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REVISED PROCEDURAL MANUAL

FOR

**DENR ADMINISTRATIVE ORDER
NO. 30 SERIES OF 2003 (DAO 03-30)**

**(Implementing Rules and Regulations
Of Presidential Decree No. 1586,
Establishing the Philippine
Environmental Impact Statement System)**

EMB- Environmental Impact Assessment and Management Division (EIAMD)

www.emb.gov.ph/eia

August 2007 (2nd Printing: January 2008)

FOREWORD

This "Revised Procedural Manual of DAO 2003-30" supersedes the Procedural Manual issued under DENR-EMB Memorandum Circular No. 2005-01 on 05 January 2005. All memoranda, memorandum circulars, MOAs based on DAO 96-37 or earlier IRRs of PD 1586, and other issuances where provisions are inconsistent with this revised version are amended accordingly.

The Manual derives its legal basis from Section 8.1 of DAO 2003-30, which prescribes a Manual of Procedures for the processing of applications for Environmental Compliance Certificates (ECCs) and Certificates of Non-Coverage (CNCs) within the timeframes specified in Malacanang Administrative Order No. 42 (issued in November 2002).

This revised Manual integrates new DENR-EMB policies to further promote EIA as a planning and decision-making tool, foremost of which is the segregation from the EIA process of the practice of prior submission of permits, clearances, licenses, endorsements, resolutions and other government approvals within the jurisdiction of other National Government Agencies and Local Government Units which can pre-empt the EIA evaluation process. Thus, it is the EIA findings and recommendations, which shall be transmitted through the ECC for consideration of other GAs and LGUs prior to the issuance of government documents under their mandates. In effect, the policy recognizes the primacy of jurisdiction of these entities over a project's implementation. Mandated to be done simultaneous with the Feasibility Study, EIA marks the beginning, rather than the end, of the integration of environmental concerns throughout the project cycle.

This revised Manual further simplifies the original version by presenting application and review procedures in process flowcharts, tabulating all requirements with new annexed supplements of mostly pro-forma documents for easy compliance. EIA scoping and review processes as well as EIA Report outlines, contents and lengths have been rationalized, condensed and provided with specific guidance to focus analysis to the most relevant significant impacts and corresponding baseline data requirements. The EMB shall continually improve on these procedures with the end view of shorter but quality EIA Reports and faster review timelines through more efficient and meaningful EIA processes. EMB seeks your improvement proposals through a feedback form provided at the back of this Manual.

By virtue of the authority vested upon me, I am hereby issuing this Revised Procedural Manual, effective immediately upon signing. Any queries or clarifications may be addressed to the EMB EIAMD Central Office.



DR. ELY ANTHONY R. OUANO
DENR-EMB OIC-DIRECTOR
Date Signed: August 21, 2007

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The EIAMD-EMB further acknowledges earlier initiatives and contributions by the former EMB Director, JULIAN D. AMADOR, and the late REYNALDO P. ALCANCES, Division Chief of the EIAMD-EMB.

MEMORANDUM CIRCULAR 002 – Series of 2007



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AUG 21 2007

MEMORANDUM CIRCULAR NO. 002
Series of 2007

**TO : ALL EMB REGIONAL DIRECTORS
ALL HEADS OF EIAM DIVISION
ALL CONCERNED**

FROM : THE OIC-DIRECTOR

**SUBJECT : REVISED PROCEDURAL MANUAL FOR DENR
ADMINISTRATIVE ORDER NO. 30, SERIES OF 2003 (DAO
03-30)**

The attached Revised Procedural Manual for DAO 2003-30 is hereby being adopted, superseding the Procedural Manual (First Edition) for DAO 2003-30 issued as MC 2005-01 on 05 January 2005. This revised Manual integrates DENR MC 2007-08 issued on 13 July 2007 segregating from the EIA process the practice of prior submission of permits, clearances, licenses and other similar government approvals outside the EMB mandate. This revised Manual also integrates other EMB MCs issued in 2006 which provide for a) clarifications in the PEISS implementation guidelines (MC 005 issued 19 December 2006), b) improvement in the ECC format/content for more timely and substantive advice of EIA Recommendations to other government entities for their consideration in their decision-making process (MC issued 22 December 2006) and c) a manual on guidelines for focusing EIA Review to the most significant issues (EMB MC 2007-01 issued 09 March 2007). As prescribed in Malacanang Administrative Order No. 42 Series of 2002 and of Section 8 of DENR Administrative Order No. 30 Series of 2003, the attached Revised Procedural Manual further improves on the application and review procedures resulting to more condensed high quality EIA Reports and faster review thru more efficient and meaningful EIA process.

All memoranda, memorandum circulars, and other issuances whose provisions are inconsistent with the provisions of this new revised Procedural Manual are hereby amended accordingly.

This Memorandum Circular shall take effect immediately.

ELY ANTHONY R. OUANO

Recommending Approval:

ESPERANZA A. SAJUL
EIAMD Chief

INTRODUCTION

This revised version of the manual has three (3) major features:

- 1) Integration of new EMB policies on application, review, decision-making and public participation, including explicit instructions on how to consider EIA within the project planning cycle as well as how to situate the EIA process in relation to issues and concerns outside the mandate of the DENR-EMB;
- 2) Standardization and shortening of procedures from EIA Scoping to EIA Review, and flowcharting of the EIA application procedures across EIA Report types, project groupings and across EMB offices (CO or RO) for more efficient EIA processes and easy tracking of status of applications;
- 3) Condensation and revised formatting of EIA Reports and Decision Documents, and inclusion of more matrices, checklists, outlines, pro-forma documents and specific guidelines to focus EIA Study Terms of Reference, EIA Reports, Review and Evaluation, Decision Making, and Monitoring, Validation and Evaluation/Audit to the essentials.

The Revised Procedural Manual (RPM) has four (4) main sections, as follows:

- 1) **Overview of the Philippine EIS System (PEISS)**, which provides the basic policy and operating principles of the PEISS, defines what an Environmental Impact Assessment (EIA) is as a process and how it best serves as a planning and decision-making tool. This section also situates the EIA Process in relation to the project cycle, to other environmental laws and to other regulatory agencies/units who exercise their own mandates over the project proposal. An overview is also provided on the coverage of the EIS System under five (5) project groupings, seven (7) EIA report types, three (3) decision documents and six (6) key stages of the EIA process.
- 2) **Procedural Requirements of the EIA Process**, which describes the steps and requirements per stage of the EIA process, which include Screening, Scoping, Conduct of EIA Study and Report Preparation, EIA Report Review and Evaluation, Decision Making, and Monitoring, Validation and Evaluation/Audit. This section presents a consolidated screening procedure for coverage or non-coverage in the EIS System as well as determination of other requirements for application. The procedures for ECC and CNC application are presented in flowcharts across EMB offices (central and regional) and across seven (7) EIA Report types (P/EIS, P/EPRMP, IEER, IEEC and PDR). The monitoring stage describes the procedural flow of various modes of how to validate Proponent's performance against the ECC and its commitments in the EIA Report and Review Stages. This section also describes the process flow of administrative investigation for projects, which are suspected or found to be in violation of the terms and conditions of the ECC or other PEISS regulations, and consequently presents the resulting fines and penalty provisions.
- 3) **Miscellaneous Provisions** provides the provisions for the effectivity of the Manual, repealing clause and continual improvement.
- 4) **Annexes**, which provides supporting documents and guidelines to any interested party for a facilitated compliance and performance evaluation against the EIS System's procedural requirements.

The revision process included at least three (3) consultations with the EMB Regional Directors, EIAMD Division Chiefs and staff and with other EMB Divisions who are involved in post-ECC monitoring work. Workshops were held on May 22-24 (Manila), June 4-6 (Baguio) and June 13-15, 2007 (Davao). Consultations were also held with EIA practitioners who had the most experience in the EIS System. Pre-testing of the shortened EIS Scoping process and relevant checklists/templates was also done in a mining project.

The Manual is intended to be used by ECC/CNC applicants (Proponents and EIA Preparers); Review and Evaluation Team – the EMB case handlers, an internal DENR-EMB Technical Committee, a third party EIA Review Committee and/or Resource Persons; EMB/DENR Decision Makers (endorsing and deciding authorities on the applications); Other Government Agencies; Local Government Units (LGUs); and the General Public, and any other interested stakeholder in the Philippine EIS System.

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ACRONYMS

| | | | |
|-------|--|--------|--|
| AI | Additional Information | EGF | Environmental Guarantee Fund |
| ALMED | Agricultural Land Management and Evaluation Division | EKGAR | Engineering Geology and Geohazard Assessment Report |
| AO | Administrative Order | EHIA | Environmental Health Impact Assessment |
| AWFP | Annual Work and Financial Plan | EIARC | Environmental Impact Assessment Review Committee |
| BFAR | Bureau of Fisheries and Aquatic Resources | EIS | Environmental Impact Statement |
| BMBE | Barangay Micro-Business Enterprises | EMB | Environmental Management Bureau |
| BPS | Bureau of Product Standards | EMB CO | EMB Central Office |
| BSWM | Bureau of Soils and Water Management | EMB RD | EMB Regional Director |
| CADC | Certificate of Ancestral Domain Claim | EMB RO | EMB Regional Office |
| CALC | Certificate of Ancestral Land Claim | EMF | Environmental Monitoring Fund |
| CBFRU | Community Based Forest Resources Utilization | EMP | Environmental Management Plan |
| CCO | Chemical Control Order | EMoP | Environmental Monitoring Plan |
| CENRO | Community Environment and Natural Resources Office | EMS | Environmental Management System |
| CER | Compliance Evaluation Report | ENRO | Environment and Natural Resources Office |
| CH | Case Handler | EPEP | Environmental Protection and Enhancement Program |
| CM | Compliance Monitoring | EPRMP | Environmental Performance Report and Management Plan |
| CMR | Compliance Monitoring Report | EQD | Environmental Quality Division |
| CMVR | Compliance Monitoring and Validation Report | EQP | Environmental Quality Performance |
| CNC | Certificate of Non-Coverage | EQPL | Environmental Quality Performance Level |
| CO | Community Organizer | ERA | Environmental Risk Assessment |
| CoWA | Certificate of Water Availability | ERARC | Environmental Risk Assessment Review Committee |
| CP | Certificate Precondition | EU | Environmental Unit |
| CRMP | Coastal Resources Management Plan | EWP | Environmental Work Program |
| CSRA | Cumulative Safety Risk Assessment | FMB | Forest Management Bureau |
| DA | Department of Agriculture | FPA | Fertilizer and Pesticide Authority |
| DAO | DENR Administrative Order | EWP | Environmental Work Program |
| DepEd | Department of Education | FMB | Forest Management Bureau |
| DENR | Department of Environment and Natural Resources | FPA | Fertilizer and Pesticide Authority |
| DIA | Direct Impact Area | FPIC | Free and Prior Informed Consent |
| DOE | Department of Energy | FS | Feasibility Study |
| DOH | Department of Health | FTAA | Financial or Technical Assistance Agreements |
| DOLE | Department of Labor and Employment | GA | General Assembly |
| DP | Development Permit | GLCs | Ground Level Concentrations |
| DPWH | Department of Public Works and Highways | HLURB | Housing and Land Use Regulatory Board |
| DTI | Department of Trade and Industry | HSA | Health Sensitive Area |
| EC | Executive Committee | HSP | Health Sensitive Project |
| ECA | Environmentally Critical Area | PAMB | Protected Area Management Board |
| ICC | NEDA-Investment Coordination Committee | PAWB | Protected Areas and Wildlife Bureau |
| IEC | Information, Education and Communication | PCD | Pollution Control Division |
| IEE | Initial Environmental Examination | PCG | Philippine Coast Guard |
| IEEC | Initial Environmental Examination Checklist | PCL | Priority Chemical List |
| IEER | Initial Environmental Examination Report | PCS | Pollution Control System |
| IMP | Impacts Mitigation Plan | PCO | Pollution Control Officer |
| IFMA | Integrated Forest Management Agreement | PDS | Project Description for Scoping |
| IIA | Indirect Impact Area | PDR | Project Description Report |
| IP | Indigenous People | PECC | Programmatic Environmental Compliance Certificate |
| IPDP | Indigenous People Development Plan | PEIA | Programmatic Environmental Impact Assessment |
| IPRA | Indigenous Peoples Rights Act | PEIS | Programmatic Environmental Impact Statement |
| IRA | Internal Revenue Allotment | PEISS | Philippine Environmental Impact Statement System |
| IRR | Implementing Rules and Regulations | PEMAPS | Project Environmental Monitoring and Audit |
| ISO | International Organization for Standardization | | |
| LGU | Local Government Unit | | |

REVISED PROCEDURAL MANUAL FOR DAO 2003-30

| | | | |
|--------|--|---------|--|
| LOI | Letter of Intent | | |
| LWUA | Local Water Utilities Authority | | |
| MGB | Mines and Geo-Sciences Bureau | PENRO | Prioritization Scheme Provincial Environment and Natural Resources Office |
| MEPEO | Mine Environmental Protection and Enhancement Office | PEPRMP | Programmatic Environmental Performance Report and Management Plan |
| MHO | Municipal Health Office | PLTU | Private Land Timber Utilization |
| MMT | Multi-Partite Monitoring Team | PMP | Pesticide Management Plan |
| MOA | Memorandum of Agreement | PNP | Philippine National Police |
| MOO | Manual of Operations | PO | Peoples Organization |
| MSWD | Municipal Social Welfare and Development | PRA | Philippine Reclamation Authority |
| MT | Metric Ton | P/EIS | PEIS and EIS |
| MW | Megawatts | P/EPRMP | PEPRMP and EPRMP |
| MWSS | Manila Waterworks and Sewerage System | QRA | Quantitative Risk Assessment |
| NA | Not Applicable | RAP | Resettlement Action Plan |
| NAF | Notice of Adverse Findings | RIZ | Regional Impact Zone |
| NAMRIA | National Mapping and Resource Information Authority | RO-RO | Roll On - Roll Off |
| NAV | Notice of Alleged Violation | RP | Resource Person |
| NCCA | National Commission for Culture and the Arts | RPM | Revised Procedural Manual |
| NCIP | National Commission on Indigenous Peoples | RPR | Review Process Report |
| NEDA | National Economic Development Authority | RWFP | Review Work and Financial Plan |
| NEPC | National Environmental Protection Council | R & E | Review and Evaluation |
| NGO | Non-Governmental Organization | SAMP | Sampling and Measurement Plan |
| NHA | National Housing Authority | SCL | Show Cause Letter |
| NHI | National Historical Institute | SDP | Social Development Plan |
| NIA | National Irrigation Administration | SDMP | Social Development and Management Plan |
| NIPAS | National Integrated Protected Areas System | SEC | Securities and Exchange Commission |
| NM | National Museum | SEPMES | Strengthening Environmental Performance and Monitoring Evaluation System |
| NOCOP | National Operations Center for Oil Pollution | SIFMA | Socialized Industrial Forestry Management Agreement |
| NOV | Notice of Violation | SMT | Sectoral Monitoring Teams |
| NWRB | National Water Resources Board | TCP | Tree Cutting Permit |
| OHSP | Occupational Health and Safety Program | TESDA | Technical Education and Skills Development Authority |
| OSRA | Oil Spill Risk Assessment | | |
| PAGASA | Philippine Atmospheric, Geophysical and Astronomical Services Administration | wd | working days |

1.0 OVERVIEW OF THE PHILIPPINE EIS SYSTEM (PEISS)

1) Basic Policy and Operating Principles of the PEISS

Consistent with the principles of sustainable development, it is the policy of the DENR to implement a systems-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 in 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 EIA Reports by EMB shall be guided by three (3) 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 the EIA process is based on a timely, informed and meaningful public participation of potentially-affected communities;
- e) Effective regulatory review of the EIA Reports depends largely on timely, full, and accurate disclosure of relevant information by project Proponents and other stakeholders in the EIA process;
- f) The timelines prescribed within which a decision must be issued apply only to processes and actions within the Environmental Management Bureau's (EMB) control and do not include actions or activities that are the responsibility of the Proponent.

2) Definition of EIA

An Environmental Impact Assessment (EIA) is a "process that involves predicting and evaluating the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment. It also includes designing appropriate preventive, mitigating and enhancement measures addressing these consequences to protect the environment and the community's welfare".

3) Purpose of the EIA Process

As a basic principle, EIA is used to enhance planning and guide decision-making. In this Manual, EIA is primarily presented in the context of a requirement to integrate environmental concerns in the planning process of projects at the feasibility stage. Through the EIA Process, adverse environmental impacts of proposed actions are considerably reduced through a reiterative review process of project siting, design and other alternatives, and the subsequent formulation of environmental management and monitoring plans. A positive determination by the DENR-EMB

results to the issuance of an Environmental Compliance Commitment (ECC) document, to be conformed to by the Proponent and represents the project's Environmental Compliance Certificate. The release of the ECC allows the project to proceed to the next stage of project planning, which is the acquisition of approvals from other government agencies and LGUs, after which the project can start implementation.

4) The EIA Process in Relation to the Project Cycle

- a) The EIA study shall determine the environmental impacts of the project and shall provide recommendations/guidance at various stages of the project cycle. It is during the Feasibility Study (FS) stage when a Proponent defines its range of actions and consider project alternatives, thus, it is the most ideal stage in the project cycle wherein the EIA study will have most added value. EIA documents are ideally prepared when prospective proposals are more concrete than mere concept and are preferably available before the project has reached a stage of investment or commitment towards implementation. Proponents are in fact directed under Malacanang Administrative Order No. 42 to conduct simultaneously the environmental impact study and the project planning or Feasibility Study (FS).
- b) The correspondence of the EIA process in relation to the project cycle is defined in **Figure 1-1**, and described as follows:
 - i) Between the Project Concept and Pre-Feasibility Stages of the project cycle, EIA-related activities include self-screening whether the development proposal is covered or not by the Philippine EIS System, and if so covered, the self-determination of all requirements in preparation for the application process. At this stage the Proponent undertakes an initial rapid site and impact assessment to determine the criticality of the project location and have an initial scope of key issues.
 - ii) During the preparation of the project FS, the Proponent initiates the detailed environmental impact assessment. The formulated Environmental Management Plan and corresponding costs and benefits are then inputted into the FS as a basis for decision making of the Proponent on its final project option, siting and design. It is at this stage when the formal EIA application is initiated, wherein positive review and evaluation of the submitted EIA documentation is expected to result to an issuance of a DENR decision document containing the Proponent's commitments and other requirements for the Proponent to comply with existing environmental regulations and environmental best practices.
 - iii) During the project's Detailed Engineering Design (DED) stage, which is post-ECC, the generic measures identified during the EIA study at the FS stage will now be detailed based on the project facility design and operational specifications. Additional baseline monitoring may also be required prior to construction or implementation of the project to provide a more substantive basis for defining the environmental management and monitoring plans.
 - iv) Upon initiation of Project Construction/Development/Operations and throughout the project lifetime, environmental mitigation measures are fully implemented, and monitoring of the Proponent's environmental performance is continuously done, findings and learnings from which shall be fed back into the project cycle for continual improvement of the project, with corresponding updating of the environmental management plans of the project. Major improvements may need new formal applications for DENR approvals, which shall then be related to previous approvals for an integrated environmental management approach of the project.

