete unless it includes one complete, working set of electronic copy in a compact disc (CD). The electronic copy shall be in the format that is easily *readable* format such as program document file (pdf) format or formats used in the Microsoft© office suite.

If the EIS document is complete, it will be formally accepted. The proponent will be notified of the acceptance by furnishing him a copy of the accomplished *procedural screening checklist* duly signed by the concerned EIA Technical Staff. The proponent shall then submit within two (2) working days seven (7) sets of the EIS documents to EMB or EMB-RO concerned. In the case of PEIS, ten (10) sets of the PEIS documents shall be submitted. The EMB may require the proponent to submit additional copies as necessary.

> In the case of EIS review at the DENR-EMB Regional level, the schedules of EIARC meetings and public hearing (if applicable) shall be set during the *procedural review*. The submission shall not be accepted for substantive review unless the necessary schedules have been set.

In line with the mandate of DAO 2003-30 to streamline the EIS review process, EIS submission shall only be received at DENR-EMB central office or regional office

concerned. In no case shall the PENRO or CENRO be allowed or authorized to receive EIS submission/s by the regional office/s.

Upon submission of the required number of copies of EIS to the Record Section of EMB or EMB-RO, the proponent/EIS preparer shall pay the corresponding filing and processing fees (see *Section 10* for the amount of filing and processing fees) at the Cashier. The EMB shall assign reference index code and include the project in its database of ECC applications under review.

B. Substantive Review

The substantive review is premised on Section 1 of DAO 2003-30 Article 1 (Basic Policy and Operating Principles) which provides that, "*The review of EIS by EMB shall be guided by three general criteria: (1) that environmental considerations are integrated into the overall project planning, (2) that the assessment is technically sound and proposed environmental mitigation measures are effective, and (3) social acceptability is based on informed public participation*" and "*Effective regulatory review of the EIS depends largely on timely, full and accurate disclosure of relevant information by project proponents and other stakeholders in the review process*".

It is therefore the responsibility of the proponent and the preparer to ensure that the quality of the EIS adheres to the following criteria:

- Clarity of presentation
- Balance in presentation and assessment
- Accuracy and precision of information and assessment
- Consistency
- Responsiveness

Clarity. The EIS document is intended to communicate the results of the EIA to a wide range of stakeholders including the EIARC, regulators, decision makers, affected communities, and the general public. It should therefore be written in such a way that it is easily understood. The EIS should clearly describe the methods and approach employed in the EIA process, especially the social preparation process, which is aimed to ensure timely and informed stakeholder participation.

Balance. There are many ways by which balance can be gauged. An EIS document is balanced if it is devoid of bias in the presentation and analysis of data. It is not supposed to provide justifications for pre-conceived conclusions in favor of any interest group. Moreover, the EIS document should demonstrate a balanced treatment of descriptive and analytical discussion. Facts or data and their meaning or interpretation should be presented in tandem; one without the other will not withstand scientific scrutiny. Among others, the EIS documents should present the key issues/concerns of the stakeholders and the proponent's corresponding response or actions to address these.

Accuracy and Precision. These are universal criteria that need to be satisfied in any form of scientific inquiry or investigation. All analytical data presented in the EIS should satisfy the prescribed levels of accuracy and precision as derived from established statistical tools and methods. Furthermore, all the baseline characterization methods (such as sampling, survey and testing procedures), as well as impact prediction tools and techniques (such modeling techniques, field tests and laboratory experiments) used in the EIA study should be able to pass scrutiny not only for statistical, but also for scientific soundness.

Consistency. The EIS document should be consistent in terms of data/information presented, findings and recommendations.

Responsiveness. The EIS should be responsive to the issues and concerns raised by the stakeholders.

The assessment and subsequent recommendation to grant or deny the issuance of an ECC is based on these general criteria. The EIARC, in the course of substantial review, may employ any of the following methods:

- Public Hearing or Public Consultation
- Site visits or ocular inspections including walk-through
- Technical studies or special researches to be undertaken by research institutions or academe.
- Other methods may be employed depending on the magnitude and complexity of the project.

The EIARC should endeavor to complete the substantive review within sixty (60) working days.

> In the case of EIS review at the DENR-EMB Regional level, the EIARC shall endeavor to complete the substantive review within forty (40) working days.

In order to fulfill the intention of this section, the following recommended approaches or mode of implementations shall be adopted whenever practical and appropriate:

1. Convening the Members of the EIARC

As a general rule, the EIARC shall be composed of the Chairman, and 2 – 4 members, depending on the magnitude of the project. The organization of an EIARC with more than five (5) members shall require the prior approval of the DENR-EMB Director or Regional Director.

In order to fulfill the intention of this Manual to streamline the review process, DENR-EMB should ideally be able to complete the selection process and convene the EIARC within ten (10) working days after the acceptance of the EIS submission for substantive review. For review at the regional level, the entire process should be completed within five (5) working days after the acceptance of the EIS submission for substantive review. It should be noted that the actual selection of EIARC members had been done during the scoping process (see previous section). At this stage, the selection process shall essentially be done only to select *replacements* of EIARC members who are unavailable for the substantive review.

In convening the EIARC, the memorandum (or *Letter of Invitation)* shall include the schedules of the first and other EIARC meetings including the *Public Hearing*, if possible. As a general rule, the EIS submissions should be distributed to the resource persons and members of the EIARC seven (7) calendar days before the schedule of the first EIARC meeting. The EIARC members shall evaluate the EIS document based on its compliance with the review criteria enumerated above.

2. EIARC Meetings

First EIARC Meeting

Ideally, the first EIARC meeting should be scheduled during the first few days of the period allotted for substantive review. EIARC meetings should serve as a venue or opportunity for discussing issues and findings on the EIS. This is why complete attendance of the EIARC members is highly encouraged.

The first EIARC meeting may be divided into four parts as follows:

- The EIARC members, including the resource persons, meet to discuss protocols and review parameters. During this part of the meeting, the proponent(s) and preparer(s) are excluded from the meeting.

> The EIARC Chair and the EMB Case Handler must be present in all EIARC meetings. The EMB Case Handler shall be responsible for documenting the entire review process. The meetings should be recorded on tape to allow later transcription, if necessary.

- The second part of the meeting is a briefing on the EIA study by the preparer(s) or proponent. The briefing shall concentrate on the highlights of the results of the EIA study, in particular, on how the EIA study addressed environmental issues and other concerns raised during the scoping and various public participation activities. At the discretion of the EIARC, the proponent or preparer may be given a time limit for their presentation. On the other hand, the proponent or preparer should utilize this opportunity to anticipate the concerns of the EIARC and minimize the need for additional information.
- The third part of the meeting, among the EIARC members and resource persons only, will be devoted to discussion of preliminary findings. Among matters that may be discussed are: timetables or schedules (of the next EIARC meeting(s) and other activities), the need for additional information, the need and schedule of public hearing and site inspection, and other additional inputs required for the substantial review.
- The last part of the meeting will be with the proponent or preparer. They shall be informed of any additional information requirements and other inputs (such as requirement for Public Hearing, site inspections or visits, etc.). The opportunity should be utilized to clarify the additional information requirements among others.

Additional Information Requirements

Additional information (AI) requirements are intended to provide elaboration or clarification of some aspects of the EIA Study. AI must be rationalized or justified on the basis of its linkage or necessity to the decision of issuance or non-issuance of ECC. Normally, it should not require the conduct of new studies or collection of field data that are outside the agreed upon scope. Should such additional activities be necessary, the EIARC should first obtain the concurrence of the EMB Director or RD, as the case may be.

AI requirements that are not critical to the decision for issuance or non-issuance of ECC are not allowed. DAO 2003-30 (Section 5.2) limits DENR-EMB to a maximum of two (2) requests for additional information, which should ideally be made within the first 75 percent of the allotted time period for substantive review. As a general rule, the EIARC should endeavor to only have one request for additional information.

Second EIARC Meeting

Ideally, the second EIARC meeting should be utilized to discuss and evaluate the additional information submitted by the proponents, the findings during the public

hearing or consultation(s), and other additional inputs. If possible, a decision may be made on the recommendation to issue or deny the application for an ECC.

Should there be a need for clarification of the submitted additional information at this stage, the 2nd EIARC Meeting should be held in such a way as to allow panel discussion. The proponent/ preparer should present the AI, and if necessary, defend, clarify, and elaborate on issues raised by the EIARC. Additional written submissions may be made at a later date for documentation purposes. To provide adequate safeguards, the proceedings may be recorded by videotape if necessary.

Third (Final) EIARC Meeting

The third EIARC meeting shall be the last meeting of the substantive review phase. A decision by the EIARC on whether to recommend the issuance or non-issuance of ECC must be reached at this point. However, under exceptional circumstances, additional EIARC meetings may be scheduled with the written approval of the EMB Director or EMB-RD. The EIARC should nonetheless endeavor to complete the substantive review within the allotted time period (sixty working days for DENR-EMB central office or 40 working days for DENR-EMB regional office).

At the end of the allocated period for substantive review by the EIARC, a decision or recommendation for issuance or non-issuance of ECC shall be rendered by the EIARC. The decision or recommendation shall be based on available or submitted information. The non-submission of AI, especially if the allocated or agreed upon time frame was not followed, should not serve as a reason for not making a decision or recommendation.

3. Field Visits or Site Inspections

In order to minimize the number of EIARC meetings, field work including public hearing, public consultations, site inspections or ocular visits may be scheduled during the first EIARC meeting.

A visit to the project site may be conducted by the EIARC only under the following conditions:

- when a particular concern or issue critical to the decision of issuance or non-issuance of ECC can only be validated with a field visit/inspection; or
- when there is a need for a Public Hearing.

4. Public Hearing

A public hearing is a formal process that is initiated, planned and conducted by the EMB. It is designed to promote dialogue or communication between and among the project proponent, the EMB and the public for the purpose of exchanging information and views. It provides a forum for the proponent and the EMB to understand community values or needs and appropriately respond to them. Further, it serves as a venue to test alternative options for resolution of issues or conflicts.

Criteria for Requiring the Conduct of a Public Hearing

The EMB, upon recommendation of the EIARC, shall hold public hearings for projects requiring an EIS whenever:

- the magnitude of the project is such that a great number of people are affected;
- there is mounting public opposition against the proposed project; or

- there is a written request (with *valid* grounds/basis) for the conduct of such public hearing from any of the stakeholders.

It should be noted that the *Public Hearing* is not the appropriate venue to ensure that the findings of the EIA study had been communicated to the stakeholders. The communication by the preparers or proponents of the EIA study highlights should have been completed before the submission of the EIS. The processes, methods and proofs of the "*feedback to the stakeholders*" should be documented in the *Process Document*. As such, the conduct of *Public Hearing* with the primary aim of communicating the EIA results to the stakeholders is not a sufficient basis to require a *public hearing*.

Conduct of a Public Hearing

The EMB shall conduct public hearing with the assistance of the proponent and preparer. The Public Hearing shall be scheduled by the EMB and the proponent in consultation with other key stakeholders, whenever practical or appropriate. All public hearings shall be summary in nature and shall not strictly adhere to the technical rules of evidence.

Public hearings shall be open to all interested groups with valid concerns about the proposed project. ***Section 5*** discusses the procedures for conducting a pubic hearing including the required preparations and documentation needs.

> When submissions on proofs of social acceptability are lacking or inadequate, public hearing becomes mandatory. If no public hearing is held despite such lack or inadequacy of proof of social acceptability, the EIARC must strongly justify why no public hearing was required.

5. EIARC Report

The EIARC Report (to be prepared by the EIA Review Committee) forms part of the EIS review documentation. The EIARC Report (see ***Annex I*** for suggested format) shall be prepared by the EIARC chair and signed by all the members.

The report shall contain the results of the review/evaluation and the EIARC's recommendation/s on the issuance or non-issuance of an ECC including the appropriate conditions. The EIARC Report shall be submitted to the endorsing office not later than five (5) working days after the last EIARC meeting.

If an EIARC member dissents, he or she must submit a memorandum to the DENR-EMB Director through the EIARC Chairman explaining or enumerating his or her reasons for dissenting.

6. Review Process Report

The Review Process Report, to be prepared by the *case handler*, also forms part of the EIS review documentation. The Review Process Report (see ***Annex J*** for suggested format) shall be prepared by the case handler simultaneous or concurrent to the preparation of the EIARC Report.

The Review Process Report serves to provide the procedural and administrative record of the entire review process. It provides sufficient details to serve as archival records for documentation purposes. The Report shall contains the details that may not have been considered by the EIARC. In case the *case handler* disagrees with the recommendations or findings of the EIARC, the Review Process Report shall

detail the rationale and framework, including the basis or supporting factors, of such reservation or disagreement.

7. Recommendation/s and Decision/s

Within fifteen (15) working days from the receipt of the EIARC Report, the endorsing office shall prepare a recommendation report to the deciding authority for final decision. The report may uphold or reverse the recommendations of the EIARC. However, in case of reversal of the EIARC recommendations, the basis shall be clearly stated in the report.

In the case of review at the DENR-EMB regional level, the time period is five (5) working days from the receipt of the EIARC Report. In both cases, the allotted timeframe includes the time necessary for the requisite staff work.

Within fifteen (15) working days from the receipt of the recommendation report from the endorsing office, the deciding authority shall either grant or deny the issuance of ECC. In granting or denying the issuance of the ECC, the deciding authority shall take into account the social and environmental cost implications relative to the judicious utilization, development, and conservation of the country's natural resources. The 15-day time frame for the decision includes the time necessary for the requisite staff work.

In the case of review at the regional level, the regional director has five (5) working days in order to decide the granting or denial of the ECC application.

The Environmental Compliance Certificate (together with the official *cover* letter) or the Denial Letter constitutes the decision document representing the final decision/s of DENR on the ECC application of the proponent.

> The decision to issue or deny an ECC must be completed within 120 working days for review conducted by the EMB Central Office or 60 working days for review conducted by the EMB RO. Otherwise, the ECC application shall be considered approved.

4.3 Technical Procedures for the PEIS Review Process

The review process for the PEIS is similar to the EIS Review Process except for the following elements:

- The proponent or preparer shall submit at least ten (10) sets of the PEIS documents and a complete electronic file in compact disk (CD) to EMB Central Office. The EMB may require the proponent to submit additional copies as necessary.
- The entire review process for PEIS shall be completed within 180 working days.
- The conduct of public hearing/s is mandatory.
- Additional EIARC members/resource persons and EIARC meetings may be employed as deemed necessary for the substantive review of the PEIS.
- The programmatic ECC (PECC), constituting the decision documents, shall not enumerate the prospective locators and their respective capacities. Instead, the

programmatic ECC shall specify the scope of the PECC (in terms of industrial categories) and the allowable discharge or emission allocations.

- The Secretary of the DENR shall be the deciding authority whether the submitted PEIS will be granted an ECC or not.

For more details on the procedures of the programmatic review process, please refer to the *Administrative and Technical Procedural Guidebook for Programmatic EIS Compliance*.

> The decision to issue or deny an ECC based on a programmatic EIS must be completed within 180 working days. Otherwise, the ECC application shall be considered approved.

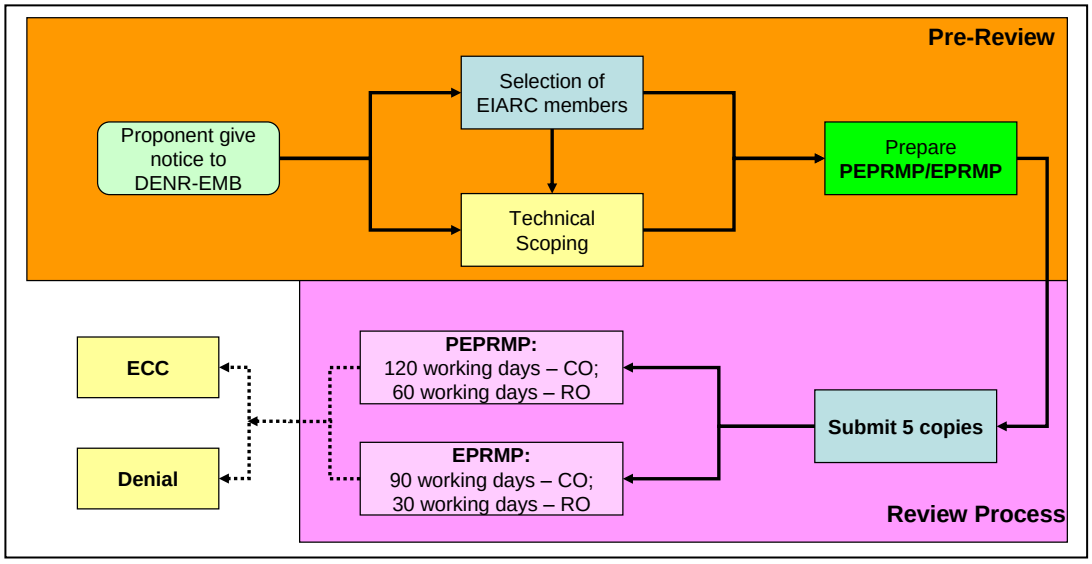
4.4 Technical Procedures for the PEPRMP and EPRMP Review Process

In order to streamline the process and facilitate the review process, it is strongly recommended that the proponent shall undergo a technical scoping with the DENR-EMB office concerned in order to identify the *critical* environmental conditions that need to be included in the PEPRMP or EPRMP. It should be noted that the PEPRMP or EPRMP is different from an EIS or IEE inasmuch as the project impacts are already known. As such, the study shall only concentrate on the environmental receptors that are *actually* impacted by the project.

The review process for both the PEPRMP and EPRMP is similar to the EIS Review Process except for the following elements:

- The proponent or preparer shall submit five (5) sets of the PEPRMP or EPRMP documents and a complete electronic file in compact disk (CD) to DENR-EMB. DENR-EMB may require the proponent to submit additional copies as necessary.
- The entire review process for PEPRMP shall be completed within 120 working days if processed at DENR-EMB central office and 60 working days if processed at the regional level.

  For purposes of delineating jurisdiction, PEPRMP for programmatic projects where majority of the locators are **Category A** projects shall be processed at the central office while PEPRMP for programmatic projects where majority of the locators are **Category B** projects shall be processed at the regional level.



- The entire review process for EPRMP shall be completed within 90 working days if processed at DENR-EMB central office and 30 working days if processed at the regional level.

  For purposes of delineating jurisdiction, EPRMP for **Category A** projects shall be processed at the central office while EPRMP for **Category B** projects shall be processed at the regional level.

- Additional EIARC members/resource persons may be designated or additional EIARC meetings may be conducted as deemed necessary for the substantive review of the PEPRMP or EPRMP.

> The decision to issue or deny an ECC must be completed within 90 working days (for DENR-EMB Central Office) or 30 working days (for DENR-EMB Regional Office/s). Otherwise, the ECC application shall be considered approved.

4.5 Technical Procedures for the IEE Review Process

This section discusses technical procedures in the review of IEE Report in accordance with Article I Section 2 of DAO 2003-30 which tasks EMB with “standardizing requirements to ensure focus on critical environmental parameters’ and ‘simplifying procedures for processing ECC applications…’

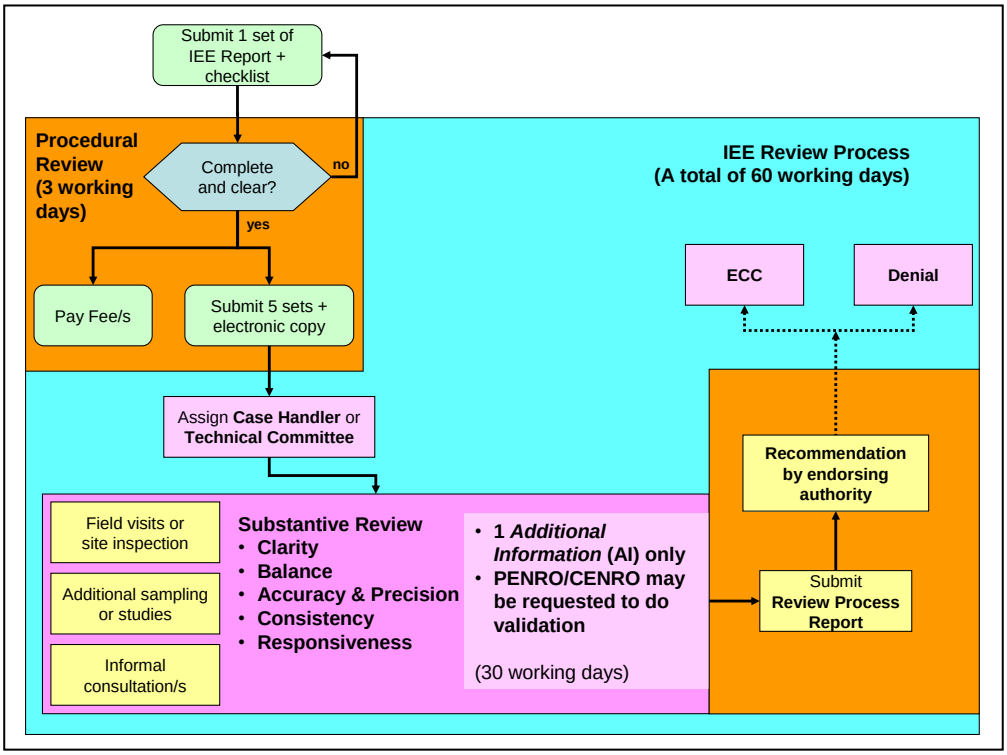
> It should be clarified that an Initial Environmental Examination (IEE) is a form of Environmental Impact Statements (EIS). The basic differences between the two submissions are the depth and extent of data requirement. An IEE is prepared and submitted to enable DENR to make a decision on whether to issue or not to issue an ECC. Or, to require the preparation and submission of an EIS if a decision cannot be made on the basis of the information contained in the IEE.

Similar to the EIS review, the IEE review is generally a two-stage process. The first stage is a procedural review by the receiving staff of DENR-EMB. The second stage is substantive review by the EIA Division.

A. Procedural Screening

After the Initial Environmental Examination (IEE) Report has been completed, the proponent/preparer shall prepare one (1) set of the report and submit it to the EMB-RO concerned. If a *technical scoping* was conducted, the Report should be based on the *agreed* scope. A copy of the *procedural screening checklist* shall be included in the submission.

The primary purpose of procedural screening is to screen for 1) completeness of information based on the scoping agreements (if available) and recent developments in the project area and 2) clarity of maps and figures in the IEE Report submitted before being subjected to substantive review.



The EIA case officer or handler shall screen the completeness of the submitted IEE Report by validating the *procedural screening checklist* accomplished by the proponent/preparer. To facilitate the screening process, the proponent/EIS preparer should indicate the chapters and page numbers where the required items in the IEE can be found. Results of the screening shall be transmitted to the proponent/preparer within three (3) working days from receipt of the IEE Report. In the absence of any communication from DENR-EMB, the submitted draft is considered approved for submission and for substantive review. The date of submission can only be counted as Day 1 when the IEE document is officially received before 12:00 noon.

If incomplete, the IEE documents shall be immediately returned to the proponent/preparer for revision or submission of the missing requirement. The reason for non-acceptance shall be stated in writing at the appropriate place in the screening form.

If the IEE document is complete, it will be formally accepted. The proponent will be notified of the acceptance by furnishing him a copy of the accomplished *procedural screening checklist* duly signed by the concerned EIA Technical Staff. The proponent shall then submit within two (2) working days five (5) sets of the IEE documents to

the EMB-RO concerned. The EMB may require the proponent to submit additional copies as necessary.

> The IEE submission shall not be considered as complete unless it includes one complete, working set of electronic copy in a compact disc (CD). The electronic copy shall be in the format that is easily *readable* format such as program document file (pdf) format or formats used in the Microsoft© office suite.

Unless specifically stated otherwise, IEE submission shall only be received at the DENR-EMB regional office concerned. Without specific authority from the Regional Director concerned, the PENRO or CENRO are not allowed or authorized to receive EIS/IEE submission/s.

Upon submission of the required number of copies of IEE Report to the Record Section of DENR-EMB RO concerned, the proponent/preparer shall pay the corresponding filing and processing fees (see *Section 10* for the amount of filing and processing fees) at the Cashier. The DENR-EMB RO shall assign reference index code and include the project in its database of ECC applications under review.

B. Substantive Review

The substantive review is premised on Section 1 of DAO 2003-30 Article 1 (Basic Policy and Operating Principles) which provides that, "*The review of EIS by EMB shall be guided by three general criteria: (1) that environmental considerations are integrated into the overall project planning, (2) that the assessment is technically sound and proposed environmental mitigation measures are effective, and (3) social acceptability is based on informed public participation*" and "*Effective regulatory review of the EIS depends largely on timely, full and accurate disclosure of relevant information by project proponents and other stakeholders in the review process*".

It is therefore the responsibility of the proponent and the preparer to ensure that the quality of the IEE Report adheres to the following criteria:

- Clarity of presentation
- Balance in presentation and assessment
- Accuracy and precision of information and assessment
- Consistency
- Responsiveness

Clarity. The IEE document is intended to communicate the results of the EIA to a wide range of stakeholders including the regulators, decision makers, affected communities, and the general public. It should therefore be written in such a way that it is easily understood. The IEE should clearly describe the methods and approach employed in the EIA process.

Balance. There are many ways by which balance can be gauged. An IEE document is balanced if it is devoid of bias in the presentation and analysis of data. It is not supposed to provide justifications for pre-conceived conclusions in favor of any interest group. Among others, the IEE documents should present the key issues/concerns of the stakeholders and the proponent's corresponding response or actions to address these.

Accuracy and Precision. These are universal criteria that need to be satisfied in any form of scientific inquiry or investigation. All data presented in the IEE should satisfy the prescribed levels of accuracy and precision in accordance with generally accepted standards and criteria. Furthermore, all the baseline characterization data or information, as well as impact prediction tools and techniques (such modeling techniques, field tests or laboratory experiments) used in the EIA study should be scientifically sound.

Consistency. The IEE document should be consistent in terms of data/information presented, findings and recommendations.

Responsiveness. The IEE should be responsive to the issues and concerns (if any) raised by the stakeholders.

1. Review Procedures

The assessment and subsequent recommendation to grant or deny the issuance of an ECC is based on these general criteria.

The EIA Division of DENR-EMB RO concerned, in the course of substantial review, may employ any of the following methods:

- site visits or ocular inspections including walk-through
- conduct additional sampling/s or studies to validate some technical parameters or information.
- informal consultations to validate socio-economic impacts and social acceptability.

> Unless expressly delegated by the Secretary, only the EIA Division of the DENR-EMB RO is authorized to undertake the substantive evaluation of EIA submissions.

The DENR-EMB RO may collaborate with the PENRO or CENRO in the conduct of a site visit by notifying it and requiring a report (or feedback), in writing, on any findings relative to the specific areas to be validated. The PENRO or CENRO submits the findings to the DENR-EMB RO and the EIA Division determines whether the inspection warrants additional information, a revised IEE submission, or no action at all.

The EIA Division, depending on the magnitude and complexity of the project, may assign the substantive review to an individual or convene a technical committee for such purpose.

In order to fulfill the intention of this Manual to streamline the review process, DENR-EMB should be able to complete the substantive review within thirty (30) working days. In order to fulfill the intention of this section, the following approaches or modes of implementation shall be adopted whenever practical and appropriate:

- The EIA Division, as deemed necessary, may recommend a public consultation to be conducted to obtain public comment on the proposed project or validate social acceptability. The EIA Division shall be responsible for documenting the entire review process. The meetings should be recorded on tape for transcription.
- The EIA Division compiles the written comments or clarifications arising from the evaluation, including those from the validation and public consultation, if any. A

request in writing will be made to the proponent to address the comments and provide additional information to adequately evaluate the project. If the information required is clarificatory in nature and not critical to evaluation of the ECC application, the EIA Division may just arrange for a meeting with the proponent and/or the stakeholders to answer questions and clarify matters verbally.

> Additional information requirements are intended to provide elaborations or clarifications of some aspects of the EIA Study. A request for additional information is only done once.

- At the end of the allocated 30 days for substantive review, a decision or recommendation for issuance or non-issuance of ECC shall be rendered by the EIA Division. The decision or recommendation shall be based on available or submitted information. The non-submission of AI, especially if the allocated or agreed upon time frame was not followed, should not serve as a reason for not making a decision or recommendation.

2. Review Process Report

The review process report (see ***Annex J*** for suggested format) is to be prepared by the technical committee members or the case officer/handler. The report is to be forwarded to the EMB Regional Director/s, through the EIA Division Chief, as reference for decision-making and maintained as part of the records on the ECC application of any project.

The report shall contain the results of the review/evaluation and the recommendation/s on the issuance or non-issuance of an ECC including the appropriate conditions. The report shall be submitted to the EIA Division Chief within the allocated timeframe for substantive review.

If it has been determined that some significant impacts have not been resolved by the IEE and/or that additional studies would be needed to fully address them, the conduct of an EIS will be recommended for the proposed project. The EIA Division Chief shall prepare the recommendation together with a draft letter of notification for the proponent to prepare and submit an EIS.