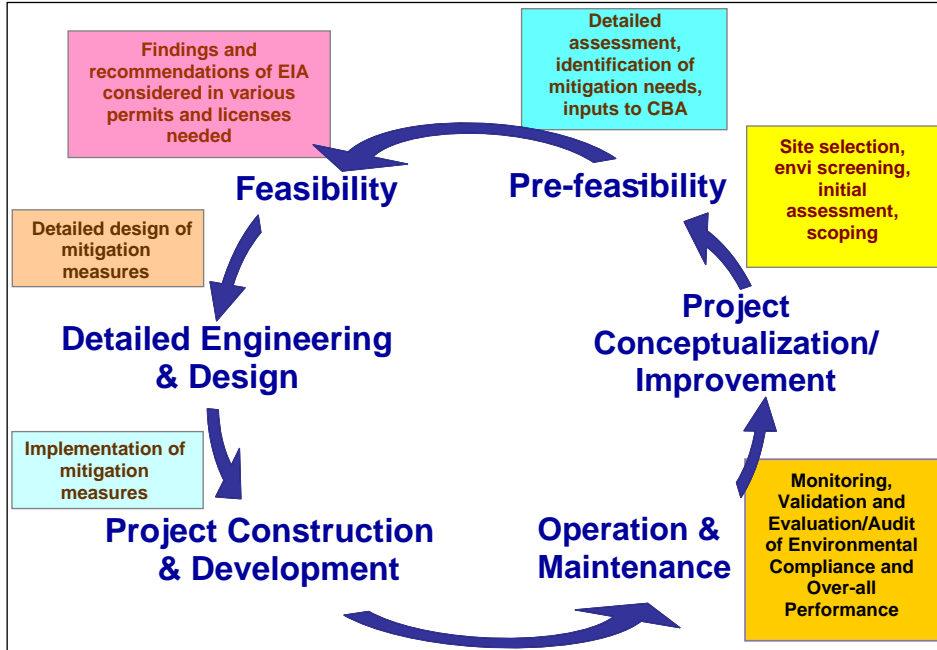


Figure 1-1. EIA Process within the Project Cycle

5) The EIA Process in Relation to Enforcement of Other Laws

The PEISS is supplementary and complementary to other existing environmental laws. As early as the project's Feasibility Study (FS) stage, the EIA process identifies the likely issues or impacts that may be covered later by regional environmental permits and other regulatory bodies' permitting requirements. In addition, where there are yet no standards or where there is a lack of explicit definitions in existing laws, the EIA process fills in the gap and provides appropriate cover for environmental protection and enhancement-related actions. For example, the planting of greenbelts is not a requirement under any environmental law but is included in the ECC as a contractual obligation and commitment of the project Proponent to the DENR.

6) The EIA Process in Relation to Other Agencies' Requirements

It is inherent upon the EIA Process to undertake a comprehensive and integrated approach in the review and evaluation of environment-related concerns of government agencies (GAs), local government units (LGUs) and the general public. The subsequent EIA findings shall provide guidance and recommendations to these entities as a basis for their decision making process.

- a) An Inter-agency MOA on EIS Streamlining was entered into in 1992 by 29 government agencies wherein ECC of covered projects was agreed to be a pre-requisite of all other subsequent government approvals;
- b) DENR Memo Circular No. 2007-08 issued on 13 July 2007 reiterates in effect the intent of the MOA and reinforces the role of the ECC/CNC as a guidance document to other agencies and LGUs, as follows:

- i) "No permits and/or clearances issued by other National Government Agencies and Local Government Units shall be required in the processing of ECC or CNC applications.
 - ii) The findings and recommendations of the EIA shall be transmitted to relevant government agencies for them to integrate in their decision making prior to the issuance of clearances, permits and licenses under their mandates.
 - iii) The issuance of an ECC or CNC for a project under the EIS System does not exempt the Proponent from securing other government permits and clearances as required by other laws. The current practice of requiring various permits, clearances and licenses only constrains the EIA evaluation process and negates the purpose and function of the EIA."
 - iv) Henceforth, all related previous instructions and other issuances shall be made consistent with the Circular.
- c) "Permits, licenses and clearances" are inclusive of other national and local government approvals such as endorsements, resolutions, certifications, plans and programs, which have to be cleared/approved or other government documents required within the respective mandates and jurisdiction of these agencies/LGUs.
 - d) Issues outside the DENR-EMB purview shall be considered and evaluated within the EIA review process but resolution shall be within the responsibility of the GA or the LGU. For example, social acceptability within the EIA process is limited to its environmental aspects, e.g. EMB can advice on magnitude of direct and indirect impacts, extent of impact areas and nature of environmental management measures needed to be considered in land use rezoning, or in issuance of LGU endorsement or to assuage the people's fears and concerns on environmental pollution, health and safety. Other aspects of social acceptability shall be recognized by the DENR-EMB as falling entirely within the Local Government Unit's or respective GA's jurisdiction and authority.
 - e) The EIARC and EMB Case Handler shall examine closely the intent and purpose of any permit and documentations included in the EIA Report for an ECC or CNC application.

Example #1: A Proponent applies for an ECC for its proposal to construct a large commercial center adjacent to a forest reserve within a rural area. Anticipating that the EIA will recommend limiting any development in the area to agriculture and at most low density housing, the Proponent will include in its EIA submission permits and documentations from the LGU or other government agencies classifying the area as commercial zone. The appropriate process should be for the EIA review to evaluate the advisability of commercial development in such area, and then for the evaluation findings and recommendations to be relayed to the responsible entity (e.g. LGU) with authority to decide on the zoning. Should the project be proposed to be sited within the NIPAS reserve, the DENR-Protected Area Wildlife Bureau and/or the multi-sectoral Protected Area Management Board will be the entity to consider the EIA findings on the proposed project's compatibility with the reserve's zoning and development plans, and if so, if the project finally merits their approval.

Example #2: If the EIA review finds a coral reef of high ecological significance, it can recommend to the Philippine Reclamation Authority (PRA) its exclusion to be considered in the issuance of the reclamation permit. However, if the reclamation permit has already been issued before the EIA was evaluated, it will be difficult to amend the reclamation permit to exclude the ecologically sensitive area.

- f) The final decision whether a project will be implemented or not lies either with the LGUs who have spatial jurisdiction over the project or with the lead government agency who has sectoral mandate to promote the government program where the project belongs, e.g. DOE for energy projects; DENR-MGB for mining projects.

7) Covered Projects of the Philippine EIS System

- a) Pursuant to Sec. 4 of PD 1586 (1978), the EIA Process covers projects which have been originally declared as Environmentally Critical Projects (ECPs) or projects in

Environmentally Critical Areas (ECAs) presumed to have significant impacts on the quality of the environment. On the other hand, Sec. 5 of PD 1586 provides for non-covered projects, which may be required environmental safeguards if deemed necessary by DENR.

- b) The mentioned PD 1586 provisions do not specifically preclude DENR from including into the EIS System additional non-environmentally critical project (NECP) types which if located in ECAs may have significant impacts on the environment. DENR may also exclude from the System certain projects, regardless of location or threshold/project size, due to nil significant impacts arising from inherent benign or clean technology and due to the very nature of the projects' mitigation of environmental issues or enhancement of the quality of the environment.
- c) The four (4) ECP project types and 12 ECA categories have been declared through Proclamation No. 2146 (1981) and Proclamation No. 803 (1996), as shown in **Table 1-1**. These have been subsequently technically defined by the EMB in this Manual (presented in Section 2.0, in Annex 2-1a for ECAs and Annex 2-1b for ECPs), pursuant to the authority vested by AO 42 (2002).

Table 1-1: Summary List of Environmentally Critical Project (ECP) Types and Environmentally Critical Area (ECA) Categories

| A. List of ECPs | |
|--|---|
| - As declared by Proclamation No. 2146 (1981) | |
| 1. | Heavy Industries – Non-ferrous Metal Industries, Iron and Steel Mills, Petroleum and Petro-chemical Industries including Oil and Gas, Smelting Plants |
| 2. | Resource Extractive Industries – Major Mining and Quarrying Projects, Forestry Projects (logging, major wood processing projects, introduction of fauna (exotic animals) in public and private forests, forest occupancy, extraction of mangrove products, grazing), Fishery Projects (dikes for/ and fishpond development projects) |
| 3. | Infrastructure Projects – Major Dams, Major Power Plants (fossil-fueled, nuclear fueled, hydroelectric or geothermal), Major Reclamation Projects, Major Roads and Bridges |
| - As declared by Proclamation No. 803 (1996) | |
| 4. | All golf course projects |
| B. List of ECA Categories - As declared by Proclamation No. 2146 (1981) | |
| 1. | All areas declared by law as national parks, watershed reserves, wildlife preserves, sanctuaries |
| 2. | Areas set aside as aesthetic potential tourist spots |
| 3. | Areas which constitute the habitat of any endangered or threatened species of Philippine wildlife (flora and fauna) |
| 4. | Areas of unique historic, archaeological, or scientific interests |
| 5. | Areas which are traditionally occupied by cultural communities or tribes |
| 6. | Areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.) |
| 7. | Areas with critical slopes |
| 8. | Areas classified as prime agricultural lands |
| 9. | Recharged areas of aquifers |
| 10. | Water bodies characterized by one or any combination of the following conditions: tapped for domestic purposes; within the controlled and/or protected areas declared by appropriate authorities; which support wildlife and fishery activities |
| 11. | Mangrove areas characterized by one or any combination of the following conditions: with primary pristine and dense young growth; adjoining mouth of major river systems; near or adjacent to traditional productive fry or fishing grounds; areas which act as natural buffers against shore erosion, strong winds and storm floods; areas on which people are dependent for their livelihood. |
| 12. | Coral reefs characterized by one or any combination of the following conditions: With 50% and above live coralline cover; Spawning and nursery grounds for fish; Act as natural breakwater of coastlines |

- d) **ECA Determination:** Any one (1) confirmed ECA among the 12 categories renders a project location an ECA. However, before a project location is considered in a Non-ECA (NECA), all of the relevant ECA categories (e.g. *ECA category of “coral reefs” and “mangrove areas”*) are not relevant for a project proposed to be located up in the mountains) have to be confirmed by Proponent through the mandated agencies as “not an ECA” based on the technical descriptions (presented in Annex 2-1a as part of ECA

Screening Procedure). EMB will decide on the relevance of the ECA categories to the project location. If the agency with jurisdiction on the ECA cannot confirm the ECA status of the project, the “uncertain” status renders the project location as ECA, per EMB convention. The burden of proof lies with the Proponent in proving that the project is located in a NECA. DENR can only certify ECAs within its own mandate, as follows: water bodies to be certified by DENR-EMB; NIPAS areas, wildlife habitats and mangrove areas, by PAWB/CENRO/PENRO; geologic hazard areas and areas of critical slope, by DENR-MGB.

- e) **Single Project Groupings:** Consistent with Proclamation Nos. 2146 and 803 and AO 42, single projects have been classified into three (3) major groups, as follows, (with the detailed Project Grouping Matrix for specific projects presented in Annex 2-1b in Section 2.0 of this Manual):
- i) **Group I: ECPs in either ECAs or NECAs** (Environmentally Critical Projects in either Environmentally Critical Areas or Non-Environmentally Critical Areas) - These are project types declared through Proclamation Nos. 2146 and 803 with technical descriptions provided by NEPC Circular No. 3 of 1983 and updated by EMB with DTI concurrence on 6 July 2004 as authorized by Sections 2-D and 3-A of AO 42 (2002): **ALL** Golf Course projects; Heavy Industries, Fishery, Logging and Grazing projects with EIS requirement (with highest potential level of significance of impact); **ALL** projects introducing exotic fauna in public and private forests; **MAJOR** wood processing; **MAJOR** mining and quarrying projects and **MAJOR** listed infrastructure projects. There are currently a total of 37 listed project types in Group 1, all with EIS requirement.
 - ii) **Group II: NECPs in ECAs** (Non-Environmentally Critical Projects in Environmentally Critical Areas) - These are Heavy Industries, Fishery, and Logging projects with IEE as the highest documentary requirement (with moderate to nil significance of impact); **MINOR** wood processing projects, **MINOR** mining and quarrying projects, **MINOR** infrastructure projects in the same project types as listed in Proc No. 2146, as well as 16 additional project types which may be located in any of the 12 ECAs, as enumerated in **Table 1-2**. There are currently 118-listed project types under Group II.

Table 1-2. Summary List of Additional Non-Environmentally-Critical Project (NECP) Types in ECAs Classified under Group II

| | |
|--|---|
| 1. Agriculture industry | 9. Pipeline projects |
| 2. Buildings, storage facilities and other structures | 10. Textile, wood and rubber industries |
| 3. Chemical industries | 11. Tourism industry |
| 4. Cottage industries | 12. Transport terminal facilities |
| 5. Demonstration and pilot projects | 13. Waste management projects |
| 6. Environmental enhancement and mitigation projects | 14. Water supply, irrigation or flood control projects |
| 7. Food and related industries | 15. Treasure hunting in NIPAS areas |
| 8. Packaging materials and miscellaneous products industries | 16. Wildlife farming or any related projects as defined by PAWB |

- iii) **Group III: NECPs in NECAs** (Non-Environmentally Critical Projects in Non-Environmentally Critical Areas) - These are **ALL** Group II project types **outside ECAs**.
- f) **Group IV (Co-located Projects in either ECA or NECA):** A co-located project is a group of single projects, under one or more proponents/locators, which are located in a contiguous area and managed by one administrator, who is also the ECC applicant. The co-located project may be an economic zone or industrial park, or a mix of projects within a catchment, watershed or river basin, or any other geographical, political or economic unit of area. Since the location or threshold of specific projects within the contiguous

area will yet be derived from the EIA process based on the carrying capacity of the project environment, the nature of the project is called "programmatic".

- g) **Group V (Unclassified Projects):** These are the projects not listed in any of the groups, e.g. projects using new processes/technologies with uncertain impacts. This is an interim category – unclassified projects will eventually be classified into their appropriate groups after EMB evaluation.
- h) **Project Sub-groups:** There are at most three (3) sub-groups under each main project group, as follows: new projects, existing projects with ECC with proposal for modification or resumption of operation, and operating projects without ECC (**Table 1-3**). Currently operating projects preceded the implementation of the PEISS (i.e. projects that were operational or implemented prior to 1982) are not covered by the EIS System unless these apply for modification/expansion falling within thresholds of covered projects under Groups I and II.

Table 1-3. Project Sub-groups

| Main Project Groups | Description | Project Sub-groups | | |
|---------------------|---|--------------------|---|-----------------------|
| | | New | Existing with ECC but with Proposal for Modification or Resumption of Operation | Operating Without ECC |
| I | Single ECP in ECA or NECA | I - A | I - B | I - C |
| II | Single NECP in ECA | II - A | II - B | II - C |
| III | Single NECP in NECA | III - A | Not applicable | Not applicable |
| IV | Co-located Projects in either ECA or NECA | IV - A | IV - B | IV - C |
| V | Unclassified Projects | V - A | Not applicable | Not applicable |

8) EIA Report Types and Generic Contents

There are seven (7) major EIA Report types for which preparation and application procedures have been provided in this Manual. **Table 1-4** presents the report type per project sub-group.

- a) For new projects: EIA-covered projects in Groups I, II and IV are required either an **(1) Environmental Impact Statement (EIS)**, **(2) Programmatic EIS (PEIS)**, **(3) Initial Environmental Examination Report (IEER)** or **(4) IEE Checklist (IEEC)**, depending on project type, location, magnitude of potential impacts and project threshold. For non-covered projects in Groups II and III, a **(5) Project Description Report (PDR)** is the appropriate document to secure a decision from DENR/EMB. The PDR is a "must" requirement for environmental enhancement and mitigation projects in both ECAs (Group II) and NECAs (Group III) to allow EMB to confirm the benign nature of proposed operations for eventual issuance of a Certificate of Non-Coverage (CNC). All other Group II projects with PDR-threshold level and all other Group III projects are both non-covered, thus, do not need to submit any EIA report or secure any decision document from DENR EMB. However, a PDR may be submitted at the option of the Proponent should the Proponent need a CNC for its own purposes, e.g. financing pre-requisite. For Group V projects, a PDR is required to ensure new processes/technologies or any new unlisted project does not pose harm to the environment. The Group V PDR is a basis for either issuance of a CNC or classification of the project into its proper project group.
- b) For operating projects with previous ECCs but planning or applying for clearance to modify/expand or re-start operations, or for projects operating without an ECC but applying to secure one to comply with PD 1586 regulations, the appropriate document is not an EIS but an EIA Report incorporating the project's environmental performance and its current Environmental Management Plan. This report is either an **(6) Environmental Performance Report and Management Plan (EPRMP)** for single project applications or a

(7) Programmatic EPRMP (PEPRMP) for co-located project applications. However, for small project modifications, an updating of the project description or the Environmental Management Plan with the use of the proponent's historical performance and monitoring records may suffice.

- c) A typical EIA Report has the following substantive contents:
- i) **Project Description**, including its location, scale and duration, rationale, alternatives, phases and components, resource requirements, manpower complement, estimate of waste generation from the most critical project activities and environmental aspects, project cost
 - ii) **Baseline Environmental Description** (of the land, water, air and people), focused on the sectors and resources most significantly affected by the proposed action
 - iii) **Impact Assessment**, focused on significant environmental impacts (in relation to pre-construction, construction/development, operation and decommissioning stages), taking into account cumulative, unavoidable and residual impacts;
 - iv) **Environmental Management Plan**, specifying the impacts mitigation plan, areas of public information, education and communication, social development program proposal, environmental monitoring plans (with multi-sectoral public participation for EIS-based projects) and the corresponding institutional and financial requirements/arrangements.
- d) Key improvements on the EIA Reports integrated in this RPM are as follows:
- i) Setting an estimated limit on the number of EIA Report pages (PEIS~350 pages, EIS ~250 pages; PEPRMP~ 200 pages, EPRMP~150 pages; IEER~75 pages), made possible by requiring upfront the submission of substantive analysis, key findings and conclusions on environmental characterization (in lieu of voluminous raw information), with due comparison to Philippine standards, typical baseline environmental values, country statistics or other acceptable reference standards. Non-compliance to the prescribed number of pages of the report is not a basis for denial of acceptance of any application for ECC or CNC;
 - ii) Resubmission of draft EIA Reports (excluding IEE Checklists and PDRs) in its "FINAL" version after integration of all Additional Information/Review Findings and Recommendations;
 - iii) Provision of templates and other pro-forma documents for organized and direct-to-the-point presentation of information, assessments, management and monitoring plans;
 - iv) Presenting the baseline information, impact assessment and mitigation by ecosystem – land, water, air and people for a more integrated analysis and mitigation of environmental quality.

9) EIA Review and ECC Issuance Vested on DENR

Section 3.0 of P.D. 1586 requires that all EIA Reports be submitted to the National Environmental Protection Council or NEPC (now DENR, through Executive Order No. 192) for review and evaluation. Furthermore, pursuant to Section 4.0 of P.D. 1586, ECCs are issued only by the President of the Philippines or his duly authorized representative, which is DENR. A delegated authority cannot be re-delegated. Accordingly, AO 42 issued by the President of the Philippines on November 2002 vests upon the DENR Secretary, as alter ego of the President, the power to grant or deny ECC on behalf of the President. AO 42 further designates the EMB Central and Regional Directors as approving authorities for certain types of

ECC applications. Thus, administrators of declared area management authorities and economic zones/industrial parks as well as LGUs do not have the authority to issue ECC/CNC under P.D. 1586 unless otherwise expressly delegated by the President of the Philippines. **Table 1-4** summarizes the processing and deciding authorities with regards to ECC, CNC and related applications. Specific to forestry projects processed at the EMB RO, the final decision shall be issued by the EMB Central Office or the DENR Secretary, pursuant to DAO 99-53 and DAO 04-29.

10) Decisions on EIA Applications

The outcome of the EIA Process within the system administered by the DENR is the issuance of decision documents.

- a) Decision documents may either be an ECC, CNC or a Denial Letter, described as follows:
 - i) An **ECC** is issued as a certificate of Environmental Compliance Commitment to which the Proponent conforms with, after DENR-EMB explains the ECC conditions. The Proponent signs the sworn undertaking of full responsibility over implementation of specified measures which are necessary to comply with existing environmental regulations or to operate within best environmental practices that are not currently covered by existing laws. The ECC shall not include any trivial recommendations and conditions which are not intended to critically guide the Proponent's performance against its EIA commitments. For example, the requirement of very specific dimensions of project facilities or billboards announcing the ECC issuance shall not be made an ECC condition to allow the Proponent flexibility in its project design within the limits and context of its ECC application. An ECC results from a positive review of an EIS or IEE, or regrouped Group II, III or V projects initially required a PDR but were eventually assessed to need an EIS/IEE due to presence of Group I and II components beyond PDR thresholds, as defined in Annex 2-1b.
 - ii) A Certificate of Non-Coverage (**CNC**) results from a positive review of a PDR that the project no Group I/II sub-components falling under EIS/IEE threshold grouping or of similar characteristics. The CNC certifies that, the project is not covered by the EIS System and is not required to secure an ECC. Further, the CNC advises the Proponent on coverage to other requirements by other DENR offices, LGUs or other government agencies. A CNC cannot be issued for projects with PDR thresholds component but which also has sub-components with EIS/IEE threshold. In this case, the decision document will recommend the appropriate grouping and corresponding EIA Report requirement. Based on the Supreme Court Decision on 12 September 2002 (DENR Region XI vs. City of Davao, G.R. #148622), DENR-EMB cannot require an ECC or deny a CNC application for a project that is confirmed to be not an ECP and not within an ECA. In this case, it is ministerial upon DENR-EMB to issue the CNC upon application by a Proponent
 - iii) A **Denial Letter** shall contain an explanation for the disapproval of the application and guidance on how the application can be improved to a level of acceptability in the next EIA process. Unsatisfactory evaluation by the EIARC or EMB of the Proponent's submitted Additional Information (AI) at the end of the review process shall be a basis for the denial of the application. However, non-submission of an AI within the agreed timeframe may result only to a return of the EIA Report. Should the Proponent fail to resubmit the EIA Report within a prescribed period, the application is considered "dropped" (not denied). The Proponent will thereafter have to submit a new application with payment of new processing fees if it decides to pursue acquisition of an ECC.
- b) **Main Parts and Salient Features of the ECC:** The ECC is composed of three (3) parts with the following features:
 - i) **First Part:** The certificate of environmental compliance commitment, which defines the scope and limits of the project, in terms of capacity, area, technology or process. Both endorsing and issuing authorities sign-off this portion of the ECC. This part of the ECC comes with a covering letter transmitting the ECC to the Proponent, signed off by the deciding and signing authority (either the DENR Secretary, EMB Director or EMB Regional Director);

Table 1-4. Summary Table of Project Groups, EIA Report Types, Decision Documents, Processing/Deciding Authorities and Processing Duration

| PROJECT GROUPS/SUB-GROUPS | APPLIED TO | DOCUMENTS REQUIRED FOR ECO/CNC APPLICATION | DECISION DOCUMENT | PROCESSING RESPONSIBILITY (Endorsing Official) | DECIDING AUTHORITY | MAX TIME TO GRANT OR DENY ECC APPLICATION (Working Days) |
|---|---|---|--|---|--|--|
| I: Environmentally Critical Projects (ECPs) in either Environmentally Critical Area (ECA) or Non-Environmentally Critical Area (NECA) | I - A: New | Environmental Impact Statement (EIS) | ECC | CO: EIA/MD, Chief / EMB Director | EMB Director / DENR Secretary | 120 days |
| | I - B: Existing Projects for Modification or Re-startup (subject to conditions in Annex 2-1c) | Environmental Performance Report and Management Plan (EP/IMP) * | ECC | CO: EIA/MD, Chief / EMB Director | EMB Director / DENR Secretary | 90 days |
| | I - C: Operating without ECC | Environmental Performance Report and Management Plan (EP/IMP) * | ECC | CO: EIA/MD, Chief / EMB Director | EMB Director / DENR Secretary | 90 days |
| II - A1: New | Single Projects | Environmental Impact Statement (EIS) | ECC | RO: EIA/MD, Chief | EMB RO Director | 60 days |
| | | Initial Environmental Examination Report (IEER) | ECC | RO: EIA/MD, Chief | EMB RO Director | 60 days |
| | | Initial Environmental Examination Checklist (IEEC) | ECC | RO: EIA/MD, Chief | EMB RO Director | 30 days |
| | | Project Description Report (PDR) (At option of proponent) | CNC | CO: EIA/MD, Chief RO: EIA/MD, Chief CO: EIA/MD, Chief | EMB, RO Director EMB, RO Director EMB, RO Director | 15 days |
| | | Project Description Report (PDR) (REQUIRED) | CNC or recommendation on Final Grouping and EIA Report Type ** | RO: EIA/MD, Chief | EMB, RO Director | |
| II - B: Existing Projects for Modification or Re-startup (subject to conditions in Annex 2-1c) | Single Projects | Environmental Performance Report and Management Plan (EP/IMP) * | ECC | RO: EIA/MD, Chief | EMB RO Director | 30 days |
| | | Project Description Report (PDR) | CNC | CO: EIA/MD, Chief RO: EIA/MD, Chief | EMB, RO Director EMB, RO Director | 15 days |
| | | Environmental Performance Report and Management Plan (EP/IMP) * | ECC | RO: EIA/MD, Chief | EMB Director | 30 days |
| II - C: Operating without ECC | Single Projects | Project Description Report (PDR) (REQUIRED) | CNC | RO: EIA/MD, Chief | EMB Director | 15 days |
| | | Project Description Report (PDR) | CNC | RO: EIA/MD, Chief | EMB RO Director | 15 days |
| III: Non-Environmentally Critical Projects (NECPs) in Non-Environmentally Critical Area (NECA) | Single Projects | Project Description Report (PDR) | CNC | RO: EIA/MD, Chief | EMB Director | 15 days |
| | | Project Description Report (PDR) (AT OPTION OF PROPONENT) | CNC | RO: EIA/MD, Chief | EMB Director | 15 days |
| IV: Co-located Projects | Co-located Projects majority of which are Group I Projects | Programmatic Environmental Impact Statement (PEIS) | ECC | CO: EMB Director | DENR Secretary | 180 days |
| | | Programmatic Environmental Impact Statement (PEIS) | ECC | RO: EIA/MD, Chief | EMB RO Director | 60 days |

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| PROJECT GROUPS/SUB-GROUPS | APPLIED TO | DOCUMENTS REQUIRED FOR ECC/CNC APPLICATION | DECISION DOCUMENT | PROCESSING RESPONSIBILITY (Endorsing Official) | DECIDING AUTHORITY | MAX TIME TO GRANT OR DENY ECC APPLICATION (Working Days) |
|--|--|--|---|--|-------------------------------|--|
| IV - B: Existing Projects for Modification or Re-start up of Co-located Projects | Co-located Projects majority of which are Group I Projects | Programmatic Environmental Performance Report and Management Plan (PEPRMP) | ECC (new) / ECC Amendment | CO: EIA/MD Chief | EMB Director / DENR Secretary | 120 days |
| | Co-located Projects majority of which are Group II Projects | Programmatic Environmental Performance Report and Management Plan (PEPRMP) | ECC (new) / ECC Amendment | RO: EIA/MD Chief | EMB RO Director | 60 days |
| IV - C: Operating without ECC | Co-located Projects majority of which are Group I Projects | Programmatic Environmental Performance Report and Management Plan (PEPRMP) | ECC (new) / ECC Amendment | CO: EMB Director | DENR Secretary | 120 days |
| | Co-located Projects majority of which are Group II Projects | Programmatic Environmental Performance Report and Management Plan (PEPRMP) | ECC (new) / ECC Amendment | RO: EIA/MD Chief | EMB RO Director | 60 days |
| V: Unclassified Projects | V - A: New | Project Description Report (PDR) (REQUIRED) | CNC or Recommendation on Final Grouping and EIA Report Type** | CO EIA/MD Chief | EMB Director | 15 days |
| | | | | RO: EIA/MD Chief | EMB RO Director | |
| ** IF THE MODIFICATION DOES NOT REQUIRE A PEPRMP OR PEPRMP BASED ON ANNEX 2-1C, THE FOLLOWING APPLY: | | | | | | |
| Request for Minor ECC Amendment | Single Projects with Applicable Modifications listed in Annex 2-1c | Letter Request | ECC Amendment | CO: EIA/MD Review and Evaluation Section or Division Chief | EIA/MD Chief/EMB Director | 7 days |
| | | | | RO: EIA/MD Review and Evaluation Section Chief | EIA/MD Chief | |
| Request for Major ECC Amendment | Single Projects with Applicable Modifications listed in Annex 2-1c | Letter Request and/or Updated Project Description or Update of other selected portions of the EIA Report (e.g. Baseline or Impact assessment or EIMP on the areas of amendment only) | ECC Amendment | CO: EIA/MD Chief | EMB Director / DENR Secretary | 30 days |
| | | | | RO: EIA/MD Chief | EMB RO Director | |

** The decision on "Recommendation on Final Grouping and EIA Report Type" is reached if project is evaluated to have Group I and II components which fall within EIS/EE threshold level of report requirement, which then will require an ECC.

- ii) **Second Part:** Annex A of the ECC which lists the conditions within the mandate of the EMB. Non-compliance to any of the conditions may be imposed a corresponding penalty. The Proponent commits to fully comply to the ECC through its Sworn Statement of Full Responsibility to implement the mitigation measures;
 - iii) **Third Part:** Annex B of the ECC which lists the EIA Review Committee's recommendations to the Proponent, as well as suggestions to the government agencies and LGUs who have mandates over the project so that they can integrate the EIA findings into their decision-making process. The EIARC Chair, the EMB Chief and the EMB Director/Regional Director sign this portion of the ECC. This last part of the ECC is formally transmitted by the DENR-EMB to the concerned GAS and LGUs.
- c) **Decision Timelines:** The decisions on applications shall be made within prescribed timelines within the control of DENR, otherwise, the application shall be deemed automatically approved, with the issuance of the approval document within five (5) working days from the time the prescribed period lapsed.
 - d) **ECC Validity and Expiry:** Once a project is implemented, the ECC remains valid and active for the lifetime of the project. ECC conditions and commitments are permanently relieved from compliance by the Proponent only upon validation by EMB of the successful implementation of the environmental aspects/component of the Proponent's Abandonment/Rehabilitation/Decommissioning Plan. This pre-condition for ECC validity applies to all projects including those wherein ECC expiry dates have been specified in the ECC. However, the ECC automatically expires if a project has not been implemented within five (5) years from ECC issuance, or if the ECC was not requested for extension within three (3) months from the expiration of its validity. If the baseline characteristics have significantly changed to the extent that the impact assessment as embodied in the Environmental Management Plan (EMP) is no longer appropriate, the EMB office concerned shall require the Proponent to submit a new application. The EIA Report on the new application shall focus only on the assessment of the environmental component, which significantly changed.

11) Public Participation in the EIA Process

Public participation shall be demonstrated through the following activities:

- a) As part of the social preparation process at pre-Scoping, Information, Education and Communication (IEC) of LGUs is now explicitly required at the minimum of PEIS/EIS-based applications for new or modification proposals for which Public Scoping is a requirement. The IEC serves as a basis for preliminary identification of stakeholders and related issues in preparation for the Scoping proper. The revised Manual presents pro-forma documents and supplementing guidelines for proper and timely identification of stakeholders to be invited for Scoping and to be covered by the EIA Study.
- b) Public Scoping for PEIS/EIS-based new projects is now more meaningful as community inputs will precede the Technical Scoping of the EIA Review Team with the Proponent, and will be formally considered before the sign-off of the Scoping Checklist that comprises the final TOR of the EIA Study. Key stakeholder representatives, EMB personnel, EIA Review Committee and the Proponent/Preparer representatives also sign off the List of Issues raised during the Public Scoping.
- c) The conduct of the EIA Study shall include local stakeholders, who may serve as local expert sources, aides/guides and resource persons in primary data collection to optimize access to indigenous knowledge of the environment, or as interviewers/ interviewees in the socio-economic/perception surveys which shall be used as the basis for the subsequent formulation of social development plans, IEC, monitoring plans and other components of the environmental management plans. LGUs and government agencies shall specifically be consulted and involved in the drafting of the project's Social

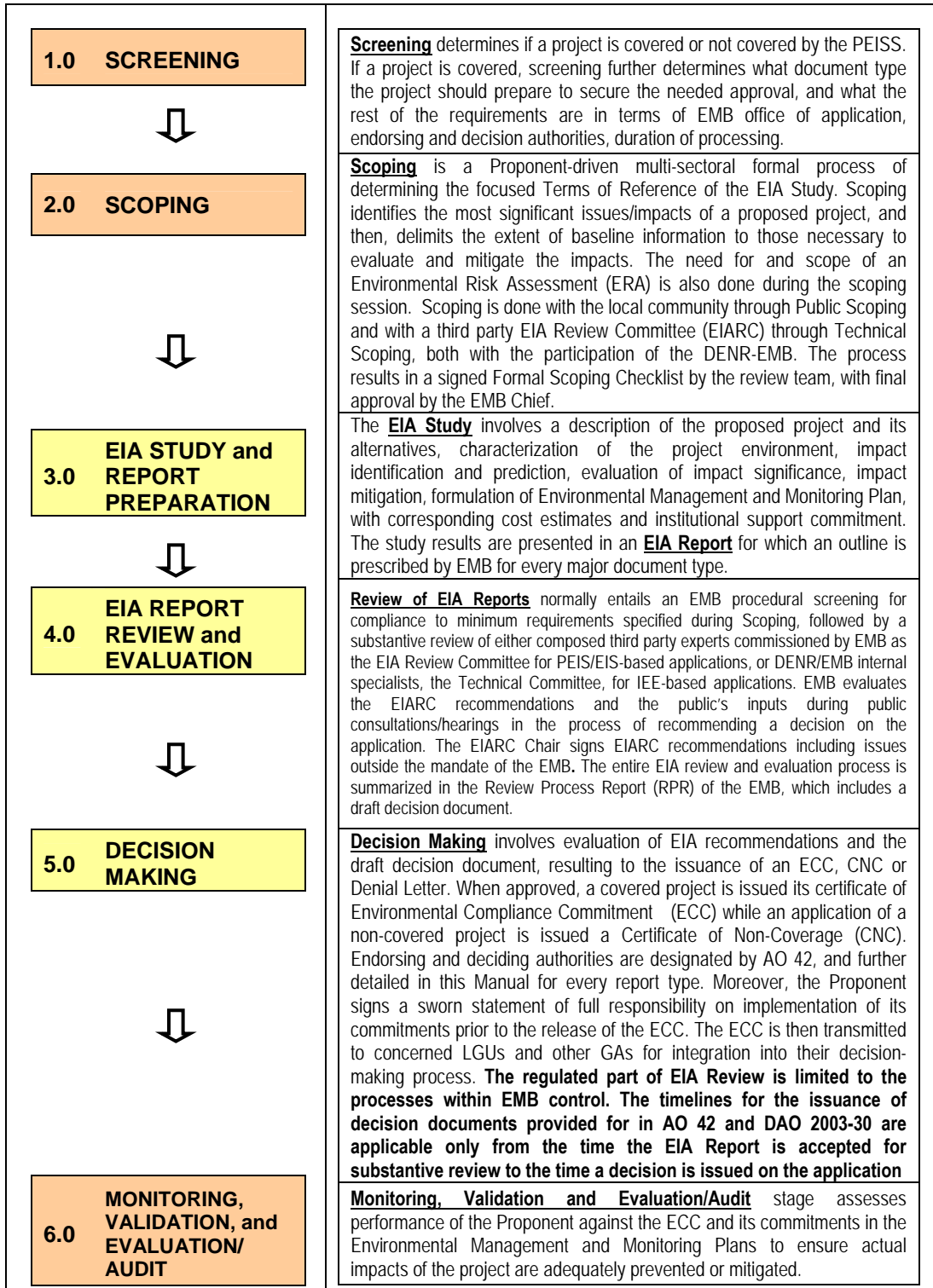
Development Plan (SDP) Framework. The EIA Scoping and EIA Report Outline/Content allocate specific sections for a presentation and discussion of Public Participation process and outcomes, to be subject to the review of the EIA Review Committee and evaluation of the EMB during the Site Visit done simultaneously with either Public Hearing or Public Consultation, where applicable.

- d) As a form of disclosure of the EIA findings, Public Hearing is required for all new ECPs for which Public Scoping was undertaken and for PEIS-based applications. A waiver of the Public Hearing requested by the Proponent may be granted by the DENR-EMB subject to the absence of mounting opposition or written request for one with valid basis and Public Consultation may be conducted instead of Public Hearing. The Notice of Public Hearing provides explicit instructions on registration, access to the EIA Report (with Project Fact Sheet written in the local dialect or mixed with the popularly known language of the host communities), preparation of position papers, and on the mechanics of how issues may be received before or during the hearing. Prior to Public Hearings or Public Consultations, the Proponent is required to give copies of the full EIA Report to the EMB RO and host municipalities; copies of Executive Summary to the host barangays; and copies of Project Fact Sheets to other stakeholders for a well-informed participation in the hearing/consultation process.
- e) Once an ECC/CNC is issued, the EIA recommendations are transmitted by the DENR-EMB to the concerned GAs and LGUs to be considered in their decision-making process. This results to a more integrated, coordinated and participative safeguarding of environmental concerns.
- f) Post-ECC multi-sectoral validation of a Proponent's self-monitoring results is instituted for PEIS/EIS-based projects. On the side of the EMB, through its Project Environmental Monitoring and Audit Prioritization Scheme (PEMAPS), a mechanism is provided for determination of EMB monitoring strategy and EMB monitoring priority rank a project will be assigned to, which provides guidance to the public on the applicable monitoring schemes for the project.