The preparations of an EIS shall be mandatory under the following conditions:

- presence of significant environmental impacts have not been adequately addressed by proposed mitigation and enhancement measures
- presence of strong public opposition or low social acceptability based on valid issues or concerns
- presence or possibility of high public risk
- the project involves the use, manufacture, storage or transport of highly pollutive substances toxic or hazardous materials
- presence of significant socio-cultural impacts

Also, if the IEE has been evaluated as not having satisfied the substantive requirements, the report may recommend the denial of ECC. In case of an ECC denial recommendation, the report should identify specific issues and comments that have not been satisfied by the proponent, and a draft letter to inform proponent of ECC denial.

3. Recommendation/s and Decision/s

Within ten (10) working days from the receipt of the review process report, the EIA Division Chief shall prepare a recommendation report to the DENR-EMB RD for final decision. The report may uphold or reverse the recommendations contained in the review process report. However, in case of reversal of the recommendations, the basis shall be clearly stated in the recommendation. The allotted timeframe includes the time necessary for the requisite staff work.

Within fifteen (15) working days from the receipt of the recommendation report from the EIA Division Chief, the DENR-EMB RD shall either grant or deny the issuance of ECC. In granting or denying the issuance of the ECC, the deciding authority shall take into account the social and environmental cost implications relative to the judicious utilization, development, and conservation of the country's natural resources. The 15-day time frame for the decision includes the time necessary for the requisite staff work.

The Environmental Compliance Certificate (together with the official *cover* letter) or the Denial Letter constitutes the decision document representing the final decision/s of DENR on the ECC application of the proponent. (see ***Section 9*** for more discussions on the ECC as the decision document.)

If the DENR-EMB RD decides that an EIS is required, the proponent will be informed of the decision in writing. The DENR-EMB RD will then determine whether the IEE process was sufficient for scoping purposes or not. If it is deemed that a new scoping is necessary, the guidelines for formal scoping as outlined in the previous section shall apply. A Regional EIARC shall be constituted for the project as soon as appropriate.

If the DENR-EMB RD decides to forego scoping, the IEE serves as the scoping report. The proponent however, may at his discretion, volunteer to go through the formal scoping process.

The EIS process and content shall follow the same requirements provided for in the EIS procedural flow discussed in the previous section/s.

In situations where the DENR-EMB RO is unable to constitute the regional EIARC because of limited number of persons who are willing and/or technically capable to serve as members, or for other compelling reasons, the regional office may seek assistance from the central office. The central office may extend technical support by accessing its pool of reviewers to assist in the formation of a Regional EIARC. The extension of any type of support shall be decided on a case-to-case basis by EMB. In any such case, the regional office should coordinate with the central office at all stages of the EIS process (e.g., from scoping to review).

> The decision to issue or deny an ECC must be completed within 60 working days. Otherwise, the ECC application shall be considered approved.

4.6 Technical Procedures for the IEE Checklist Report Review Process

The review process for the IEE Checklist Report is similar to the IEE Review Process as modified below:

- Upon the presentation/submission of the Checklist, the Screening Officer shall immediately determine its completeness and conformance with the DENR prescribed

requirements. Immediate determination shall mean completion of the Procedural Review within the same day of IEE checklist submission.

The determination of the completeness of the IEE Checklist will be based on the sufficiency of responses to all questions or checklist and information provided in the matrix. If the IEE Checklist is complete, it will be formally accepted.

If the Checklist is incomplete, it shall be immediately returned to the proponent for revision or submission of the missing requirement/information. The reason for non-acceptance shall be stated in writing at the appropriate place in the Checklist.

Aside from site development plans, architectural drawings, process flow and similar documents, it should be noted that the only mandatory attachments to an IEE Checklist are the proof of ownership (for the land where the proposed project is to be located) and the zoning clearance, or their equivalent.

- Upon acceptance, the proponent shall submit 3 copies of the IEE Checklist Report to EIA Section of the EMB Regional Office concerned. The proponent shall pay the corresponding filing and processing fee (see *Section 10*) at the Cashier Section of EMB Regional Office concerned upon submitting the required number of copies at the Record Section of the same office.
- All IEE Checklist not following the said standard procedures shall not be considered as valid applications and therefore, shall not be used as a basis for recommendation on the issuance or denial of the ECC.
- The processing time including the issuance and/or denial of the ECC will take a maximum of 30 days.
- In the course of substantial review, the conduct of site visit or ocular inspection shall be optional. Any site visit or ocular inspection shall be undertaken in coordination with the project proponent.
- If the EMB-RO finds that the IEE Checklist has substantially addressed all the significant impacts and relevant issues by way of mitigation and enhancement measures, it shall recommend the issuance of the ECC. The EMB Regional Office may call for a technical conference to explain to the project proponent the relevance of the ECC and the various conditions stated therein for compliance by the project proponent.

If it has been determined that some significant impacts have not been resolved by the IEE Checklist Report and that additional studies would be needed to fully address them, the conduct of an IEE Report will be recommended for the proposed project. The EIA Division Chief shall prepare the recommendation together with a draft letter of notification for the proponent to prepare and submit an IEE.

> The decision to issue or deny an ECC must be completed within 30 working days. Otherwise, the ECC application shall be considered approved.

4.7 Technical Procedures for the CNC Application

This section discusses technical procedures in the processing of CNC application in accordance with Article I Section 2 of DAO 2003-30 which tasks EMB with “standardizing requirements to ensure focus on critical environmental parameters’ and ‘simplifying procedures for processing ECC applications…’

The EMB Director or EMB Regional Director (RD), in appropriate cases, may issue a CNC following the procedures outlined below:

- The proponent should submit a Project Description containing the following documentation requirements:
  - ✓ a detailed location map of the project site showing the relevant features of the site (e.g. slope, topography, boundaries, vicinity) on a scale of 1:50,000;
  - ✓ a brief project description which provides information on the raw materials to be used, a description of the process or manufacturing technology, project capacity, type and volume of products and discharges, capitalization, project area, manpower requirement, among others; and
  - ✓ if appropriate, a certification from the CENRO that the project is not located in an ECA.

> CNC applications shall not require any other attachments. As such, proponents need not attached barangay clearances or permits, endorsements, certificates except those specifically required or listed in ***Section 3.3***.

- The EMB or the EMB Regional Office will review the documents submitted and will recommend to the EMB Director or RD the issuance or non-issuance of a CNC. This process shall be accomplished within a maximum of seven (7) workings days from date of receipt.

  However, if the EMB or the EMB-RO sees the need to validate the documents submitted or verify certain information by conducting an ocular inspection of the site, consulting experts, or other methods, then the Certificate may be issued within fifteen (15) working days.
- Once the proponent completes and submits all the requirements, the EMB or the Regional Office shall issue the certificate. Such certificate must indicate the reason(s) for non-coverage and, if appropriate, shall contain a statement requiring the proponent to provide additional environmental safeguards for its project or undertaking.
- In cases when the EMB or the Regional Office, upon review of the application, decides that the project does not qualify at all for non-coverage, the EMB or the Regional Office should immediately inform the proponent that its project is subject to the EIS system and advice the proponent of the requirements and procedures.

4.8 Transmittal of EIS/IEE Records and ECCs

In the event that an ECC is issued, the Secretary/EMB Director/Regional Director shall cause the transmittal of pertinent records and documents, and the ECC to the EMB/EIA Division within 15 days from the date of such issuance. Before the release of ECC, the Proponent shall be invited to the EMB/EMB Regional Office for an orientation. The EIA Technical Staff shall explain to the proponent each condition of the approved ECC and the prescribed manner of compliance. As an option, EMB may instead prepare a *briefing kit* that will contain the necessary information on the Philippine EIS System including an explanation about the requirements and the conditions of the ECC. An acknowledgement receipt (or *mail back stub*) shall be included in the *kit*. The EMB office concerned shall only release the ECC upon receiving the ***signed*** acknowledgement receipt (or *mail back stub*).

Moreover, prior to release of any ECC, the EMB or the EMB-RO concerned shall assign a number to the ECC in accordance with the prescribed format (see *Section 9* for details). ECC without the requisite control numbers of EMB or the EMB-RO concerned shall not be considered valid.

The following offices shall be provided copies of the duly issued ECC within fifteen (15) working days from the date the ECC is available for release to the proponent:

- DENR Regional Office(s) concerned
- PENRO(s) concerned
- CENRO(s) concerned

4.9 Technical Procedures for the ECC Amendments

Section 8.3 of DAO 2003-30 provides the parameters for amending an ECC. Under the guidelines, there are two levels of approval depending on the nature of the request (e.g., minor or major). This section set forth the operational guidelines to handle requests for ECC amendment/s.

A. Categories of ECC Amendments

The request for amendment is considered a major amendment if it such involves modifications as:

- Expansion of land/project area
- Increase in production capacity
- Major change/s in process flow or technology to be used

It should be noted that the ECC is a project- and location-specific document. As such, any change in project location will necessitate a new application. On the other hand, major change/s in process flow or technology to be used may drastically affect the validity of the EIA finding/s. In such event, the EMB office concerned shall require the proponent to submit a new application.

On the other hand, request for amendment is considered minor if it only involves:

- typographical error
- extension of deadlines for submission of post-ECC requirement/s
- extension of ECC validity
- change in company name/ownership
- decrease in land/project area or production capacity

In the case of request/s for extension of ECC validity for projects not started within the prescribed timeframe (see *Section 9*), the burden of proof is with the proponent to substantiate that there is no *significant* deviations or changes in the baseline characteristics of the project site. In case the baseline characteristics have changed to such degrees that the impact assessment (as embodied in the EMP) is no longer appropriate, the EMB office concerned shall require the proponent to submit a new application. The requested period for the *extension of ECC validity* should not exceed a period of three (3) years. Furthermore, the request for *extension* should be filed at least three (3) months before the expiration of the ECC validity.

Requests for ECC amendment/s do not include requests for relief from ECC commitments. Request/s for relief from ECC commitments may be in its entirety or in part. For such request/s, please refer to *Section 8*.

B. Procedural Guidelines for ECC Amendments

The procedures for the processing of request/s to amend ECCs shall be governed by the following guidelines:

- Any request/s for ECC amendments, except for change in ownership/s, should be submitted or filed within three (3) years of the issuance of the ECC. Otherwise, the proponent shall have to file a new ECC application. For projects that have been started or implemented, there is no prescription period for filing a request for ECC amendments.
- The request/s for ECC amendments shall be filed with the issuing office (i.e., DENR-EMB office which issued/released the ECC). The request should include the necessary data, information, reports or documents that will substantiate or support the requested revisions.

  In the case of projects that have been started or implemented, the request/s for ECC amendments should be supported by an EPRMP.
- Upon receipt of the letter-request, the DENR-EMB office concerned shall immediately evaluate the request as follows:
  - ✓ For major amendments, the DENR-EMB office concerned shall convene a technical committee to evaluate the request. In case of an ECC issued based on an EIS, the technical committee shall include at least one (1) of the EIARC members (preferably the Chair) that evaluated the EIS.
  - ✓ For minor amendments or in case the ECC was issued based on an IEE Checklist, the DENR-EMB RO concerned may assign a case officer or handler to evaluate the request.
- The letter-request shall be decided as follows:
  - ✓ For minor amendments, the ECC revisions shall be decided upon by the endorsing authority.
  - ✓ For major amendments, the ECC revisions shall be decided upon by the issuing/approving authority.
- The entire processing time shall be as follows:
  - ✓ For ECCs issued based on an IEE Report or IEE Checklist, the processing time shall not exceed thirty (30) working days. Otherwise, the request is considered approved.
  - ✓ For ECCs issued based on an EIS or PEIS, the processing time shall not exceed sixty (60) working days. Otherwise, the request is considered approved.

4.10 Technical Procedures on Matters covered by the *Automatic Approval* Provision of DAO 2003-30

DAO 2003-30 provides that the absence of any action/s or decision/s by DENR-EMB on any pending request/s within the allotted processing time shall be deemed as *approved* or decided upon in favor of the requesting party. Under such circumstances, the following procedures shall guide the preparation and release of the requisite document/s:

- In the absence of any action/s or decision/s by DENR-EMB on any pending request/s or application after the allotted processing time, a proponent shall file a letter-request for

the preparation and release of the requisite document/s (e.g., ECC, amendment of ECC, use of *third party auditor*, reduction of fines, etc.). The letter-request must be filed within three (3) months after the last day of the allotted processing time.

- Upon receipt of the letter-request, DENR-EMB shall determine the validity of the claim of no action/s or no decision/s.
  - ✓ In case a decision or action has been made by DENR-EMB, documentary proof of such action/s or decision/s shall be furnished to the proponent/applicant.
  - ✓ The failure by proponent/applicant to receive such communication or document shall render the claim invalid provided that evidence/s exists that such documents were sent to the proponent/applicant. A copy of the communication received by representative/s of the proponent/applicant or proof of delivery via registered mail shall constitute sufficient proof that a decision/s or action/s has been made.
  - ✓ The failure by DENR-EMB to duly transmit the document containing its decision/s or action/s to the proponent/applicant or representative shall not render the claim invalid.
- If the claim of no action/s or no decision/s is found to be valid, the DENR-EMB office or officer concerned shall prepare, issue and release the required document/s (e.g., ECC, amended ECC, reduction of fine, etc.) not later than five (5) working days after the receipt of the letter-request.
- In case the DENR-EMB office concerned failed to act within five (5) working days, the receiving clerk/personnel, head of the division concerned and the head of the DENR-EMB office concerned (e.g., Director) shall be administratively liable in accordance with civil service rules and regulations.

5. Public Participation

The environment involves not only the biophysical aspects but also the socio-economic dimension of a proposed development. People are part of the environment and are often the subject of or directly affected by projects or undertakings. Public participation, therefore, becomes crucial in making decisions that affect their lives and their environment. The EIS process emphasizes the importance of public participation in broadening the responsibilities for environmental protection and in promoting social progress and equity, recognizing that people:

- possess intimate knowledge about their environment
- have needs and aspirations for socio-economic upliftment
- are recipients of benefits and/or environmental stress arising from these projects or undertaking

5.1 Identification of Stakeholders

Stakeholders are persons or groups who may be significantly affected by the project or undertaking, directly or indirectly. They may include:

- persons living or working within the identified impact (direct and secondary) areas;
- persons with properties in the impact areas;
- persons living or working within the boundaries of the impact areas;
- organized interest groups (such as NGOs and POs) operating in the impact areas;
- industry representatives in the impact areas;
- local government units (LGUs);
- indigenous cultural communities (ICCs) in the impact areas;
- local institutions (church, school) in the areas; and
- concerned national agencies, e.g., HLURB, DOE, DOT, DTI, PCTT, PAMBs, DAR, DA, etc.

The impact zone of a project are the areas which are most likely to be directly or indirectly affected by the proposed project or undertaking. It comprises of the direct or primary impact area and the secondary impact area. The regional impact zone is also determined in general.

Impact zones are identified and delineated on the map based on the type of project and knowledge of the biophysical and social environment of the project. Specific impact areas delineated based on the biophysical and socio-economic parameters include the following:

A. Direct Impact Area/Zone

The primary impact zone or direct impact area generally refers to areas where the project facilities or infrastructures will be located or traversed such as buildings or structures, irrigation, drainage and other utility areas, quarry sites, access roads and others to be set up during the construction and operation phases. The zone or area could include, among others, the following:

- areas where there will be displacement of settlements or livelihood

- areas directly vulnerable to potential flooding or inundation that may be caused by the project
- areas along main tributary downstream of the river system that will be the receiver of waste discharges.
- areas where there will be disturbance of habitat of endangered species
- catchment area of river system or watersheds
- ancestral domain of indigenous communities that may be directly affected by the project

B. Secondary or Indirect Impact Area/Zone

The secondary impact zone, on the other hand, generally refers to the influence area of the project that could be indirectly affected by the proposed development. This could include areas in the vicinity of the direct impact zone. Examples of these may include the following:

- communities or settlements outside the direct impact area which can also be benefited by the employment opportunities created by the project
- sub-tributaries of the river system which can be indirectly affected by pollution
- areas where water sources will be indirectly affected by drawdown in the direct impact area

The determination of the primary and secondary impact zones varies according to the type of project and the location. On the other hand, the regional impact zone (RIZ) pertains more to the general area where the impact of the project would be felt, such as the entire municipality, province or region. They can be generally identified and described without necessarily delineating them on the map.

The delineation of the impact zone serves as the primary basis for identifying the stakeholders of the project.

5.2 Public Participation: A Conceptual Framework

Public participation gives citizens the opportunity to influence major decisions that affect them. In the EIA process, the goal of public participation is to enable citizens to take responsibility for environmental protection and management through active involvement in decision making.

A. Values and Benefits of Public Participation?

Public participation is the most effective process to determine social acceptability of a project or undertaking which is a decision criterion in the issuance of an ECC. Moreover, it offers the following added values and benefits:

- Helps to identify and address concerns of stakeholders
- Focuses planning on issues or concerns
- Provides alternatives for consideration in planning
- Provides added sources of expertise
- Reduces level of misinformation and distrust
- Improves decision making

- Empowers the citizens to take responsibility in environmental protection

B. Essential Elements of Public Participation

There are certain elements that are crucial and must be present in order for the process to be considered to have really involved public participation. The following are requisites for public participation to take place:

- Social preparation for the participation of stakeholders.
- Identification and full representation of stakeholders and other concerned parties.
- Implementation of procedures or protocols that is acceptable to all parties.
- Issues or concerns that emerged are stated clearly and made known to all participants.

C. Social Preparation Process

Social preparation is a process required in the conduct of EIA in order for the affected communities to have timely and informed participation. It is a two-way process, which involves informing and developing the awareness and understanding about the EIA process and the project while generating the communities' perceptions, insights and suggestions about the project. This step or process should, ideally, be started prior to the Scoping Process.

The process of social preparation involves:

- Identification and profiling of stakeholders
- Conduct of information, education and communication (IEC)
- Documentation

The proponent or preparer is responsible in conducting social preparation process as part of the EIA study.

Social preparation **can be done in the following stages** of the EIA process:

- Before and during Scoping
- Baseline studies, eco-profiling or validation
- Validation of impact identification/prediction and impact evaluation
- Negotiation and dispute or conflict resolution including Public hearing
- Environmental management planning
- Environmental monitoring

1. Identification and Profiling of Stakeholders

At the onset of the EIA study, the proponent or its preparer should identify and profile the stakeholders (see *Section 5.1* for more details on the identification of stakeholders).

Stakeholders are identified through the following process:

- The proponent or preparer first establishes or delineates the direct impact as well as the secondary impact zone or influence area of the project

- The proponent/preparer identifies the sectors and communities who will be affected by the project within these zones.
- The preparer may consult with the concerned LGU (from the barangay to the municipal level), DENR PENRO/CENRO and NGAs if they have any knowledge of other stakeholders within the project area.
- The preparer may interview stakeholders already identified to identify other stakeholders, or consult key persons and groups, e.g. local NGOs and POs operating within the area in identifying the stakeholders.

Individuals, groups or organizations who are residing within the impact zones are given priority as primary stakeholders. The representations of stakeholders should be gender balanced. In the spirit of openness and full disclosure, the interests and affiliation of all stakeholders must be made public.

2. Conduct of Information, Education and Communication (IEC)

The objective of conducting IEC should not be limited only to information dissemination. The conduct of IEC should be able to provide feedbacks to the preparer and the proponent about the stakeholders' understanding of the EIA process and project, the issues and concerns about the project, as well as their suggestions and other inputs.

IEC methods may include the following:

- Individual methods, e.g. home visits, personal letters, one-on-one interviews
- Group methods, e.g., meetings, study tours, group workshops, group discussions
- Mass media, e.g., newspaper publication, radio broadcast, web posting

The proponent or preparer may use any or all kinds of IEC materials in conducting IEC campaigns. IEC materials may be in print (e.g. flyers, pamphlets, comics, posters, newspapers, banners) or in other forms, such as video, film, and sound slides.

These materials should be:

- Prepared in a manner and language that can be easily understood by everybody and should contain balanced and complete information. The information material on EIA should, as much as practical, be in the local language or dialect.
- Contain sufficient information including a description of the proposed project, the proponent, the EIA process, and the expected outputs. It shall also include such appropriate studies as evaluation of public health, environment, population, gender, socio-economic, and cultural impacts of the project or undertaking and the appropriate mitigation and enhancement measures.

The information drive should at the same time inculcate value formation by making the members of the community aware of their responsibilities as stakeholders.

In the conduct of IEC, it is beneficial to the proponent to engage the services of communication experts or IEC specialists in planning, implementing, assessing and documenting the conduct of IEC. To provide inputs on the social aspects, the services of an anthropologist or community organizer should also be availed of.

3. Documentation of Social Preparation

Documentation shall be done to substantiate the social preparation process in the EIA. Through proper documentation, the stakeholders' perceptions and insights may

be verified or validated and their suggested resolutions may be incorporated in the proposed project. Documentation and incorporation of their valuable inputs results in a more credible EIA study.

Documentation may be in the form of received letters to stakeholders, photos, video, transcription/s of proceedings, meetings or consultations. The IEC plan, the documentation of the actual conduct of IEC activities, as well as the stakeholders' perceptions and suggestions, shall form part of the EIS to be submitted to EMB, as outputs of the social preparation process. ***Table 5-1*** consists of suggested social preparation activities, IEC methods, materials, schedule and documentation.

Table 5-1. Suggested IEC Methodologies and Approaches

Activity	IEC Method	Information Material	Schedule of Information Dissemination	Documentation Output
Scoping	Individual methods, i.e. key informant interview Group methods, i.e. one time stakeholders or sectoral workshops	• Invitation letters • Comics on EIA in local language	At least one week prior to date of scoping	• Attendance of Participants • Video-/Photo documentation of the process • Proceedings of the conduct of Scoping
		• Illustrative primer about the project • Audio-visual presentation about EIA and project	During scoping	
Validation of impact identification/ prediction and impact evaluation	Group and individual methods, e.g. focused group discussions by sector	• Hand-outs • Audio-visual presentations	During environmental management and social development planning	• Photo documentation and minutes of FGDs
Environmental management and social development planning	Group methods, e.g. workshop	• Hand-outs • Audio-visual presentations	During planning	• Attendance of Participants • Photo/video documentation & proceedings of SD/EM Planning
Public hearing	Mass media and group methods	• News paper publication • Radio broadcast • Posters • Flyers	At least 3 weeks before date of public hearing	• Attendance of Participants • Photo/video documentation & transcription of taped proceedings

D. Public Participation in the EIA Process

To ensure broader public participation in the EIA process, the use of the ***community-based EIA approach*** is highly encouraged especially in controversial projects. Under a community-based EIA, stakeholders and interest groups work hand in hand with the EIA preparers as partners in the EIS process. The transparent process and the valuable inputs of local knowledge combined with the technical expertise of the EIA preparers make the EIA results more credible and acceptable to a broader degree of stakeholders.

Public participation, in a community-based EIA approach, is elicited in the various stages of the EIA process: scoping; baseline studies and eco-profiling; impact identification and prediction; validation of impact identification/prediction and impact evaluation; negotiation and dispute or conflict resolution including public hearing; environmental management planning; and environmental monitoring.

1. Public Participation in Scoping

Scoping is a process that involves three (3) phases: pre-scoping, scoping proper and post-scoping. At the pre-scoping or social preparation stage, the concerned public participates in the identification of preliminary issues and concerns about the project by means of consultations. The social preparation stage and the formal scoping activity require the inputs of all concerned parties to determine the coverage, depth, and scope of the EIA. The guidelines for participatory scoping are as follows:

- It should involve the broadest range of fully informed participants in identifying the critical issues and significant impacts to be addressed by the study as well as screen out irrelevant information.
- It should ensure adequate representation of traditionally-ignored social categories that include, among others, women, indigenous communities and vulnerable groups (such as the youth, elderly and disabled) so that their concerns and rights relative to what is legally mandated for them could be protected and considered in the project.
- It utilizes a variety of participatory methods and techniques such as participatory mapping, group meetings, project site reconnaissance, focused group discussion depending on the culture and practices of the local community.
- The determination of convenient and accessible place and time for the site scoping should be taken into consideration to maximize participation.

2. Public Participation in Baseline Data Gathering

Local and indigenous knowledge are important inputs to the EIA process. The roles of local folks in data gathering could include being research partners of preparers, community mobilizers or as key informants. Local folks should be oriented, trained, and equipped with the necessary skills by the preparers to adequately perform their role as research partners. Their specific involvement can include the following:

- The community can be involved in rapid resource appraisals and baseline data gathering such as in the following:
  - ✓ identification of target population or affected communities
  - ✓ general rating of the level of development in terms of economic status of each population categories (such as farmers, fisherfolk, laborers, etc.)
  - ✓ assessing the target population’s need or demand for the project
  - ✓ assessing absorptive capacity
  - ✓ conduct of perception survey
- Local folks are a rich source of information on their biophysical environment and could provide environmental indicators for the assessment of changes/trends in their own environment (ex. occurrence of flooding, reduced river flows, decline in fishery production, etc.), presence or disappearance of wild animals or birds and other ethno-biological information.
- Community involvement in data analyses as research partners and data analysts.

- Involvement of community in validation meetings or workshops to check the accuracy of the results obtained from the survey and to gather additional issues and concerns.

3. Public Participation in Impact Identification, Prediction and Evaluation

Public participation in impact identification, prediction, and evaluation are very important as additional source of information. Their specific involvement can be elicited using the following procedures:

- The preparers together with local folks and other concerned parties identify the critical impact areas and environmental indicators. Indicative lists of impact areas, formulated by the preparers, may serve as starting point for identification of impact areas.
- Participatory methods such as consultation, focused group discussions, group meetings among others may be utilized to collect or validate information and data with the stakeholders.

Transparency, informed participation, joint evaluation and involved decision making should be the guiding principles for public participation in impact identification, prediction, and evaluation.

4. Public Participation in the Environmental Planning Process of the EIS

Local communities, directly or through their representatives, can participate in planning through the following means:

- giving their comments or views and suggestions during public consultations and public hearing
- participating in the crafting of solutions to issues and concerns
- registering their protest to the project or to its components to influence decision in favor of the environment
- participation in formulating the monitoring plan and activities through membership in the multi-partite monitoring teams (MMT), environmental guarantee fund (EGF) Committee and other committees established for purposes of ensuring sound environmental management.
- participation in the detailed planning and implementation of specific components of the Environmental Management Plan such as livelihood activities, forest protection, and others.

5. Walk-Through

Another method of public participation is to conduct a walk-through of the project area together with the stakeholders and other interest groups. The purpose of the walk-through is to get a first hand view of the site of the proposed project and verify the environmental setting of the area vis-à-vis the various components of the project. It provides opportunities for the proponent and the stakeholders to directly interact and exchange views or ideas on the potential impacts of the project as well as suggest possible alternative solutions to minimize adverse impacts identified. For instance, location of infrastructures can be discussed to minimize slope modification and tree cutting. A walk-through also enriches the understanding of the stakeholders with respect to the proposed project or undertaking.

6. Extent of Public Participation in the EIA Process

The momentum gained with public participation in the scoping and conduct of EIA should be sustained until the monitoring and evaluation phases. It is thus important that as early as scoping, the importance of public participation is impressed upon the stakeholders, their local knowledge is given importance, their insights respected and their inputs in decision making given consideration.

The vigilance of stakeholders in the implementation phase is much more important in monitoring compliance of the proponent with conditions of the ECC and commitments made in the EIS. Moreover, they represent a pressure group that can assist DENR in ensuring the proper administration of sanctions and imposition of fines/penalties for violations.

5.3 Public Consultation

Public consultation is a form or stage of public participation that involves information dissemination and gathering of public opinion. It is a form of participation where citizens can directly be involved in planning or decision making. It aims to produce the widest and most diversified public debate possible involving people directly affected by a project. Proponents of projects shall initiate the conduct of public consultation to ensure that the concerns of the public are fully integrated into the EIA process.

A. Aims of Public Consultations

Consultations are always aimed at the public in general and the following stakeholders in particular:

- all citizen who will be directly or indirectly affected by the proposed project
- Specific groups of people, who are highly vulnerable to the impacts of the project because of certain sensitivity such as indigenous cultural communities, women, and other vulnerable groups.

B. Procedures for Public Consultation

The procedure for conducting a public consultation is similar to that of a public hearing -- except that a public hearing is a formal process whereas public consultation does not have any mandated formats and can be informal. There are no specific guidelines on how the public consultation is to be conducted but the following criteria are, however, good points to consider:

1. Pre-consultation

The following steps must be initiated or implemented prior to any *public consultation* activities:

- Identification of potential stakeholders
- Adequate announcement or invitation of relevant member of the public
- Democratic agreement on procedures and guidelines for consultation
- Preparation of appropriate audio-visual materials.
- Adequate preparation for physical, technical, and logistical arrangements
- Designation of an acceptable facilitator for the consultation

The selection of venue, schedule and manner of handling the consultation must take due consideration of local culture and lifestyle. In particular, the venue must be seen as a *neutral* ground – a place which is not identified or associated with parties who are in favor of or object to the project.