12) Summary Stages of the EIA Process

Application into the EIS System requires compliance with certain stages of the EIA Process. Requirements per EIA stage vary depending on the project group/type being applied for. A summary flowchart of the complete process is presented in **Figure 1-2** while a descriptive overview is provided in **Figure 1-3**. The Philippine EIA Process has six (6) sequential stages – Screening, Scoping, EIA Study and Report Preparation, EIA Review and Evaluation, Decision Making, and Post-ECC Monitoring, Validation and Evaluation/Audit stage. Stages 1, 2, 3 and 6a are all Proponent-driven while Stages 4, 5 and 6b are DENR-EMB driven stages. The first five (5) stages are those involved when a Proponent applies for ECC or CNC.

Figure 1-3. Overview of Stages of the Philippine EIA Process



2.0 PROCEDURAL REQUIREMENTS OF THE EIA PROCESS

2.1 Screening for Coverage and Other Application Requirements

13) The EIA Coverage and Requirements Screening Checklist (ECRSC)

Annex 2-1a is a checklist for determining coverage under the Philippine EIS System and for determining corresponding requirements to comply with the system.

- a) Annex 2-1a can both be used as a self-screening tool of the Proponent and a Screening Validation Form of the EMB. It also serves as a Site Inspection Report Form of the EMB for ECC/CNC applications, particularly for those that have passed procedural screening but need to be inspected for a rapid screening of issues prior to substantive screening. It may also be used for site inspection of suspected or reported operating projects without ECC as basis to support or validate issuance of a Notice of Violation.
- b) The annex is applicable to both single and co-located projects, new and existing projects, with or without ECCs, or proposing for resumption of operations or project expansion/modification.
- c) Annex 2-1a is the master-screening checklist, which contains the list of all requirements stated above to effect an application to the Philippine EIS System. It has three (3) main tables used in the screening process:
 - (i) Annex Table 1 presents a short list of the project types for Groups I to III Project Groups for identification of main and support components of multi-component single-project applications or co-located project applications. This table assigns a specific number to the project type, which can help the Proponent easily locate its project in the Project Grouping Matrix (Annex 2-1c) for a determination of EIA Report type based on project threshold. For Group I projects (where an EIS is required regardless of the criticality of location) and for Group II projects with an optional PD Report, Table 1 is sufficient for a final determination without need for ECA screening. However, for Group II projects with EIS or IEE-based thresholds, Proponent may go to Tables 2a/b to confirm if the project location is a non-ECA for an option to be classified under Group III, which means the project is not covered by any documentary requirement and no need to secure an ECC. Moreover, Table 1 leads Proponent to Groups IV and V, if components are not found in Groups I to III.
 - (ii) Annex Table 2a summarizes the list of the 12 ECA categories. The Proponent or the EMB has to complete the detailed ECA Screening Checklist (as presented in Table 2b) before the table can only be filled out. Table 2b will prompt the Proponent to check with DENR-EMB, other DENR offices, the LGU and other government agencies for confirmation of each relevant ECA category under respective mandates. Six (6) categories may be confirmed by the DENR as ECAs, while the technical descriptions for the rest of the six (6) categories shall be provided by DOT, NM/NHI/NCCA, NCIP, DOST-PAGASA, DOST-PHIVOLCS, DA/BFAR, DPWH or LGU. Table 2a will provide the final confirmation of non-coverage of projects listed in Group II with EIS/IEE-based thresholds.
 - (iii) Annex Table 3 provides guidance as to the decision document required, what EMB office the Proponent may apply, who the endorsing and deciding authorities are and how long the decision process would take.
- d) In filling out **Annex 2-1a**, the user is prompted by the master checklist to refer to **Annex 2-1b** for the proper Project Group classification and EIA Report Type requirements for

new projects, and to **Annex 2-1c** for the determination of appropriate report type and corresponding decision document to be secured for modification of existing projects.

2.2 Procedures for ECC and CNC Application

14) Steps in the Application Process

The four (4) steps in this stage of the EIA Process -- from Scoping to Conduct of EIA Study/Report Preparation to Review and Evaluation of the EIA Report to Decision Making -- are described in each flowchart, whichever is relevant to the EIA Report type. It is noted that the EIA Study stage is fully within the control of the Proponent, thus, DENR-EMB does not regulate the duration of the EIA Report preparation. DENR-EMB emphasizes that the EMB-controlled timelines prescribed in DAO 2003-30 emanating from AO 42 apply only from the time the EIA Reports have been accepted for substantive review up to the time the ECC or CNC is issued.

15) Application Process for New Projects and Projects for Modification/Expansion

Figures 2-1 to 2-3 present the application process for the seven (7) EIA Report types across project groups, based on what are prescribed to be processed at the EMB CO and EMB RO. The flowcharts also provide a description of the activity, the process and documentary requirements from Proponent applicants, the corresponding actions by DENR-EMB, and timelines for the activities, where prescribed. The flowcharts link the Proponents to the Annexes, which provide pro-forma documents and supplementing guidelines for easy compliance to the system.

16) Application Process for ECC Amendments

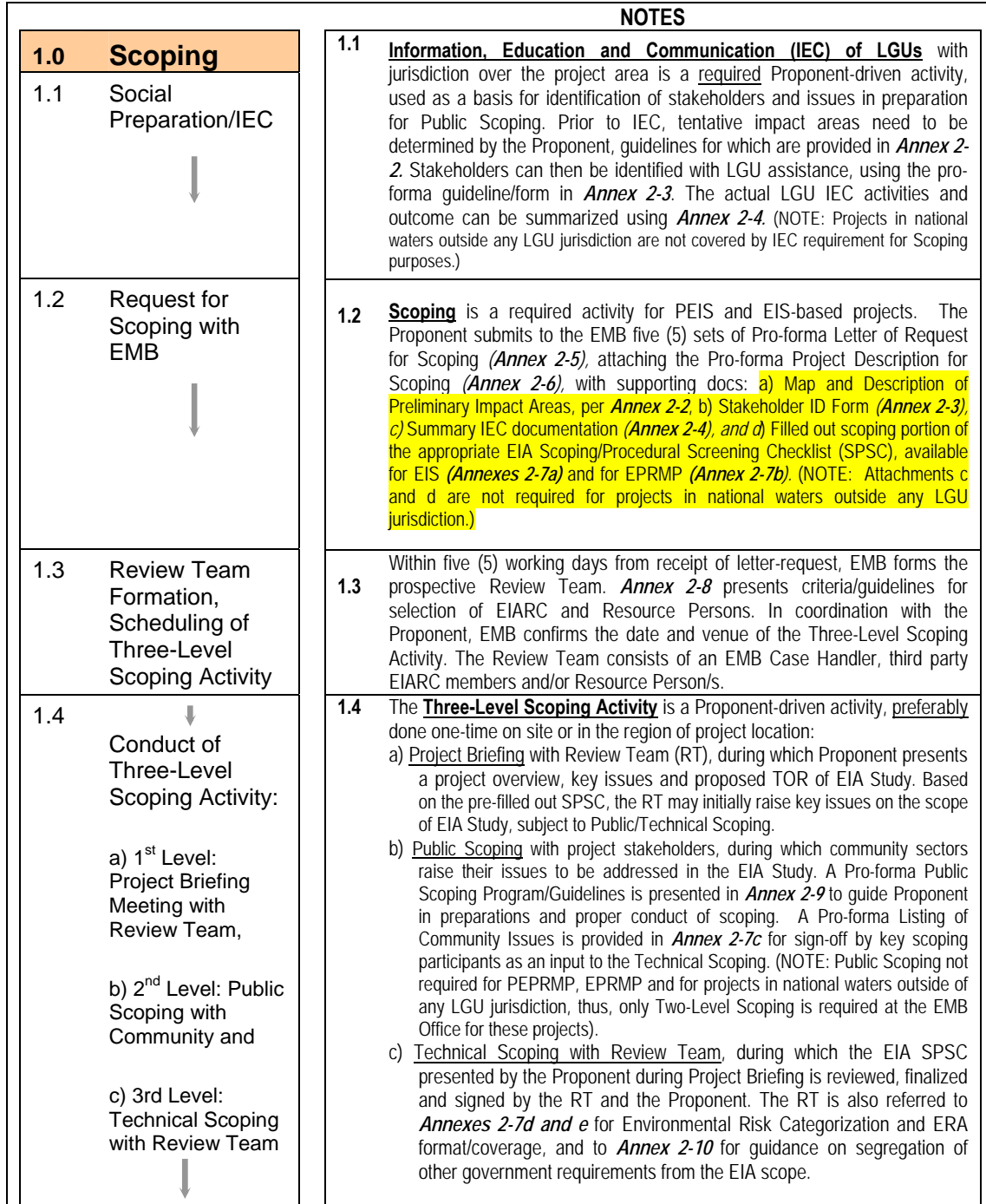
Figure 2-4 presents how Proponents may request for minor or major changes in their ECCs. Annex 2-1c provides a decision chart for the determination of requirements for project modifications, particularly for delineating which application scenarios will require EPRMP (which will be subject to Figure 2-1 process) or other support documentations (which will be subject to Figure 2-4 process).

17) Application Process for Relief from ECC Commitments

Figure 2-5 details the process for securing relief from the ECC issued for the project under previous DAOs of PD 1586 or the DAO 2003-30 under the following scenarios: a) for projects which have secured ECCs but have not been implemented; b) for projects which were previously covered but are currently classified as outside the PEISS purview; and c) for projects that will be terminated or completed, or will be abandoned or decommissioned.

Figure 2-1. Flowchart for ECC Applications for PEIS, EIS, PEPRMP, and EPRMP

| | PEIS | EIS | PEPRMP | EPRMP |
|--|------|-----|--------|-------|
| For EMB CO Applications for Group I and IV Projects | √ | √ | √ | √ |
| For EMB RO Applications for Group II and IV Projects | √ | √ | √ | √ |



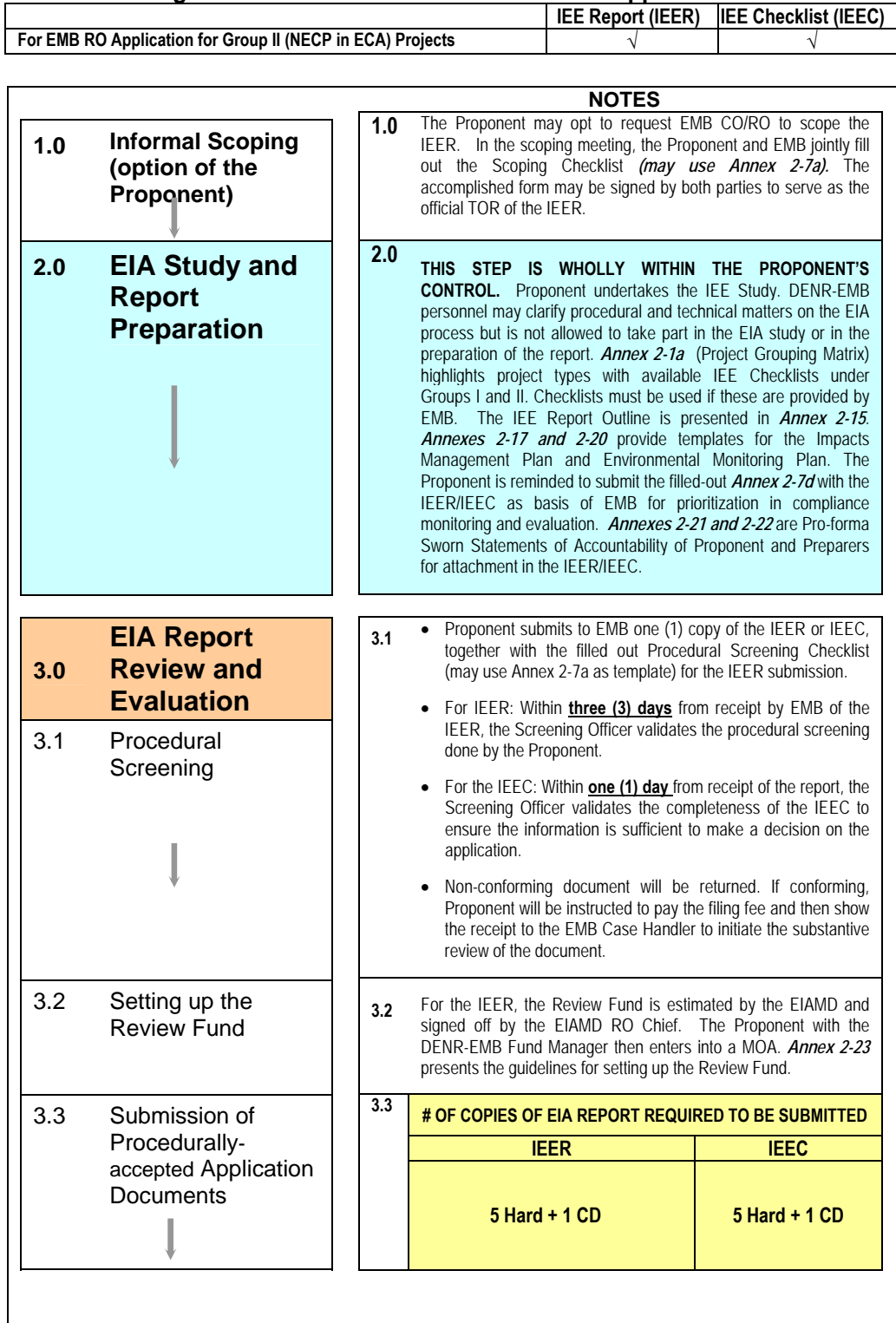
| <p>1.5 Final Approval of Scoping Checklist</p> | <p>1.5 The EMB Chief reviews and approves the EIA SPSC, rendering official the final TOR of the EIA Study.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|---------------|--------|-------|----------------|---------------|---------------|---------------|------|----|-----|----|--------|----|-------|----|----|----|----|----|----|----|----|----|-----|----|-----|----|-----|----|----|----|
| <p>2.0 EIA Study and Report Preparation</p> | <p>THIS STEP IS WHOLLY WITHIN THE PROPONENT'S CONTROL. Proponent undertakes the EIA Study, with the assistance of its EIA Preparer Team. DENR-EMB personnel may clarify procedural and technical matters on the EIA process but is not allowed to take part in the EIA Study or in the preparation of the report. Outline/Content of EIA Reports for PEIS, EIS, PEPRMP and EPRMP are presented in <i>Annexes 2-11 to 2-14</i>. <i>Annexes 2-17 to 2-20</i> are forms for the preparation of the Impacts Management Plan (IMP), Social Development Plan (SDP) Framework, Information, Education and Communication (IEC) Framework and Environmental Monitoring Plan (EMoP). <i>Annexes 2-21 and 2-22</i> are Pro-forma Sworn Statements of Accountability of Proponent and Preparers for attachment in the EIA Report.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3.0 EIA Report Review and Evaluation</p> | <p>3.1 Proponent submits one (1) copy of <i>EIA Report</i>, and filled-out Procedural Screening portion of the <i>SPSC Annex 2-7a</i>). Within three (3) days from receipt of the EIA Report, the Screening Officer validates the procedural screening by the Proponent. Non-conforming document will be returned. If conforming, Proponent will be notified of the acceptance by being furnished a copy of the validated procedural screening portion of the SPSC duly signed by the Screening Officer. Proponent will also be instructed to pay the filing fee, set up the Review Fund, and then show the receipt to the EMB Case Handler to initiate the processing of the document.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3.1 Procedural Screening of EIA Report</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3.2 Payment of filing fee/ Set up Review Fund</p> | <p>3.2 The Review Fund is estimated by the EIAMD and signed off by the EIAMD Chief. The Proponent with the DENR-EMB Fund Manager then enters into a MOA. <i>Annex 2-23</i> presents the guidelines for setting up the Review Fund.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3.3 Submission of Procedurally-accepted Application Documents</p> | <p>3.3 # OF COPIES OF EIA REPORT REQUIRED TO BE SUBMITTED</p> <table border="1"> <thead> <tr> <th>PEIS</th> <th>EIS</th> <th>PEPRMP</th> <th>EPRMP</th> </tr> </thead> <tbody> <tr> <td>10 Hard + 1 CD</td> <td>7 Hard + 1 CD</td> <td>5 Hard + 1 CD</td> <td>5 Hard + 1 CD</td> </tr> </tbody> </table> | PEIS | EIS | PEPRMP | EPRMP | 10 Hard + 1 CD | 7 Hard + 1 CD | 5 Hard + 1 CD | 5 Hard + 1 CD | | | | | | | | | | | | | | | | | | | | | | | | |
| PEIS | EIS | PEPRMP | EPRMP | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 Hard + 1 CD | 7 Hard + 1 CD | 5 Hard + 1 CD | 5 Hard + 1 CD | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Steps 4.0 to 6.0 START OF EMB - CONTROLLED REVIEW PROCESS</p> | <table border="1"> <thead> <tr> <th colspan="8">MAXIMUM WORKDAYS DENR/EMB REVIEW DURATION</th> </tr> <tr> <th colspan="2">PEIS</th> <th colspan="2">EIS</th> <th colspan="2">PEPRMP</th> <th colspan="2">EPRMP</th> </tr> <tr> <th>CO</th> <th>RO</th> <th>CO</th> <th>RO</th> <th>CO</th> <th>RO</th> <th>CO</th> <th>RO</th> </tr> </thead> <tbody> <tr> <td>180</td> <td>60</td> <td>120</td> <td>60</td> <td>120</td> <td>60</td> <td>90</td> <td>30</td> </tr> </tbody> </table> <p>NOTE #1: ONLY THE TOTAL REVIEW DURATION and RESPONSE PERIOD OF PROPONENT TO AIs ARE CONTROLLED BY EMB. The rest of the timelines within the review process is provided FOR GUIDANCE and PLANNING PURPOSES only. The process and documentary requirements are mandatory, unless otherwise stated. NOTE #2: Day 1 of the official processing period is reckoned on the day of the Proponent's show of receipts of the filing fee and Review Fund, together with the required number of reports, to the EMB Case Handler.</p> | MAXIMUM WORKDAYS DENR/EMB REVIEW DURATION | | | | | | | | PEIS | | EIS | | PEPRMP | | EPRMP | | CO | RO | CO | RO | CO | RO | CO | RO | 180 | 60 | 120 | 60 | 120 | 60 | 90 | 30 |
| MAXIMUM WORKDAYS DENR/EMB REVIEW DURATION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PEIS | | EIS | | PEPRMP | | EPRMP | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CO | RO | CO | RO | CO | RO | CO | RO | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 180 | 60 | 120 | 60 | 120 | 60 | 90 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4.0 Substantive Review</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4.1 Reconvening of Review Team (RT) and Distribution of EIA Report copies to RT members</p> | <p>4.1 ESTIMATED WORKDAYS for EMB TO DISTRIBUTE EIA REPORTS and to FORMALLY RECONVENE EIARC</p> <table border="1"> <thead> <tr> <th colspan="2">PEIS</th> <th colspan="2">EIS</th> <th colspan="2">PEPRMP</th> <th colspan="2">EPRMP</th> </tr> <tr> <th>CO</th> <th>RO</th> <th>CO</th> <th>RO</th> <th>CO</th> <th>RO</th> <th>CO</th> <th>RO</th> </tr> </thead> <tbody> <tr> <td>20</td> <td>5</td> <td>10</td> <td>5</td> <td>10</td> <td>5</td> <td>10</td> <td>5</td> </tr> </tbody> </table> <p>The EMB convenes the EIA Review Committee and Resource Person through a formal invitation/contract. 2-4 EIARC members are ideally invited. EIARC individually reviews EIA Report and fills up the Pro-forma Additional Information (AI) Request (<i>Annex 2-24</i>) for submission before or during the 1st RT Meeting. <i>Annex 2-24</i> provides supplementing guidelines for requesting AIs while <i>Annex 2-25</i> provides review criteria and guidance to the Review Team on the conduct of review meetings.</p> | PEIS | | EIS | | PEPRMP | | EPRMP | | CO | RO | CO | RO | CO | RO | CO | RO | 20 | 5 | 10 | 5 | 10 | 5 | 10 | 5 | | | | | | | | |
| PEIS | | EIS | | PEPRMP | | EPRMP | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CO | RO | CO | RO | CO | RO | CO | RO | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 5 | 10 | 5 | 10 | 5 | 10 | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | |

REVISED PROCEDURAL MANUAL FOR DAO 2003-30

| | | | | | | | | | | |
|--|---|--|---|--|------------|---------------|---------------|--------------|--------------|-----------|
| 4.2 Review Proper by Review Team (EMB CH, EIARC, RP) | ↓ | ESTIMATED WORKDAYS for REVIEW PROPER* | | | | | | | | |
| | | PEIS | | EIS | | PEPRMP | | EPRMP | | |
| | | CO | RO | CO | RO | CO | RO | CO | RO | |
| | | 100 | 35 | 80 | 35 | 80 | 35 | 50 | 15 | |
| | | *Note: The Review Proper duration is inclusive of a maximum of two (2) Additional Information (AIs) (except for EMB RO AIs, responses for which are outside the EMB review timeline), maximum of 3 Review Team meetings, Site Visits/Public Hearing/Public Consultation, and submission of EIARC Report by EIARC Chair and Review Process Report of the EMB Case Handler. | | | | | | | | |
| 4.2.1 1 st Review Team Meeting | ↓ | 4.2.1 | EMB can pre-select the EIARC Chair; otherwise, the EIARC members can select its Chair. EIARC members submit their AI Forms for internal discussion among EIARC members, then with the Proponent and subsequent consolidation by the EIARC Chair for submission to the EMB within 5 days from the meeting day. Note that If there is Public Hearing, Public Consultation or Site Visit, Proponent will be asked to respond to the AI after these activities. Annex 2-25 presents a prescribed program for EIARC Meetings, responsibilities of the Review Team with criteria and guidance on the conduct of review and evaluation. | | | | | | | |
| 4.2.2 Site Visit (SV), Public Consultation (PC) or Public Hearing (PH) | ↓ | 4.2.2 | PUBLIC PARTICIPATION DURING REVIEW PROPER | | | | | | | |
| | | | | PEIS | EIS | | PEPRMP | EPRMP | | |
| | | | SV | Must | Must * | | Optional | Optional | | |
| | | | PH** | Must | Must * | | None | None | | |
| | | PC | - | Will be required if Public Hearing is waived due to absence of 1) significant mounting opposition, AND 2) written request for PH, both based on valid concerns within the DENR/EMB mandate | | None | None | | | |
| | | *Offshore projects are not covered by SV/PC/PH if there are no residents on site, no communities deriving livelihood from the site AND project area is outside any LGU jurisdiction. **Note: PH can only be held at the earliest on the 23 rd calendar day from the 1 st day of publication of Notice of Public Hearing. Annex 2-26 is a Pro-forma Notice of Public Hearing. Publication is once a week for 2 consecutive weeks, with the PH held at least 15 days from the 2 nd date of publication. There are no similar restrictions to SV and PC. Annex 2-27 presents a Pro-forma Public Hearing Program with supplementing criteria/guidelines on the conduct of public hearings/consultations. Timelines of PH/PC/SV are included in the Review Proper duration. | | | | | | | | |
| 4.2.3 2 nd / 3 rd Review Team (RT) Meeting | ↓ | 4.2.3 | NO. OF WORKDAYS FOR SUBMISSION OF RESPONSE* BY PROPONENT FOR EVERY AI | | | | | | | |
| | | | PEIS | | EIS | | PEPRMP | | EPRMP | |
| | | | CO | RO | CO | RO | CO | RO | CO | RO |
| | | | 1 st AI | 20 | 15 | 15 | 15 | 15 | 15 | 15 |
| | | 2 nd AI | 20 | 15 | 15 | 15 | 15 | 15 | 7 | |
| | | *NOTE #1: Responses must include response to issues raised by the stakeholders and EIARC during the site visit, public hearing or consultation. NOTE #2: For <u>ALL</u> PEIS/EIS/PEPRMP/EPRMP Reports processed at the EMB RO, response periods by Proponent are outside the EMB-controlled review timeframe. NOTE #3: NON-SUBMISSION OF THE AI WITHIN THE PRESCRIBED TIMEFRAME WOULD MEAN STOPPAGE OF THE REVIEW PROCESS and AUTOMATIC RETURN OF EIA REPORT TO THE PROPONENT, WHO IS GIVEN ONE (1) YR TO RESUBMIT WITHOUT HAVING TO PAY PROCESSING and OTHER FEES. | | | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|------------|---|-----------|---------------|-----------|--------------|-----------|--|--|-------------|--|------------|--|---------------|--|--------------|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------------------|----|----|----|----|----|----|----|---|----------------------------|-----------------------------------|--|--|--|--|--|--|--|----------------------|--|--|--|--|--|--|--|
| <p>4.2.4 Submission of EIARC Report by EIARC Chair</p> <p align="center">↓</p> | <p>4.2.4 The EIARC Chair at the latest shall submit the EIARC Report within five (5) days from the last EIARC meeting. When applicable, concerned EIARC members shall submit inputs to the EIARC Report at the latest within two (2) days from the last EIARC meeting. <i>Annex 2-28</i> provides a pro-forma EIARC Report outline /content. EIARC Report Preparation is included in the Review Proper duration.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4.2.5 Submission of Review Process Report (RPR)/ Recommendation by EMB Case Handler</p> <p align="center">↓</p> | <p>4.2.5 The RPR/Recommendation Document shall be prepared and submitted by the EMB CH to the EIAMD Review Section Chief/EIAM Division Chief at the latest within five (5) days from receipt of the EIARC Report. <i>Annex 2-29</i> provides an outline of the RPR. <i>Annex 2-30a</i> presents the standard ECC format and content. The EIARC Chair signs Annex B of the ECC <u>which relays relevant EIA Findings and Recommendations to the Proponent on issues both within the EMB/DENR mandate and those within the jurisdiction of other concerned GAs/LGUs.</u> The RPR and its approval as well as clearance on Decision Document for release to Endorsing Authority are included in the Review Proper duration.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5.0 Endorsement of Recommendation</p> <p align="center">↓</p> | <table border="1"> <tr> <td rowspan="3" style="vertical-align: top;">5.0</td> <td align="center" colspan="8">ESTIMATED WORKDAYS for EMB TO ENDORSE RECOMMENDATION</td> </tr> <tr> <td align="center" colspan="2">PEIS</td> <td align="center" colspan="2">EIS</td> <td align="center" colspan="2">PEPRMP</td> <td align="center" colspan="2">EPRMP</td> </tr> <tr> <td align="center">CO</td> <td align="center">RO</td> <td align="center">CO</td> <td align="center">RO</td> <td align="center">CO</td> <td align="center">RO</td> <td align="center">CO</td> <td align="center">RO</td> </tr> <tr> <td></td> <td align="center">30</td> <td align="center">10</td> <td align="center">15</td> <td align="center">10</td> <td align="center">15</td> <td align="center">10</td> <td align="center">15</td> <td align="center">5</td> </tr> <tr> <td rowspan="2" style="vertical-align: top;">Endorsing Authority</td> <td align="center" colspan="8">CO: EMB Chief/EMB Director</td> </tr> <tr> <td align="center" colspan="8">RO: EMB Chief</td> </tr> </table> | 5.0 | ESTIMATED WORKDAYS for EMB TO ENDORSE RECOMMENDATION | | | | | | | | PEIS | | EIS | | PEPRMP | | EPRMP | | CO | RO | CO | RO | CO | RO | CO | RO | | 30 | 10 | 15 | 10 | 15 | 10 | 15 | 5 | Endorsing Authority | CO: EMB Chief/EMB Director | | | | | | | | RO: EMB Chief | | | | | | | |
| 5.0 | ESTIMATED WORKDAYS for EMB TO ENDORSE RECOMMENDATION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | PEIS | | EIS | | PEPRMP | | EPRMP | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | CO | RO | CO | RO | CO | RO | CO | RO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 30 | 10 | 15 | 10 | 15 | 10 | 15 | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Endorsing Authority | CO: EMB Chief/EMB Director | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | RO: EMB Chief | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>6.0 Sign-off/ Issuance of Decision Document</p> <p align="center">↓</p> | <table border="1"> <tr> <td rowspan="3" style="vertical-align: top;">6.0</td> <td align="center" colspan="8">ESTIMATED WORKDAYS TO SIGN-OFF and ISSUE DECISION DOCUMENT</td> </tr> <tr> <td align="center" colspan="2">PEIS</td> <td align="center" colspan="2">EIS</td> <td align="center" colspan="2">PEPRMP</td> <td align="center" colspan="2">EPRMP</td> </tr> <tr> <td align="center">CO</td> <td align="center">RO</td> <td align="center">CO</td> <td align="center">RO</td> <td align="center">CO</td> <td align="center">RO</td> <td align="center">CO</td> <td align="center">RO</td> </tr> <tr> <td style="vertical-align: top;">Deciding Authority</td> <td align="center">30</td> <td align="center">10</td> <td align="center">15</td> <td align="center">10</td> <td align="center">15</td> <td align="center">10</td> <td align="center">15</td> <td align="center">5</td> </tr> </table> <p>NOTE #1: If no decision is made within the specified timeframe, the ECC application is deemed automatically approved and the approving authority shall issue the ECC within five (5) working days after the prescribed processing timeframe has lapsed.</p> <p>NOTE #2: Prior to the release of the ECC, Proponent shall submit to the EMB one (1) hard copy and 2 e-files of the FINAL EIA REPORT, integrating all AIs.</p> <p>NOTE #3: <u>The Proponent signs the Sworn Statement of Full Responsibility on ECC Conditions prior to the official release of the ECC.</u></p> | 6.0 | ESTIMATED WORKDAYS TO SIGN-OFF and ISSUE DECISION DOCUMENT | | | | | | | | PEIS | | EIS | | PEPRMP | | EPRMP | | CO | RO | CO | RO | CO | RO | CO | RO | Deciding Authority | 30 | 10 | 15 | 10 | 15 | 10 | 15 | 5 | | | | | | | | | | | | | | | | | |
| 6.0 | ESTIMATED WORKDAYS TO SIGN-OFF and ISSUE DECISION DOCUMENT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | PEIS | | EIS | | PEPRMP | | EPRMP | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | CO | RO | CO | RO | CO | RO | CO | RO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deciding Authority | 30 | 10 | 15 | 10 | 15 | 10 | 15 | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>7.0 Transmittal of ECC to Concerned GAs/LGUs</p> | <p>7.0</p> <p>EMB transmits through <i>Annex 2-30b</i> the ECC to concerned GAs and LGUs with mandate on the project for integration of recommendations into their decision-making process.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Figure 2-2. Flowchart for IEE-Based ECC Applications



| | | | | |
|---|--|--|----------------------|-------------|
| <p>Steps 4.0 to 6.0 START OF EMB-CONTROLLED REVIEW PROCESS</p> <p style="text-align: center;">↓</p> | MAXIMUM WORKDAYS DENR/EMB REVIEW DURATION | | | |
| | IEER | | IEEC | |
| | 60 | | 30 | |
| | <p>NOTE #1: ONLY THE TOTAL REVIEW DURATION and RESPONSE PERIOD OF PROPONENT TO AIs ARE CONTROLLED BY EMB. The rest of the timelines within the review process is provided FOR GUIDANCE and PLANNING PURPOSES only.</p> <p>NOTE #2: Day 1 of the official processing period is reckoned on the day of the Proponent's show of receipts of the filing fee (and Review Fund for IEER), together with the required number of reports, to the EMB Case Handler.</p> | | | |
| | <p>4.0 Substantive Review</p> | | | |
| <p>4.1 Inviting EMB Reviewers and Distribution of EIA Reports</p> <p style="text-align: center;">↓</p> | 4.1 | PRESCRIBED WORKDAYS for EMB TO DISTRIBUTE EIA REPORTS | | |
| | | IEER | IEEC | |
| | | 5 | 5 | |
| <p>Should the EMB Case Handler decide to review the IEER with a team, the Case Handler may invite reviewers from EMB/DENR personnel with mandates on the key issues of the applications (e.g., water, air, hazardous waste from PCD; Solid waste from the NSWMS; mining issues from the MGB; forestry issues from the FMB; etc). For IEER, an external expert may be additionally invited depending on the criticality of the issue involved and absence of internal expertise.</p> | | | | |
| <p>4.2 Review Proper by EMB Case Handler or with EMB/DENR reviewers</p> <p style="text-align: center;">↓</p> | 4.2 | PRESCRIBED WORKDAYS for EIA REVIEW PROPER* | | |
| | | IEER | IEEC | |
| | | 35 | 15 | |
| <p>*Note: The Review Proper duration is inclusive of a maximum of two (2) Additional Information (AIs), and maximum of three (3) Review Team meetings/exchange of communication, Site Visits/Public Consultation up to Submission of Review Process Report by the EMB Case Handler.</p> | | | | |
| <p>4.2.1 1st Review by EMB CH or with Review Team (RT)</p> <p style="text-align: center;">↓</p> | 4.2.1 | <p>The EMB Case Handler may review the EIA Report solely or with the assistance of EMB/DENR Reviewers. The reviewers may individually review the EIA Reports and fill up the Pro-forma Additional Information (AI) Request (<i>Annex 2-24</i>) for submission during the 1st Review Mtg or in an equivalent activity (i.e. routing the AI request to the EMB CH within a specific timeline). The EMB CH serves as the Chair of the Review Team. Should a meeting be held, the RT deliberations are discussed with the Proponent. The pending AIs are then consolidated by the EMB CH for transmittal to the Proponent at the earliest possible time. <i>Annex 2-24</i> provides supplementing guidelines for requesting AIs while <i>Annex 2-25</i> provides review criteria and guidance to the Review Team on the conduct of review meetings.</p> | | |
| <p>4.2.2 Site Visit (SV), Public Consultation (PC)</p> <p style="text-align: center;">↓</p> | 4.2.2 | PUBLIC PARTICIPATION DURING REVIEW PROPER | | |
| | | | IEER | IEEC |
| | SV | Option of EMB | Option of EMB | |
| | PC | Option of EMB | Option of EMB | |
| <p>Note #1: No Public Hearing is required. Should the EMB require a public consultation, the response to the AI raised during the 1st Review Team Meeting shall be responded to within five (5) working days from the date of the Public Consultation.</p> <p>Note #2: Timelines of SV/PC are included in the Review Proper duration.</p> | | | | |

REVISED PROCEDURAL MANUAL FOR DAO 2003-30

| | | | | | | | | | | | | | |
|--|--|-------------------------|--|--|--|-------------|-------------|--------------------------|----|---|----------------------------|-------------------------|-------------------------|
| <p>4.2.3 2nd/3rd EMB CH Review or Meeting with Review Team (RT)</p> <p align="center">↓</p> | <table border="1"> <tr> <td>4.2.3</td> <td colspan="2">NO. OF WORKDAYS FOR SUBMISSION OF RESPONSE* BY PROPONENT FOR EVERY AI</td> </tr> <tr> <td></td> <td>IEER</td> <td>IEEC</td> </tr> <tr> <td>1st AI</td> <td align="center">7</td> <td align="center">7</td> </tr> <tr> <td>2nd AI</td> <td align="center">7</td> <td align="center">7</td> </tr> </table> <p>*NOTE #1: Responses must include response to issues raised by the stakeholders and EMB during the site visit or public consultation. NOTE #2: NON-SUBMISSION OF THE AI WITHIN THE PRESCRIBED TIMEFRAME WOULD MEAN STOPPAGE OF THE REVIEW PROCESS and AUTOMATIC RETURN OF IEER/IEEC TO THE PROPONENT, WHO IS GIVEN SIX (6) MONTHS TO RESUBMIT WITHOUT HAVING TO PAY PROCESSING and OTHER FEES.</p> | 4.2.3 | NO. OF WORKDAYS FOR SUBMISSION OF RESPONSE* BY PROPONENT FOR EVERY AI | | | IEER | IEEC | 1st AI | 7 | 7 | 2nd AI | 7 | 7 |
| 4.2.3 | NO. OF WORKDAYS FOR SUBMISSION OF RESPONSE* BY PROPONENT FOR EVERY AI | | | | | | | | | | | | |
| | IEER | IEEC | | | | | | | | | | | |
| 1st AI | 7 | 7 | | | | | | | | | | | |
| 2nd AI | 7 | 7 | | | | | | | | | | | |
| <p>4.2.4 Submission of Review Process Report (RPR)/Draft Recommendation Document by EMB CH</p> <p align="center">↓</p> | <p>4.2.4 The RPR/Recommendation Document shall be prepared and submitted by the EMB CH to the EIAMD Review Section Chief/EIAM Division Chief at the latest within five (5) days from receipt of the EIARC Report. <i>Annex 2-29</i> provides an outline of the RPR. <i>Annex 2-30a</i> presents the standard ECC format and content. <u>The EIARC Chair signs Annex B of the ECC which relays relevant EIA Findings and Recommendations to the Proponent on issues both within the EMB/DENR mandate and those within the jurisdiction of other concerned GAs/LGUs.</u> The RPR and its approval as well as clearance on Decision Document for release to Endorsing Authority are included in the Review Proper duration.</p> | | | | | | | | | | | | |
| <p>5.0 Endorsement of Recommendation</p> <p align="center">↓</p> | <table border="1"> <tr> <td>5.0</td> <td colspan="2">ESTIMATED WORKDAYS for EMB TO ENDORSE DECISION DOCUMENT</td> </tr> <tr> <td></td> <td>IEER</td> <td>IEEC</td> </tr> <tr> <td></td> <td align="center">10</td> <td align="center">5</td> </tr> <tr> <td>Endorsing Authority</td> <td align="center">EIAMD RO Division Chief</td> <td align="center">EIAMD RO Division Chief</td> </tr> </table> | 5.0 | ESTIMATED WORKDAYS for EMB TO ENDORSE DECISION DOCUMENT | | | IEER | IEEC | | 10 | 5 | Endorsing Authority | EIAMD RO Division Chief | EIAMD RO Division Chief |
| 5.0 | ESTIMATED WORKDAYS for EMB TO ENDORSE DECISION DOCUMENT | | | | | | | | | | | | |
| | IEER | IEEC | | | | | | | | | | | |
| | 10 | 5 | | | | | | | | | | | |
| Endorsing Authority | EIAMD RO Division Chief | EIAMD RO Division Chief | | | | | | | | | | | |
| <p>6.0 Sign-off/ Issuance of Decision Document</p> <p align="center">↓</p> | <table border="1"> <tr> <td>6.0</td> <td colspan="2">ESTIMATED WORKDAYS TO SIGN-OFF and ISSUE DECISION DOCUMENT</td> </tr> <tr> <td></td> <td>IEER</td> <td>IEEC</td> </tr> <tr> <td></td> <td align="center">10</td> <td align="center">5</td> </tr> <tr> <td>Deciding Authority</td> <td align="center">EMB RO Director</td> <td align="center">EMB RO Director</td> </tr> </table> <p>NOTE #1: If no decision is made within the specified timeframe, the ECC application is deemed automatically approved and the approving authority shall issue the ECC within five (5) working days after the prescribed processing timeframe has lapsed. NOTE #2: Prior to the release of the ECC, Proponent shall submit to the EMB one (1) hard copy and 2 e-files of the FINAL IEE REPORT, integrating all AIs. (Not applicable for IEE Checklists) NOTE #3: <u>The Proponent signs the Sworn Statement of Full Responsibility on ECC Conditions prior to the official release of the ECC.</u></p> | 6.0 | ESTIMATED WORKDAYS TO SIGN-OFF and ISSUE DECISION DOCUMENT | | | IEER | IEEC | | 10 | 5 | Deciding Authority | EMB RO Director | EMB RO Director |
| 6.0 | ESTIMATED WORKDAYS TO SIGN-OFF and ISSUE DECISION DOCUMENT | | | | | | | | | | | | |
| | IEER | IEEC | | | | | | | | | | | |
| | 10 | 5 | | | | | | | | | | | |
| Deciding Authority | EMB RO Director | EMB RO Director | | | | | | | | | | | |
| <p>7.0 Transmittal of ECC to Concerned GAs/LGUs</p> | <p>7.0 EMB transmits through <i>Annex 2-30b</i> the ECC to concerned GAs and LGUs with mandate on the project for integration of recommendations into their decision-making process.</p> | | | | | | | | | | | | |