2. Public Consultation Proper

Most public consultations often take the form of a large public meeting, held in or near the project area, which is moderated by a facilitator who is responsible for ensuring that all legitimate participants have the opportunity to speak freely. The facilitator, as much as practical, should be a *unbiased* person acceptable to all parties. Public consultation, as a general rule, is proponent-driven. The presence of DENR-EMB in the public consultations is primarily for the purpose of documenting the process as part of the review process.

The time allocated to participants, the order in which they speak, and the form their statements may take should be non-discriminatory. The time allocated to DENR representative/s, the project proponent and EIA preparers should be limited and defined so as not to limit the time allotted for public participation.

The facilitator of the consultation should be able to manage interaction among local, outside groups, and various categories of stakeholders. Issues and concerns raised, articulated interests and specific agreements should be summarized at the end of the consultation period. Finally, the process of public consultation should be properly documented.

5.4 Public Hearing

A public hearing is a formal process that is initiated, planned and conducted by the DENR. It is designed to promote dialogue or communication between and among the project proponent, the DENR and the public for the purpose of exchanging information and views. It provides a forum for the proponent and the DENR to understand community values or needs and appropriately respond to them. Further, it serves as a venue to test alternative options for resolution of issues or conflicts.

A. Decision Criteria for Requiring the Conduct of a Public Hearing

The DENR, upon recommendation of the EIARC, shall hold public hearings for projects requiring an EIS whenever:

- the magnitude of the project is such that a great number of people are affected;
- there is mounting public opposition against the proposed project; or
- there is a written request for the conduct of such public hearing from any of the stakeholders.

> When submissions on proofs of social acceptability are lacking or inadequate, public hearing becomes mandatory. If no public hearing is held despite such lack or inadequacy of proof of social acceptability, the EIARC must strongly justify why no public hearing was required.

It should be noted that the *Public Hearing* is not the appropriate venue to ensure that the findings of the EIA study had been communicated to the stakeholders. The communication by the preparers or proponents of the EIA study highlights should

have been completed before the submission of the EIS. The processes, methods and proofs of the "*feedback to the stakeholders*" should be described in the *Process Document*. As such, the conduct of *Public Hearing* with the primary aim of communicating the EIA results to the stakeholders is not a sufficient basis to require a *public hearing*.

B. Conduct of a Public Hearing

The DENR shall conduct public hearing with the assistance of the proponent and preparer. The Public Hearing shall be scheduled by the DENR and the proponent in consultation with other key stakeholders. All public hearings shall be summary in nature and shall not strictly adhere to the technical rules of evidence.

Public hearings shall be open, without the need for a *formal* invitation, to all interested groups with valid concerns about the proposed project.

1. Technical Requirements

Selection of a Public Hearing Venue

The determination of the venue for the public hearing is a critical element of the entire process. It can pre-determine or prejudiced the success or failure of the exercise. As such, utmost care must be exerted to select the most optimum venue.

The DENR-EMB office concerned, in coordination with the EIS preparers, shall determine the venue for the public hearing. The venue must be *neutral*, i.e., it is not identified or associated with a party who is in favor of or against the project. Further, the venue must not be conducted in a government location (e.g., office, conference hall) of a government unit or agency that has regulatory control, jurisdiction or interest over the project. For example, municipal halls are not ideal venue inasmuch as the proponent has to secure endorsements or permits from the LGU. Also, the LGU may be identified or perceived to be supportive of or against the project. The selection of a *private* venue, on the other hand, does not guarantee *neutrality*. The same degree of care must be exerted in selecting *private* venues (e.g., hotel).

Designation of a Hearing Officer

The EMB Director or DENR-EMB RD shall designate a hearing officer with the following qualifications:

- of known probity and independence;
- familiarity with rules and procedures in the conduct of public hearings;
- skill in effective dispute and conflict resolution; and
- sensitivity to the need for social acceptability and public participation in the EIA process.

A hearing officer need not be a lawyer nor a DENR personnel. A professional moderator/facilitator who possesses the necessary qualifications may be designated as hearing officer.

Powers and Duties of a Hearing Officer

- A hearing officer shall have the power and authority to conduct the proceeding with the aim of eliciting information and facts to support the substantive review of the EIARC.

- A hearing officer shall ensure that all participants are given the opportunity to be heard and to ventilate their positions/concerns regarding the project. Furthermore, the public hearing officer should ensure that these concerns are adequately discussed.
- A hearing officer shall endeavor to identify options for possible resolution of issues and conflicts
- He shall submit a report of the proceedings to the EIARC within 10 days after the hearing.

He may also be called upon by the EIARC to give a verbal report even prior to the submission of the formal report for purposes of facilitating the review process. The report shall be an assessment of issues discussed or events that transpired during the public hearing, and the findings or recommendation of the public hearing officer.

To facilitate the preparation of the report, the hearing officer may require the proponent/preparers to engage the services of a stenographer (or equivalent) to prepare the transcript of the session.

2. Pre-Public Hearing

In coordination with DENR, the proponent at its own expense shall cause the publication of a notice of public hearing once a week for two (2) consecutive weeks in any newspaper of general circulation with the second publication undertaken at least 15 days prior to the scheduled hearing. For example, the notices are published for two consecutive Wednesdays with the hearing conducted 15 days after the second publication.

Notices shall likewise be posted in conspicuous places in the municipality and barangay where the project is proposed to be located at least 15 days prior to the scheduled hearing. Announcements of hearing may also utilize popular forms, e.g., radio, public address system, posters, Sunday mass or service. The proponent shall shoulder the expenses incurred for such notices.

When the stakeholders do not have access to the usual means of communication, the proponent must utilize other forms of information dissemination such as radio, distribution of flyers, publication in local newspaper/s, etc.

The announcement of public hearing shall conform to DENR approved format. The

> Notice-publication of Public Hearing (format and text) must have prior written approval of EMB or DENR RO.

notice should encourage early registration of participants and submission of position paper/s. These position papers may be formulated by interested parties (e.g., academe, NGOs/POs, LGUs, etc.) in support or in opposition relative to certain issues or components of the project.

> The selection of venue, schedule and manner of handling the Public Hearing must take due consideration of local culture and lifestyle.

The proponent should insure the attendance of stakeholders. The success of a public hearing is gauged in part by how well the different sectors are represented.

> In order to insure maximum participation, proponents of projects located in the region must also publish the Notice of Public Hearing in a regional or local newspaper of general circulation in the project area. Also, Notice of the Public Hearing should be provided in non-written means such as radio, etc. especially if stakeholders who have no access to written means of information have been identified.

3. Public Hearing Proper

Matters to be Discussed in a Public Hearing

The hearing, as much as practical and possible, may deal with any or a combination of the following themes:

- the proponent, especially their responsibilities to the community;
- the project, including its elements or components, its implementation and related development;
- the elements and features of the environment likely to be affected by the project;
- the impact, as identified and assessed;
- the option, as studied and evaluated;
- monitoring, follow-up, enhancement, and mitigating measures;
- negotiated settlements or compensations
- assurances and guarantees for compliance to the environmental management plan

Procedures of the EIA review process and grounds for appeals may also be discussed during the hearing to inform the stakeholders about their rights.

Conducting a Public Hearing

- Set the proper tone for the public hearing

  This can be done by singing the national anthem and delivering an invocation.

  An opening remark may also be given to provide a briefing and orientation on the purpose of the public hearing, the EIS System, and other such relevant information.

- The Hearing Officer explains the rules governing the conduct of the public hearing.

  Examples of rules that should be emphasized include, among others, the following:

  - ✓ comments should be based on correct and updated information
  - ✓ discussions should be directly relevant to the issue at hand
  - ✓ comments should be made on behalf of public interest not personal interest
  - ✓ proper decorum (ex. no cat calls, no booing)

- The first part shall be the presentation of all information or facts regarding the project and the result of the EIA.

The presentations should be comprehensive and should be clearly communicated in the language that would be easily understood by the public. An interpreter should be readily available in case some aspects of the information need to be translated in the local dialect.

There should be no interruption during the presentations except for clarification.

- The second part of the public hearing should be devoted to entertaining questions, comments, reactions, and ideas.

  During this part of the public hearing, the hearing officer should insure that *heated* or *emotional* debates and arguments are avoided. The opportunity to ventilate *valid* issues and concerns should be maximized.

  This process should be well managed to maximize participation and get a balanced view of those who are for and against the project. To the extent possible, there must be full representation across the broad sectors of the various stakeholders or interest groups. As much as possible before the start of the public hearing, the following should be determined:

  - ✓ How should speakers be chosen? One for (pro) followed by one against (con) the project?
  - ✓ Do we require registration of speakers for and in behalf of certain groups?
  - ✓ Do we require written comments? What if stakeholders like indigenous groups cannot write?

  Participants may ask questions about specific points in the impact study. They may raise new points. In some cases, they may take the liberty of assessing the content of the impact study, challenging the data, the methodology, or even the interpretation of the data. They may also interpret or re-interpret the results of the proponent's analysis. Finally, they may go well beyond the content of the impact study, introducing new information and assessments.

  Resource persons may be invited to present technical information or shed light on certain issues. However, it is the responsibility of the proponent and preparer to make available the EIA team to answer questions or issues raised during the hearing.

  Assessing the Validity of an Issue Raised

  In the conduct of an EIS, there are many issues or concerns that can surface. One should be able to distinguish between a valid issue/concern from that which is largely politically motivated or personal in nature. To assess the validity and legitimacy of an issue raised, the following guide questions should be answered:

  - o Are the issues or concerns raised based on correct and updated information?
  - o Are these issues or concerns directly relevant to the project being assessed?
  - o What are the motivations of those who raised these issues, public interests or personal interests?

  The facilitator should be sensitive to the socio-cultural dynamics of the project area to be able to assess and determine valid issues and accordingly deal with them properly during the process.

- Summarize issues/concerns/impacts raised by the public and response of the proponent.

All the issues and concerns raised and discussed should be synthesized by the Hearing Officer and presented to the public for validation. The synthesis shall include the summary of agreements, commitments, assurances and guarantees of the proponent on relocation and appropriate compensation of displaced population and other affected parties.

4. Post-Public Hearing

The proponent must carefully document (in audio and preferably in videotape form) all public hearings. Such documentation shall be submitted to the Hearing Officer who shall validate and carefully analyze the process and results. The process documentation and relevant attachments (transcripts, proceedings, videotapes, etc) shall be submitted by the proponent within five (5) working days to the EIARC, copy furnished the public hearing officer.

The process documentation shall include the following:

- list of directory of participants
- the issues, concerns, interests raised or addressed during the public hearing.
- the sequence of significant activities undertaken or issues addressed
- the process by which agreements or resolutions were arrived at
- the stakeholders and key players who most actively participated, those who were present but were quiet, those who were not represented
- the outcome of the activity or undertaking

As a rule, the EIARC shall prescribed the appropriate feedback mechanism/s (e.g., manner of providing copies of the documentation) for those who demand it and those deemed by the EIARC as needing it.

C. Public Hearing Report

The Public Hearing Officer shall submit a *Public Hearing Report* within ten (10) working days to the EIARC. The *Public Hearing Report* shall have the following formats and/or contents:

- Project Background – project description, location, implementation schedule and other details as presented during the public hearing.
- Public Hearing Proceedings – administrative arrangements (e.g., background on why public hearing was required, schedules and actual time utilized, venues, logistical supports provided, etc.), summary/list of participants, and general assessment of the conduct of the public hearing.
- Summary of Issues and Discussions – a summary (with annotation or reference to the detailed transcriptions, if necessary) of issues and concerns raised during the public hearing, the parties concerned (the one who raised the issue and the responding party), resolution/s or agreement/s.
- Recommendations and Conclusions – findings, recommendations and/or conclusions of the *Public Hearing Officer* especially with regard to the issues or concerns raised by the stakeholders AND assessment or determination if the basis or reasons why a public hearing was required had been resolved.

Essentially, the report is an assessment of issues discussed or events that transpired during the public hearing, and the findings or recommendation of the officer. The PH

Officer may also be called upon by the EIARC to give a verbal report even prior to the submission of the formal report for purposes of facilitating the review process.

6. Social Acceptability

Social acceptability is ***the result of a process that is mutually agreed upon by the DENR, the stakeholders and the proponent to ensure that the concerns of stakeholders, including affected communities, are fully considered and/or resolved in the decision-making process for granting or denying the issuance of an ECC.*** It also means the proponent is able to address all of the relevant and valid issues and match them with corresponding mitigative or enhancement measures together with the provision of adequate resources to implement the measures and the corresponding agreements and guarantees for the fulfillment of such measures.

At the conceptual level, the determination of social acceptability cannot be separated or made distinct from the overall assessment. As such, the guiding framework of DENR is to determine the appropriate balance between socio-economic development and environmental protection. In such determination, the DENR shall consider, among others, the following factors:

- ecological/environmental soundness of the proposed project;
- effective implementation of the public participation process;
- promotion of social and intergenerational equity and poverty alleviation;
- effective environmental monitoring and evaluation; and
- proposed mitigation and enhancement measures.

It should be noted that the determination of social acceptability must be undertaken in the wider perspective of social impact assessment. While social acceptability is oftentimes equated with project acceptability, distinctions must be made between social acceptability (in the technical sense) and the wider aspects of overall project acceptability. Acceptability of the project, with its concomitant impacts, is not social acceptability. Neither is social acceptability to be considered as project acceptability.

In the spirit of the 1992 Kuala Lampur Declaration of the ASEAN, the Philippine EIA system has to be as compatible as possible with the practice within the international community of EIA practitioners. Public participation, while the most important consideration, is certainly not the exclusive consideration in an SIA.

While acceptability of the environmental impact of a project or undertaking can be determined through meaningful public participation and a transparent EIS process, the approach is certainly not the exclusive consideration in the framework of social impact assessment. Furthermore, the determination of social acceptability by DENR is not intended to imply that <u>all</u> stakeholders have found the proposed project *acceptable*, but rather, that the proponent underwent or complied with all processes in good faith. It should be noted that social acceptability can be achieved through the following:

- informed decision-making;
- agreement on process of decision-making through appropriate means;
- empowerment of stakeholders to decide for themselves; and
- acceptance and understanding of issues by those who are directly affected by the project.

> Endorsement by Local Government Units of the proposed project/s is not equivalent to Social Acceptability. It is only <u>one of the key indicators</u> of social acceptability. The failure to obtain an LGU endorsement does not automatically imply the lack/absence of social acceptability for the project.

6.1 Criteria of Social Acceptability

In determining social acceptability and overall project acceptability, the DENR shall base its evaluation on certain parameters. These parameters assumed that *social impact assessment* (among other studies) had been properly undertaken. The criteria are:

- The project should be consistent with plans/programs and policies of the national, regional and local authorities.
- The project should be able to contribute to the government's effort in promoting social equity such that the social benefits outweigh the social cost.
- The project should be able to provide gainful employment and alternative sources of livelihood.
- The project should involve women and vulnerable groups (physically handicapped, youth, etc.).

6.2 Determination of Social Acceptability

All interested parties are considered stakeholders. Nonetheless, only the people/communities within the primary impact zone/s of the project would be given the highest considerations in the evaluation of social acceptability since they would be the groups most likely to be affected by the project.

> In the determination of social and project acceptability, the criteria discussed in this section must be considered within the framework that other government units has primary jurisdiction over issues and concerns that are within their respective mandates. As such, issues or concerns that are primarily and clearly the mandate of another government agency must be resolved by that agency. For example, a health issue or concern must be resolved by DOH. Likewise, dealing with issues or concerns on volcanology or earthquate is the primary mandate of PHIVOLCS.

The principle of *striking a balance between socio-economic development and environment protection* shall guide DENR in determining the overall and social acceptability of a proposed project. As such, the determination of social acceptability compels the consideration of a broad spectrum of environmental factors and equity issues among which are the following:

A. Ecological and environmental soundness of the proposed project.

Examples of proofs that this has been met by the proponent can include:

- Risk Management Plan, if applicable
- an Environmental Management Plan with the commitment of the proponent to implement the proposed measures
- a municipal, barangay or provincial resolution endorsing the project
- endorsement letters from the local NGOs and POs
- a signed contract between the proponent and project contractor(s) incorporating all the mitigating and enhancement measures in the TOR or scope of work of the contractor(s)
- a list of detailed specifications of raw materials and equipment to be used in the project from the different suppliers showing that these are made of environment

friendly processes and substances. An example of this would be a certificate from the supplier of the fuel to be used regarding low sulfur content of the fuel.

B. Effective implementation of the public participation process.

Examples of proof include:

- scoping report that has been signed by all key parties and stakeholders' representatives
- matrix showing the manner of inclusion of the comments and suggestions of stakeholders in the various aspects of the EIA
- letters of stakeholders signifying interest to participate in the monitoring of the project and/or implementation of the Environmental Management Plan;
- report of the Hearing Officer during the public hearing;

On the issue of indigenous cultural communities and their ancestral lands, social acceptability may be determined by prior informed consent obtained from the concerned indigenous cultural group for the utilization of their ancestral land. In the case of mining permits or agreements in areas claimed as ancestral, Section 16, paragraph 2 of the Philippine Mining Act of 1995 specifically provides:

> "*Prior consent refers to prior informed consent obtained, as far as practicable, in accordance with the customary laws of the concerned Indigenous Cultural Community. Prior informed consent should meet the minimum requirements of public notice through various media such as, but not limited to, newspaper, radio or television advertisements, fully disclosing the activity to be undertaken and/or sector consultations wherein the Contractor/Permit Holder/Permittee should arrange for a community assembly, notice of which should be announced or posted in a conspicuous place in the area for at least a month before the assembly: Provided, that the process of arriving at an informed consent should be free from fraud, external influence and manipulations.*"

On the other hand, Section 3(g) of Republic Act No. 8571, The Indigenous People's Rights Act (IPRA) of 1997, provides for the following:

> Free and Prior Informed Consent is: "*the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, influence and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.*"

C. Resolution of conflicts

Resolution of conflict is not a primary responsibility of DENR – in particular, it is the LGU that is mandated for this function under the *Local Gov ernment Code*. However, DENR may assist the parties to undertake conflict resolution activities especially on environmental issues or concerns. The assistance may range from acting as mediator to facilitating the process. The proponent, with the agreement of parties concerned, may also engage the services of a third party to serve as mediator or facilitator. (See ***Annex L*** for more details on the Conflict Resolution Process)

It is recognized that certain disputes or conflicts may not be resolved to the satisfaction of all parties concerned. In this case, ***Process Documentation (PD)*** is very important in providing insights or analysis of activities undertaken. The PD should discuss the efforts exerted by the proponent in trying to resolve conflicts or disputes.

Examples of proof include:

- Memorandum of Understanding between the disputing or conflicting parties;
- Negotiated agreements on conflicts should be firmed up through a MOA between the proponent, the DENR, LGU and legitimate stakeholders.
- Resettlement and Compensation Plan, if applicable;
- Social Development Program, if applicable

D. Promotion of social and intergenerational equity and poverty alleviation

The project should promote social equity and answer the following questions:

- How could the benefits and burdens of the project be distributed among the different groups and classes of people affected?
- How could the project benefits be distributed more effectively among the poorer people in the intended beneficiary population?
- What might be done to lessen the burdens on project victims or benefactors, especially poor people?
- Gainful employment and alternative sources of livelihood should be provided particularly when vast tracts of agricultural lands and/or fisheries are affected due to project operation.
- Livelihood programs/projects should also involved women and other vulnerable groups.
- Proposed mitigation measures for adverse impacts on people should be highlighted together with measures for the enhancement of positive impacts.
- Formulation or development of an appropriate/adequate compensation scheme for resettled households that is mutually agreed-upon.
- The project should respect and preserve the aesthetic value and cultural heritage of affected communities.

Examples of proof include:

- endorsement letters from the local NGOs and POs;
- a municipal and barangay resolution endorsing the project;
- Environmental Management and Monitoring Plan which includes a Social Development Program, Compensation and Resettlement Plan, etc. that is signed by the proponent agreeing to implement all the proposed measures and to strictly abide by them
- Community Relations Record for those companies which have past experiences

The processes employed in the conduct of the EIA will determine the social acceptability of a project or undertaking. This will be largely evaluated on the basis of the *process documentation report*, which forms part of the EIS report.

such as the case of mining firms.

Community Relations Records as defined in Section 5 of the Mining Act refers to the applicant's proof of its community relations which may consist, but not limited to, socio-cultural sensitivity, the character of its past relations with local communities, cultural appropriateness, and social acceptability of its resource management strategies.

6.3 Process Documentation Report

The process documentation is a detailed description and analysis of the different activities undertaken during the course of the study. The EIA process documentation has the following purposes:

- To accurately describe the following:
  - ✓ stakeholders' participation
  - ✓ the process by which specific issues, concerns, and interests are articulated, addressed or resolved
  - ✓ the sequence of significant activities undertaken or issues addressed
  - ✓ the process by which agreements or resolutions were arrived at and how disagreements or conflicts evolved, the dynamics involved, the rationale or motives (both latent and expressed)
  - ✓ the stakeholders and key players who most actively participated, those who were present but were quiet and those who were not represented
  - ✓ the outcome of the activity or undertaking
- To analyze significant questions, concerns and issues as articulated and addressed in different stages of the EIA study. The analysis is a distillation of the process as documented embedding this in the micro and macro context of the project whose impacts are being assessed.
- To serve as a tool for decision-making in EIA, specifically in determining the extent of public participation and social acceptability of the project.

Process documentation captures the processes of the entire EIA study such as scoping, public consultations, public hearings and dispute/conflict management. Discriminating judgment must be exercised by the proponent to determine the scope or extent of the process documentation taking into consideration the intended use for the report, the capability to undertake the documentation and the costs entailed.

A person specifically trained for the purpose serves as process documentor. The person either works alone or as part of a team, usually under the supervision of a social scientist.

The process documentation report provides the key basis for evaluating the social acceptability of a project. By providing a thorough account and analysis of the processes that took place, the EIA Reviewer will be able to evaluate the dynamics that affect decisions of various stakeholders for and against the project. This input is critical in cases where there are unresolved issues or concerns. The process documentation is also helpful to the EIA Reviewer in cases where proofs of SA are/is inadequate. For example, the PD can discuss the reason(s) why the proponent is not able to get the barangay endorsement.

7. Monitoring Protocols

This Section discusses the requirements and procedures that shall be applied by DENR-EMB in monitoring compliance to the Philippine EIS System including the guidelines to cover post-ECC activities such as establishment and operationalization of environmental monitoring fund, environmental guarantee fund, and multi-partite monitoring team among others.

Additional guidelines are currently being developed under the World Bank Assisted *Strengthening of the Environmental Performance Monitoring and Evaluation System of the Philippine EIS System (SEPMES-PEIS) Project* which will contain more details and technical guidance.

7.1 Objectives of Monitoring

The primary purpose of monitoring is to ensure the judicious implementation of sound environmental management within a company/corporation and its areas of operation. Specifically, it aims to:

- monitor project compliance with the conditions set in the ECC;
- monitor compliance with the Environmental Management Plan (EMP) and with applicable laws, rules and regulations; and
- provide a basis for timely decision-making and effective planning and management of environmental measures through the monitoring of actual project impacts vis-a-vis the predicted impacts in the EIS or IEE.

7.2 Scope/Coverage of Monitoring under the Philippine EIS System

All projects covered by the Philippine EIS System and issued ECCs are subject to periodic monitoring by the DENR, i.e., compliance and impact monitoring in accordance with established procedures and protocols. Within the framework of the Philippine EIS System, the responsibilities of monitoring projects are lodged with the EMB regional offices. The EMB central office shall provide policy guidance and, if necessary, technical assistance to the units concerned.

> Projects that were issued ECCs but categorized as *Non-Covered* under this Manual may seek relief from ECC commitments using the procedures outlined in *Section 8*.
>
> The approval of the *relief* from ECC commitments shall only be granted by DENR-EMB if the proponent has no accountabilities (e.g., all requirement reports have been submitted).

As a minimum requirement in compliance monitoring, DENR-EMB shall focus on the following:

- status of proponent's delivery of commitment made in its EMP (or, in the case of IEE Report, the *Summary Matrix of Impacts*.)
- effectiveness of the committed EMP in mitigating project's environmental impacts
- meeting the terms and conditions of the ECC

Although the ECC contains specific conditionality related to compliance with environmental laws, rules and regulations other than PD 1586 and its IRRs, the compliance status of this

conditionality shall be the primary responsibility of the division/unit concerned (e.g., compliance with water quality criteria shall be the domain of the EQD).

EIS System monitoring can be done through various appropriate approaches such as desk review of documents (e.g., SMR), field assessment and validation, and if applicable, third party audits.

7.3 Monitoring Protocol

Although DENR-EMB has the primary mandate of monitoring under the Philippine EIS System, the other stakeholders (e.g., proponent) has equally significant role in the monitoring system. DENR has always recognized the vital contribution of proponents and other stakeholders. As articulated in recent issuances, DENR encourages voluntary and self-regulation as well as promotes self-monitoring and compliance with environmental standards among establishments.

The succeeding sections discuss the various mode of compliance monitoring depending on the characteristics of the project or facility.

A. Compliance Monitoring by EMB

DENR-EMB, with its overall mandate to implement the Philippine EIS System, is the responsible agency that shall ensure that the monitoring objectives are achieved. Principles of efficient planning and management dictate that DENR-EMB utilize a variety of monitoring strategy (e.g., desk monitoring, field validation). The frequency of monitoring activities shall depend on the characteristics of the project/s. Supplementary guideline on this is being developed under the World Bank assisted *Strengthening the Environmental Performance Monitoring and Evaluation System under the Philippine EIS System (SEPMES-PEIS) Project*.

At the institutional level, monitoring of compliance with the ECC conditions as well as applicable laws, rules and regulations, shall be undertaken by the concerned EMB Regional Office with support from the EMB Central Office whenever necessary.

All projects covered by the EIS System and issued ECCs are subject to periodic monitoring by the EMB, i.e., compliance and impact monitoring, in accordance with established procedures and protocols. The conduct of monitoring starts once an ECC is issued to a project.

Within the context of the Philippine EIS System, compliance monitoring is focused on the status of proponent's delivery of commitment made in its EMP and meeting the terms and conditions of the ECC. As stated, even though the ECC contains specific conditionality related to compliance with environmental laws, rules and regulations other than PD 1586 and its IRRs, the compliance status of this conditionality/s shall be the primary responsibility of the division/unit concerned (e.g., compliance with water quality criteria shall be the domain of the EQD). Violations or exceedances as reported to or received by other units shall be referred to the appropriate office/unit of DENR such as EQD for PD 984, RA 6969 and RA 8749 (please see related details in the next section, *Complaint Management by EMB*).

The entire compliance monitoring scheme of DENR is anchored on four major strategies: desk review of documents (e.g., SMR) by EMB, field assessment and validation by EMB, monitoring by MMT, and if applicable, monitoring and validation by third party auditors.

B. Self-Monitoring by Establishments

Project proponents are primarily responsible for meeting the commitments made in their EMP as well as meeting the terms and conditions of the ECC. As part of their corporate

and/or individual obligations, the proponent shall conduct regular self-monitoring and submit the requisite reports (i.e., *Self Monitoring Report* or SMR) to DENR-EMB. A separate *Procedural and Reference Manual* for the preparation and submission of SMRs was issued in August 2003 through EMB Memorandum Circular 2003-08.

Under the enhanced public-private partnership concept of DENR, DAO 2003-14 provides that additional self-monitoring activities may be carried out by the *Industry Association* depending on the provisions of the *Environmental Consent Agreement (ECONA)* signed with DENR-EMB. It should be noted that the requirement for submission of *SMR* under DAO 2003-27 is independent of the requirements of ECONA. For more details, please consult the appropriate guidelines as may be issued by DENR-EMB.

C. Monitoring by Third Party Auditors

The services of *Third Party Auditor/s*, within the context of the Philippine EIS System, are needed in the following situations:

- In compliance with the provisions of a *signed* ECONA with DENR-EMB.
- For projects with ECC issued based on a PEPRMP or EPRMP (regardless of categorization)
- As an alternative to MMT for projects that are not classified as **Category A**.

Within the framework of the Philippine EIS System, *third party auditors* are independent service providers who are accredited by the appropriate government agency and engaged by an establishment to conduct an environmental audit.

On the other hand, an *environmental audit* is defined as a systematic and documented verification process of objectively obtaining and evaluating evidence to determine whether the environmental performances of the establishment conform or comply with its commitments in the EMP, EIS and other related documents. The *audit* should also cover the establishment's due diligence in preventing, detecting and correcting violations.