Figure 2-3. Flowchart for CNC Applications

| PROJECT DESCRIPTION REPORT (PDR) | | | | |
|----------------------------------|--|---------------------------------|------------------------------------|---------------------------------------|
| | Groups II and III: Enhancement/ Mitigation Projs | Group II (Other NECP in ECA) | Group III (Other NECPs in NECA) | Group V (Unclassified Projects) |
| | REQUIRED | OPTIONAL | OPTIONAL | REQUIRED |
| For EMB CO Applications | ✓ | ✓ | ✓ | ✓ |
| For EMB RO Applications | ✓ | ✓ | ✓ | ✓ |

| NOTES | |
|--|---|
| 1.0 Project Description (PD) Report Preparation | 1.0 THIS STEP IS WHOLLY WITHIN THE PROPONENT'S CONTROL. Proponent undertakes the EIA Study, with or without the assistance of an EIA Preparer. DENR-EMB personnel may clarify procedural and technical matters on the EIA process but is not allowed to take part in the EIA study or in the preparation of the report. <i>Annex 2-16</i> presents the PD Report outline/content. |
| 2.0 PD Report Review and Evaluation | |
| 2.1 Procedural Screening ↓ | 2.1 Proponent submits to EMB one (1) hard copy of the PD Report. Within one (1) day from receipt of the report, the Screening Officer validates the completeness of the PD report to ensure the information is sufficient to make a decision on the application. Non-conforming document will be returned. If conforming, the Proponent will be instructed to pay the filing fee and then show the receipt to the EMB Case Handler to initiate the processing of the document. |
| Steps 2.0 to 4.0 START OF EMB-REGULATED REVIEW TIMELINE | MAXIMUM REVIEW DURATION FOR ALL PDRs IN EMB CO or EMB RO: 15 WORKING DAYS <u>NOTE #1:</u> ONLY THE TOTAL REVIEW DURATION and RESPONSE PERIOD OF PROPONENT TO AIs ARE CONTROLLED BY EMB. The rest of the timelines within the review process is provided FOR GUIDANCE and PLANNING PURPOSES only. <u>NOTE #2:</u> Day 1 of the official processing period is reckoned on the day of the Proponent's show of receipt of the filing fee to the EMB Case Handler, |
| 2.2 Substantive Review | 2.2 WORKDAYS FOR REVIEW PROPER BY EMB CH FOR ALL PDRs AT EMB CO or EMB RO: Eight (8) WORKING DAYS OR LESS |
| 2.2.1 Review Proper by EIAMD Case Handler ↓ | The EMB Case Handler solely reviews the application. |

| | | | | | | | |
|--|---|---------------------|--|--------------------|---------------------|--|---------------------|
| <p>2.2.2 Optional Site Visit (SV)</p> <p style="text-align: center;">↓</p> | <p>2.2.2 SITE VISIT IS AT THE OPTION OF EMB FOR ALL PD REPORTS AT EMB CO and RO</p> | | | | | | |
| <p>2.2.3 Draft Recommendation Document by EMB CH</p> <p style="text-align: center;">↓</p> | <p>Note #1: No Public Hearing or Public Consultation is required. Note #2: Timelines of the Site Visit are included in the 8-workday review duration by the EMB CH. Note #3: <i>Annex 2-1a</i> may be used for documenting observations during Site Visit.</p> | | | | | | |
| <p>3.0 Endorsement of Recommendation</p> <p style="text-align: center;">↓</p> | <p>2.2.3 Recommendation shall be prepared and submitted by the EMB CH to the EIA Division Chief within two (2) working days from last activity. <i>Annex 2-37</i> presents the standard CNC format and content. The clearance for release of the EMB CH's Recommendation to the Endorsing Authority is included in the 8-workday review duration.</p> <p>3.0 ESTIMATED 3 WORKDAYS for EMB CO or EMB RO TO ENDORSE DECISION DOCUMENT</p> <table border="1" data-bbox="824 674 1273 768"> <tr> <td data-bbox="824 674 943 722">Endorsing Authority</td> <td data-bbox="943 674 1273 722">CO: EIAMD CO Chief</td> </tr> <tr> <td data-bbox="824 722 943 768"></td> <td data-bbox="943 722 1273 768">RO: EIAMD RO Chief</td> </tr> </table> | Endorsing Authority | CO: EIAMD CO Chief | | RO: EIAMD RO Chief | | |
| Endorsing Authority | CO: EIAMD CO Chief | | | | | | |
| | RO: EIAMD RO Chief | | | | | | |
| <p>4.0 Sign-off/ Issuance of Decision Document</p> <p style="text-align: center;">↓</p> | <table border="1" data-bbox="824 814 1273 982"> <tr> <td data-bbox="824 814 943 888">4.0</td> <td data-bbox="943 814 1273 888">ESTIMATED 4 WORKDAYS for EMB CO or EMB RO TO SIGN-OFF and ISSUE DECISION DOCUMENT</td> </tr> <tr> <td data-bbox="824 888 943 936">Deciding Authority</td> <td data-bbox="943 888 1273 936">CO: EMB CO Director</td> </tr> <tr> <td data-bbox="824 936 943 982"></td> <td data-bbox="943 936 1273 982">RO: EMB RO Director</td> </tr> </table> <p>NOTE: If no decision is made within the specified timeframe, the CNC application is deemed automatically approved and the approving authority shall issue the CNC within five (5) working days after the prescribed processing timeframe has lapsed.</p> | 4.0 | ESTIMATED 4 WORKDAYS for EMB CO or EMB RO TO SIGN-OFF and ISSUE DECISION DOCUMENT | Deciding Authority | CO: EMB CO Director | | RO: EMB RO Director |
| 4.0 | ESTIMATED 4 WORKDAYS for EMB CO or EMB RO TO SIGN-OFF and ISSUE DECISION DOCUMENT | | | | | | |
| Deciding Authority | CO: EMB CO Director | | | | | | |
| | RO: EMB RO Director | | | | | | |
| <p>5.0 Transmittal of CNC Document</p> | <p>5.0 EMB transmits through <i>Annex 2-30b</i> the CNC to concerned DENR office, other GAs and LGUs with mandate on the project for integration of recommendations into their decision-making process.</p> | | | | | | |

Figure 2-4. Flowchart on Request for ECC Amendments

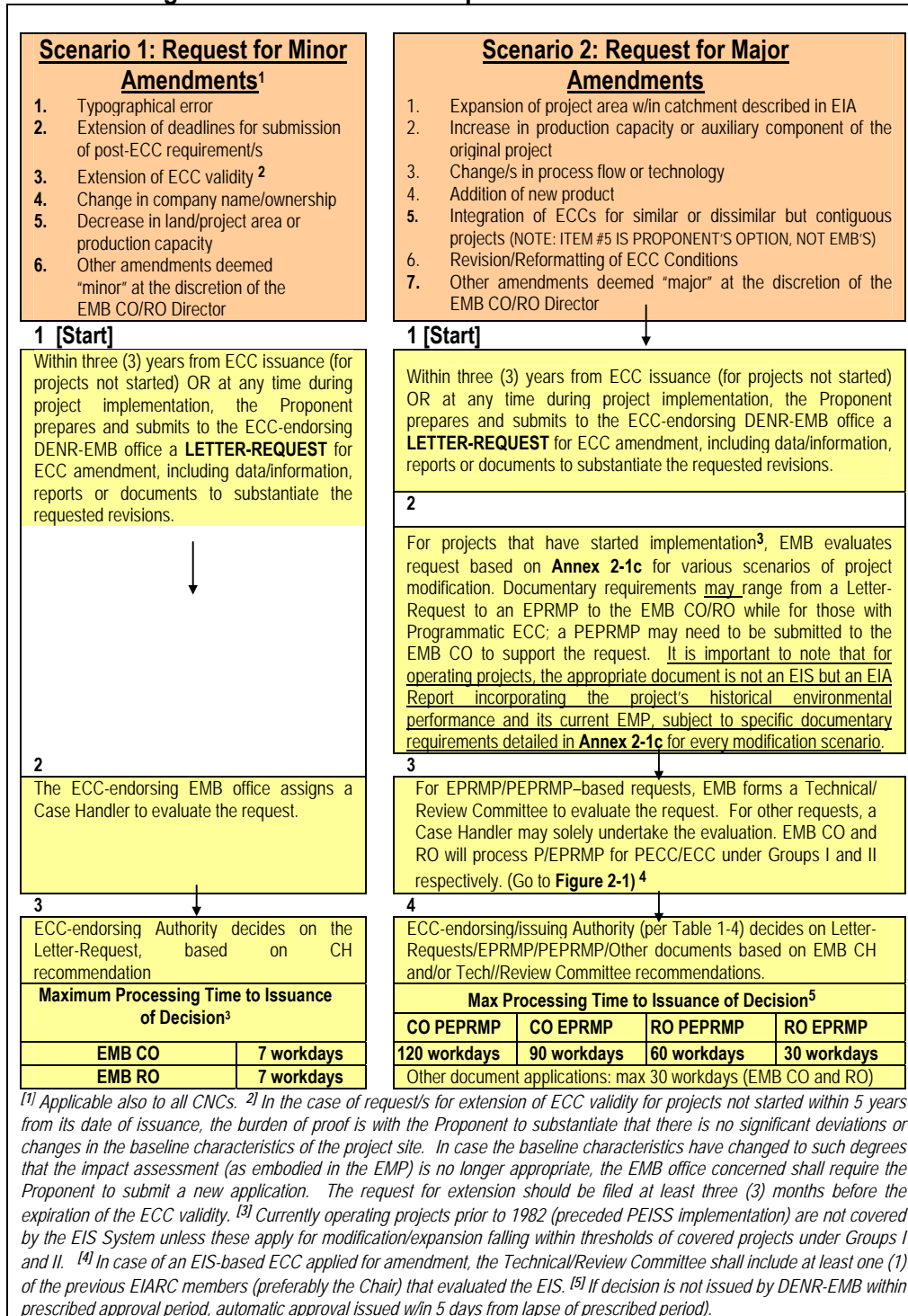
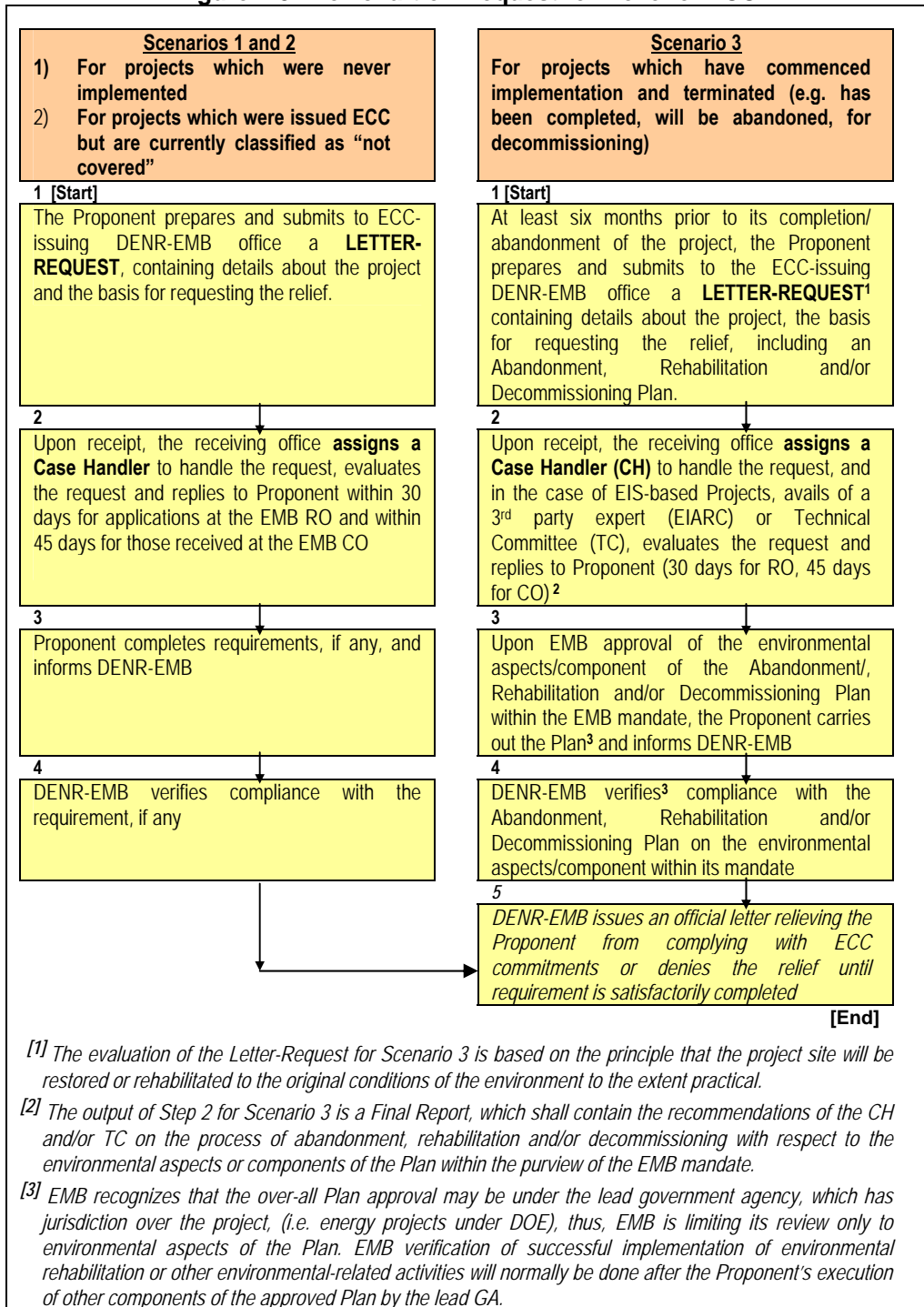


Figure 2-5. Flowchart on Request for Relief of ECC



2.3 Monitoring, Validation and Evaluation/Audit Procedures

18) Objectives of Monitoring, Validation and Evaluation/Audit

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

- a) Project compliance with the conditions set in the ECC;
- b) Project compliance with the Environmental Management Plan (EMP);
- c) Effectiveness of environmental measures on prevention or mitigation of actual project impacts vis a vis the predicted impacts used as basis for the EMP design; and
- d) Continual updating of the EMP for sustained responsiveness to project operations and project impacts.

19) Roles and Responsibilities

- a) **Project Proponent/Company:** Proponents issued ECCs are primarily responsible for monitoring their projects.
 - (i) **Annex 3-1** presents a standardized Semi-annual ECC Compliance Monitoring Report (CMR), which a Proponent, through its Environmental Unit or Environmental Officer, is required to submit to the designated monitoring EMB office on a semi-annual frequency. The CMR requirement is to report performance at three (3) levels, at the minimum, as follows: a) performance against the ECC conditions; b) performance against the EMP; and c) performance against the monitoring of actual impacts (including residual impacts) as against predicted impacts in the EIA Report and as related to current project operations.
 - (ii) The detailed report on compliance to environmental standards specific to environmental laws shall be submitted through the Self-Monitoring Report (SMR) as required by DAO No. 2003-27 on a quarterly basis to the concerned EMB RO.
 - (iii) The semi-annual CMRs shall be submitted as Module 5 of the second and fourth quarter SMRs. Moreover, the second CMR shall include a simple trend analysis of the environmental standards and a summary of the cumulative annual and historical performance/compliance analysis on key environmental and social parameters, e.g. total areas successfully re/planted for the year and since project implementation; total local jobs generated; total population covered by IEC; total benefits given and total beneficiaries; total or % exceedances to standards; total violations, etc...
 - (iv) The First CMR shall be submitted mid-year after the start of project implementation, except for ECC commitments/conditions, which need to be submitted prior to project start-up. The Proponent shall notify EMB on the start-up date of project implementation.
 - (v) The Proponent may commission third party experts to undertake monitoring on its behalf. In such cases, respective notarized Sworn Accountability Statements similar to **Annexes 2-21 and 2-22** shall be submitted to the EMB with the monitoring results. DENR-recognized laboratories shall also be availed of in the analysis of field samples.
- b) **Monitoring by Multi-partite Monitoring Team:** MMTs are organized to encourage public participation, to promote greater stakeholder vigilance and to provide appropriate check and balance mechanisms in the monitoring of project implementation. The MMT is

recommendatory to EMB. MMTs have the primary responsibility of validation of Proponent's environmental performance, with the following specific functions:

- i) Validate project compliance with the conditions stipulated in the ECC and the EMP;
- ii) Validate Proponent's conduct of self-monitoring;
- iii) Receive complaints, gather relevant information to facilitate determination of validity of complaints or concerns about the project and timely transmit to the Proponent and EMB recommended measures to address the complaint;
- iv) Prepare, integrate and disseminate simplified validation reports to community stakeholders;
- v) Make regular and timely submission of MMT Reports based on the EMB-prescribed format.

Annex 3-2 presents the generic Compliance Monitoring and Validation Report (CMVR), which shall serve as the MMT Report Form. The CMVR has to be customized by every MMT based on the project to be monitored. Considering that an EMB personnel is a member of the MMT, EMB can ensure that the quality and content of the MMT outputs may be such that these will be usable to the EQD/PCD in its evaluation of permit application and/or renewal. Thus, there may be no need for the latter to undertake separate validation of the Proponent's compliance report.

The CMVR shall be submitted semi-annually to the concerned EMB Regional Office, with the Proponent's CMR/SMR as attachment. Moreover, the second CMVR shall preferably present a qualitative desk-validation of the trend analysis report and cumulative environmental performance of the Proponent.

Only projects required a PEIS and Group I (ECPs) are required to form project-specific Multi-partite Monitoring Team (MMT). For Group II-EIS (NECPs in ECA), the EMB Regional Offices have the option to require the formation of MMTs. However, for EIS-based projects with no resident communities within the direct impact areas AND are outside any LGU jurisdiction, the MMT requirement shall not be applicable. For these types of projects, concerns on environmental impacts/risks shown to potentially affect the nearest islands may be referred by the DENR-EMB to the appropriate government agency with mandate and permitting authority over the management of such concerns (e.g. Philippine Coast Guard for projects entirely in national waters). Further, for projects with ECCs issued based on a PEPRMP and EPRMP, an ISO certification on environmental management system or equivalent EMS issued by BPS-accredited firms may be submitted in lieu of forming an MMT, on the condition that the projects have no significant opposition and have no current /pending violations.

c) **EMB:** The EMB shall be primarily responsible for the over-all evaluation/audit of the Proponent's monitoring and the MMT validation.

- (i) For each project issued an ECC, primary responsibility is lodged with the EMB Regional Offices who shall implement the Project Environmental Monitoring and Audit Prioritization Scheme (PEMAPS), an internal EMB strategy for selecting and prioritizing projects to be subject to compliance monitoring, based on evaluation by EMB and the Proponent's responses to the Environmental Risk Categorization Questionnaire attached as **Annex 2-7d** in this Manual. The PEMAPS considers four (4) key parameters: 1) potential of the process/technology to cause impacts; 2) existence and profile of the pathway of impacts; 3) existence and profile of receptors; and 4) project environmental performance, particularly on received complaints and confirmed violations during the period of PEMAPS review.
- (ii) EMB shall form composite teams composed of EIAMD and PCD personnel to jointly evaluate the effectiveness of environmental management measures being implemented by the Proponent. The team need not necessarily undertake field

monitoring or sampling. Regardless of the PEMAPS environmental risk categorization of the project and its PEMAPS rating, a desk evaluation of the Proponent's SMR, preferably already validated by the MMT (for projects with MMT), shall be initially done to serve as the primary basis to determine need for field monitoring/sampling, particularly in relation to permit application or renewal. Any sampling activity shall be undertaken based on a coordinated schedule of the composite team, and the MMT (only if there is an existing MMT).

- (iii) To lessen redundancy in monitoring/sampling, EMB shall prioritize the inclusion of EQD/PCD personnel in the activities of the MMT sectoral team or committee where the key environmental stressors or impacts of the project fall within the mandate of the sectoral environmental laws such as RA 6969 (on toxic substances/hazardous wastes), RA 8749 (air quality) and RA 9275 (on water quality).
- (iv) EMB does not in any way delegate its authority or devolve its monitoring function to the MMT. The MMT report shall be the one of the bases of DENR-EMB actions without prejudice to their (DENR-EMB) undertaking a validation of the events covered or leading to the issuance of the MMT Report. The EMB representative in the MMT shall only sign as witness in the MMT report so as not to pre-empt DENR-EMB deliberations and decisions on the MMT recommendations.
- (v) For projects with MMT, documentation by the EMB of its evaluation findings shall be through use the EMB Compliance Evaluation Report (CER) form in **Annex 3-3**, with the MMT's CMVR and the Proponent's CMR/SMR as attachments. The CER shall be prepared semi-annually, with the second CER including a summary evaluation of the trend analysis and cumulative environmental performance of the proponent, as validated by the MMT. The EMB Central Office shall provide policy guidance and, if necessary, technical assistance to the units concerned. The EMB CO shall also conduct periodic monitoring and validation performance audit.
- (vi) For projects without MMT, validation function shall likewise be the responsibility of the EMB RO. The same CER form (**Annex 3-3**) shall be used as template, but incorporating relevant tables in the CMVR form (**Annex 3-2**) to be filled-out by the EMB RO itself as basis for the summary evaluation. The Proponent's CMR/SMR shall be attached to the CER.
- (vii) Table 2-1 summarizes the monitoring, validation and evaluation/ audit schemes showing the roles and responsibilities of the key entities mentioned above.

20) Operationalization of the MMT

- a) **Core membership of the MMT:** The MMT shall be composed of representatives of the proponent and of stakeholder groups, including representatives from concerned LGUs, locally accredited NGOs/POs, the community, concerned EMB Regional Office, relevant government agencies, and other sectors that have been identified during the EIA Study as potentially affected by the various phases of the project.
- b) **Formation of the MMT:** After the ECC is issued; the proponent initiates the formation of its MMT by holding a meeting with the concerned EMB Office. The proponent presents a list of potential MMT members based on stakeholder identification using the pro forma in **Annex 2-3** as validated in the EIA Study. The proponent then prepares a draft project-based Memorandum of Agreement (MOA) for the creation of the MMT and establishment of the Environmental Monitoring Fund (EMF) and Environmental Guarantee Fund (EGF) based on the pro-forma presented in **Annex 3-4**. Initial estimates of the EMF and EGF shall be based on the guidelines presented in this Revised Procedural Manual and grounded on the EIA/ERA findings. After initial validation of the EIAMD of the acceptability of the proposals based on existing guidelines, a meeting is then called among the prospective MMT members during which the proponent and EMB provide a

briefing on the ECC, EMP and the draft MOA. MOA conditions shall be discussed, subjected to agreement among the MMT members and finalized during the meeting, then routed to the signatories. After the MOA signing, LGUs, GAs and other organizations identified as having representation in the MMT shall officially designate specific personnel who meet the criteria specified in the MOA as representative of these entities through a written office order / endorsement.

Table 2-1. Monitoring, Validation and Evaluation/Audit Schemes

| Monitoring Aspects | | Frequency / Timing | | |
|---|---|---|--|--|
| | | Proponent Self-Monitoring | MMT Validation of Proponent's Performance | EMB Evaluation/Audit |
| A. Compliance Reporting | ECC | Semi-annual in CMR | Semi-annual in CMVR ² | Semi-annual in CER ³ |
| | EMP ¹ | Semi-annual in CMR | Semi-annual in CMVR ² | Semi-annual in CER ³ |
| | Environmental Standards (under specific environmental laws) | Detailed report in Quarterly SMR; Summary of compliance in semi-annual CMR | Semi-annual in CMVR ² | Semi-annual in CER ³ |
| B. Field Validation | | - | Semi-annual | Semi-annual, or whenever there are complaints, exceedance of standards, suspicious data ⁴ |
| C. Effectiveness of Environmental Management Measures | Sampling and Measurement | Monthly/ Continuous as committed in the Environmental Monitoring Plan (EMoP) within the EMP | Only in cases of complaints/ exceedance of standards/ Suspicious data ⁴ | As the need arises in coordination with the MMT ⁴ |
| | Trend Analysis / Cumulative Performance Report ⁵ | 2 nd semi-annual CMR; 4 th Quarter SMR | 2 nd Semi-annual CMVR | 2 nd semi-annual CER |

¹The EMP (Environmental Management Plan) is composed of the Impacts Management Plan (IMP), the Social Development Plan (SDP), Information Education and Communication (IEC) Plan,

²CMVR has the Proponent's CMR/SMR as an attachment

³CER is prepared by the EMB Case Handler/staff and shall attach the Proponent's CMR/SMR and MMT's CMVR

⁴The composite EMB Team (if project has no MMT) conducts validation, or if the Proponent has an existing MMT, the EMB personnel undertake validation as a member of the MMT. Should a composite team be needed to address a mix of issues within the respective mandate of the EMB divisions/units, the EMB composite team shall join the particular MMT validation activity so that there is only one integrated group validating the issues.

⁵Trend Analysis is undertaken on key significant environmental parameters in relation to standards while Cumulative Performance Report is done on applicable key significant impacts and measures.

- c) **MMT Manual of Operations: Annex 3-4** additionally prescribes further the outline/content of the MMT's Manual of Operations (MOO), which shall guide the MMT in the planning of its activities, operationalization of its functions and review of its own performance. A generic MOO shall be posted at the EMB Webpage for customization.
- d) **Integration or Clustering of MMTs:**
 - i) All DENR-EMB RO are enjoined to cluster, merge or integrate MMTs based on sectoral (e.g. project types) or spatial considerations (e.g. at the area, municipal, or provincial level) as may be appropriate.
 - ii) 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.
 - Existing MMTs for projects other than those required an EIS in the ECC application stage, shall be merged or integrated at the municipal or provincial level, or by sector, 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 Executive Committee or its Officers shall prescribe the shares or contribution of each Proponent.
- iii) 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.
- e) **Life and Termination of MMTs:**
- i) MMTs of projects whose significant environmental impacts do not persist after the construction phase or which impacts could be addressed through the mandates of other government agencies (e.g., DOH for health, LGU for building/structural safety, MGB for geological aspects), shall be time bound or have a specific term which is not of the same length as the project life (for example, MMT will only be organized for the construction phase).
 - ii) The operations of MMT shall be terminated upon transmittal of recommendation to other government agencies at the project stage where significant environmental impacts no longer exist. In the case of roads and bridges projects, MMT functions shall be terminated after construction and once project Operation and Maintenance (O and M) is turned over to the responsible management authority/organization.
 - iii) MMT functions shall be terminated for projects upon completion and upon compliance with the abandonment plan.

21) Environmental Monitoring Fund (EMF)

The EMF is a fund that a proponent establishes in support of the activities of the MMT. Annex 3-5 presents the EMF administration and management guidelines based on the framework agreed upon and specified in the MMT MOA.

22) Environmental Guarantee Fund (EGF)

An EGF is required to be established for all co-located or single projects that have been determined by DENR to pose a significant public risk or where the project requires rehabilitation or restoration. *Annex 3-6* presents prescribed EGF guidelines.

23) Monitoring of Projects issued CNCs and those previously issued ECCs but reclassified as non-covered under Annex 2-1b

Projects issued CNCs are not subject to monitoring under the EIS System. Similarly, projects issued ECCs under the old IRRs of P.D. 1586 but are now non-covered shall be relieved of their ECC commitments upon written confirmation by the EMB provided the Proponents do not have pending accountabilities.

Environmental monitoring of these projects shall be under the purview of any or all of the following entities:

- a) EMB-Pollution Control Division (PCD)/ Environmental Quality Division (EQD) in cases when the projects are covered by other environmental permitting requirements of the DENR-EMB such as permits for air/water pollution sources and facilities and/or permits for toxic substances/hazardous waste generation, storage, transport and disposal.
- b) Lead Government Agency, which has direct jurisdiction over the project, e.g. DOE environmental unit for non-covered energy projects; MGB environmental unit for non-covered mineral mining projects; DPWH environmental unit for non-covered roads and bridges, etc...
- c) Other Government Agencies (GAs) who may have mandates over specific environmental concerns over the project, e.g. Philippine Coast Guard's National Operations Center for Oil Pollution (NOCOP) monitors oil spill /waste oil management plan implementation for offshore energy projects;
- d) Local Government Units (LGUs) who have jurisdiction over the project area, especially in cases when there are no required DENR regional permits or other GA approvals cover the project.

24) Technical References on PEISS Monitoring

The EMB-issued handbooks under the WB-DENR Project "Strengthening Environmental Performance Monitoring and Evaluation System of the PEISS" in 2005 (i.e. Handbook on Technical Procedures, Handbook on Administrative Procedures and Handbook on Multi-sectoral Monitoring) may be used as the basic references in the conduct of an enhanced self-monitoring, multi-sectoral validation and EMB evaluation/audit of the project's environmental performance against the ECC and its Environmental Management Plan.

2.4 Administrative Investigation

25) Handling of Complaints or Adverse Monitoring Findings

Figure 2-6 presents the administrative procedure for addressing complaints or findings on alleged violations of Proponents to the ECC, EMP or other requirements of PD 1586.

26) Procedure to Appeal a Notice of Violation

Figure 2-7 details the procedures for filing a Motion for Reconsideration within 15 days of receipt of the Case Decision Document. If the case is founded on a commonly encountered nature of violation, the appeal may be pursued in the same office as the issuing authority of the CDD. The Proponent/complainant may elevate complex cases to the next level of authority, as shown in Figure 2-7.

Figure 2-6. Procedural Flow of Administrative Investigations

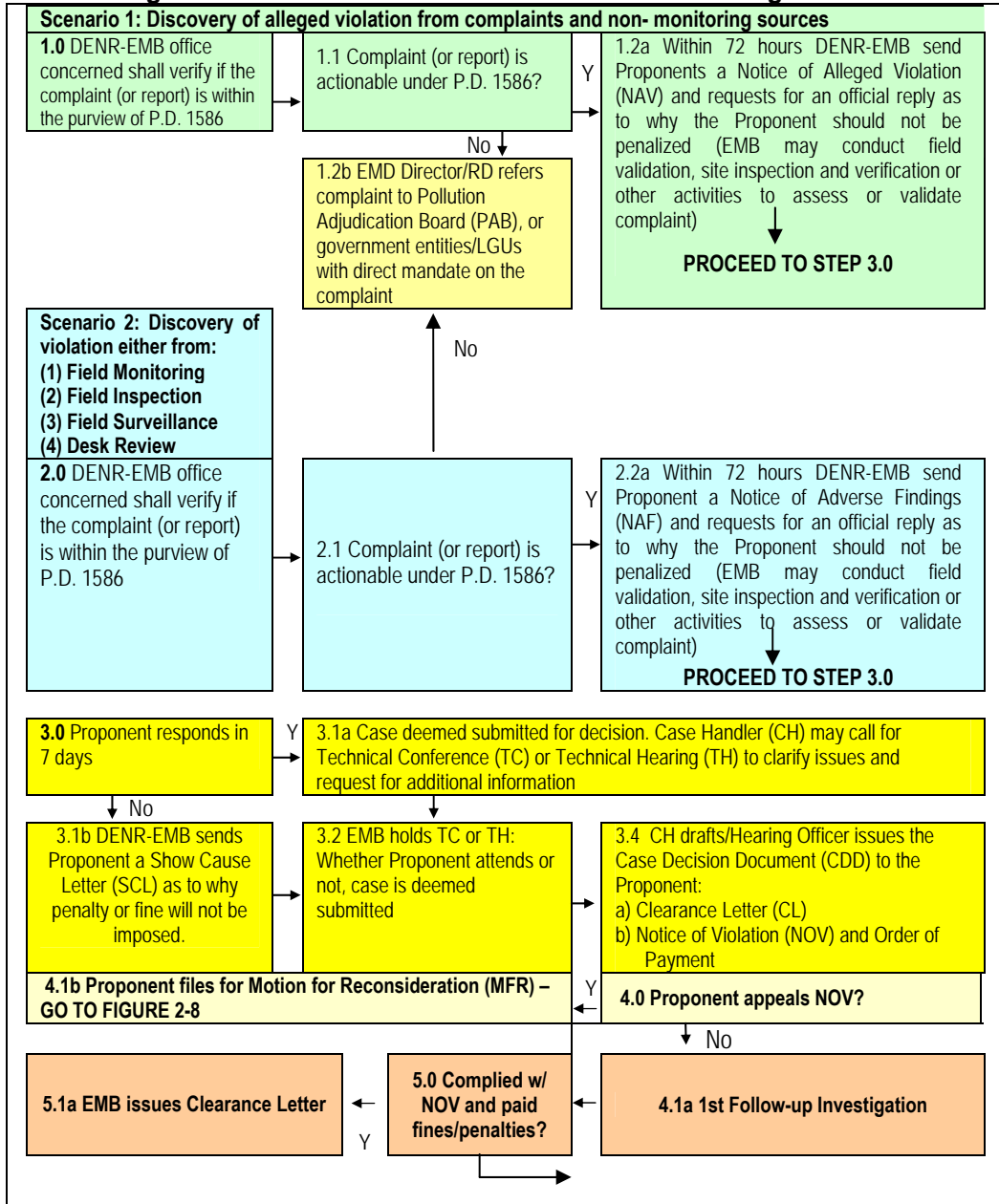
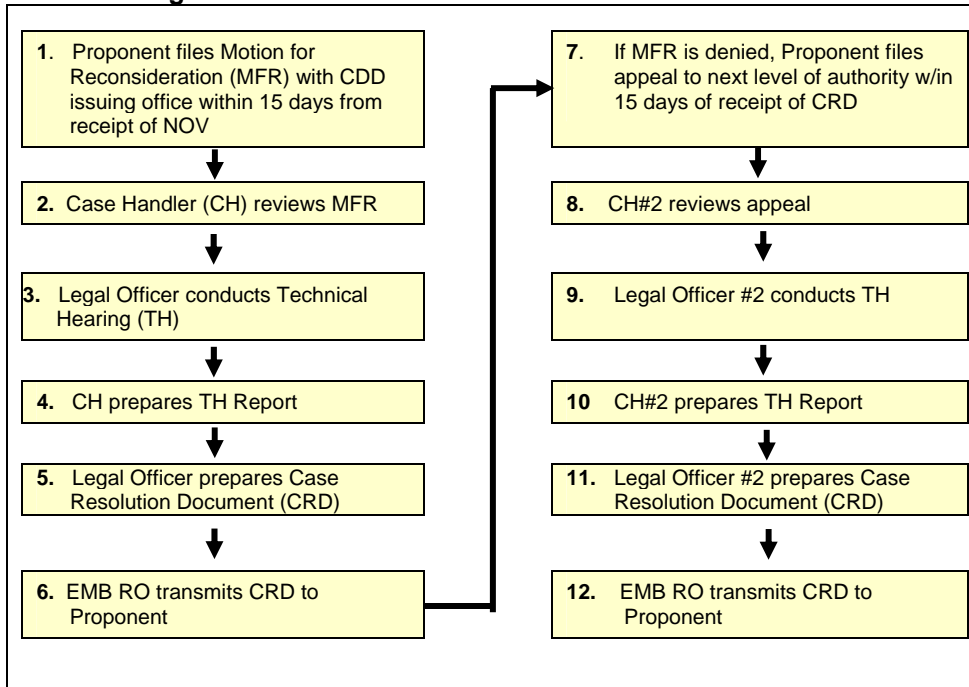


Figure 2-7. Procedural Flow of Motion for Reconsideration



2.5 Fines, Penalties and Sanctions

27) Legal Basis of Fines and Penalties

The fines, penalties and sanctions of the Philippine EIS System is based on Section 9.0 provision of P.D. 1586, as follows: *“Penalty for Violation. Any person, corporation or partnership found violating Section 4 of this Decree, or the terms and conditions in the issuance of the Environmental Compliance Certificate, or of the standards, rules and regulations issued by the National Environmental Protection Council pursuant to this Decree shall be punished the suspension or cancellation of his/its certificate and/or a fine in an amount not to exceed fifty thousand pesos (P50,000.00) for every violation thereof, at the discretion of the National Environmental Protection Council.”*

Section 4 of P.D. 1586 states that *“No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate issued by the President or his duly authorized representative.”*

28) Suspension of ECCs

ECCs may be suspended for violation of Proponents to comply with ECC conditions. It is noted that ECC suspension does not necessarily mean the Proponent is absolved of its responsibility in implementing its approved Environmental Management Plan (EMP). PD 1586 does not preclude the fact that

DENR may require the Proponent to institute environmental safeguards/measures to prevent further threat or actual damage to the environment.