A proponent whose ECC requires the formation or establishment of an MMT may opt to use *third party auditors* as an alternative to an MMT if the project concerned is not classified as **Category A**. The parameters and guidelines for determining whether a *third party auditor* is a suitable alternative to an MMT are as follows:

- Upon receipt of the ECC, a proponent shall prepare and submit a letter-request to DENR-EMB to use the services of a *third party auditor* instead of establishing an MMT.
- The evaluation by DENR-EMB for determining whether a *third party auditor* is a suitable alternative to an MMT shall be guided by the following criteria and parameters:
  - ✓ The project is not classified as **Category A**.
  - ✓ Social acceptability is deemed as fair to excellent (i.e., no significant opposition to the project).
  - ✓ The absence of an *integrated* MMT in the area (see next section for more details on integrated MMT).
- Within fifteen (15) working days of receipt of the letter-request, the DENR-EMB office concerned shall inform the proponent of its decision. The *formal* letter of *approval* shall be sufficient documentary evidence that the relevant provisions of the ECC have been duly amended. In the absence of any action/s or decision/s from DENR-EMB, the letter-request is deemed to have been approved.

D. Monitoring by MMT

For projects classified as **Category A**, a MMT shall be formed immediately after the issuance of ECC. Certain **Category B** projects may also be required to form MMT. Proponents required to establish an MMT shall put up the corresponding Environmental Monitoring Fund (EMF) not later than the initial construction phase of the project.

> The establishment and operations of MMT for mining facilities shall be in accordance with the provisions of the *Memorandum of Agreement* between EMB and MGB on the *harmonization* of the requirements of the Philippine EIS System and the Philippine Mining Act.

The success of an MMT is determined by the active involvement and participation of team members which is essentially the core of multipartite monitoring. Their cooperation and commitment determine the effectiveness of the monitoring process. On the other hand, the credibility of the monitoring results, the objectivity of the findings and the effectiveness of the recommendations strongly depends on the perceived transparency and technical quality of the whole process.

The purposes for organizing the MMT are to encourage public participation, greater stakeholders' vigilance and provide appropriate check and balance mechanisms in the monitoring of project implementation. The MMT also serves as the focal group to handle complaints from stakeholders at the local level.

It should be noted that MMT may be time bound, or have a specific term of office which is not of the same length as the project life (for example, MMT will only be organized for the construction phase).

As a general rule, the MMT shall be composed of representatives of DENR, the proponent and of stakeholders groups, including representatives from concerned LGUs, locally accredited NGOs/POs, the community, concerned EMB Regional Office, relevant government agencies, and other sectors that may be identified during the negotiation. The team shall be tasked to undertake monitoring of compliance with ECC conditions as well as the EMP.

> It should be noted, however, that DENR does not in any way delegate its authority or devolve its monitoring function to the MMT. The MMT's report shall be the basis of the DENR's action without prejudice to DENR's undertaking a validation of the events covered or leading to the issuance of the MMT Report.
>
> In the same manner, the hiring of consultants or other similar activities by the MMT does not imply in any way the delegation of its functions, responsibilities or accountabilities.

1. Functions of the MMT

The MMT shall:

- Monitor project compliance with the conditions stipulated in the ECC and commitments made in the EMP by:

- Reviewing and validating proponent's SMR and other reports (e.g., third party audits) and submits compliance monitoring and validation report to DENR-EMB
- Preparing, integrating, and disseminating simplified monitoring reports and recommendations to the DENR
- Validating the implementation of IEC, SDP and other programs
- Interfacing with proponent, third party auditors and other parties, or engage the services of other expects as deemed necessary
- Initiating popularization of M&E results for community consumption

- Prepare the MMT Manual of Operations (MOO), Work and Financial Plan, and other plans/reports based on the proponent's EMP;
- Institutionalizes best practice for EMF management and administration; and
- Receive complaints/requests from the public-at-large for transmittal to the proponent and the DENR-EMB and be able to recommend immediate measures against the complaint.

2. Steps in Establishing the MMT

- The proponent, in coordination with the DENR-EMB RO concerned, organizes an MMT Executive Committee (MMT EC) prior to project construction and/or implementation. The MMT EC shall then organize the MMT. For projects with Programmatic ECC, a representative of DENR-EMB central office shall be designated.

  As a general rule, the number of sectoral representatives (e.g., sectoral representative/s, NGO/PO, etc.) shall be determined by consensus by all stakeholders. In the event of failure to agree on the number of representatives per sector, the MMT EC shall prescribe the number of representatives per sector.

- An MMT meeting shall then be convened to finalize an annual work and financial plan based on the approved environmental monitoring plan and fund, and the approved Memorandum of Agreement based on the ECC conditions. The first meeting of the entire MMT shall not be later than one (1) month after commencement of project construction and/or implementation.
- Once finalized, annual plans and budget shall be affirmed or approved by the DENR-EMB RD. The first annual environmental monitoring plan and budget shall be forwarded to EMB CO or DENR RO, as the case may be.
- After the approval of the above-cited documents, the MMT shall establish the monitoring fund and implement the monitoring based on the approved guidelines.
- The MMT shall submit a semi-annual report to the DENR-EMB RO. Special reports or documents shall be prepared and submitted by the MMT to the DENR-EMB RO as may be necessary or appropriate.

For projects whose significant environmental impacts do not persist after the construction phase or whose impacts could be addressed through other regulatory means or through the mandates of other government agencies, the MMT may be terminated or disbanded immediately after construction or after a reasonable period during implementation.

3. Composition of the MMT

The EMB, in coordination with the proponent, shall organize, nurture and capacitate the MMT to enable it to function as an *autonomous* environmental monitoring partner. With due consideration to the nature and location of the project, the following are proposed as members of the MMT:

- DENR-EMB
- Project proponent
- LGU/s
- Directly affected vulnerable/marginalized groups (e.g., women, youth, indigenous people, farmers and fisherfolk) as may be represented by local POs or NGOs
- Other GAs
- Others as identified during the scoping process

Scoping documents often reveal the anxiety of stakeholder groups that are not recognized as an official body. It is best that these groups be legitimized prior to finalizing membership to the MMT to avoid later questions as to why they were not included at the onset as stakeholders and later as MMT member.

MMT Executive Committee

The MMT EC shall be composed of representatives of:

- DENR-EMB
- LGU official or designated representative
- Project Proponent

As a general rule, the DENR-EMB Regional Director shall serve as the Chair of the MMT EC. In some cases, the provisions of the MOA on the establishment of the MMT may specify the procedures for the selection of MMT Chair. The selection of non-DENR persons as chair of the MMT shall require prior concurrence of the DENR-EMB RD concerned. To assist the MMT EC, a secretariat may be appointed/designated by the Chair.

MMT Sectoral Team

Depending on the scale or magnitude of the project, sectoral team/s may be organized composed but not limited to the following members:

- DENR-EMB representative/s
- Representative of LGU/s at the local level (preferably, barangay)
- Directly affected vulnerable/marginalized groups who may be represented by local NGOs/POs
- Concerned government agency/s
- Proponent representative
- Other sectors that may be identified during the negotiations.

The PENRO and/or CENRO may be designated as the DENR-EMB representative/s with written authorization by the DENR-EMB RD concerned.

4. Criteria for MMT Selection

Membership in the MMT is an important consideration in Participatory Monitoring work. While expansive representation in the team appears proper, team composition should not override the immediate concerns in team management. To avoid pitfalls, the various parties must agree on a set of selection criteria that will meet the minimum requirements in forming the MMT.

Members (in addition to DENR, the proponent and LGU) chosen for a Multipartite Monitoring Team must:

- Be able to regularly attend meetings, orientations/training, and actual monitoring and reporting activities;
- Be duly nominated by a concerned party or sector (e.g., local communities, NGOs, academe, other GOs, including LGUs); and
- Other criteria mutually agreed upon.

It should be noted that MMT is a social mechanism to ensure stakeholder participation within project-affected areas. As such, one important consideration in the selection of MMT members must be residency. Local NGOs, especially those of long standing and are locally based, shall have priority over other organizations that are not based in the locality.

With regard to membership by other government agencies, the important criteria will be the functions and jurisdiction of the agency concerned. Specifically, the selection of membership shall be based on the most direct or significant environmental impacts of the projects on activities or concerns of the agencies or organizations concerned.

5. Roles, Duties, and Responsibilities

The MMT, as a group (committee), shall have the requisite roles, duties and responsibilities that are necessary to perform their functions as discussed in a preceding section.

MMT Executive Committee

Without prejudice to any additional provisions in the MOA creating the MMT, the functions of the MMT EC are as follows:

- Organize and supervise the activities of the MMT
- Review and approve the work and financial plan of the MMT
- Administer and manage the Environmental Monitoring Fund (EMF) and Environmental Guarantee Fund (EGF), if applicable
- Resolve issues arising from its monitoring activities

MMT Secretariat

Likewise, without prejudice to the provisions in the MOA, the MMT Secretariat shall have the following functions:

- Inform the MMT members of the schedule of meetings and monitoring activities of the MMT
- Provide documentation of minutes of MMT meetings and monitoring results including action items generated from the discussions
- Ensure the safekeeping of MMT documents, materials and properties.

MMT Sectoral Team

The Sectoral Monitoring Team, in general, shall have the following functions:

- Organize and carry out the field monitoring activities of the MMT in their respective area of jurisdiction based on the guidelines that will be adopted by the MMT.
- Advice the entire MMT on the need for additional monitoring activities and/or requirements to employ assistance of other relevant government Agencies and other sectors to provide necessary expertise and participate in the actual monitoring activity.

MMT Members

In general, the roles and responsibilities of individual MMT members are as follows:

- Suggest most effective (locally popular methods) means of disclosing information to the rest of the community as well as receive feedback/complaints from other community members.
- Initiate/attend meetings, community consultations, briefings and other activities or forms of IEC dissemination to inform various publics of project activities and M&E results
- Assist or facilitate in conflict resolution and complaints management.
- Be present or have a representative in all meetings and deliberations regarding project development as initiated by either the proponent or the DENR-EMB.
- Help the community in understanding project activities and M&E results.
- Make available relevant data and information about the project and MMT operations.
- Volunteer as resource persons to interpret to the community the implications of M&E findings.

At the institutional level, the roles and responsibilities of the different sectors are as follows:

- EMB Central Office - The DENR-EMB shall be responsible for taking the lead in policy formulation, evaluation of monitoring results, resolution of issues where consensus or decisions cannot be made at the regional level and the provision of needed support for the operationalization of the MMT.
- EMB Regional Office - The DENR-EMB RO shall act as the lead agency in the monitoring work and shall coordinate the MMT's activities to ensure an efficient monitoring of the entire PROJECT. It shall take appropriate actions to resolve issues/problems. Whenever necessary, it shall provide technical assistance and participate in the activities of the MMT. Whenever necessary or appropriate, the EMB RO may designate the DENR PENRO and/or CENRO as DENR-EMB representative/s in the MMT.
- The proponent shall provide necessary budget/funds for the operationalization of the MMT based on the Work and Financial Framework Plan/Program developed by the MMT Execom through the mechanics of the EMF. Make available to the MMT members all information relevant to the project to determine compliance with the ECC to the extent that such information is not subject to any restrictions and confidentiality. Co-ordinate with and allow the MMT members to inspect and observe construction and operation activities of the PROJECT including the

testing, calibration and operation of pollution control and in-house monitoring equipment. Participate in actual monitoring activities.

- The Local Government Units shall participate in actual monitoring work. Advise the MMT of any complaints, information or reports from LGUs concerning the project, in order that remedial measures if warranted and feasible can be undertaken.
- The NGO/PO and other stakeholder groups shall participate in actual monitoring work, and concur with and/or sign the monitoring reports, or take exception to them as the case may be. The representatives shall advise the MMT of any complaints, information or reports from their respective constituencies concerning the project, in order that remedial measures if warranted and feasible can be undertaken.
- External Assistance/Expert who may be required from time to time to provide necessary expertise and participate in the actual monitoring activity and concur with and sign the monitoring reports.

6. Operationalizing the MMT

MMT Manual of Operations

The EMB shall prepare a *generic* Manual of Operations that shall guide the operations of MMT. At the discretion of the MMT EC, the MMT may prepare a separate Manual of Operations (MOO) which must include, though not limited to the following salient features:

- Mission, Vision and Objectives
- General Functions and organization
- Membership, Selection and Criteria of MMT Members
- Activities and Guidelines

Activities and Guidelines to be Included in the Manual of Operations

The following shall be followed in formulating the MMT's activities and guidelines as part of the MOO:

- Meetings

  Meetings may be called upon by the MMT Chairman to be conducted on a regular basis. However, other meetings may be called upon in case of emergencies or special occasions and shall be considered special meetings.

  Voting by Proxy – Proxy voting may be allowed to facilitate smooth flow of elections or decision-making. Specific rulings on this process, however, should be thoroughly discussed and strictly enforced.

  Notice of Meeting – Notices may be sent using whatever media to inform members of the specifics and nature of meetings. Timely issuance of notices have to be strictly observed.

  Quorum – Any decision or approval of the Committee shall require a majority vote, provided there is a quorum. A quorum may require the presence of more than half of the members (more than 50%), including, at all time the Chairman of the MMT. A higher number may be prescribed and decided upon by the members.

- Monitoring

Periodic monitoring of project activities particularly as regards to covenants made as embodied in the ECC and the EMP will be conducted and described in the Manual of Operations.

Cases when the MMT may seek assistance of experts in its monitoring activities have to be projected in this section with the understanding that the MMT shall not be absolved of their responsibilities under the MOA.

- Information Dissemination

  The manner by which information is disseminated outside the membership of the MMT should be indicated in this section. Information types include (i) M&E results, (ii) MMT activities, (iii) updates about the project, and (iv) DENR-EMB messages. Information should be in simple form.

- Annual Planning Workshop

  An annual planning workshop results in the enumeration of the project activities/work that the MMT is slated to conduct for a regular working year. Details indicate the rationale per activity/task, schedule, human resources involved, logistics (administrative and other requirements) and financial requirements.

  The planning results are normally plotted in Ghantt chart form. The output is a Work and Financial Plan submitted to the DENR-EMB and the proponent for approval.

- Public Disclosure and Complaints Management

  This section highlights how the MMT documents and verifies complaints made by the public at large. It should include the manner by which the MMT prepares the necessary recommendation/s to the complainant/s as regards complaints that are within their capacity to address as well as those that may be redirected to another responsible agency for immediate action.

  Aside from that mentioned above, this section should stipulate how the MMT utilizes/processes information as per result of M&E activity and how these are ultimately farmed back to the community using appropriate IEC strategies.

- Training

  MMT members, whenever appropriate and feasible, should discuss in this section how they may be trained on the different aspects of monitoring work to equip them with the necessary understanding/knowledge to undertake their work. Aside from the expected rigors of compliance monitoring, training topics may include, but not be limited to, skills enhancement for the required tasks. Updates or refresher courses on IEC, public disclosure, complaints management, and developments in the field of environmental management especially as regards the project being subject to M&E, and policy may also be considered as areas for training.

  Time and effort must be exerted specially on complaints management as the MMT is tasked to address complaints at their level. Hence training to focus on possible complaints and “what to do or suggest” to the complainant must be built in this section. It would be best if the MMT can at this point identify/provide a checklist of possible areas that normally are causes of complaints.

  This section must likewise incorporate how new skills/knowledge will be re-echoed to other MMT members and the community at large.

- Records Keeping

MMT shall anthologize relevant records, data, technical references and compile monitoring reports. These documents may be used for:

- ✓ Documenting violations of proponent and recommendation for the issuance of a cancellation or suspension order, or order of revocation of the ECC
- ✓ Building the data base for different project types to strengthen the accuracy of impacts prediction
- ✓ Improving the preventive and mitigating measures provided under the EMP.

7. Reporting

All monitoring activities of the MMT shall require the completion of a findings report – called Compliance Monitoring and Verification Report (CMVR), a copy of the report shall be submitted to the EMB RO concerned and another copy submitted to EMB central office in the case of ECPs. ***Annex M*** contains the outline of the CMVR.

The report/s shall be considered as affirmation of the role of the MMTs as an environmental monitoring partner. The report shall also document the accomplishments of the MMT and include, among others, a section on:

Complaints Verification and Management and Reports on Accidental Spills and Releases

For complaints verification, this section should discuss the details of the complaint, the location where the alleged incident occurred, detailed observations of the monitoring team highlighting anything out of the ordinary or having any adverse impact on the environment.

This section should also include any report/s on accidental spills or releases that have the potential to impact the environment and human and ecological health, although there may be no official complainant. The response or action undertaken by the proponent should be explained.

8. Terminating the MMT

For projects whose significant environmental impacts do not persist after the construction phase or which impacts could be addressed through other regulatory means (e.g., Clean Air Act, Clean Water Act, RA 6969) or through the mandates of other government agencies (e.g., DOH for health, LGU for building/structural safety, MGB for geological aspects), the operations of MMT may be terminated immediately after construction or after a reasonable period during implementation.

In the case of roads and bridges projects, MMT functions shall be terminated after construction and once project Operation and Maintenance (O & M) is turned over to the responsible management authority/organization.

MMT functions shall be terminated for projects upon completion and upon compliance with the abandonment plan.

7.4 Streamlining of MMTs

The creation and establishments of MMT are not intended to be another layer of bureaucracy but rather as a social mechanism to handle and address community concerns at the lowest level possible. Hence, *integrated* MMT or clustering of MMT is considered the best institutional strategy possible.

In this connection, all DENR-EMB RO are hereby enjoined to cluster, merge or integrate MMTs at the area, municipal, or provincial level as may be appropriate. The clustering or integration of MMT may also be done based on project types. A semi-annual report shall be submitted to DENR-EMB central office on the progress of integrating MMT.

The streamlining of MMT shall be guided by the following guidelines:

- For projects located in a contiguous area (e.g., industrial zone or parks), only one (1) MMT should be created. Each project proponent or locator may be allowed one (1) representative provided that the agreed upon limit on the number of proponent's representative is not exceeded.
- For other projects, the MMT should preferably be merged or integrated at the municipal or provincial level, whichever is practical.
- The contributions of proponents to the EMF fund shall be decided on a consensus basis. The size of the project and the types of its discharges, among others, may be used as criteria to determine the share of a specific proponent. In the event of failure to agree on a sharing scheme, the MMT EC shall prescribe the shares or contribution of each proponent.

The guidelines on the composition of MMT may be refined or revised accordingly to correspond to the particular conditions and characteristics of the area where the *integrated* MMT will have jurisdiction.

7.5 EMF Administration and Management

The *Environmental Monitoring Fund (EMF)* is a fund that a proponent shall commit to establish in support of the activities of the MMT for the compliance monitoring. The EMF will be established as agreed upon and specified in the MOA between and among DENR-EMB RO, Proponent, LGU and MMT representatives.

An EMF/MMT is required for all projects and undertaking classified as **Category A**. In selected cases, an EMF/MMT may be required for a project and undertaking classified as **Category B**. The criteria on when such projects shall be required to establish an EMF/MMT are the following:

- Possible discharge of toxic or hazardous materials
- Significant amount of discharge that requires careful monitoring AND which may lead to significant public opposition/complaints
- Significant public opposition based on valid environmental issue/s

The decision to require an MMT and EMF is left to the judgment of the respective DENR-EMB RO provided sufficient justification/s exists to support such decision. The fact that a project or undertaking is classified as **Category B** implies that the requirements or accompanying conditions for EMF/MMT are correspondingly less compelling.

The initial determination of the EMF is included as part of the Environmental Management and Monitoring Plan and as established in the ECC for a particular project or undertaking. However, the actual amount to be allocated for the EMF shall be determined on the basis of the annual environmental monitoring plan that would be agreed upon by the MMT.

An appropriate basis for the determination of the EMF would be the cost of monitoring activities and environmental information programs as proposed by the proponent in the Environmental Management Plan. The rates or amounts that will be used in the preparation

of the Work and Financial Plan shall be in accordance with the rates agreed upon and within the limits set herein or as prescribed in pertinent government guidelines.

A. Management and Administration of EMF

The EMF, which is provided by the proponent, shall be managed and administered by the duly organized MMT Execom in accordance with the annual monitoring work and financial plan submitted by the MMT and affirmed/approved by EMB.

The Proponent shall release the amount of funds necessary in order to make available the funding required by the approved Work and Financial Plan at the start of each year or semi-annually.

In the case of individual EMF/MMT, the proponent shall establish a separate bank account to cover the amount of EMF. The signatories shall be the EMB RD and the proponent.

In the case of merged or integrated MMT, the individual EMF may likewise be integrated under the management of the MMT EC. The authorized signatories shall be the DENR-EMB RD and another member designated by the MMT EC.

For all of the above cases, the MMT Executive Committee may opt to hire the services of a reputable fund manger.

B. Guidelines for the Disbursement of EMF

The EMF shall be disbursed based on the following guidelines:

- EMF will be disbursed according to the approved Work and Financial Plan and within the limits prescribed in the Procedural Manual of DAO 96-37 or DAO 2003-30. Each disbursement must be supported by official receipt, properly approved and received disbursement voucher, or any other proof or document to support the expense incurred.
- The MMT EC shall undertake accounting of all expenses by the MMT.
- Any unexpended balance of the EMF at the end of the year, shall be used to fund next year's Work and Financial Plan. In case of termination of the MMT operation, any unexpended balance shall be returned to the Proponent.
- An independent auditor may be hired charged to the EMF to undertake financial auditing. Financial reports are public documents and shall be provided by the MMT upon request.
- The proponent may, at its sole discretion, conduct a separate audit on the expenditure/disbursement of EMF in accordance with applicable rules and guidelines.

C. Allowable Expenses under the EMF

The EMF shall be exclusively utilized to cover all costs attendant to the operation of the MMT. It shall specifically be used to defray MMT expenses such as:

- cost of transportation, board and lodging – (see discussions below)
- MMT meetings – (see discussions on *honoraria* and *other costs*)
- rental of equipment – the proponent may allow MMT members to use its equipment. If necessary, the EMF may include provisions for the rental of equipment. In cases where the EMF is sufficient to purchase equipment, such equipment may be acquired only when a clear and distinct system of accountability (e.g., possession, custody, storage, use, etc.) has been formulated.
- documentation (photos, video, etc.)

- sampling, shipment or transport of samples including laboratory analysis
- hiring outside experts or subcontracting of a monitoring work to a neutral party
- training of the MMT
- preparation of monitoring reports and distribution
- public information campaign/dissemination – to lessen unnecessary expenses, activities related to public information campaign/dissemination shall be undertaken using the existing or local offices/units of the PIA, KBP and similar agencies as well as the public information/affairs office of the local government units.

1. Cost of Transportation

Only two (2) types of transportation costs may be charged to the EMF: 1) the costs incurred during monitoring and 2) the costs incurred in attending the MMT meeting. For transportation costs incurred in the conduct of monitoring, the basis of disbursement shall be the actual costs incurred through cash advance or on reimbursement basis. For transportation costs incurred in attending MMT meetings, actual costs incurred may be reimbursed or a fixed transportation allowance (TA) may be granted to official members of the MMT. For remote project sites where public transportation, meals and lodging may be unavailable, the proponent may provide transportation, meals and lodging in lieu of reimbursements or fixed allowance.

2. Board and Lodging

In order to defray costs for food and accommodation of MMT members or monitoring team, a reasonable allowance or per diem may be granted to cover such costs.

The per diem or allowance shall only be granted for the duration of the fieldwork including provision for reasonable travel time. Such allowance should not be in excess of twice (2x) the existing government rate for such travel or fieldwork. At no instance should such allowance be granted for travel of less than fifty (50) kilometers in distance as reckoned from the place of work to the site of meeting or fieldwork. Furthermore, for remote project sites where public transportation, meals and lodging maybe unavailable, the proponent may provide transportation, meals and lodging in lieu of reimbursements or fixed allowance.

3. Monitoring Costs

The basis of disbursement of costs for monitoring expenses (such as actual sampling, shipment, or transport of samples, rental or use of equipment, documentation (photos, video, etc.), laboratory analysis, etc.) shall be the annual work plan.

4. Allowances

Payment of allowance shall be commensurate to services rendered by the MMT members for actual MMT activities. ***DENR officials and personnel are not entitled to such honoraria.*** The decision to receive allowances by other government officials or personnel is left to their discretion and judgment, keeping in mind, the appropriate civil service rules and anti-graft laws. ***Department of Budget and Management (DBM) guidelines*** on the granting of allowances shall serve as the guide.

Membership in MMT or other such group is considered as public service. Such membership is not supposed to be used as an excuse for income augmentation. The participation of the private sector will concretize their concern for the environmental impacts of the project, and their subsequent commitment to safeguard their community. The involvement of the public sector is in line with their commitment to serve the public.

5. Other Costs

Costs for hiring outside experts or subcontracting of monitoring work to a neutral party, training of the MMT, preparation of monitoring reports and distribution, public information campaign/dissemination, and other such activities relating to the operation of the MMT may be charged to the EMF provided allocation for such purposes was included in the annual work plan and is not explicitly prohibited.

In the case of merged or integrated MMT, the management fee, administration and other such costs may be charged to the EMF.

MMT members participating in the MMT in their personal/private capacity/s, may claim for "lost income" compensation for actual monitoring time plus reasonable provisions for travel. For example, a private medical practitioner, a farmer or a fisherman representing his sector may claim for such compensation.

7.6 Environmental Guarantee Fund (EGF) Administration and Management

An Environmental Guarantee Fund (EGF) shall be established for all co-located or single projects that have been determined by EMB to pose a significant public risk or where the project requires rehabilitation or restoration. It should be noted that a separate guidelines govern the creation of a fund similar to EGF under the MGB for mining projects. In such case, the MGB shall be the agency that has primary jurisdiction over the issues/aspects covered by the EGF including but not limited to the responsibility of ensuring that proponent/s undertake rehabilitation of abandoned mining sites as well as the prompt payment of claims by affected stakeholders. For other projects, an **integrated MOA** on the MMT-EMF-EGF shall be entered into among the EMB Regional Office, the proponent, and representatives of concerned stakeholders.

The EGF is a fund that proponents shall commit to establish when an ECC is issued for projects or undertakings determined by EMB to pose significant risk to answer for damage to life, property, and the environment caused by such risk, or requiring rehabilitation or restoration measures. It shall also be used to implement damage prevention measures, environmental education, scientific or research studies, IEC, training. The MMT EC, acting as an EGF Committee, shall manage the fund. In such case, the MMT EC *may* include a representative from DENR-EMB central office.

A. Presumption of Public Risk

A significant public risk may be presumed by the DENR-EMB if any of the following condition exists:

- Presence of toxic chemicals and hazardous wastes as defined in Republic Act No. 6969 under the PCL or CCO system;
- Extraction of natural resources that requires rehabilitation or restoration;
- Presence of structures that could endanger life, property, and the environment in case of failure; or

- Presence of processes that may cause *significant* pollution as defined under Pres. Decree No. 984, or other related pollution laws.

B. Purpose of the EGF

The EGF shall be established and used for the following purposes:

- the immediate rehabilitation of areas affected by damage to the environment and the resulting deterioration of environmental quality as a direct consequence of project construction, operation, and abandonment;
- the just compensation of parties and communities affected by the negative impacts of the project;
- the conduct of scientific or research studies that will aid in the prevention or rehabilitation of accidents and/or environmental damages; or
- for contingency clean-up activities, environmental enhancement measures, damage prevention program including the necessary IEC and capability building activities.

C. Determination of the Amount to be Set-up for the EGF

There is no explicit provision under DAO 2003-30 requiring valuation of potential impacts that may arise as a result of changes in the use of natural and environmental resources. In some large scale projects however (such as power projects), estimation of the value of environmental impacts is already included in the EIA costs and benefits. Impact valuation is particularly crucial in estimating the EGF to derive estimates on the potential damage that may occur, and the corresponding amount to be set aside through the EGF for such purpose.

> The finalization of the EGF MOA shall be done at the DENR-EMB RO level. However, prior to the signing of MOA, the approval of DENR-EMB central office shall be secured.

Procedures for arriving at such estimates in a more rational and systematic manner will have to be based on experiences that shall have been generated on Philippine examples and other developing countries. This would require incorporation of environmental costs and benefits in the EIA of ECPs and those located in ECAs.

In the absence of such information, more recent experiences of projects of similar nature with provisions for EGF may be utilized. The amount to be allocated for the EGF shall be determined through negotiations between the proponent and the EMB (EMB-CO or EMB-RO). It should take into consideration the following factors in determining the appropriate amount for specific projects:

- the EIS committed programs
- the degree of environmental risk involved (based on number and extent of potential damage)
- valuation of resources that would most likely to be affected
- the proponent's ability to provide funds for the EGF

In case the available fund in the EGF is not sufficient to pay for compensable claims the proponent shall provide additional funds to cover the cost of rehabilitation, restoration or other activities for which the EGF was established. As such, the proponent shall replenish the EGF whenever the amount falls below 50% of the agreed level.

At the end of the project life, a sufficient amount should be left from the EGF to ensure that rehabilitation, restoration, decommissioning, or abandonment shall be adequately financed. Such amount may be increased during the project life span to insure that the balance shall be sufficient for the abandonment phase. In such case, the EGF Committee may require an adjustment of such amount to cover inflation and other factors. Furthermore, not earlier than two (2) years after project termination AND upon approval of the DENR office that issued the ECC, any unexpended balance shall be returned to the proponent.