29) Authority to Impose Fines and Penalties

Imposition of fines and penalties based on the succeeding guidelines is vested on the Directors of the EMB Central Office or Regional Office upon persons or entities found violating provisions of P.D. 1586 and its Implementing Rules and Regulations.

30) Cease and Desist Order

The EMB Director or the EMB-RD may issue a Cease and Desist Order (CDO) based on violations under the Philippine EIS System which cannot be attributed to specific environmental laws (e.g. RA 8749, RA 9275, RA 6969, etc) and/or which present 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.

31) Publication of Firms

The EMB may publish the identities of firms that are in violation of P.D. 1586 and its Implementing Rules and Regulations despite repeated Notices of Violation.

32) Scope of Violations

Violations of provisions of PD 1586 and DAO 2003-30 are classified as follows:

- a) **Projects with or without ECCs** which pose grave and/or irreparable danger to environment, life and property wherein causes are not regulated by any specific environmental law;
- b) **Projects are established and/or operating without an ECC:** A project that has commenced its implementation is deemed “operating without an ECC”, whether or not it is in actual operation. The phrase “operating without ECC” refers to all projects that were implemented without ECC but should have secured one as provided for by the PD 1586 IRR effective at the time. Operating with an ECC secured from agencies or entities other than DENR is also considered “operating without an ECC”. Covered projects operating without an ECC shall not be issued EMB regional environmental permits by EMB-PCD/EQD until such projects have complied with the PEISS in securing an ECC.
- c) **Violations of conditions of ECCs with old format referring to submission of documents, conduct of studies and other conditions within the mandate of other agencies** (e.g. Relocation Plan under HLURB/NHA; Traffic Management Plan under LGU; Occupational Health and Safety Plan under DOLE; Epidemiological Studies under DOH, etc): Violations shall be limited to procedural or administrative non-compliance (e.g. Refer to Minor Offense #1 below on delay or non-submission). The acceptability of these documents based on substantive evaluation cannot be a ground for violation under PD 1586. Mandated agencies shall have primacy of jurisdiction on assessing compliance with these requirements.
- d) **Projects violating ECC conditions and EMP Commitments and other procedural requirements of the Philippine EIS System:** Violations in relation to ECC conditions are classified as minor and major offenses, differentiated by schedule of fines based on seriousness and gravity of the offense:
 - i) **MINOR Offenses** (violations of administrative conditions in the ECC and the EIS System procedures, rules and regulations that will not have direct significant impact on the

environment but can impede or delay compliance against other ECC conditions and/or EMP commitments which the Proponent is required to comply or can prevent/deter EMB from performing monitoring or audit functions on the Proponent's environmental performance), such as: 1) non-submission or delay in submission of reports/requirements; 2) transfer of ownership of the project/ECC without prior approval from ECC-issuing authority; 3) delay or failure to initiate formation or implementation of ECC conditions which do not have significant impacts on the environment, such as formation of EU, MMT, EMF, EGF, enhancement measures and other similar/equivalent requirements prior to the required deadline in the ECC; 4) non-compliance with other administrative conditions in the ECC; 5) non-compliance with administrative and technical procedural guidelines in the DAO 2003-30 and its Revised Procedural Manual; and 6) Other offenses deemed "minor" at the discretion of the EMB CO/RO Director.

- ii) **MAJOR Offenses** (violations of substantive conditions in the ECC and the EIS System procedures, rules and regulations that will have significant impact on the environment and which the Proponent is required to comply), such as: 1) non-implementation of substantive conditions in the ECC on the EMP and EMoP and other related substantive commitments in the EIA Report, including modifications during EIA Report Review, 2) exceedance of project limits or area; 3) significant addition of project component or product without prior DENR-EMB approval; 4) major change in project process or technology resulting in unmitigated significant impacts not addressed by approved EMP; 5) Other offenses deemed "major" at the discretion of the EMB CO/RO Director.
- e) **Misrepresentation in the EIA Report or any other EIA documents:** All misrepresentations, whether material or minor constitute violations on the theory that full disclosure in the EIA Report is the key to the effective use of the EIS System as a planning and management tool.

33) Assessment and Computation of Fines

- a) 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.
- b) **For projects operating without an ECC:** The sum of P50,000.00 is set as reduced at the discretion of the Secretary, the EMB Director, or the RD, considering the circumstances of each case, i.e. impact of the violation on the environment. The project may be subjected to penalty following the mechanics of reduction as shown in **Table 2-2**.

Table 2-2. Schedule of Penalty Reduction in case of "Operating without ECC"

| CRITERIA | PERCENT REDUCTION IN PENALTY | EQUIVALENT AMOUNT IN PESO TO BE DEDUCTED |
|--|------------------------------|--|
| 1. Timing of ECC Application | | |
| Proponent Applied for ECC before issuance of NOV | 25 | 12,500 |
| 2. Percentage Project Completion | | |
| Project is 25% complete | 10 | 5,000 |
| Project is > 25% but < 50% complete | 5 | 2,500 |
| Project is >50% complete | 0 | 0 |
| 3. Project Cost | | |
| Project ≤ PhP 5.0 M | 20 | 10,000 |
| Project is >PhP 5.0M | 10 | 5,000 |
| 4. Project Impact on the Environment | | |
| Project does not cause adverse environmental impacts | 25 | 12,500 |

| CRITERIA | PERCENT REDUCTION IN PENALTY | EQUIVALENT AMOUNT IN PESO TO BE DEDUCTED |
|--|------------------------------|--|
| Note: A maximum of 80% reduction in penalty can only be imposed provided that the project Proponent meets all of the above criteria. | | |

- c) **In case of violation of ECC conditions, EMP, or EIS rules and regulations:** The sum of P50,000.00 is again set as the maximum amount of fine per violation. 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. However, the amount of fine per violation may be accordingly reduced, following the schedule of fines presented in **Table 2-3**.

Table 2-3. Schedule of Penalty Reduction in case of Violations of ECC Conditions

| CRITERIA | PENALTY | | | |
|-----------------------|-------------------------|-------------------------|--|--|
| | 1 st Offense | 2 nd Offense | 3 rd Offense | 4 th Offense |
| Minor Offenses | PhP 10,000.00 | PhP 25,000.00 | PhP 50,000.00 | PhP 50,000 plus ECC suspension with option of DENR-EMB to cease operations if deemed necessary but with corresponding requirement for continued EMP implementation |
| Major Offenses | PhP 25,000.00 | PhP 50,000.00 | PhP 50,000 plus ECC suspension with option of DENR-EMB to cease operations if deemed necessary but with corresponding requirement for continued EMP implementation | |

- d) **Misrepresentation in the EIA Reports or any other documents submitted by the Proponent:** This violation shall be subjected to due process and may result to a fine in a fixed maximum amount of PhP50,000.00 for every proven misrepresentation. The Proponent and the Preparer responsible for the misrepresentation shall be solitarily liable for the payment of the fine, without prejudice to other EMB actions towards the Proponent or Preparer who repeatedly commit the same offense.

3.0 MISCELLANEOUS PROVISIONS

34) Effectivity

The Revised Procedural Manual (RPM) is immediately effective after sign-off by the EMB Director. Full implementation shall be by January 2008. In the transition, EMB shall adopt a selective implementation approach or voluntary performance by Proponents/Preparers against the revised procedures to allow entities concerned to undergo orientation/training on the manual. Proponents who have initiated Scoping or who are in the EIA Study/Report Preparation stage may adopt the new Manual procedures/guidelines with prior concurrence of the EMB.

35) Repealing Clause

All memoranda, memorandum circulars, MOAs based on DAO 96-37 or earlier IRRs of PD 1586, and other issuances where provisions are inconsistent with this Manual are amended accordingly.

36) Continual Improvement

The EMB shall continually improve the EIA process for greater efficiency as a planning tool in the project cycle. Improvements will also aim to generate better quality EIA Reports and faster review timelines through more meaningful EIA processes. Improvement proposals shall be accepted by EMB through a form provided below.

| DAO 2003-30 PROCEDURAL MANUAL IMPROVEMENT PROPOSAL | | |
|---|--------------------------|--------------------------|
| <p>INSTRUCTIONS: Please complete Blocks 1 to 4.</p> <p>NOTE: This form cannot be used to request copies of documents, request waivers and amendments to issued ECCs, and to clarify requirements on current ECC applications. This form is solely for comments and suggestions on improving specific sections of this Manual.</p> | | |
| <p>1. COMMENT/RECOMMENDED CHANGE: <i>(Identify Section and Item Number and include proposed rewrite, if possible. Attach extra sheets as needed.)</i></p> | | |
| <p>2. REASON FOR RECOMMENDATION <i>(Attach extra sheets as needed.)</i></p> | | |
| 3. COMMENTER | | |
| a. NAME (Signature over Printed Name) | b. ORGANIZATION/POSITION | |
| c. ADDRESS | d. TELEPHONE/E-MAIL | 4. DATE SUBMITTED |
| <p>PLEASE SUBMIT THIS FORM TO:</p> <p><u>EIA Division, DENR- Environmental Management Bureau</u> DENR Compound, Visayas Avenue, Diliman, Quezon City 1116 Tel. No.: (632) 927-1517 or 18 Fax No.: (632) 927-1518 E-mail: emb@emb.gov.ph Contact Persons: Espie Sajul/ Elsie Cezar /Pura Vita Pedrosa</p> | | |

GLOSSARY

- a. **Carrying Capacity** – a measure of capacity of the environment to absorb impacts within recovery thresholds such that there is no significant deterioration or depletion of resources to a point where sustainable ecosystem function is impaired.
- b. **Certificate of Non-Coverage** – a certification issued by the EMB certifying that, based on the submitted project description, the project is not covered by the EIS System and is not required to secure an ECC.
- c. **Co-located projects / undertakings** – projects, or series of similar projects or a project subdivided to several phases and/or stages by the same Proponent, located in contiguous areas.
- d. **Cumulative Impacts** – additive impacts from various sources
- e. **EMB Director** – the Director of the DENR-EMB at the Central Office
- f. **EMB RD / EMB RO Director** – the Director of the DENR-EMB at the Regional Office
- g. **Environment** – Surrounding air, water (both ground and surface), land, flora, fauna, humans and their interrelations.
- h. **Environmental Compliance Certificate (ECC)** - a certificate of Environmental Compliance Commitment to which the Proponent conforms with, after DENR-EMB explains the ECC conditions, by signing the sworn undertaking of full responsibility over implementation of specified measures which are necessary to comply with existing environmental regulations or to operate within best environmental practices that are not currently covered by existing laws. It is a document issued by the DENR/EMB after a positive review of an ECC application, certifying that the Proponent has complied with all the requirements of the EIS System and has committed to implement its approved Environmental Management Plan. The ECC also provides guidance to other agencies and to LGUs on EIA findings and recommendations, which need to be considered in their respective decision-making process.
- i. **Environmentally Critical Area (ECA)** – an environmentally sensitive area declared through Proclamation 2146 wherein significant environmental impacts are expected if certain types/thresholds of proposed projects are located, developed or implemented in it. Updating of technical descriptions of ECAs is vested on the DENR-EMB through Section 2-D of AO 42 (2002).
- j. **Environmentally Critical Project (ECP)** - projects belonging to project types declared through Proclamation No. 2146 and Proclamation No. 803 which may pose significant negative environmental impact at certain thresholds of operation regardless of location. Updating of technical descriptions of ECPs is vested on the DENR-EMB through Section 2-D of AO 42 (2002), in coordination with the DTI as provided for in Section 3-A of AO 42.
- k. **Environmental Guarantee Fund (EGF)** – fund to be set up by a project Proponent which shall be readily accessible and disbursable for the immediate clean-up or rehabilitation of areas affected by damages in the environment and the resulting deterioration of environmental quality as a direct consequence of a project's construction, operation or abandonment. It shall likewise be used to compensate parties and communities affected by the negative impacts of the project, and to fund community-based environment related projects including, but not limited to, information and education and emergency preparedness programs.
- l. **Environmental Impact Assessment (EIA)** – process that involves evaluating and predicting the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment. It also includes designing appropriate preventive, mitigating and enhancement measures addressing these consequences to protect the environment and the community's welfare.
- m. **Environmental Impact Assessment Consultant** - a professional or group of professionals commissioned by the Proponent to prepare the EIS/IEE and other related documents. In some cases, the person or group referred to may be the Proponent's technical staff.
- n. **Environmental Impact Assessment Review Committee (EIARC)** - a body of independent technical experts and professionals of known probity from various fields organized by the EMB to evaluate the EIS and other related documents and to make appropriate recommendations regarding the issuance or non-issuance of an ECC.

- o. **Environmental Impact Statement (EIS)** - document, prepared and submitted by the project Proponent and/or EIA Consultant that serves as an application for an ECC. It is a comprehensive study of the significant impacts of a project on the environment. It includes an Environmental Management Plan/Program that the Proponent will fund and implement to protect the environment.
- p. **Environmental Management Plan/Program (EMP)** - section in the EIS that details the prevention, mitigation, compensation, contingency and monitoring measures to enhance positive impacts and minimize negative impacts and risks of a proposed project or undertaking. For operating projects, the EMP can also be derived from an EMS.
- q. **Environmental Management Systems (EMS)** - refers to the EMB PEPP EMS as provided for under DAO 2003-14, which is a part of the overall management system of a project or organization that includes environmental policy, organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining an improved overall environmental performance.
- r. **Environmental Monitoring Fund (EMF)** –fund that a Proponent shall set up after an ECC is issued for its project or undertaking, to be used to support the activities of the multi-partite monitoring team. It shall be immediately accessible and easily disbursable.
- s. **Environmental Performance** – capability of Proponents to mitigate environmental impacts of projects or programs.
- t. **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 but without ECCs.
- u. **Environmental Risk Assessment (ERA)** – assessment, through the use of universally accepted and scientific methods, of risks associated with a project. It focuses on determining the probability of occurrence of accidents and their magnitude (e.g. failure of containment or exposure to hazardous materials or situations.)
- v. **Initial Environmental Examination (IEE) Report** - document similar to an EIS, but with reduced details and depth of assessment and discussion.
- w. **Initial Environmental Examination (IEE) Checklist Report** - simplified checklist version of an IEE Report, prescribed by the DENR, to be filled up by a Proponent to identify and assess a project's environmental impacts and the mitigation/enhancement measures to address such impacts.
- x. **Multipartite Monitoring Team (MMT)** - community-based multi-sectoral team organized for the purpose of monitoring the Proponent's compliance with ECC conditions, EMP and applicable laws, rules and regulations.
- y. **Programmatic Environmental Impact Statement (PEIS)** - 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).
- z. **Programmatic Environmental Performance Report and Management Plan (PEPRMP)** - documentation of actual cumulative environmental impacts of co-located projects with proposals for expansion. The PEPRMP should also describe the effectiveness of current environmental mitigation measures and plans for performance improvement.
- aa. **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.
- bb. **Project or Undertaking** - any activity which may have varying levels of significance of impact on the environment, e.g. from high to moderate to nil significance, implying different intensities of preventive or mitigating interventions.

- cc. **Proponent** – any natural or juridical person intending to implement a project or undertaking.
- dd. **Public Participation** – open, transparent, gender-sensitive, and community-based public involvement in the EIA process, aimed at ensuring the social acceptability of a project or undertaking, involving the broadest range of stakeholders, commencing at the earliest possible stage of project design and development and continuing until post-assessment monitoring.
- ee. **Procedural Review** – phase in the ECC application review process to check for the completeness the required documents, conducted by EIAM Division at the EMB Central Office or Regional Office.
- ff. **Process Industry** – an industry whose project operation stage involves chemical, mechanical or other processes.
- gg. **Residual Impacts** – remaining impacts after implementation of preventive and mitigating measures
- hh. **Scoping** - the stage in the EIS System where information and project impact assessment requirements are more definitely established and focused to provide the Proponent and the stakeholders the final scope of work and terms of reference for the EIS.
- ii. **Secretary** - the Secretary of the DENR.
- jj. **Significant Impacts** – impacts which damage the environment to the point that the environmental resource loses its capacity to sustain life or to continue functioning within baseline levels and efficiency; impacts which need action through prevention, (e.g. change in project siting or design) or mitigation (reduce, repair, rehabilitate) or other interventions to protect the environment from being harmed at levels that reduce its functionality for its users or dependent biota.
- kk. **Social Acceptability** – acceptability of a project by affected communities based on timely and informed participation in the EIA process particularly with regard to environmental impacts that are of concern to them. Social acceptability within the EIA process administered by the DENR-EMB is limited to its environmental aspects while its other aspects including resolution of conflicts and other social acceptability issues is recognized by the DENR-EMB as falling entirely within the Local Government Unit's jurisdiction and responsibility. The DENR-EMB review process will provide guidance to the LGUs on environmental aspects to consider in its resolution of SA issues, e.g. EMB can advice on nature, extent and magnitude of direct and indirect impacts and impact areas to assuage the people's fears and concerns on environmental pollution, health and safety.
- ll. **Stakeholders** – entities who may be directly and significantly affected by the project or undertaking, including the Proponent, government agencies who have mandates over the project, local government units who have jurisdiction over the project, local communities who may be affected by project impacts, locally-based or locally-active NGOs/POs within the impact areas and other public sectors who may be potentially affected by the project as defined by the findings of the environmental impact assessment of the project.

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