In general, the EGF shall have two (2) major components as follows:

- Trust Fund

  The trust fund is a form of guarantee instrument, which will be used to compensate aggrieved parties for any damages to life or property, undertake community-based environmental programs, conduct environmental research aimed at strengthening measures to prevent environmental damage and to finance restoration and rehabilitation of environmental quality caused by the project. This could be in the form of insurance, letters of credit, trust fund, other financial instruments and other similar guarantee instruments. Unless extreme circumstances warrant, surety or performance bonds are not acceptable forms of EGF trust fund.

- Environmental Guarantee Cash Fund

  This component of the EGF shall be earmarked for immediate rehabilitation and compensation of affected communities in case of damage or accidents. It shall also be used to cover costs of the operationalization of the EGF Committee.

The proponent can place the cash fund in an interest-bearing account. The interest shall accrue to the cash fund. The funds shall be replenished when it reaches a certain level agreed upon by the Committee, which should not be lower than 50%

D. Procedure for the Establishment of EGF

Once it is determined that an EGF is necessary, the following procedures for the negotiation and establishment of the EGF shall be followed:

- The proponent shall prepare a Memorandum of Agreement (MOA) for the establishment of the EGF that shall be negotiated and agreed upon by the proponent and DENR in consultation with the LGUs (province, municipality, barangay) and NGO/PO representatives. The proposed MOA shall be part of the submitted EIS.

  The MOA should contain agreements on the following:

  - ✓ the specific amount of the fund to be set-up and in what form
  - ✓ the mode of distribution, allocation, and disbursement of funds
  - ✓ the terms of reference for fund operationalization with respect to the implementation of environmental programs
  - ✓ terms and conditions for the payment of relevant parties

- Establishment of the EGF Committee. The MMT EC shall serve as the core composition of the EGF Committee. Additional members from the MMT may be designated as *concurrent* EGF Committee member.

  The Chairman of the EGF Committee shall not vote on any matters except to break a tie. Any determination or approval by the EGF Committee shall require a majority vote, provided there is a quorum. A quorum shall require the presence of more than half of the members including, at all times, the representative/s of DENR and the proponent. Elected officials shall serve in the Committee only during their terms of office. Other

government agencies may be invited as members of the Committee, as deemed necessary.

The EGF Committee shall have at most fifteen (15) members. In case the project area and its corresponding impact area is significant, the manner of representation to the EGF committee members shall be determined on a case to case basis. It should be noted that the desire to have all sectors represented should not be detrimental to the basic objective of the EGF to provide timely relief for environmental repair activities.

E. Functions of the EGF Committee

The Committee shall undertake the following functions:

- manage, control, and operate the EGF in accordance with agreed internal procedures established regarding the mechanisms for fund disbursement, processing, validation, accounting and documentation.
- resolve issues involving rehabilitation and compensation for damages that may be brought before it.
- decide issues on complaints/questions involving the implementation of the rehabilitation program between the proponent and the aggrieved party.
- designate entities or individuals in the event that an independent body must resolve the issues and cases.
- hire credible experts to conduct independent studies and research on the environmental and socio-cultural impacts of the project in order to assist the EGF in making judicious decisions about environmental issues related to the project.
- undertake damage control or preventive measures.

F. Fund Management

1. Claims/Withdrawals to the EGF

Claims to the EGF shall be classified into: emergency; compensatory; and/or operating costs:

Emergency Claim

A claim is considered for emergency purposes if it is intended to:

- ✓ prevent loss of life or serious damage to property and environment;
- ✓ immediate rehabilitation of affected areas;
- ✓ provide immediate correction of or prevention against the spread of accident or disaster or the effect thereof;
- ✓ evacuate and temporarily relocate affected residents.

The causes of the above should be due to the pollution and/or environmental degradation arising from the activity(ies) of or violation(s) environmental laws and regulations by the project. The failure of the proponent to comply with obligations set forth in the EIS and the ECC is another ground for such claim.

Compensatory Claim

A claim is considered compensatory if it is intended to pay for pecuniary loss or damage suffered by a party, person or entity as a consequence of the project.

The EGF Committee should come out with guidelines to be approved by its members on how to access the EGF for compensatory claims. The guidelines should specify the following:

- ✓ Procedures for filing a claim for compensatory damages?
- ✓ Required (valid) proofs or evidence to support claim for compensation
- ✓ Basis for computation of compensatory damages

Claim for Operating Costs

This is a claim whose purpose is to support the operations of the EGF Committee. The EMF guidelines on allowable expenses and other such provisions shall be adopted for such purposes.

Claim for operating costs shall likewise include expenses for preventive activities, environmental education, scientific or research studies, training, and other activities duly provided for in the MOA or as approved by the EGF Committee.

2. Withdrawals by the Proponent from the EGF

Withdrawal of the Proponent from the Environmental Guarantee Cash Fund

The cash fund may be drawn in the following instances:

- ✓ respond to an event of emergency in accordance with the guidelines to be approved by all members of the EGF Committee;
- ✓ claims for compensatory damages subject to written approval by the EGF Committee and concurrence of the proponent; or
- ✓ operating costs incurred or approved by the EGF Committee.

Withdrawal of the Proponent from the Trust/Guarantee Fund

The trust fund can only be drawn upon:

- ✓ approval in writing by the EGF Committee for emergency claims that can no longer be accommodated by the cash fund;
- ✓ in cases where the cash fund is insufficient to pay for duly approved/concurred compensatory claims by the EGF Committee;
- ✓ in cases where preventive or control measures have to be done by the proponent that were not identified in the EMP.

3. Processing of Claims

Written complaints or claims must be filed with the EMB-Regional Office with accompanying evidence within one (1) month after damages have occurred, after which no other complaints may be entertained.

Written complaints or claims must be filed with accompanying evidence. Complaints for compensation filed with the EMB-RO are subject to verification and certification by EMB-RO.

The claimant's request for compensation must include the following:

- ✓ evidence of livelihood source;
- ✓ evidence of ownership or stewardship and location of the property;
- ✓ nature/extent of the damages based on assessment by the claimant

In cases where such supporting documents or evidence/s are not applicable (e.g., claims for damages while fishing in municipal waters), other similar evidences or supporting document must be included. The proponent shall exercise due diligence and prudence in validating or assessing compensation for such claims. The EGF Committee shall affirm such validation taking into consideration issues on social equity, health, opportunity costs, and other such factors. If necessary, field evaluation or investigation may be conducted by the MMT, PENRO, CENRO, EMB-Regional Office or the EMB-CO.

Any claims approved by the EGF committee and certified by the EMB or EMB regional office are paid to the claimant within thirty (30) days after the receipt of notice by the proponent.

Interest charges are assessed, as agreed in the MOA, for late payment. Failure to make payments could result in the revocation of the ECC. In the absence of specific provisions in the MOA on interest charges, the most recent published T-bills rate (for 90 days) shall be used as a guide.

The EGF committee arbitrates any dispute between the claimant and the proponent. Their decision is final and executory. Interested parties (including proponents) may only resort to court on issues involving abuse of discretion or authority.

8. Administrative Procedures

8.1 Administrative Procedures for Complaint Management by EMB

This section discusses the administrative procedures that shall be adopted by DENR-EMB (central and regional offices) in handling violations or complaints. This section discusses both the procedures and the documentation of the process leading to the imposition of fines and penalties in order to facilitate administrative and judicial review by the deciding authority. The procedures described in this section also cover such violations as operating without ECC among others.

A. Discovery of Violation

The investigation process shall be initiated once a violation has been identified. Such identification may be based on complaint(s) by nearby resident(s), report(s) by concerned citizen(s), police report(s), press report(s) or findings during monitoring(s)/inspection(s).

In the case of complaint, the DENR-EMB office concerned shall verify if the complaint is valid or within the purview of DENR-EMB. If the complaint is *actionable* by DENR-EMB, an investigation should be initiated within 72 hours after receipt of the complaint.

In the case of discovery of violation through monitoring or inspection activities, the DENR-EMB office concerned shall immediately notify the proponent of the violation and request for an official submission of why the proponent shall not be penalized.

Concurrently, the DENR-EMB RO concerned may conduct field validation, site inspection and verification, technical hearing or other activities to further assess or validate the complaint/s or finding/s.

B. Administrative Procedures for Investigation

The investigation shall determine the validity the complaint/s or finding/s against a project or undertaking. It may take the form of a field validation, Technical Hearing or a combination thereof.

The process of administrative investigation shall primarily depend on the mode of the *discovery of violation*. The procedures and guidelines are as follows:

1. *Discovery of Violation* through monitoring, inspection or MMT activities

In the case of *discovery of violation* through monitoring or inspection activities, the DENR-EMB office concerned shall immediately notify the proponent of the violation and request for an official submission of why the proponent shall not be penalized. The proponent shall be given seven (7) days to submit a reply.

Upon receipt of the reply from the proponent, the case shall be deemed submitted for decision. At the discretion of the case handler, a technical conference or hearing may be scheduled prior to the preparation of a *Case Decision Document*. Such hearing shall only be conducted to clarify issues in the reply of the proponent, to request for additional information and/or to give the proponent an opportunity to further explain why they should not be penalized.

If the proponent failed to reply within the prescribed period, the DENR-EMB office shall prepare and send a letter to the proponent for the respondent to *show cause*

why a penalty or fine will not be imposed. The *show cause* letter shall include the schedule of technical conference (or hearing). The hearing serves as the final opportunity for the proponent-respondent to explain why they should not be penalized. If the proponent failed to attend the hearing or conference, the case shall be deemed submitted for decision. The case handler shall then prepare a *case decision document*.

2. *Discovery of Violation* through Desk Review

The *discovery of violation* may also occur as a result of *desk review* of submitted documents such as compliance report, self-monitoring report or other such submissions. In such cases, the DENR-EMB office concerned shall immediately notify the proponent of the violation and request for an official submission of why the proponent shall not be penalized. The proponent shall be given seven (7) days to submit a reply.

Upon receipt of the reply from the proponent, the case shall be deemed submitted for decision. At the discretion of the case handler, a technical conference or hearing may be scheduled prior to the preparation of a *Case Decision Document*. Such hearing shall only be conducted to clarify issues in the reply of the proponent, to request for additional information and/or to give the proponent an opportunity to further explain why they should not be penalized.

If the proponent failed to reply within the prescribed period, the DENR-EMB office shall prepare and send a letter to the proponent for the respondent to *show cause* why a penalty or fine will not be imposed. The *show cause* letter shall include the schedule of technical conference (or hearing). The hearing serves as the final opportunity for the proponent-respondent to explain why they should not be penalized. If the proponent failed to attend the hearing or conference, the case shall be deemed submitted for decision. The case handler shall then prepare a *case decision document*.

It should be noted that the *discovery of violation* was through a review of the document submitted by the proponent. As such, the entire administrative procedures should consider such *voluntary* report as a significant mitigating factor in making a decision on the case. The provisions and principles against *self incrimination* should be applied. In the absence of any aggravating factors AND in conjunction with the implementation of immediate and adequate mitigating or corrective measures by the proponent, the case shall be decided in favor of the proponent.

3. *Discovery of Violation* through Complaints and Other Sources

The *discovery of violation* may be through a complaint, press report, police report or other external sources. The DENR-EMB office concerned shall verify if the complaint (or report) is valid or within the purview of DENR-EMB. If the complaint (or report) is *actionable* by DENR-EMB, an investigation should be initiated within 72 hours after receipt of the complaint.

Within the prescribed 72 hours, the DENR-EMB office concerned shall notify the proponent of the alleged violation and request for an official submission (or reply) on why the proponent shall not be penalized. The proponent shall be given seven (7) days to submit a reply. Concurrently, the DENR-EMB RO concerned may conduct field validation, site inspection and verification, or other activities to further assess or validate the complaint/s or finding/s.

Upon receipt of the reply from the proponent, the case shall be deemed submitted for decision. At the discretion of the case handler, a technical conference or hearing

may be scheduled prior to the preparation of a *Case Decision Document*. Such hearing shall only be conducted to clarify issues in the reply of the proponent, to request for additional information and/or to give the proponent an opportunity to further explain why they should not be penalized.

If the proponent failed to reply within the prescribed period, the DENR-EMB office shall prepare and send a letter to the proponent for the respondent to *show cause* why a penalty or fine will not be imposed. The *show cause* letter shall include the schedule of technical conference (or hearing). The hearing serves as the final opportunity for the proponent-respondent to explain why they should not be penalized. If the proponent failed to attend the hearing or conference, the case shall be deemed submitted for decision. The case handler shall then prepare a *case decision document*.

C. Issuance of Cease-and-Desist Order

A Cease and Desist Order (CDO) may be issued in order to prevent grave or irreparable damage to the environment. Such CDO shall be effective immediately. An appeal or any motion seeking to lift the CDO shall not stay its effectivity.

A CDO is issued when the respondent establishes or operates a project without an ECC AND if the continued operation of the project presents a grave or irreparable damage to the environment. Violation of ECC conditions, EMP rules and regulations, and misrepresentations in the EIS or IEE and related documents may also warrant the issuance of a CDO in order to prevent grave or irreparable damage to the environment.

When there is sufficient cause to believe that a high risk of grave or irreparable damages to the environment exists, the Secretary, DENR-EMB Director, or DENR-EMB RD may decide to issue a CDO prior to any administrative investigation/s.

The CDO is considered as one of the primary enforcement measures under the Philippine EIS System to prevent significant damage/s to the environment. Examples of such situations are release of discharges beyond prescribed standards or criteria, failure to construct pollution control devices mandated as one of the ECC conditions, and/or initiating development activities while the ECC application is pending.

D. Conduct of Technical Conference or Hearing

In the course of administrative investigation, the conduct of technical conference/s or hearing/s may be deemed necessary by the case handler or DENR-EMB RO concerned.

The completeness of information contained in the complaint/s or findings as well as the manner upon which the response (justification/s or explanation/s) are presented by the proponent serves as the basis for determining if a technical hearing will be called. The hearing serves as the venue for the proponent-respondent to further explain why they should not be penalized. It is the discretion of the Case Handler, in consultation with the appropriate office (e.g., legal division).

There is clearly no need for a technical hearing if the response of the proponent is acceptable and/or there is admittance on the part of the proponent-respondent. In such case, a *Case Decision Document* shall be prepared by the Case Handler and submitted to the DENR-EMB Director concerned. The decision document is in the form of a memorandum containing the merits and penal provisions i.e. fine and penalties, signed by the Director, and served through the Regional Office. On the other hand if a technical hearing is required, the EIA Division of DENR-EMB RO

concerned shall issue the necessary invitation/s for a technical hearing, with the date pre-determined by the issuing authority.

1. Technical Hearing or Conference

A technical hearing or conference is convened by the EIA Division Chief also acting as the presiding officer.. The parties present in the hearing include the Case Handler, the representative of the proponent (e.g., Environment Officer, Pollution Control Officer, Project Management Officer), and if required witnesses and the complainant. The duration of the hearing may vary depending on the seriousness of the offense.

2. Request for Additional Justification

During the technical hearing, additional justification may usually be required to further support and clarify the justifications of the proponent-respondent. The new information has to be submitted within 15-30 days from the date the data was requested. In such cases, the hearing adjourned, and the preparation of the Technical Hearing Report is postponed until after the assessment of additional justification document.

3. Preparation of the Technical Hearing Report

After adjournment of the technical hearing and upon receipt/review of additional justification document (if any), the Case Handler prepares the draft Technical Hearing Report (THR) and all pertinent documents for its transmittal. The time frame involve vary on a case-to-case basis. The THR is shall form part of the documentation for the *Case Decision Document*.

DENR-EMB's action is summary and administrative in nature, and therefore, is not obligated to strictly adhere to the technical rules of evidence. Likewise, DENR-EMB is not obligated to conduct adversarial hearing/s to hear the testimonies of the respondents and/or complainant.

E. Case Decision Document

The *Case Decision Document (CDD)*, written in the form of a memorandum, contains the merits and demerits of the case as well as the justifications presented by the respondent during the technical hearing. The CDD shall contain the following:

- a brief background of the project, including previous violations committed by the respondent, if any;
- the provisions of law or rules and regulations, ECC conditions, or EMP provision violated;
- findings of fact, including the results of any measurement, sampling or monitoring activities conducted either by the EMB, the DENR Regional Office, MMT, DENR-accredited research institutions, academic, and technical organizations, and the results obtained and the corresponding adverse impacts caused by the violations; and
- the recommended amount of fine to be imposed, as well as other appropriate recommendations (filing of court case, issuance of CDO, etc.).

The CDD, in most cases, is based on site inspection and verification, as well as documents submitted by respondent and other concerned parties.

In case the investigation process determined that the complaint/s is not valid, the CDD shall also include a draft *Clearance Letter*. In case the investigation process determined that the complaint/s is not valid, the CDD shall also include a draft *Notice of Violation*.

Upon approval by the DENR-EMB Director/RD, the appropriate document (i.e., *Clearance Letter* or *Notice of Violation*) shall be transmitted to the respondent. The complainant/s shall be furnished a copy of such document.

Payment of the fines stipulated is to be made within 7-15 days upon receipt of the resolution. For appeals on the decision and filing of motion for reconsideration, please refer to next section.

F. Follow-up Inspection and Payment of Fines

In case the proceeding determined that a violation had occurred, a follow-up inspection shall be undertaken to determine compliance of the proponent.

Should the decision of the Secretary, EMB Director, or the RD not be complied with by respondent, the Secretary, EMB Director, or the RD may issue another order reiterating the contents of the first order, and imposing more stringent fines and penalties. Non-compliance with the orders issued by the Secretary, the EMB Director, or the RD, constitutes an offense separate and distinct from the offenses subject of the order.

8.2 Appeal Procedures

The respondent may appeal for any of the following decisions:

- Ask for penalty reduction;
- Reconsideration of the order to cease and desist operation;
- Issuance or non-issuance of the ECC.

A. Level of Appeals

Any party aggrieved by the decision of the approving/issuing authority may appeal to the next administrative level. For such purpose, the levels of appeal are as follows:

- An appeal on the decision/s of the Division Chief shall be submitted to the Regional Director
- An appeal on the decision/s of the Regional Director shall be submitted to the DENR-EMB Director
- An appeal on the decision/s of the EIA Division Chief (DENR-EMB Central Office) shall be submitted to the DENR-EMB Director
- An appeal on the decision/s of the DENR-EMB Director shall be submitted to the DENR Secretary. In any case, the decision of the Secretary shall be immediately executory.

In any case, the decision of the Secretary shall be immediately executory. Decisions of the approving/issuing authority that may be subject to appeal include those relating to the issuance or non-issuance of an ECC, and the imposition of fines and penalties. Resort to courts prior to availing of this remedy (administrative appeal/s) would make the appellant's action dismissible on the ground of non-exhaustion of administrative remedies.

Fifteen (15) days from receipt of the decision on the issuance or non-issuance of an ECC is the period during which the aggrieved party may file an appeal. Failure to do so within the requisite period will result in the finality of the RD's or Secretary's decision/s which can no longer be changed.

An appeal shall not stay the effectivity of the RD's decision, unless the Secretary directs otherwise.

1. Filing a Motion for Reconsideration

The right to appeal does not prevent the aggrieved party from first resorting to the filing of a motion for reconsideration with the issuing/approving authority within fifteen (15) days from receipt of the decision or approval in order to give the issuing/approving authority an opportunity to re-evaluate his decision.

2. Decision on the Motion for Reconsideration

Upon receipt of a *motion for reconsideration*, the receiving authority shall assign a case handler for the appeal. The Case Handler first reviews the Motion and submits recommendations to the receiving authority with the Technical Hearing Report, if any. The Case Handler shall include the necessary drafts of the Resolution/s containing the assessment of the case and ruling, to be reviewed and signed for approval by the receiving authority.

3. Transfer of Authority to Resolve

When the receiving authority assesses the case to be complex, he may elevate the case to the next level of authority by forwarding copy of all pertinent documents. The case is then reviewed by such office (the reviewing authority). A technical hearing may or may or may not be required. In addition, the assistance of the Legal Division in preparing the decision document/s may be solicited.

4. Process for Appeal

If a *motion for reconsideration* is denied, the aggrieved party may file an appeal to the next level of authority.

Upon receiving the appeal, the reviewing authority shall assign a case handler for the appeal. At the discretion of the reviewing authority, the case handler may be a person or a committee.

The Case Handler shall review the grounds for the appeal and submits its findings and recommendations to the reviewing authority including the Technical Hearing Report/s, if any. The Case Handler shall also include the necessary drafts of the Resolution/s containing the assessment of the case and the recommended ruling/s, for the consideration of the reviewing authority.

5. Issuance of the Final Decision Document

The *Case Resolution Document* (CRD) is transmitted to the receiving or reviewing authority. Upon the adoption of the corresponding resolutions, it shall be served to the proponent through the DENR-EMB Regional Office concerned.

In the case of a proponent whose ECC application is denied may also choose to file a new ECC application. The filing of a new application shall, however, result on the waiver of the proponent's right to file a motion for reconsideration or appeal from the order denying its original application. The EMB or Regional Office can not refuse to

accept the new application and may only deny said application if it appears that said application does not differ significantly from the previous application, or if the EIARC determines that the new application is still environmentally unacceptable.

B. Grounds for Appeal

The grounds for appeal shall be limited to grave abuse of discretion and serious errors in the findings of fact, which would cause grave or irreparable injury to the aggrieved party. Frivolous appeals shall not be countenanced.

The procedures in making an appeal are as follows:

- The aggrieved party, within 15 days from receipt of the decision, files a Notice of Appeal with the appropriate appeal authority with copy furnished the Record Office of the DENR office concerned and non-appellant stakeholders (if applicable).
- The Notice of Appeal may be in the form of a letter or a pleading, and should clearly state the basic terms of the Order being appealed from, the grounds for the appeal, and the fact that the notice is being made within the prescribed period.
- A certified true copy of the decision being appealed from should be annexed to the said notice of appeal. Other documents supporting the appeal, such as proof of service of the Notice to concerned parties, should be annexed to the Notice.
- Upon a prima facie finding that the appeal is meritorious, the reviewing officer shall issue the necessary Order to initiate the review by appointing the case handler.
- Non-appellant stakeholders, the issuing authority or other affected DENR officers may be requested to submit their comments.
- Based on the documents provided by the appellant, non-appellant stakeholders, and those elevated by the EMB or Regional Offices, the reviewing authority shall render a decision on the appeal.

C. Who May Appeal

The proponent or any stakeholder, including but not limited to, the LGUs concerned and affected communities, may file an appeal.

8.3 Other Administrative Procedures

In addition to the procedures discussed in the previous sections, a proponent may also apply for relief from ECC commitment due to abandonment of a project or undertaking. Other issues discussed in this section are the procedures for determining jurisdiction of projects located in ECAs and access to documents related to the Philippine EIS System.

A. Relief from ECC Commitments

Proponents may seek relief from the requirement or continued compliance with ECC commitments under the following circumstances:

- Project was not/never implemented
- Project was issued ECC but is currently classified as ***Category D***

- Project is terminated (included in this classifications are projects that are abandoned, have been completed, for preservation or decommissioning)

The procedural guidelines to obtain relief from ECC commitments are as follows:

- The proponent prepares and submits a letter-request to DENR-EMB. The letter-request should contain details about the projects and the basis for requesting the relief.

  The letter-request shall be submitted to the EMB office which issued the ECC (e.g., ECP shall file their requests with EMB central office).

  For projects that have already commenced implementation, the letter-request, which should include an abandonment and/or decommissioning plan among others, shall be submitted for approval by EMB at least six (6) months before the planned abandonment/decommissioning.

- Upon receipt, the receiving office shall assign a case handler to handle the request. In the case of ECPs (or ***Category A*** projects), a technical committee shall be convened to evaluate the request.

  The evaluation of the letter-request shall essentially be based on the principle that the project site will be restored or rehabilitated to the original conditions of the environment to the extent practical.

- The evaluation shall be completed within thirty (30) working days for applications received at the RO and forty-five (45) working days for applications received at the central office.

  The final report shall contain the recommendations of the case handler and/or technical committee on the process of abandonment, rehabilitation, preservation and/or decommissioning including the criteria or guidelines in the implementation thereof.

An official letter relieving the proponent from complying with ECC commitments shall be issued by DENR-EMB upon completion of the abandonment or decommissioning AND upon verifying that the abandonment/decommissioning plan was complied with.

B. Determination of Jurisdiction over Projects Located in ECA

Projects or undertakings that are not ECPs but are located in environmentally critical areas, shall be under the jurisdiction of the DENR-EMB Regional Office where the ECA is located. All EIA submissions, whether IEE or EIS, shall be received and evaluated by the DENR-EMB RO concerned.

In case the project's area is located in an area which falls under the jurisdiction of two (2) or more DENR-EMB ROs, the offices concerned shall determine the participation of the different offices involved in evaluating the EIA and decide on the issue or non-issuance of the ECC. The DENR-EMB RO, under whose jurisdiction majority of the project area is located, will be the lead office in evaluating the EIA submissions.

The chosen lead office shall also have the responsibility for compliance monitoring and other subsequent activities under the EIS System. The other DENR-EMB RO/s concerned shall assist and participate in the review of the EIA submissions. The DENR-EMB ROs concerned shall agree upon the mode of collaboration.

In cases where the DENR-EMB ROs concerned cannot determine the lead office, the case shall be elevated to the EMB Director for resolution. The decision of the EMB Director shall be final. Furthermore, in cases where the issue of jurisdiction in difficult to determine (e.g., the project is located in territorial water which is not or is not

clearly within the jurisdiction of any DENR RO), the EMB Director may assign the nearest DENR-EMB RO as the lead office.

The following illustrative cases provide basic guidance on how the DENR ROs shall decide the issue of jurisdiction:

Parameters:	Region A covers provinces X and Y Region B covers provinces L and M	
Case	**Situation**	**Jurisdiction**
1	• project is located in province X • impact area covers provinces X and Y	Region A
2	• project is located in province X (30 ha.) and province L (5 ha.) • impact area covers province X (50 ha.), Y (20 ha.) and L (50 ha.)	Region A - lead office Region B – participate in the review
3	• project is located in province X (30 ha.) and province L (30 ha.) • impact area covers province X (5 ha.), Y (20 ha.) and L (50 ha.)	Region A and B agree on who shall be the lead office, the other region shall participate in the review

C. Records and Documents Management

The EMB is responsible for records keeping of all documents submitted by the proponents applying for ECCs. Documents related to ECC application (i.e. EIS/IEE, AI's, Scoping Reports, Public Hearing Reports) generated after the processing and approval of the ECC shall be considered public documents. The EMB shall set up an orderly and systematic procedure for filing, retrieving, and providing public access to all EIA-related documents. No employee of the DENR may release any document without a written request and proper authorization from the head or duly authorized officer of the corresponding office.

Access to EIS-related documents is governed by the following procedures:

- The requesting party must submit a written request addressed to the EMB or the EMB-RO stating the title of the document(s) and purpose of the request.
- The request letter is received by the EIA personnel then refers the letter to the Records Unit or the person concerned. If the document cannot be found in the Records Unit, the EIA personnel verify the Document Tracking Database Systems (DTDS) or the logbook.
- Once verified that the requested document is available and is not confidential or restricted, this is retrieved by the EMB Records Officer and given to the requesting party upon presentation of a valid identification card/s. If the requested document is not available, the Records Officer verbally advises the requesting party. A written certificate may be issued to such effect upon request.

The requesting party cannot bring the document outside the premises of the EMB's office, but may review the document inside the Office. Photocopying may only be done within the building, in the presence of a DENR employee

Alternately, certain documents can be accessed through the official website of EMB at *www.emb.gov.ph*.

9. Decision Making

Inasmuch as the Philippine EIS System is an institutional scheme requiring judgment or decision at the various level of administrative structure, this section discusses the various criteria used to make decision/s on wide-ranging issues.

9.1 Decision Documents

A. Scoping Decision Document

The proponent should submit a Scoping Report (see ***Annex G*** for the format of the Scoping Report) with the agreed upon *Scoping Matrix* and *Screening Form* as attachments. The report shall also contain the proposed scope of the EIA study in the form of a *scoping checklist* (***Annex H***). This Report should be submitted prior to the conduct of a technical scoping meeting with DENR-EMB.

The *scoping checklist*, upon concurrence of the EIARC and DENR-EMB, shall be considered as the ***Scoping Decision Document***. The signatures of the EIARC members on the *scoping checklist* will be deemed as "concurrence" on their part. The "concurrence" of DENR-EMB will be signified by the signature of the EIA Division Chief upon recommendation of the case handler.

There is no need for the DENR-EMB or DENR-EMB RO to prepare a letter for the proponent to indicate approval of the *scope of the EIS study*. The signed *scoping checklist* is the document that will define the *scope of the EIS study*.

B. Procedural Review Decision Document

The EMB or DENR-EMB RO, after reviewing the submitted copy of the EIS Study, should reply within the prescribed timeframe to the proponent on whether they could submit succeeding copies of each report for the substantive review.

For such purpose, the *Procedural Screening Form* duly signed by the case officer/handler shall serve as the Procedural Review Decision Document.

C. EIARC Report

This report, to be prepared by the EIA Review Committee, forms part of the EIS review documentation. The EIARC Report (see ***Annex I*** for suggested format) shall be written by the designated member of the EIARC and signed by all the members within five days after the final review meeting. If an EIARC member dissents, he or she must submit a memorandum to the DENR-EMB Director through the EIARC Chairman his or her reasons for dissenting.

The EIARC report should contain:

- Detailed assessment of the proposed mitigation and enhancement measures for the identified environmental impacts and risks;
- Description of residual or unavoidable environmental impacts despite proposed mitigation measures;
- Documentation of compliance with technical/substantive review criteria;

- Key issues/concerns and the proponent's response to these, including social acceptability measures;
- Assessment of the proposed EMP (including risk reduction/management plan) and amounts proposed for the Environmental Guarantee Fund and the Environmental Monitoring Fund, and
- Recommended decision regarding the ECC application as well as proposed ECC conditions.

The EIARC Chair, on behalf of and with the concurrence of the committee members, signs the report. The report shall include other supporting or pertinent documents. Copies of the EIARC report and other pertinent documents shall form part of the documents to be submitted to the deciding authority.

D. Review Process Reports

In the case of IEE, the review process report (see ***Annex J*** for suggested format) is to be prepared by the technical committee members or the case officer/handler. The report is to be forwarded to the EMB Regional Director/s as reference for decision-making and maintained as part of the records on the ECC application of any project. The report should contain at least the following:

- Summary of the environmental impacts of the undertaking, along with the proposed mitigation and enhancement measures;
- Key issues/concerns and the proponent's response to these;
- Documentation of compliance with procedural requirements;
- Acceptability of proposed EMP including the corresponding cost of mitigation, EGF and EMF if required
- Key bases for the decision on the ECC application.

If the documentary requirements (e.g., IEE, EPRMP, etc.) have been evaluated as not having satisfied the substantive requirement, the DENR-EMB Director or Regional Director may deny or recommend the denial of the ECC.

E. Environmental Compliance Certificate (ECC)

The Environmental Compliance Certificate (together with the official *cover* letter) or the Denial Letter constitutes the decision document representing the final decision/s of DENR on the ECC application of the proponent.

The ECC shall contain the scope and limitations of the approved activities, as well as conditions to ensure compliance with the Environmental Management Plan. The ECC shall also specify the setting up of an EMF and EGF, if applicable. No ECC shall be released until the proponent has settled all liabilities, fines and other obligations with DENR. A Denial Letter on the other hand shall specify the bases for the decision.

The ECC or Denial Letter shall be issued directly to the project proponent or its duly authorized representative, and receipt of the letter shall be properly documented.

1. Time Validity

The ECC of a project not implemented within five years from its date of issuance is deemed expired. The Proponent shall have to apply for a new ECC if it intends to pursue the project.

The reckoning date of project implementation is the date of the start of actual construction. For this purpose, construction of fences (and other security enclosures) is not considered as part of project implementation.

2. ECC Control Number

The ECC Control Number shall follow prescribed guidelines.

9.2 Issuance of Environmental Compliance Certificate

The decision by DENR to approve or deny the ECC application is based on striking the correct balance between socio-economic development and environmental protection. On one hand, DENR shall use a variety of criteria to assess environmental factors, social acceptability and equity issues among others. On the other hand, the principle of the primacy of jurisdiction of other government agencies must be respected and supported.

A. Environmental and Socio-economic Criteria

On the assessment of the overall acceptability and desirability of the project, the evaluation requires the consideration of a broad spectrum of environmental factors, social acceptability and equity issues such as:

- ecological/environmental soundness of the proposed project:
  - ✓ The primary consideration that a project is deemed to be ecologically or environmentally sound is that a project is designed in such manner so as to avoid or minimize negative environmental impacts to the extent practical or feasible.
  - ✓ The ecological or environmental soundness of a project is not determined solely by the comprehensiveness of its programs or plans, but more importantly, on the incremental improvements in environmental quality as a result of the project. The key decision query for this criterion is: "*Will the project improve the existing/current environmental conditions in the area?*"

    From another perspective, ecological or environmental soundness of a project is determined by the mitigation of negative environmental impacts. The key decision query for this criterion is: "*Are the proposed mitigating measures of the project appropriate and adequate to reduce or minimize the projected negative environmental impacts to the extent feasible/practical?*"
  - ✓ Another key consideration in the determination of ecological or environmental soundness of a project is its conformance with local land use plan/s. As such, the locational clearance or zoning viability (or other equivalent instrument) is an important indicator for this criterion.
- effective implementation of the public participation process and resolution of conflicts
  - ✓ It is important that the proponent and preparers utilized a meaningful process that involved the widest possible range of stakeholders.
  - ✓ On the other hand, the EIA process is not expected to be a venue for the *final* resolution of conflicts – it should be noted that the primary responsibility for conflict resolutions lies with the LGU concerned.
  - ✓ The important consideration is that the proponent have exerted reasonable effort in soliciting and harnessing the participation of stakeholders in the EIA process as well as undertaking the appropriate mode of social impact assessment. As such, the *process documentation* is one of the most suitable bases for assessing this criterion.

- promotion of social and intergenerational equity and poverty alleviation
  - ✓ It is important that the project promote social and intergenerational equity and contributes to the poverty alleviation program of the government. Within the context of the Philippine EIS System, the project must be deemed as satisfactorily adhering to the principles of sustainable development.
  - ✓ It is not sufficient that a project is deemed to contribute to socio-economic development, but more importantly, it is implemented in a sustainable manner that does not, in any manner, adversely impair the ability of future generations to achieve socio-economic development.
- effective environmental monitoring and evaluation
  - ✓ The effectiveness of the environmental monitoring and evaluation program of a proposed project is best determined by its appropriateness. The program is effective if it focuses on the most significant of the predicted environmental impacts.
  - ✓ In addition, the estimated costs of monitoring and evaluation must be commensurate to the operating costs/expenses of the project – this is to ensure the "*reasonableness*" of the program.
- proposed mitigation and enhancement measures
  - ✓ The effectiveness of the proposed measures is based on its appropriateness. The costs of the proposed mitigation or enhancement measures must be commensurate to the costs or projected income/revenue of the project. Likewise, the *sophistication* of the proposed mitigation or enhancement measures must be appropriate to the activities of the project.
  - ✓ In addition, the proposed mitigation or enhancement measures must address the most significant of the predicted environmental impacts. It is not expected that the proponent shall resolve or address the entire problems (for example, a proponent whose project may cause additional traffic in the area is not expected to solve the problem). But rather, the proponent is expected to deal with (either by minimizing or avoiding) *incremental* negative impacts that may be caused by the proposed project.

B. Primacy of Jurisdiction

In furtherance of the objectives of streamlining the Philippine EIS System, the framework in which ECC applications are evaluated must be refined. The principle of *primacy of jurisdiction* of other government agencies must be given due consideration – the DOH has primary jurisdiction over health issues, the LGUs on social acceptability, and so on.

In particular, certain *social acceptability* determination must be devolved to the local government units concerned. It should be noted that the issuance of ECC does not, in any way, compel the LGU to issue the requisite permits or licenses (e.g., building permit, business permit). Corollary to this principle, the issuance of ECC shall not be linked to any processes that are entirely within the domain and jurisdiction of the LGU.

Furthermore, the Philippine EIS System must recognize the primacy of the jurisdiction of other government agencies in their respective primary sphere of responsibilities. In this connection, issues that are within the purview or mandates of other government agencies shall be resolved exclusively by the agencies concerned. For example, health issues must be dealt with using systems and procedures as may be prescribed by the Department of Health. Another case in point, historical or cultural issues shall be within the exclusive ambit of the National Historical Institute, National Commission on Culture and the Arts, and/or other relevant government agencies.

Using the same principle of jurisdiction primacy, the coverage under the Philippine EIS System shall be based on expert judgment of the government agency concerned. For example, determination of areas that are prone to volcanic activities or vulnerable to earthquake shall be the exclusive domain of PHILVOLCS. Likewise, determination of areas frequently visited or hard-hit by typhoons is within the jurisdiction of PAGASA.

In summary, streamlining the Philippine EIS System requires that concerns and issues under the jurisdiction or mandates of other government agencies must be *de-linked* from the process of evaluating ECC applications. As a practical application, requiring clearances, permits or endorsements from other government agencies may only be done as part of ECC conditions (and not as pre-requisites for ECC issuance).

C. Decision-Making

The responsible officer is expected to exercise due diligence and unbiased judgment in evaluating an ECC application – by determining whether the proponent have *reasonably* satisfied or complied with these decision criteria. He shall take into consideration the recommendations of the EIARC, technical committee and/or the case handler.

As a general rule, the deciding authority must cite strong and compelling reasons, bases and/or justifications whenever reversing or overturning the recommendations of the reviewing parties (e.g., EIARC, technical committee, case handlers). Among reasons or factors that may compel the deciding authority to revise, amend, reverse or amend the recommendations of reviewing parties are:

- Abuse of discretion or authority by the reviewing parties – in such cases, the deciding authority must initiate the appropriate administrative proceedings against the person/s involved.
- Serious errors in the findings of facts – among factors that will present serious errors in the findings of facts include the disproportionate costs of mitigating or enhancement measures as compared to project costs or revenues, inappropriate mitigation or enhancement measures to the predicted impacts of the projects, imposition of ECC conditions that are not reasonable or appropriate to project activities, and similar situations.
- The deciding authority, in making the final judgment, shall take into account the social and environmental cost implications of the project relative to the judicious utilization, development, and conservation of the country's natural resources.

10. EIA Filing Fees and Review Fund

10.1 Schedule of Fees

All proponents, upon submission of the appropriate document/s, shall pay the corresponding fees and other charges according to the schedule of fees in the table below:

CATEGORY		APPLIED TO	DOCUMENTS REQUIRED FOR ECC/CNC APPLICATION	Fees (PhP)
A: Environmentally Critical Projects	**A-1**: New	Co-located projects	Programmatic EIS	10,000
		Single Project	EIS	6,000
	A-2: Existing and to be expanded (including undertakings that have stopped operations for more than 5 years and plan to re-start, with or without expansion) **A-3**: Operating without ECC	Co-located projects	Programmatic EPRMP	4,000
		Single Project	EPRMP	4,000
B: Non-Environmentally Critical But located in an ECA	**B-1**:New	Single Project	IEE or IEE Checklist (if available)	4,000
	B-2: Existing and to be expanded (including undertakings that have stopped operations for more than 5 years and plan to re-start, with or without expansion) **B-3**: Operating without ECC	Single Project	EPRMP (based on a checklist if available)	3,000
		Co-located Project	PEPRMP	4,000
C: Environmental Enhancement or Direct Mitigation		Co-located or Single Projects	Project Description	600
D: Not Covered			Project Description or Proof of Project Implementation Start Prior to 1982 (if applying for CNC)	100
Request for ECC Amendment			Minor	300/condition
			Major	1,200/condition

The fees enumerated above must all be paid by the proponent, regardless of whether the ECC is eventually granted or denied. These non-refundable fees cover the basic costs to government of the processing of proponent's application.

10.2 EIA Review Cost

The required fees cover only the basic costs of processing the proponent's application, i.e., the cost to EMB or the Regional Office of the procedural review. Substantive review of the application, however, entails substantial resources that can not be provided by the EMB or Regional Office regular budget.

The lack of the needed resources for the review of EIS documents oftentimes causes the delay in the review process. The proponent and the DENR must cooperate to speed up the review process. Now, the proponent has the option to shoulder the costs attendant to the review of a project's IEE or EIS. The amount that will cover such cost is required to be deposited with a fund manager, who will disburse the necessary amounts based on mechanics to be agreed upon among the fund manager, the EMB or EMB Regional Office and the proponent. Such system is designed to ensure transparency in disbursement of funds and dispel suspicions of bribery and exertion of undue influence on the reviewers.

A. Work and Financial Plan

The establishment of an EIS Review Support Fund is an option for the proponent. If the proponent is willing to contribute, then an agreement with EMB or DENR-EMB RO is forged on a Review Work and Financial Plan (RWFP). The RWFP shall indicate the timetable and the corresponding budget and logistical requirement to attain the projected review completion date. The establishment of the fund is not a guarantee that an ECC will be granted, but rather the assurance of completion of the review within the mutually agreed upon RWFP.

B. The Fund Manager

The review funds shall be held by the fund manager as trustee; the ownership of said amount remains with the proponent, and will not at any point be acquired by the government nor by the fund manager. It is understood, however, that the fund manager shall be entitled to a reasonable management fee.

The fund manager must be duly empowered to act as such, must have a reputation for professionalism and trustworthiness, and must have adequate experience in the field of fund management.

C. Process of Selecting Fund Manager

To ensure transparency, the selection of a fund manager shall follow government guidelines on procurement of services. An alternative mode would be negotiation with other government agencies or GOCCs (for example, Land Bank and DBP).

To provide the proponent with options, several institutions shall be selected by EMB or DENR RO. A MOA shall be executed between the selected fund manager and the proponent establishing the review fund. In the absence of such list, the fund manager shall be selected by mutual agreement of EMB and the proponent.

The fund manager shall receive the payment and handle the funds in accordance with applicable accounting and auditing practices and shall return to the proponent

the unexpended balance of the fund within sixty days after the issuance or denial of the ECC.

D. Cost Components of the EIS Review Support Fund

Expenses attendant to the review process include, but are not limited to, the following items:

- Honoraria of EIA Review Committee Members and Resource Persons

  The amount of honoraria to be paid to the EIARC members and Resource Persons should be commensurate to their status as professionals and the time they will provide for the review. It should reasonably approximate the opportunity cost to said members, i.e., how much they will lose from their means of livelihood as a result of the performance of their duties as review committee members.

  DENR personnel are prohibited from being appointed as EIARC members. Should their expertise be required to facilitate EIS Review, these persons may be appointed as Resource Persons and may be paid the corresponding honoraria subject to pertinent government rules and regulations.

  The allowable rates for honoraria are as follows:

  - ✓ For EIARC members – PhP 2,500 to 4,000 per meeting but not to exceed a total of PhP 12,000 per person. The EIARC Chair may receive additional honoraria provided the total amount does not exceed PhP 15,000.
  - ✓ For Resource Persons – PhP 1,000 to 2,000 per meeting but not to exceed a total of PhP 6,000 per person

- Site visit expenses of EIARC members, resource persons, and DENR staff

  Only members of the EIARC and key DENR staff (at most two [2] personnel per trip) are entitled to have their site visit expenses be shouldered by the proponent through the trust fund (through cash advance or reimbursement of actual expenses). These expenses include round trip transport cost using the most economical and practical route, and reasonable per diem to cover food and accommodation, depending on site location and the attendant cost of living, for a maximum of three (3) days per trip inclusive of travel time unless circumstances warrant otherwise. Under no conditions should such per diems or travel/transportation allowances exceed double (or twice) prescribed government rate for such travel(s) or the proponent's/preparer's standard/existing rates for such purposes as may be agreed upon during the finalization of the Review Work and Financial Plan. The per diem of EIARC members and/or resource persons is over and above the honorarium to which they are entitled.

  If per diem is provided, the proponent is prohibited from providing hotel/lodging accommodation and/or meals to EIARC members, resource persons, DENR officers and personnel, and other members of the team during field visits, site inspection, public hearing and other such activities. Such prohibition is waived in cases where the site visited does not have facilities/amenities for such purposes.

- Logistical support

  These expenses include the cost of food per meeting, supplies and materials for preparation of individual and EIARC reports, documentation costs, reproduction costs, transportation costs of EIARC members to and from their meetings, and cost of communicating with EIARC members.

- Public Hearing

In addition to the travel costs and per diems, the proponent should shoulder expenses for the preparation of materials for the public hearing, cost of venue and food of participants.

- Basic administrative costs

  In consideration for services rendered by the fund manager, a reasonable amount may be charged as management fee. Furthermore, to insure that DENR can provide adequate secretariat support services, a separate administrative cost may be assessed as per the agreed Review Work and Financial Plan.

11. Fines, Penalties and Sanctions

The Directors of the EMB Central Office or Regional Office shall impose fines and penalties upon persons or entities found violating provisions of P.D. 1586, and its Implementing Rules and Regulations. Details of the Fines and Penalty Structure are presented in the succeeding sub-sections.

The EMB Director or the EMB-RD may issue a Cease and Desist Order (CDO) based on committed violations by the industry/company under the Philippine EIS System to prevent grave or irreparable damage to the environment. Such CDO shall be effective immediately. An appeal or any motion seeking to lift the CDO shall not stay its effectivity. However, the DENR shall act on such appeal or motion within ten (10) working days from filing.

The EMB may publish the identities of firms that are in violation of the EIA Law and its Implementing Rules and Regulations despite repeated Notices of Violation and/or Cease and Desist Orders.

11.1 Scope of Violations

Violations of Provisions of PD 1586 and the DAO 2003-30 are classified as follows:

A. Projects which are Established and/or Operating without an ECC

ECP and other project or activity which has been classified as environmentally critical based on the nature of activity/process posing significant risk, (i.e. hazardous waste disposal facility, sanitary landfills, etc.) found operating without a valid ECC shall be ordered closed, through a CDO, without prejudice to its applying for an ECC pursuant to the process outlined in DAO 2003-30. Such issuance of a CDO comes after the issuance of a Notice of Violation (NOV) and the conduct of a technical hearing. However, for projects that pose danger to life and property, a CDO shall be immediately issued.

Proponents of critical projects or projects located in an environmentally critical areas operating without an ECC will pay a P50,000.00 fine and payment will not justify the continuation or resumption of development activities or operation, since such continuation of the development/operation will only be authorized with the issuance of the ECC. The fine is simply the basic penalty that, in certain instances, may be reinforced by a CDO.

Respondent who is found violating by operating without an ECC may still apply for an ECC, its ECC shall not be acted upon until it ceases development and operations and pays all the fines imposed upon it. Such proponent must be aware, however, that its operations prior to the issuance of its ECC may be taken against it and result in denial of its ECC application.

B. Projects Violating ECC Conditions, EMP, Rules and Regulations

Projects violating any of the conditions in the ECC, EMP or rules and regulations pertaining to the EIS System shall be subjected to suspension or cancellation of its ECC and/or a fine in an amount not to exceed P50,000 for every violation of an ECC condition, or the EMP, or the EIS System rules and regulations. The suspension or cancellation of the ECC shall include the cessation of operations through the issuance of CDO. Violation of one condition in the ECC is an offense separate and distinct from the violation of another condition. It is possible that a respondent be

subjected to a fine of more than P50,000.00 if more than one ECC condition is violated.

C. Misrepresentation in the IEE/EIS or any Other Documents

All misrepresentations, whether material or minor constitute violations on the theory that full disclosure in the EIS or IEE is the key to the effective use of the EIS System as a planning, management, and regulatory tool. Misrepresentation in the IEE/EIS or any other documents submitted by the proponent shall be subjected to suspension or cancellation of the ECC and/or a fine in an amount not to exceed P 50,000.00 for every misrepresentation. The proponent and the preparer responsible for the misrepresentation shall be solidarily liable for the payment of the fine, without prejudice to the withdrawal of the accreditation of the preparer's involved.

11.2 Computation of Fines

Failure to pay a fine imposed by the Secretary, EMB Director or the RD constitutes an offense separate from the original offense that brought about the imposition of the original fine and may warrant the imposition of another fine, and/or the issuance of a CDO.

It should be noted that the sum of P50,000.00 is fixed if the violation falls under the operating without an ECC situation. In case of violation of ECC conditions, EMP, or EIS rules and regulations, the sum of P50,000.00 is set as the maximum amount of fine per violation and can be therefore appropriately reduced at the discretion of the Secretary, the EMB Director, or the RD. The amount of fine in the latter case shall consider the circumstances of each case, i.e. impact of the violation on the environment. The mechanics of fine reduction is presented in the table below.

	% Reduction in Penalty	Amount (PhP)
Nature of ECC Application		
Proponent Applied for ECC before issuance of NOV	25	25,000.00
Percentage Project Completion		
Project is 25% completed	10	45,000.00
Project is >25% but < 50% Completed	5	47,500.00
Project is > 50% completed	0	50,000.00
Project Cost		
Project cost is =< PhP 5.0 M	20	40,000.00
Project cost is /> PhP 10.0 M	10	45,000.00
Project Impact on the Environment		
Project does not cause adverse Environmental impacts	25	37,500.00

Note: A maximum of 80% reduction in penalty can only be imposed provided that the project proponent meets all of the above criteria.

ANNEX A
Detailed Listing of Category D Projects

General/Facilities for Service Industries

- trading
- broker-forwarding business
- trucking
- sea and air freight services
- containerized shipping service

Wooden and metal furniture assembly which does not involve spray painting and electroplating process

Office furniture such as tables and chairs; dinning sets; sala set; buri furniture; rattan furniture; iron chairs and tables; iron frames; antique reproduction

Energy Projects

Activities related to energy projects such as seismic survey; gravity survey; geo-scientific, geophysical surveys; reconnaissance; exploration; feasibility studies; piloting; core drilling/sampling; research and development activities; and all other activities that do not involve significant earth moving an ecological/vegetative disturbance activities using mechanical equipment that effect the environment

Rehabilitation / Improvement of roads, bridges, and viaducts

- Without an increase in the right of way acquisition or with an increase of less than or equal to 50 % acquisition of right of way
- Overpass construction
- Dams, reservoir and impounding systems for irrigation, water supply and other purposes with service area of less than 300 has. and level 1 and 2 water supply system
- Family dwellings/apartment type (regardless of area)

Cottage Industry

Toys and stuffed toys; handicrafts; gift wares; fashion accessories; souvenir items; decorative flowers or ornamental; shirt printing; decorative accessories; ceramics; baseboards, moulding frames; wooden antiques; bags, belts; paper boxes, paper mache; christmas ornaments; baskets; wall decors; hand painted terracotta; mirror frames; vases, house wares; wooden hand painted cabinets; abaca trays, wire decors; hamp g nets; rope, twines; fossil stones; shell furniture; religious decors; throw pillow; wine caddies, fruit bowls; boat shelves; wooden mini boats; doll house, bird cage; lamp base; mini airplanes; cords, beads, ribbons, laces; torcher floor lamps; garden accents; wheel chairs, stretcher; stainless steel kitchen equipment; pencil case, wallet; candle; food bowl; jewelry case, key holder; nativity cards; cloth hat; native fiber décor; topiaries; decorative statues; porcelain and fiberglass items; handcrafted carabao horns; bone products; salad server; flower pots; chandeliers, lighting fixtures; other lightning accessories; shoes; blinds; decorative angels

Telecommunications

- Indoor Antennae

- Based Transceiver Station (refers to equipment housing only and does not involve installation of a tower, based transceiver station antenna without equipment room or tower, and based transceiver station mounted on any existing structures)
- On top of a building (Mounted on a Building) wall mounted and floor mounted
- Pole and Parapet Mounted Antennae
- Monopole Tower

Garment Manufacturing w/o Dyeing and only involves spining,cutting and sewing:

Leather gloves; knitted sweaters; knitting pullover; cardigan for ladies and children; dresses; knit tops; shirts; sweatshirts; pants; trousers; blouses; skirts and coverall; telephone cover; embroidered kitchen linens and table tops; placemats; napkin; pillowcase; children garments; coin purse; hand woven embroidered piña barong; hats; carpets and rugs; crochet slipper and shoes; face towel; table cloth; table linens; apron; pot holder; oven mittens; bottle cover; panel curtains; napkin rings; table runner; mats

Others

- Flowers/ornamentals production and sale, including landscaping;
- Information Technology Services
- Importation or Purchase of Equipment
- Treasure hunting projects not located in National Integrated Protected Areas System (NIPAS)
- All demonstration and pilot projects
- Substations/switchyards with rated capacity of less than or equal to 220kV
- New construction of bridges and viaducts with length equal to or less than 50 meters
- All power plants with capacity that is less than or equal to one (1) MW

ANNEX B
Recommended Format for an EIS

I. TABLE OF CONTENTS

II. EXECUTIVE SUMMARY

- A. Brief Introduction
- B. Brief Description of Methodology and Profile of EIA Team
- C. Scope and Limitation of the EIA Study
- D. Brief Project Description
- E. Brief Description of Baseline Environmental Conditions
- F. Matrix of Issues and Impacts Raised During the Scoping and Consultations
- G. Matrix of Major Impacts, and Mitigation/Enhancement Measures with Summary Discussion
- H. Matrix of Environmental Management Plan with Summary Discussion
- I. Matrix of Environmental Monitoring Plan with Summary Discussion
- J. Proposal of Environmental Guarantee and Monitoring Fund Scheme (when applicable)
- K. Summary of Process Documentation Report, and
- L. Summary of Commitments, Agreements (or both) and Proofs of Social Acceptability

III. INTRODUCTION

- A. Project Background
- B. EIA Approach and Methodology
- C. EIA Process Documentation
- D. EIA Team
- E. EIA Study Schedule

IV. PROJECT DESCRIPTION

- A. Project Rationale
- B. Project Alternatives
- C. Project Location
- D. Project Information
- E. Description of Project Phases
  1. Pre-construction/operational phase
  2. Construction phase
  3. Operational phase
  4. Abandonment phase

V. BASELINE ENVIRONMENTAL CONDITIONS

- A. Physical Environment
  - 1. Geology and geomorphology
  - 2. Hydrology and hydrogeology
  - 3. Pedology and land use
  - 4. Water quality and limnology
  - 5. Meteorology
  - 6. Air and noise quality
  - 7. Oceanography
- B. Biological Environment
  - 1. Terrestrial flora and fauna
  - 2. Marine biology
- C. Socio-Cultural, Economic and Political Environment

VI. FUTURE ENVIRONMENTAL CONDITIONS WITHOUT THE PROJECT

VII. IMPACT ASSESSMENT AND MITIGATION

- A. Physical/Chemical Effects
  - 1. Land
  - 2. Water
  - 3. Air
- B. Biological/Ecological Effects
  - 1. Terrestrial flora and fauna
  - 2. Aquatic flora and fauna
- C. Aesthetic and Visual Effects
- D. Socio-Cultural and Economic Effects
  - 1. Population
  - 2. Labor and employment
  - 3. Housing and social services
  - 4. Infrastructure and public utilities
  - 5. Health and education
  - 6. Culture and lifestyle
  - 7. Livelihood and income
  - 8. Archeological/anthropological/historical sites
- E. Mitigation and Enhancement Measures
- F. Residual and Unavoidable Impacts

VIII. ENVIRONMENTAL RISK ASSESSMENT (WHEN APPLICABLE)

IX. ENVIRONMENTAL MANAGEMENT PLAN

- A. Construction/Contractors Environmental Program

B. Social Development Program

C. Contingency/Emergency Response Plan

D. Risk Management Program

E. Abandonment Plan (when applicable)

F. Environmental Monitoring Plan

X. ENVIRONMENTAL GUARANTEE AND MONITORING FUND PROPOSAL

XI. COMMITMENTS AND AGREEMENTS

XII. BIBLIOGRAPHY/REFERENCES

A. Attachments or Annexes

B. List of EIS Preparers with specified field of expertise

C. Original Sworn Accountability Statement of Key EIS Consultants

D. Original Sworn Accountability Statement of Proponent

E. Photos or plates of proposed project site, impact areas and affected areas and communities

F. Process Documentation Report

G. Scoping Report

H. Summary of Proof of Social Preparation Process Conducted

All projects or undertakings covered by the EIS System and classified by the Department of Health (DOH) as Health Sensitive Projects or located in Health Sensitive Areas shall include a chapter on Environmental Health Impact Assessment (EHIA). The EHIA Chapter shall contain, among others, the following information:

- Health and Sanitation Information of the Affected Community
- Environmental Health Impact Analysis/Assessment
- Proposed Control and Mitigating Measures for the Environmental Health Impacts Identified.

ANNEX C
Recommended Format for a PEPRMP

I. TABLE OF CONTENTS

II. EXECUTIVE SUMMARY

- A. Brief Introduction
- B. Brief Description of Co-located Projects
- C. Brief Description of Critical Environmental Conditions
- D. Brief Description of Environmental Performance
- E. Matrix of Environmental Management Plan with Summary Discussion
- F. Matrix of Environmental Monitoring Plan with Summary Discussion
- G. Proposal of Environmental Guarantee and Monitoring Fund Scheme (when applicable)

III. INTRODUCTION

- A. Project Background
- B. List of Resource Person/s or Responsible Officers/Personnel

IV. PROJECT DESCRIPTION

- A. Project Rationale
- B. Project Location
- C. Description of Co-located Projects and their Operations

  For expansion or process modification, this section shall include a detailed comparative description of the proposed project expansion and/or process modification with corresponding material and energy balances in the case of process industries

V. CRITICAL ENVIRONMENTAL CONDITIONS

- A. Physical Environment
  1. Geology and geomorphology
  2. Hydrology and hydrogeology
  3. Pedology and land use
  4. Water quality and limnology
  5. Meteorology
  6. Air and noise quality
  7. Oceanography
- B. Biological Environment
  1. Terrestrial flora and fauna
  2. Marine biology
- C. Socio-Cultural, Economic and Political Environment

(The coverage of this section may be refined in accordance with the agreements during the technical scoping.)

VI. ENVIRONMENTAL PERFORMANCES

A. Physical Environment

1. Land
2. Water
3. Air

(This section shall include carrying capacity assessments for the applicable regulated pollutants based on actual discharges/emissions. However, in the case of *stand-alone* project/s, the requirement of carrying capacity assessment/s may be waived by the EIARC. Monitoring results for the preceding six months [minimum] should also be included.)

B. Biological Environment

1. Terrestrial flora and fauna
2. Aquatic flora and fauna

(This section shall discuss actual and applicable impacts on the biological environment based on actual inventories or monitoring activities. Anecdotal documentations may only be used with prior approval of DENR-EMB.)

C. Socio-Cultural and Economic Environment

1. Population
2. Labor and employment
3. Housing and social services
4. Infrastructure and public utilities
5. Health and education
6. Culture and lifestyle
7. Livelihood and income
8. Archeological/anthropological/historical sites
9. Aesthetic and Visual Impacts

(This section shall discuss actual and applicable impacts on the social environment based on actual or incremental effects [both positive and negative] for the preceding two years.)

VII. ENVIRONMENTAL RISK ASSESSMENT (WHEN APPLICABLE – this section shall discuss the safety records of the preceding two years. Highlights of the hazard assessment/analysis, QRA or other safety studies should also be discussed.)

VIII. ENVIRONMENTAL MANAGEMENT PLAN

A. Social Development Program

B. Contingency/Emergency Response Plan

C. Risk Management Program

D. Abandonment Plan (when applicable)

E. Environmental Monitoring Plan

(This section shall discuss actual and applicable environmental management and monitoring plan including any EMS.)

X. ENVIRONMENTAL GUARANTEE AND MONITORING FUND

XI. COMMITMENTS AND AGREEMENTS

XII. BIBLIOGRAPHY/REFERENCES

A. Attachments or Annexes

B. Photos or plates of project site, impact areas and affected areas and communities

C. Documentation of Environmental Performance (including the appropriate laboratory results)

ANNEX D
Recommended Format for an EPRMP

I. TABLE OF CONTENTS

II. EXECUTIVE SUMMARY

- A. Brief Introduction
- B. Brief Project Description
- C. Brief Description of Critical Environmental Conditions
- D. Brief Description of Environmental Performance
- E. Matrix of Environmental Management Plan with Summary Discussion
- F. Matrix of Environmental Monitoring Plan with Summary Discussion
- G. Proposal of Environmental Guarantee and Monitoring Fund Scheme (when applicable)

III. INTRODUCTION

- A. Project Background
- B. List of Resource Person/s or Responsible Officers/Personnel

IV. PROJECT DESCRIPTION

- A. Project Rationale
- B. Project Location
- C. Project Description (including its operations)

  This section shall include a detailed comparative description of the proposed project expansion and/or process modification with corresponding material and energy balances in the case of process industries

V. CRITICAL ENVIRONMENTAL CONDITIONS

- A. Physical Environment
  1. Geology and geomorphology
  2. Hydrology and hydrogeology
  3. Pedology and land use
  4. Water quality and limnology
  5. Meteorology
  6. Air and noise quality
  7. Oceanography
- B. Biological Environment
  1. Terrestrial flora and fauna
  2. Marine biology
- C. Socio-Cultural, Economic and Political Environment

(The coverage of this section may be refined in accordance with the agreements during the technical scoping.)

VI. ENVIRONMENTAL PERFORMANCES

A. Physical Environment

1. Land
2. Water
3. Air

(This section shall include discuss the actual and applicable impacts of the Project. Monitoring results for the preceding six months [minimum] should also be included.)

B. Biological Environment

1. Terrestrial flora and fauna
2. Aquatic flora and fauna

(This section shall discuss actual and applicable impacts on the biological environment based on actual inventories or monitoring activities. Anecdotal documentations may only be used with prior approval of DENR-EMB.)

C. Socio-Cultural and Economic Environment

1. Population
2. Labor and employment
3. Housing and social services
4. Infrastructure and public utilities
5. Health and education
6. Culture and lifestyle
7. Livelihood and income
8. Archeological/anthropological/historical sites
9. Aesthetic and Visual Impacts

(This section shall discuss actual and applicable impacts on the social environment based on actual or incremental effects [both positive and negative] for the preceding year.)

VII. ENVIRONMENTAL RISK ASSESSMENT (WHEN APPLICABLE – this section shall also discuss the safety records of the preceding two years. Highlights of the hazard assessment/analysis, QRA or other safety studies should also be discussed.)

VIII. ENVIRONMENTAL MANAGEMENT PLAN

A. Social Development Program

B. Contingency/Emergency Response Plan

C. Risk Management Program

D. Abandonment Plan (when applicable)

E. Environmental Monitoring Plan

(This section shall discuss actual and applicable environmental management and monitoring plan including any EMS.)

X. ENVIRONMENTAL GUARANTEE AND MONITORING FUND

XI. COMMITMENTS AND AGREEMENTS

XII. BIBLIOGRAPHY/REFERENCES

A. Attachments or Annexes

B. Photos or plates of project site, impact areas and affected areas and communities

C. Documentation of Environmental Performance (including the appropriate laboratory results)

ANNEX E
Recommended Format for an IEE

I. TABLE OF CONTENTS

II. EXECUTIVE SUMMARY

III. INTRODUCTION

- A. Project Background
- B. EIA Process Documentation
- C. EIA Methodology
- D. EIA Team
- E. EIA Study Schedule

IV. PROJECT DESCRIPTION

- A. Project Rationale
- B. Project Location
- C. Project Information
- D. Description of Project Phases
  1. Pre-construction/Operational phase
  2. Construction phase
  3. Operational phase
  4. Abandonment phase

V. DESCRIPTION OF ENVIRONMENTAL SETTING AND RECEIVING ENVIRONMENT

- A. Physical Environment
- B. Biological Environment
- C. Socio-Cultural, Economic and Political Environment
- D. Future Environmental Conditions without the Project

VI. IMPACT ASSESSMENT AND MITIGATION

- A. Summary Matrix of Predicted Environmental Issues/Impacts and their Level of Significance at Various Stages of Development
- B. Brief Discussion of Specific Significant Impacts on the Physical and Biological Resources
- C. Brief Discussion of Significant Socio-economic Effects/Impacts of the Project

VII. ENVIRONMENTAL MANAGEMENT PLAN

- A. Summary Matrix of Proposed Mitigation and Enhancement Measures, Estimated Cost and Responsibilities
- B. Brief Discussion of Mitigation and Enhancement Measures
- C. Monitoring Plan

D. Contingency Plan (if applicable)

E. Institutional Responsibilities and Agreements

VIII. BIBLIOGRAPHY/REFERENCES

ANNEX F
Recommended Format for a Project Description

I. INTRODUCTION

II. PROJECT DESCRIPTION

- A. Project Rationale
- B. Proposed Project Location
- C. Description of Project Operations
  1. Process Flow
  2. Material and Energy Balance
  3. Production capacity and descriptions of raw materials, by-products, products and waste materials
- D. Description of Project Phases
  1. Pre-construction/Operational phase
  2. Construction phase
  3. Operational phase
  4. Abandonment phase
- E. Project Capitalization and Manpower Requirement

III. ENVIRONMENTAL MANAGEMENT PLAN – discussion of the residual management scheme among others

- A. Air
- B. Water
- C. Land

IV. ATTACHMENTS

It should be noted that CNC applications does not require any other attachments aside from those needed to provide additional information or details on project descriptions. Specifically, barangay clearances or permits, LGU endorsements, and similar documents are not required.

ANNEX G
Scoping Report

I. Project Name or Title

II. Name and Address of Proponent

III. Project Description

- A. Goals and Objectives
- B. Rationale
- C. Project Area and Location
- D. Project Components
- E. Project Activities
  1. Pre-Construction Phase
  2. Construction Phase
  3. Operation and Maintenance Phase
  4. Abandonment Phase (if applicable)

IV. Pre-Scoping Activity (summary documentation of social preparation activities)

V. Scoping Process (process documentation of the actual scoping activity)

VI. Summary of Agreed Upon Scope including a brief description of issues or impacts identified or perceived during the various phases of project development categorized into physical, biological and socio-economic environment.

VII. Summary of agreed upon studies to be undertaken and methodology

VIII. Agreed Upon Scope of Participation of Stakeholders

ANNEX H
Scoping Checklist

SCOPING DOCUMENT NO : S-__ __ __ __ - __ __ __

EIA FORM RRA 1-A : FIRST LEVEL SCOPING CHECKLIST FOR ENVIRONMENTAL IMPACT STATEMENTS (EIS)

Project Title; _____**Project Location** _____

Project Proponent:_____ *Address:*_____*Tel.No.* _____ *Contact Person :* _____

EIS Consultant:_____*Address*_____*Tel.* _____

Contact Person : _____**Date of Scoping :** _____**Place:**_____

EMB/DENR Representative/s : _____

GENERAL ("MUST") REQUIREMENTS

REQUIREMENT	SPECIFIC REQUIREMENTS /SPECIAL INSTRUCTIONS
Table of Contents	√
Executive Summary	
➢ Brief Description of the project including project cost	√
➢ Brief Description of the Data Gathering, scope of study, duration / period, team, methodology, documentation.	√
➢ Brief Description of the project environment (focus on main conclusions and their basis)	√
➢ Tabulated summary and discussion of major impacts, main mitigating measures, main components of the Environmental Management Plan, etc.	√ **Impacts must consider the project's effects to the direct, primary and secondary impact areas**
➢ Tabulated Summary of the Environmental Monitoring Plan.	√ **Must include cost of monitoring activities to ensure that proper funds are allocated for its implementation.**
Project Description	
➢ Basic project information – project name, type, coverage, address and cost, and proponent's address, contact no. and contact person	√ **Must include also include consultant's name, address, contact person and contact number**
➢ Project location – barangay, municipality, province, etc.; indicate geographic coordinates	√ Presented in legible maps : Regional and provincial, Land use map, Vicinity map (showing major landmarks, exiting industries, settlements, etc) Showing title, legend, scale, project location and political boundaries; delineation of areas of primary and secondary impact areas,
➢ Project Rationale (in terms of environmental, economic and social parameters in relation to nat'l economic dev't)	√
➢ Technology and siting alternatives considered selection criteria applied	Include discussion on site selection procedures conducted (how the project site was selected)
➢ Project Components (include Physical Plan/Site Development Map)	√ Include project components in the site development map
➢ Description of Project Phases / Specific Activities - Pre-construction/Commissioning/Mobilization - Construction - Operation Process Description *(include material and energy balance-if appropriate)* - Abandonment/Decommissioning/Demobilization	√
Environmental Management / Monitoring Plan	
➢ Impact/s Mitigation Program	√
➢ Detailed Monitoring Plan with Costing (amt. of EMF)	√
➢ IEC and Social Development Program	√
➢ Environmental Risk Management and Emergency Response Program to include designation of buffer zones	√ (include specific emergency programs in case of fire, spills, ground water contamination)
➢ Abandonment / Rehabilitation Plan	√ since the area is leased, determine if the encapsulated

REQUIREMENT	SPECIFIC REQUIREMENTS /SPECIAL INSTRUCTIONS
	sludge will be removed or not, if not, what is the responsibility of the proponent and the land owner
➢ Institutional Plan	
➢ Proposed Amount of EGF/CLRF showing computation and its basis.	
Accountability Statement from the EIS Consultants and Project Proponent	√ Include List of EIS Preparers with specified fields of expertise
Certificate of Zoning Viability	√
DA Certificate of Viability for Conversion *(if in agricultural land and conversion is necessary)*	If applicable only
Land Title/ Proof of Land Jurisdiction/Ownership	(lease agreement)
PAWB Endorsement (if w/in protected area or NIPAS area)	If applicable
SEC Registration	√
NWRB Water Use Permit/Certificate of Water Availability	√ (if the proponent will utilize ground water for its water requirement.
Review Fund	√
Electronic File of the EIS including maps	√

ENVIRONMENTAL IMPACT IDENTIFICATION, ASSESSMENT AND MITIGATION / MANAGEMENT										
ENVIRONMENTAL PARAMETER	SCOPE OF STUDY									
	TEMPORAL SCOPE									GEOGRAPHICAL SCOPE *(delineation of 1° and 2° impact areas)*
	PRE-CONST. / CONSTRUCTION PHASE			OPERATION PHASE			ABANDONMENT PHASE AND BEYOND			
	Yes	No	Remarks	Yes	No	Remarks	Yes	No	Remarks	
1. Land Features and Uses										
1.1. Land use	√			√						
1.2. Topography/ Physiography	√			√						
1.3. Geology/Soils	√				√					
1.4 Aesthetics	√				√					
2. Species and Ecosystems										
2.1 Terrestrial Fauna	√									
2.2 Terrestrial Flora	√									
2.3 Aquatic Fauna	√		If the project site is near an major water body							
2.4 Aquatic Flora	√									
3. Air and Water										
3.1 Air Quality	√									
3.2 Surface Water Quality	√									

3.3 Groundwater Quality	√									
4. Socio-Economic Considerations										
4.1 Population/Settlement/Migration	√									
4.2 Employment/Livelihood	√									
4.3 Health	√									
4.4 Cultural and Historical Value		√								
4.5 Resource use competition		√								

ENVIRONMENTAL RISK ASSESSMENT (if applicable)

RECEPTOR	**Required?**		**SOURCE OF RISK (Hazards)**	**SCENARIOs TO BE CONSIDERED**	**METHODOLOGY*/MODEL TO BE USED**
	Y	**N**			
People					
Socio-Economic					
Water Quality					
Air Quality					

**Essential Components of the ERA Study : System Description, hazard identification, consequence analysis, frequency analysis, risk estimation, risk management and emergency preparedness and response plan)*

BASELINE ENVIRONMENTAL CONDITION				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
1.0 Physical Environment				
1.1 Geology				
1.1.1. Regional/General Geological Map				
1.1.2. Geological Cross-Sections				
1.1.3. Sequence Stratigraphic Column of Rock Units				
1.1.4. Geomorphological Map				
1.1.5. g factor Contour Map for Rocks				
1.1.6. g factor Contour Map for Medium Soils				
1.1.7. Seismicity Map				
1.1.8. Differential Settling Hazard Map				
1.1.9. Bathymetric and Morphostructural Map				
1.1.10. Results of Petrographic and Mineragraphic Analyses				
1.1.11. Results of Geochemical Analyses of Rock Samples				
1.2 Pedology				
1.2.1. Topographic Map showing Drainage System				
1.2.2. Slope and Elevation Map				
1.2.3. Soil Investigation Report including maps on the following :				
• Soil Erosion				
• Soils Types				
• Soil Fertility				
• Vegetation				

BASELINE ENVIRONMENTAL CONDITION				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
1.2.4. Laboratory Results of Soil Sample Analysis				
1.3 Hydrology				
1.3.1. Regional Hydrogeologic Map				
1.3.2. Streamflow Measurements/ Mean Monthly Flow Data				
1.3.3. Flood Peaks, Volumes, frequency rating curves and Stormwater flow estimates				
1.3.4. Spring and Well Inventory				
1.4 Oceanography				
1.4.1. Predicted Tides				
1.4.2. 24-Hour Tidal Cycles				
1.4.3. Surface Current System				
1.5 Water Quality				
1.5.1. Physico-Chemical Characteristics of Wells and Springs				
1.5.2. Physico-Chemical Characteristics of Inland Surface Waters				
1.5.3. Physico-Chemical Characteristics of Coastal Waters				
1.5.4. Bacteriological Characteristics of Wells and Springs				
1.5.5. Bacteriological Characteristics of Inland Surface Waters				
1.5.6. Bacteriological Characteristics of Coastal Waters				
1.5.7. Sampling Site Map				
1.6 Meteorology/Climatology				
1.6.1. Monthly Average Rainfall of the Area				
1.6.2. Climatological Normals/Extremes				
1.6.3. Wind Rose Diagrams				

BASELINE ENVIRONMENTAL CONDITION				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
1.6.4. Frequency of Tropical Cyclones				
1.7 Air Quality /Noise				
1.7.1. Ambient Air Quality (TSP, SO_x, NO_x, PM10, etc.) 24-Hour Sampling				
1.7.2. Noise Levels				
1.7.3. Sampling Station Map (air and noise)				
1.7.4. Air Dispersion Diagrams/Isophlet				
2.0 Biological Environment				
2.1. Vegetation, Wildlife and Insect Profile				
2.1.1. Flora and Fauna Species Inventory or Survey				
2.1.2. Summary of Endemicity /Conservation Status				
2.1.3. Summary of Abundance, Frequency and Distribution				
2.1.4. Site Observation/ Transect Walk Map				
2.2 Aquatic Fresh/Marine Environment				
2.2.1. Abundance/Densities/Biomass of Seagrasses/Seaweeds				
2.2.2. Density/Abundance of Planktonic and Benthic Algae				
2.2.3. Benthic Fauna Population and Density of Benthic Organisms				
2.2.4. List of Fish Species/Estimated Biomass				
2.2.5. Ranks and Proportion of Commercially and Non-commercially Important Indicator Species				
2.2.6. Seabottom Cover Map showing Coral & Seagrass Beds,etc.				
2.2.7. Sampling Site Map				

BASELINE ENVIRONMENTAL CONDITION				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
3.0 Socio-Economic and Cultural Environment				
3.1 Demography				
3.1.1. Settlement Map and Population Distribution Map				
3.1.2. Land Use Map *(include locations of ecological, military reserves, scenic spots and areas of religious, historic and cultural significance)*				
3.1.3. Population Growth Rate				
3.1.4. Number of Households and Household Size by Barangay				
3.1.5. Summary of Demographic data per Barangay to be directly affected: Land Area, Population, Population Density, Main Sources of Income, Sex and age Composition, Literacy, Highest Educational Attainment, Employment Status				
3.1.6. Household Profile based on results of the Survey				
3.1.7. IPs/Vulnerable Groups				
3.2 Health				
3.2.1. Morbidity and Mortality Rates (Infants and Adults) from Direct Impact Areas				
3.2.2. 5-Year Trend in Morbidity and Mortality				
3.2.3. Notifiable Diseases in the Area including Endemic Diseases				
3.2.4. Local Health Resources (Government and Private)				
3.2.5. Environmental Health and Sanitation Profile: water supply, human excreta management, waste management and disposal systems and food hygiene				
3.3. Other Social Services/Utilities				
3.3.1. Water Supply and Demand				
3.3.2. Transportation				

BASELINE ENVIRONMENTAL CONDITION				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
3.3.3. Power Supply and Demand				
3.4. Public Participation and Social Acceptability				
3.4.1. Public Perception Survey Questionnaire and Results Summary				
3.4.2. Endorsement / Proof of consultation with LGUs /RDC				
3.4.3. Endorsement / Proof of consultation with NGOs / POs				
4.0 Others				

SCOPED BY : EIARC MEMBERS

NAME	EXPERTISE	SIGNATURE	NAME	EXPERTISE	SIGNATURE

EIA PERSONNEL

_____ _____

Signature over Printed name Signature over Printed name

NOTED BY:

_____

EIA Division Chief/ Chief, R&A Section

REPRESENTATIVE/S OF THE PROJECT PROPONENT

_____ _____

Signature over Printed name Signature over Printed name

EIA CONSULTANTS:

_____ _____

Signature over Printed name Signature over Printed name

Scoping Document No : S-__ __ __ __ - __ __ __

EIA FORM RRA 1-B: Report on the conduct of Second Level (Site) Scoping

Project Title : _____ Project Location :_____Project Proponent :_____

Address : _____ Tel.No. _____ Fax No. _____ Contact Person : _____

EIS Consultant : _____ *Address : _____Tel. No._____Fax No._____ Contact Person : _____*

Date of 2nd Level Scoping : _____Venue :_____EMB/DENR Representative/s : _____

ISSUES / CONCERNS TO BE INCLUDED IN THE SCOPE OF THE EIA STUDY

Environmental Resource	Issues			Stakeholder who raised the issue/concern
	CONSTRUCTION/ PRE-CONSTRUCTION PHASE	OPERATION PHASE	ABANDONMENT PHASE AND BEYOND	
Land Features and Uses				
Species and Ecosystems				
Socio-Economic Considerations				
Air and Water				

SCOPED BY :

EIARC MEMBERS

NAME	EXPERTISE	SIGNATURE	NAME	EXPERTISE	SIGNATURE

EIA PERSONNEL

_____ _____

Signature over Printed name Signature over Printed name

REPRESENTATIVE/S OF THE PROJECT PROPONENT

_____ _____

Signature over Printed name Signature over Printed name

NOTED BY :

_____

EIA Division Chief/ Chief, R&A Section

EIA CONSULTANTS :

_____ _____

Signature over Printed name Signature over Printed name

STAKEHOLDER REPRESENTATIVE/S:

_____ _____ _____

Signature over printed Name Signature over printed Name Signature over printed Name

SCOPING DOCUMENT NO : S-__ __ __ __ - __ __ __

EIA FORM PRA 1-A : FIRST LEVEL SCOPING CHECKLIST FOR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS (PEIS)

Project Title : _____**Project Location :**_____

Project Proponent : _____*Address* _____*Tel.No.* _____ *Fax No.* _____ *Contact Person :* _____ **EIS Consultant :** _____

*Address:*_____*Tel. No.* _____ *Fax No.* _____ *Contact Person :* _____ **Date of Scoping:** _____ **Venue :** _____ **EMB/DENR Representative/s :** _____

REQUIREMENT	SPECIFIC REQUIREMENTS /SPECIAL INSTRUCTIONS
Table of Contents	
Executive Summary	
➢ Brief Description of the project including project cost	
➢ Brief Description of the Data Gathering, scope of study, duration / period, team, methodology, documentation.	
➢ Brief Description of the project environment (focus on main conclusions and their basis)	
➢ Tabulated summary and discussion of major impacts, main mitigating measures, main components of the Environmental Management Plan, etc.	
➢ Tabulated Summary of the Environmental Monitoring Plan.	
Project Description	
➢ Basic project information – project name, proponent, address, cost, etc.	
➢ Project location – barangay, municipality, province, etc.; indicate geographic coordinates.	
➢ Project Rationale (in terms of environmental, economic and social parameters in relation to nat'l economic dev't)	
➢ Technology and siting alternatives considered selection criteria applied	
➢ Project Components (include Physical Plan/Site Development Map)	
➢ Description of Project Phases / Specific Activities - Pre-construction/Commissioning/Mobilization - Construction - Operation Process Description *(include material and energy balance-if appropriate)* - Abandonment/Decommissioning/Demobilization	
Environmental Management / Monitoring Plan	
➢ Impact/s Mitigation Program	
➢ Detailed Monitoring Plan with Costing (amt. of EMF)	
➢ IEC and Social Development Program	
➢ Environmental Risk Management and Emergency Response Program to include designation of buffer zones	
➢ Abandonment / Rehabilitation Plan	
➢ Institutional Plan	
➢ Proposed Amount of EGF/CLRF showing computation and its basis.	
Accountability Statement from the EIS Consultants and Project Proponent	
Certificate of Zoning Viability	
DA Certificate of Viability for Conversion *(if in agricultural land and conversion is necessary)*	
Land Title/ Proof of Land Jurisdiction/Ownership	
PAWB Endorsement (if w/in protected area)	
SEC Registration	
NWRB Water Use Permit/Certificate of Water Availability	
Review Fund	
Electronic File of the EIS including maps	
Envt'l track record (for expansion projects)	

GENERAL ("MUST") REQUIREMENTS

CARRYING CAPACITY ANALYSIS AND ENVIRONMENTAL IMPACT IDENTIFICATION, ASSESSMENT AND MITIGATION / MANAGEMENT									
ENVIRONMENTAL PARAMETER	**SCOPE OF STUDY**								
	PRE-CONST. / CONSTRUCTION PHASE			**OPERATION**			**ABANDONMENT**		
	Yes	**No**	**Remarks**	**Yes**	**No**	**Remarks**	**Yes**	**No**	**Remarks**
3. Land Features and Uses									
1.4. Land use									
1.5. Topography/ Physiography									
1.6. Geology/Soils									
1.5 Aesthetics									
4. Species and Ecosystems									
2.1 Terrestrial Fauna									
2.2 Terrestrial Flora									
2.3 Aquatic Fauna									
2.4 Aquatic Flora									
5. Air and Water									
3.4 Air Quality									
3.5 Surface Water Quality									
3.6 Groundwater Quality									
6. Socio-Economic Considerations									
4.6 Population/Settlement/Migration									
4.7 Employment/Livelihood									

4.8 Health									
4.9 Cultural and Historical Value									
4.10 Resource use competition									

ENVIRONMENTAL RISK ASSESSMENT (if applicable)					
RECEPTOR	**Required?**		**SOURCE OF RISK (Hazards)**	**SCENARIOs TO BE CONSIDERED**	**METHODOLOGY*/MODEL TO BE USED**
	Y	**N**			
People					
Socio-Economic					
Water Quality					
Air Quality					

**Essential Components of the ERA Study : System Description, hazard identification, consequence analysis, frequency analysis, risk estimation, risk management and emergency preparedness and response plan)*

ECOLOGICAL PROFILING				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
1.2 Physical Environment				
1.3 Geology				
1.1.12. Regional/General Geological Map				
1.1.13. Geological Cross-Sections				

ECOLOGICAL PROFILING				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
1.1.14. Sequence Stratigraphic Column of Rock Units				
1.1.15. Geomorphological Map				
1.1.16. g factor Contour Map for Rocks				
1.1.17. g factor Contour Map for Medium Soils				
1.1.18. Seismicity Map				
1.1.19. Differential Settling Hazard Map				
1.1.20. Bathymetric and Morphostructural Map				
1.1.21. Results of Petrographic and Mineragraphic Analyses				
1.1.22. Results of Geochemical Analyses of Rock Samples				
1.8 Pedology				
1.2.5. Topographic Map showing Drainage System				
1.2.6. Slope and Elevation Map				
1.2.7. Soil Investigation Report including maps on the following :				
• Soil Erosion				
• Soils Types				
• Soil Fertility				
• Vegetation				
1.2.8. Laboratory Results of Soil Sample Analysis				
1.9 Hydrology				
1.3.5. Regional Hydrogeologic Map				
1.3.6. Streamflow Measurements/ Mean Monthly Flow Data				
1.3.7. Flood Peaks, Volumes, frequency rating curves and Stormwater flow estimates				

ECOLOGICAL PROFILING				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
1.3.8. Spring and Well Inventory				
1.10 Oceanography				
1.4.4. Predicted Tides				
1.4.5. 24-Hour Tidal Cycles				
1.4.6. Surface Current System				
1.11 Water Quality				
1.5.8. Physico-Chemical Characteristics of Wells and Springs				
1.5.9. Physico-Chemical Characteristics of Inland Surface Waters				
1.5.10. Physico-Chemical Characteristics of Coastal Waters				
1.5.11. Bacteriological Characteristics of Wells and Springs				
1.5.12. Bacteriological Characteristics of Inland Surface Waters				
1.5.13. Bacteriological Characteristics of Coastal Waters				
1.5.14. Sampling Site Map				
1.12 Meteorology/Climatology				
1.6.5. Monthly Average Rainfall of the Area				
1.6.6. Climatological Normals/Extremes				
1.6.7. Wind Rose Diagrams				
1.6.8. Frequency of Tropical Cyclones				
1.6.5 Airshed Delineation				
1.13 Air Quality /Noise				
1.7.5. Ambient Air Quality (TSP, SO_x, NO_x, PM10, etc.) 24-Hour Sampling				
1.7.6. Noise Levels				

ECOLOGICAL PROFILING				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
1.7.7. Sampling Station Map (air and noise)				
1.7.8. Air Dispersion Diagrams/Isophlet				
4.0 Biological Environment				
2.2. Vegetation, Wildlife and Insect Profile				
2.1.5. Flora and Fauna Species Inventory or Survey				
2.1.6. Summary of Endemicity /Conservation Status				
2.1.7. Summary of Abundance, Frequency and Distribution				
2.1.8. Site Observation/ Transect Walk Map				
2.3 Aquatic Fresh/Marine Environment				
2.2.8. Abundance/Densities/Biomass of Seagrasses/Seaweeds				
2.2.9. Density/Abundance of Planktonic and Benthic Algae				
2.2.10. Benthic Fauna Population and Density of Benthic Organisms				
2.2.11. List of Fish Species/Estimated Biomass				
2.2.12. Ranks and Proportion of Commercially and Non-commercially Important Indicator Species				
2.2.13. Seabottom Cover Map showing Coral & Seagrass Beds,etc.				
2.2.14. Sampling Site Map				
5.0 Socio-Economic and Cultural Environment				
3.3 Demography				
3.1.8. Settlement Map and Population Distribution Map				
3.1.9. Land Use Map *(include locations of ecological, military reserves, scenic spots and areas of religious, historic and cultural significance)*				
3.1.10. Population Growth Rate				

ECOLOGICAL PROFILING				
Technical Requirements	**Req'd ?**		**SCOPE / SPECIAL INSTRUCTIONS / MAP SCALE**	**ACCEPTABLE SOURCE / SAMPLING METHODOLOGY**
	Y	**N**		
3.1.11. Number of Households and Household Size by Barangay				
3.1.12. Summary of Demographic data per Barangay to be directly affected: Land Area, Population, Population Density, Main Sources of Income, Sex and age Composition, Literacy, Highest Educational Attainment, Employment Status				
3.1.13. Household Profile based on results of the Survey				
3.1.14. IPs/Vulnerable Groups				
3.4 Health				
3.2.6. Morbidity and Mortality Rates (Infants and Adults) from Direct Impact Areas				
3.2.7. 5-Year Trend in Morbidity and Mortality				
3.2.8. Notifiable Diseases in the Area including Endemic Diseases				
3.2.9. Local Health Resources (Government and Private)				
3.2.10. Environmental Health and Sanitation Profile: water supply, human excreta management, waste management and disposal systems and food hygiene				
3.4. Other Social Services/Utilities				
3.3.4. Water Supply and Demand				
3.3.5. Transportation				
3.3.6. Power Supply and Demand				
3.5. Public Participation and Social Acceptability				
3.4.4. Public Perception Survey Questionnaire and Results Summary				
3.4.5. Endorsement / Proof of consultation with LGUs /RDC				
3.4.6. Endorsement / Proof of consultation with NGOs / POs				
4.0 Others				

SCOPED BY : EIARC MEMBERS

NAME	EXPERTISE	SIGNATURE	NAME	EXPERTISE	SIGNATURE

EIA PERSONNEL **REPRESENTATIVE/S OF THE PROJECT PROPONENT**

_____ _____ _____ _____

Signature over Printed name Signature over Printed name Signature over Printed name Signature over Printed name

NOTED BY: EIA CONSULTANTS:

_____ _____ _____

EIA Division Chief/ Chief, R&A Section Signature over Printed name Signature over Printed name

Scoping Document No : S-__ __ __ __ - __ __ __

EIA FORM PRA 1-B: Report on the conduct of Second Level (Site) Scoping

Project Title : _____ Project Location :_____

Project Proponent : _____*Address :*_____ *Tel.No.*_____ *Fax No.*_____ *Contact Person :* _____

EIS Consultant :_____*Address :*_____*Tel. No.*_____*Fax No.*_____ *Contact Person :* _____

Date of 2nd Level Scoping :_____Venue:_____

EMB/DENR Representative/s : _____

ISSUES / CONCERNS TO BE INCLUDED IN THE SCOPE OF THE EIA STUDY

Environmental Resource	Issues	Raised during 1st Level S ?(3or 7)	Stakeholder who raised the issue/concern
Land Features and Uses			
Species and Ecosystems			
Socio-Economic Considerations			
Air and Water			
Others			

SCOPED BY :

EIARC MEMBERS

NAME	EXPERTISE	SIGNATURE	NAME	EXPERTISE	SIGNATURE

EIA PERSONNEL

_____ _____

Signature over Printed name Signature over Printed name

NOTED BY :

_____

EIA Division Chief/ Chief, R&A Section

REPRESENTATIVE/S OF THE PROJECT PROPONENT

_____ _____

Signature over Printed name Signature over Printed name

EIA CONSULTANTS :

_____ _____

Signature over Printed name Signature over Printed name

ANNEX I
Recommended Format for an EIARC Report

I. Brief project description

II. Summary matrix of significant project impacts and mitigation enhancement measures

III. Summary of key issues or concerns plus the proponent's response to the issue(s) raised

IV. EIARC evaluation to the proponent's response to the different issue(s) raised

V. A review summary based on the technical and substantive review criteria

VI. Report on compliance with social acceptability requirements

VII. Over-all findings of the review or evaluation

VIII. Recommendations

IX. Necessary conditions to be attached to the ECC

ANNEX J
Recommended Format for a Review Process Report

I. Project Background/Information (Catalog/Case Number)
- Project Background and Significance
- Project Description
- Location
- Processes and Waste Streams
- Time frame of Implementation
- Estimated Project Cost
- Project Employment Generation

II. Documentation of Compliance with Procedural Requirements

A. Review Schedule Chart

B. Total Number of Review Days (Working Days)

C. Reasons for Delay (if applicable)

III. Technical Assessment

A. Summary of Environmental Impacts with the Proposed Mitigation and Enhancement Measures

B. Key Issues/Concerns and Proponent's Response
- Summary of Additional Information Submitted
- Summary of Major Issues raised during the public hearing

IV. Commitments from the Proponents

A. Acceptability of the proposed EMP including the corresponding cost of Mitigation, EGF and EMF (if required)

B. Other Submitted Documents
- Endorsements
- Research of relevant information materials

V. Key Basis for the Decision on the ECC Application
- Over-all findings of the Review or Evaluation

VI. Critical Conditions that should be ~~i~~incorporated in the ECC

ANNEX K
Guidelines for the Conduct of Environmental Risk Assessment

1. Levels of Coverage and Requirements

Risk Screening Level. The following activities are required to undertake a risk screening exercise:

a. Facilities for the production or processing of organic or inorganic chemicals using:

- alkylation
- amination by ammonolysis
- carbonylation
- condensation
- dehydrogenation
- esterification
- halogenation and manufacture of halogens
- hydrogenation
- hydrolysis
- oxidation
- polymerization
- sulphonation
- desulphurization, manufacture and transformation of sulphur-containing compounds
- nitration and manufacture of nitrogen-containing compounds
- manufacture of phosphorus-containing compounds
- formulation of pesticides and of pharmaceutical products.
- distillation
- extraction
- solvation

b. Installations for distillation, refining or other processing of petroleum products.

c. Installations for the total or partial disposal of solid or liquid substances by incineration or chemical decomposition.

d. Installations for the production or processing of energy gases, for example, LPG, LNG, SNG.

e. Installations for the dry distillation of coal or lignite.

f. Installations for the production of metals or non-metals by a wet process or by means of electrical energy.

g. Installations for the loading/unloading of hazardous materials as defined by RA 6969 (or DAO 29)

Level 1 and Level 2 Threshold Inventory. The following threshold levels shall be used to determine whether a proposed project or undertaking shall be required to prepare a QRA and/or an emergency/contingency plan:

CATEGORY	LEVEL 1 (tons)	LEVEL 2 (tons)
Explosives	10	50
Flammable substances	5,000	50,000
Highly flammable substances	50	200
Extremely flammable substances	10	50
Oxidising substances	50	200
Toxic substances (low)	50	200
Toxic substances (medium)	10	50
Toxic substances (high)	5	20
Toxic substances (very high)	0.2	1
Toxic substances (extreme)	0.001	0.1
Unclassified (Type A)	100	500
Unclassified (Type B)	50	200

For purposes of clarity, the different categories of hazardous materials are defined as follows:

A. Explosives (Reactivity)

1. a substance or preparation which creates the risk of an explosion by shock, friction, fire, or other sources of ignition.

2. a pyrotechnic substance (or mixture of substances) designed to produce heat, light, sound, gas, or smoke or a combination of such effects through non-detonating self-sustained exothermic chemical reactions.

B. Flammable, highly flammable and extremely flammable substances

1. Flammable substances are substances and preparations having a flash point equal to or greater than 21*C and less than or equal to 55*C, capable of supporting combustion.

2. Highly flammable substances are substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any input of energy, or substances which have a flash point lower than 55*C and which remain liquid under pressure, where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards.

3. Extremely flammable substances are liquid substances and preparations which have a flash point lower than 0*C and the boiling point (or, in the case of a boiling range, the initial boiling point) of which at normal pressure is less than or equal to 35*C; gaseous

substances and preparations which are flammable when in contact with air at ambient temperature and pressure, whether or not kept in the gaseous or liquid state under pressure; or, liquid substances or preparations maintained at a temperature above their boiling point.

C. Oxidizing substances are substances which give rise to highly exothermic reaction when in contact with other substances, particularly flammable substances.

D. Low, medium, high, very high and extreme toxicity of substances or preparation are classified as follows:

1. A substance shall be considered as a liquid if vapor pressure is less than 1 bar at 20*C.

2. A substance shall be considered as a gas if vapor pressure is greater than 1 bar at 20*C.

3. The sum of (a) and (b) as provided in ***Tables A-2*** and ***A-3*** shall determine the toxicity class as contained in ***Table A-1***.

E. Unclassified substances are substances or preparations that react violently with water (Type A), and substances or preparations which release or liberate toxic gas in contact with water (Type B).

Mixtures and preparations shall be treated in the same way as pure substances provided they remain within the level set according to their properties or their latest adaptation to technical progress unless a percentage composition to other description is specifically provided for.

The bases for determination of the level are the maximum quantities which are present or likely to be present at any one time.

The rule for the presence of several hazardous or dangerous substances in an establishment shall be as follows:

$$\textbf{Total indicative sum} = q_1/Q_1 + q_2/Q_2 + q_3/Q_3 + * * * + q_n/Q_n$$

where: q_x = the quantity of dangerous substance

Q_x = the indicative threshold level of dangerous substance x

If the computed Total Indicative Sum is greater than 1.0, then the project or undertaking is covered and shall be required to prepare an ERA.

Table A-1. Table for values to determine Toxicity Class

a + b	**Toxicity Class**
6	Low
7	Medium
8	High
9	very high
10	extreme

Table A-2. Table for values of *a* based on LC_{50}

LC_{50} rate 4 hour in ppm	Calculation number (*a*)
0.01 – 0.1	8
0.1 – 1	7
1 – 10	6
10 – 100	5
100 – 1,000	4
1,000 – 10,000	3
10,000 – 100,000	2

Table A-3. Table for values of *b* based on physical properties

Physical Properties		Calculation number (*b*)
Liquids (vapor pressure) at 20°C)	< 0.05 bar	1
	0.05-0.3 bar	2
	0.3-1 bar	3
Liquefied gas, Compressed (BP)	> 265°K	3
	< 265°K	4
Liquefied gas, cooled (BP)	> 245°K	3
	< 245°K	4

BP: Boiling Point

2. Formats and Other Requirements

An Environmental Risk Assessment (ERA) Report, which forms part of the EIS as a separate chapter, is prepared to demonstrate the following:

- that a major accident prevention policy and a safety management system for implementing it have been put into effect by the proponent;
- that major accident hazards have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for man and the environment;
- that adequate safety measures and reliability have been incorporated into the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with its operation which are linked to major accident hazards inside the establishment;
- that an on-site emergency plan has been drawn up to implement the necessary measures in the event of a major accident;
- that in case of major accident, decontamination, remediation and/or rehabilitation measures will be undertaken; and
- that sufficient information is provided to enable decisions to be made in terms of the siting of new activities or developments around existing establishments.

The ERA Report (e.g., risk screening, hazard analysis, QRA) shall be prepared as a separate chapter of the EIS. It shall contain at least the following data and information:

- Information relating to the operator and the establishment

- ✓ the proponent's major accident prevention policy including the overall aims and principles of action with respect to the control of major accident hazards; and
- ✓ the proponent's conceptual framework for the safety management system, including (if available), the criteria to evaluate or determine such identified indicators.

- Information relating to the scope of analysis employed/used in the report
  - ✓ coverage of the report, the methodology used in each of the stages of analysis and assumptions made (if there are any) in coming up with the results of analysis; and
  - ✓ references shall likewise be acknowledged in the report, whether these are historical data or generic information which aided the analysis attain more reliable results.
- Information relating to every hazardous substance or situation present in the establishment, in particular:
  - ✓ the identification of the hazardous substance: chemical name, CAS number, name according to International Units of Pure and Applied Chemistry (IUPAC) nomenclature;
  - ✓ the physical and chemical properties of the toxic/hazardous substance present in the establishment (under normal conditions of use or under foreseeable accidental conditions) and the maximum amount that could possibly be present at any one time;
  - ✓ the degree of purity of the substance, and the identification of the main impurities and their percentages, if available;
  - ✓ a description of the hazards, both immediate (acute effects) and delayed (chronic effects) for man and the environment, which may be posed by the substance or situation; and
  - ✓ a description of the potential sources of a major accident and the conditions or events which could be significant in bringing one about.
- Information relating to the consequences of major accidents, the probability of its occurrence, and an estimation of the risk, namely
  - ✓ detailed description of the possible major accident scenarios including a summary of events which may play a role in triggering each of these scenarios, the causes being internal or external to the establishment or installation;
  - ✓ a description of the methodology adopted, data used and results of analysis in estimating the probable consequence(s) of the predicted major accident that may result within the establishment with an estimate of the number of people in the possible affected area who may be particularly exposed to the hazards considered in the report as well as the major ecosystem that will be affected;
  - ✓ whenever possible, a discussion on the probability of occurrence of the potential accident scenario(s) identified in the report; and
  - ✓ an assessment of risk(s) associated with the activity inside the establishment.

For QRA, the Report shall also contain:

- ✓ a map, preferably topographic or population map, on a scale of 1:10,000 or larger, which would show (whenever possible) significant locations including risk contour lines identifying those positions outside the industrial site wherein the probability of persons located there would die as a result of an unusual occurrence in the industrial site equals 10-4, 10-5, 10-6, 10-7 and 10-8, respectively; and
- ✓ a map, preferably topographic or population map, on a scale of 1:10,000 or larger, which would show (whenever possible) other source/s or establishments of significant risk within 10 km, including risk contour lines identifying these sources and the computed total risk with the addition of the establishment covered in the Safety Report.

- (for **Level 1** and **Level 2** coverage) Information relating to the safety management system for the establishment, namely:
  - ✓ a description of the measures taken to prevent, control, or minimize the consequences and probability of any major accident;
  - ✓ information about the emergency procedures laid down in dealing with a major accident occurring at the site (a copy of the On-Site Emergency Plan shall be attached);
  - ✓ the monitoring scheme for the continuing assessment of compliance with the objectives of the major accident prevention policy and safety management system, and the mechanisms for investigation and taking corrective action in case of non-compliance. The procedures shall cover the operator's system for reporting major accidents or near misses, particularly those involving failure of protective measures, and their investigation and follow-up on the basis of lessons learned.
  - ✓ the staffing arrangements for controlling the industrial activity with the name of the person responsible for safety on the site and the names of those who are authorized to set emergency procedures in motion and to inform outside authorities;
  - ✓ the arrangements made to ensure that the means provided for the safe operation of the industrial activity are properly designed, constructed, tested, operated, inspected and maintained, and the arrangements for training of persons working on the site; and
  - ✓ the audit and review scheme for periodic and systematic assessment of the major accident prevention policy and the effectiveness and suitability of the safety management system, including the documentation of review of performance of the policy and the system and its updating by senior/top management.

An Emergency Plan is prepared with the following objectives:

- to contain or control incidents so as to minimize the effects, and limit damage to man, the environment and property taking into consideration the worst-case scenario;
- to implement the measures necessary to protect man and environment from the effects of major accidents;
- to communicate the necessary information to the public and to the emergency service provider (such as fire protection, civil defense. disaster coordination and other appropriate local government unit or agency) in the area; and

- to provide for the restoration and clean-up of the environment following a major accident.

The Emergency Plan shall be prepared as a separate chapter of the EIS for Level 1 Coverage (together with the Hazard Analysis study), or as an annex (of the QRA) for Level 2 Coverage. It shall contain at least the following data and information:

- On-site Emergency Plan
  - ✓ Names or positions of persons authorized to set emergency procedures in motion and the person in charge of coordinating the on-site mitigatory action.
  - ✓ Name or position of the person with responsibility for liaising with the authority responsible for the off-site emergency plan.
  - ✓ For foreseeable conditions or events which could be significant in bringing about a major accident, a description of the action which should be taken to control the conditions or events and to limit their consequences, including a description of the safety equipment and the resources available.
  - ✓ Arrangements for limiting the risks to persons on site including how warnings are to be given and the actions persons are expected to take upon receipt of a warning.
  - ✓ Arrangements for providing early warning of the incident to the authority responsible for setting the off-site emergency plan in motion, the type of information which should be contained in an initial warning and the arrangements for the provision of a more detailed information as it becomes available.
  - ✓ Arrangements for training the staff in the duties they are expected to perform, and where necessary, coordinating this with off-site emergency services.
  - ✓ Arrangements for providing assistance with off-site mitigatory action.
- Linkage with Off-Site Emergency Plan
  - ✓ Names or positions of persons authorized to set emergency procedures in motion and of persons authorized to take charge of and coordinate with off-site emergency services.
  - ✓ Arrangements for sending early warning of incidents, alert, and call-out procedures.
  - ✓ Arrangements for coordinating resources necessary to implement the off-site emergency plan.
  - ✓ Arrangements for assistance to provide the public with specific information relating to the accident and the behavior which the public should adopt.
  - ✓ Arrangements for the provision of information to the appropriate emergency services of surrounding areas in the event of a major accident with possible trans-boundary consequences.

The findings, recommendations and conclusions of the ERA must be integrated in the Environmental Management Plan (EMP) as a safety management plan. Details of the safety management system including proposed monitoring or auditing protocols must be incorporated in the EMP.

Together with the EMP, a corresponding Safety Monitoring Plan should be prepared. The plan should include the following information per project activity for each project phase:

- parameters or criteria to be monitored;

- location of monitoring activity;
- frequency of monitoring activity;
- cost of monitoring activity; and
- implementing or responsible group

The proponent is also strongly urged to maintain comprehensive records of safety information (e.g., incidents, near-incidents, injuries, training, failure of equipment/fixtures, etc.). The information will not only be helpful for regulatory purposes, but also for corporate management – weak areas in terms of safety management can be identified before grave incidents may occur.

3. Risk Criteria

The review of ERA studies shall be based on risk criteria discussed below.

A. Individual Risk Criteria

Individual risk criteria have been developed based on the principle that involuntary risks due to industrial developments should not significantly increase the level of risk to individuals living or working near such industry.

Location Specific Individual Fatality Risk (LSIFR) is the risk of death to an individual person, if present 24 hours per day (in the open) at a particular location for a whole year. It takes no account of the number of people affected by an event.

LSIR is normally represented in the form of risk contours. This is achieved by plotting and connecting all points (locations) of similar individual risk, thus forming risk contours (not dissimilar to isobars on a weather map). These contours can then be overlaid onto a land-use map to show the level of individual risk in the various land-use planning areas.

Individual risk criteria may be applied and measures taken to ensure that no single individual living near to a hazardous activity bears an undue level of risk.

Without prejudice to the supplemental guidelines that may be issued by the DENR Secretary, the acceptable individual risk criterion is set at 10^{-6} fatalities per year. Safety and/or mitigation measures should be incorporated such that hazard zones and the 10^{-6} individual risk per year contour DO NOT encroach into residential (I.e., non-industrial/non-commercial) areas.

B. Societal Risk Criteria

The greater public concern for events causing a large number of deaths is best reflected in terms of the societal risk criteria. The establishment of societal risk criteria is a recognition that multiple fatality events should be regarded as more serious than events capable of causing only a few fatalities.

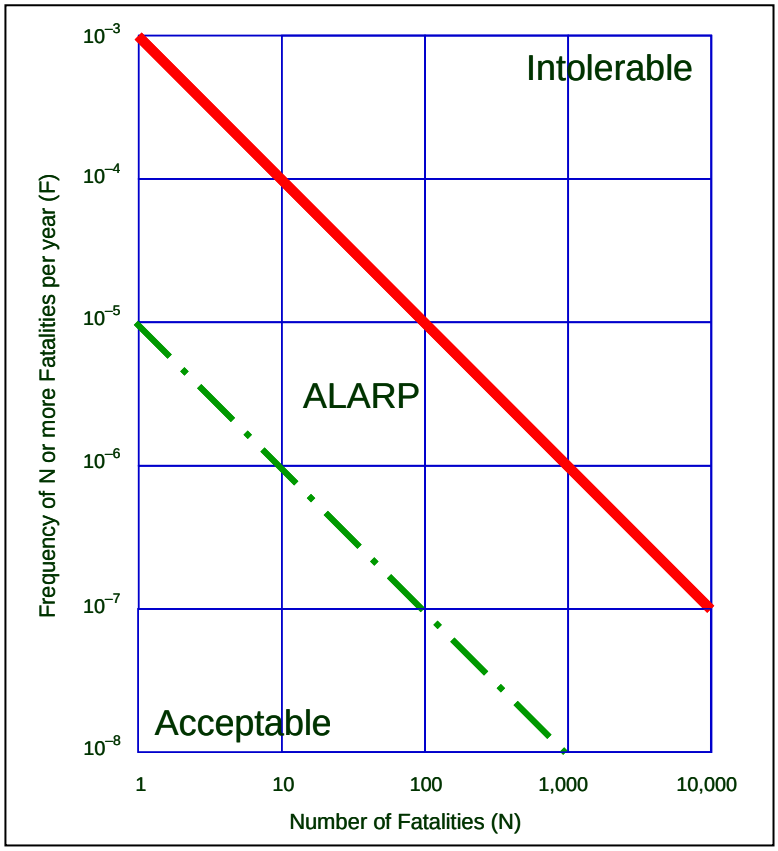
Another point to be considered is the level of benefit society may derive from an existing or proposed development. Care must be taken to ensure that the local population does not suffer an unfair burden of risk in respect to the benefits of the population at large.

Societal risk is another suitable basis for review of hazardous facilities. This has a different emphasis from individual risk. Societal risk measures the number of fatalities caused by a full range of more or less frequent incidents. These are normally presented on a log-log plot of the cumulative frequency of incidents causing N or more fatalities versus the number of fatalities, N.

Societal risk criteria specify levels of societal (group) risk, which must not be exceeded by a particular activity. These should ensure that a hazardous activity does not impose a risk on society that is out of proportion to other types of hazards and with the benefits the activity brings, which individual risk does not address.

Without prejudice to the supplemental guidelines that may be issued by the DENR Secretary, the acceptable societal risk criterion is an FN curve with slope = –1 and with intercept at N = 1 of 10^{-3}. In cases of co-located projects, the criterion may be adjusted by DENR-EMB by one order of magnitude higher.

Figure 1. Societal Risk Criteria



ANNEX L
Conflict Resolution Process

The resolution of development issues is a complex problem, with significant short and long-term social, economic and environmental consequences. In a conflict situation involving resource use as well as access and allocation, private and public interests are not only politically influenced but also have the capacity to change or stall decisions. However, they also have the potential to ensure positive social, economic and environmental results.

In addition to providing opportunities for all parties to reach better decisions, conflict resolution processes offer valuable fora for communication on controversial issues. In many cases, public disputes or issues are confused with varying interpretations of "what is actually going on" and a lack of information. Through the process, all parties are able to gain a clearer understanding of what is actually going on.

Appropriate dispute or conflict resolution, as an option, may be conducted in the following situations:

- when unresolved issues arise between the proponent and interest groups which prevent the EIS review process from proceeding;
- when there is strong opposition from the majority of the stakeholders, but there are negotiable points or issues; or
- when there are valid concerns or complaints by stakeholders regarding the project after an ECC has been issued.

The above listed situation should not exclude other situations where the conflict resolution processes may be appropriately utilized.

> DENR-EMB, in consultation if the proponent and other major stakeholders, shall nevertheless exert efforts to agree to adopt appropriate alternative dispute or conflict resolution processes, including but not limited to mediation, facilitated decision-making and negotiation, taking into consideration the unique characteristics of the project, the issues, and the stakeholders.

A. Procedures in a Conflict Resolution Process

Depending on the peculiarities of the given circumstances, a good ADR process may have the following activities:

- Presentation of Objectives
- Sharing of First Impressions

  Begin by asking the participants to share their first impressions (feelings) of the situation or problem, but never begin the discussion with an opinion; this is one way to "loosen up" the participants and ensure them that their feelings and eventually, their opinions come first and foremost in this forum.

- Exposition

  This is the part when people start to bring out into the open what the issue or problem really is which leads to the discovery of many issues and themes that were not known before. However, the facilitator should see to it that the issue or theme is supported by facts or evidence and not far-fetched. Themes or issues accepted by the group should be listed down and numbered in the order of priority. Another way is for the group to

decide which one should merit present consideration on the basis of relevance and urgency.

- Exploration

  In group fora, this refers to doing an exploratory study of the issue or problem by way of analysis and association in order to come up with concrete proposals for actions. The analysis should be able to bring out the factors that can be clearly seen and factors that are present or existing, but are implicit and not evident.

- Summary

  It is always important for the group to know where they are in the course of the discussion. Hence, a summary of what has been shared and discussed would be most valuable. This should be done regularly during the entire process.

  In making a summary, point out matters that have been discussed and those which still need to be explained.

- Action

  If necessary, the group proceeds to making concrete agreements or proposals that should include the implementation plan. Roles, functions and responsibilities are defined and assigned at this stage.

- Process Evaluation

  This does not only assess the forum or activity, but yields interesting tips for improving subsequent meetings as well as results in added insights into how the process has either served to strengthen relationships among the group members or allowed some negative factors detrimental to group and community building to surface.

  The process manager or facilitator must use his/her expert judgment in determining the most appropriate mode in the conducting the ADR process taking into consideration the uniqueness of the situation.

  Process Questions that may be used in the Issue Analysis during a negotiation

  After identifying specific issues, it will be good to make participants choose one issue in which they have some experience, and analyze this in terms of the following:

  - Who are the main actors involved? sectors? leaders? follower?
  - What is the history of this issue? What are the elements making up this issue? Who benefits? Who suffers?
  - Does this issue presently affect me (positively or negatively)?
  - Describe in terms of events or stories. If one is not affected now, how about in the future?
  - If the present situation continues, how will this affect me, my family, my community, my region, and my country?
  - What concrete and specific actions can be taken to solve the problems and issues?
  - What are the personal types of actions? What are the collective or community types of action?
  - What are the government forms of action?

B. Results of a Conflict Resolution Process

At the conclusion of a conflict resolution process, agreements may be made in the form of:

- Memorandum of Agreement

  Negotiated agreements on conflicts should be firmed up through a Memorandum of Agreement (MOA) between the proponent, the DENR and affected stakeholders and should be attached in the EIS as proof of social acceptability.

- Compensation of affected families may be granted in terms of:
  - ✓ **Payment of land and its improvement.** Examples are land to be inundated or converted into another use.
  - ✓ **Grant of house and residential lot package.** Examples are families to be resettled in another area.
  - ✓ **Grant of disturbance compensation.** This shall be granted to relocatees for their use to defray their daily expenses while adjusting to their new environment. The amount is usually equivalent to twice their average monthly income in the locality (to be affected) at the time of relocation.
  - ✓ **Resettlement site development**
  - ✓ **Livelihood projects**

C. Responsibility for the Conduct of the Conflict Resolution Process

The Proponent with the assistance of DENR shall be responsible for the conduct of the ADR process. The proponent shall pay expenses incurred for the services of a conflict mediator.

The concerned parties (i.e., proponent, community groups), in cases of disputes arising from unresolved issues, may suggest a neutral third party to act as facilitator or conflict mediator in resolving the dispute.

D. Qualifications of a Conflict Mediator

The conflict mediator, as a general rule, must be a specialist in the following functions:

- As a diagnostician-processor, s/he conducts an extensive and accurate assessment of the parties' problems and needs.
- As a designer-evaluator, s/he must know, where, and when to help the parties, and choose the appropriate intervention strategies and build them into an action plan for the negotiation process.
- As a teacher, s/he must transmit relevant information through simulated and actual experiences.
- As a catalyst, s/he leads the opposing groups in their desire to resolve the conflict(s) and coaches them to accept responsibility for what needs to be done and for doing it.
- As a linker, he brings together those people who possess the skills and knowledge that are needed/helpful in solving the conflict (professional experts).

Therefore, the conflict mediator should have a general awareness of organization theory, processes, strategies and themes of change and problem solving.

E. Roles and Responsibilities of the Conflict Mediator or Facilitator

The conflict mediator or facilitator has the following roles and responsibilities:

- The facilitator as a member of the group (in conflict) has a major job of provoking and ensuring fruitful and interpersonal communication among the participants.
- The facilitator must see to it that the parties to a dispute or conflict must be recognized key stakeholders in the proposed project.
- The mediator creates an atmosphere where:
    - ✓ everyone has a fair chance to speak;
    - ✓ s/he manages the shy to speak;
    - ✓ the subject is introduced with suitable questions;
    - ✓ order is in place
    - ✓ feelings and ideas are exchanged
- In the matter of content. Concerning the subject matter/issue under discussion, the facilitator must be neutral and should never volunteer his or her own personal opinion. It is to everyone's benefit if the facilitator does not reveal his or her thoughts or preferences.
- In the matter of methodology. In order to keep the debate going, the facilitator has to be firm in persuading participants to put their thoughts together, contribute their ideas, keep to the point, go forward in developing the theme (issue), overcoming snags and avoid getting lost.
- In the matter of personal feelings. It is very important to encourage good relations between individuals at least during the actual confrontation (although this may be difficult). One must take into account the reactions that are bound to occur in a group discussion where people hold conflicting opinions.

ANNEX M
Compliance Monitoring and Verification Report Outline

I. Executive Summary
II. Introduction
III. Methodology
IV. Results and Discussion
    A. Review of Monitoring Reports
    B. Third Party Audits
    C. Limited Sampling and Measurements Activities
    D. Complaints Verification and Management and Reports on Accidental Spills and Releases
V. Recommendations
VI. Attachments