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MEMORANDUM CIRCULAR 005

TO : ALL REGIONAL DIRECTORS
EMB

FROM : The OIC-Director

SUBJECT : CLARIFICATORY GUIDELINES IN THE IMPLEMENTATION
OF DENR ADMINISTRATIVE ORDER NO. 30 SERIES OF
2003, IRR FOR THE PEIS

DATE : DEC 19 2006

In order to achieve consistent implementation of the DENR Administrative Order No. 30 Series of 2003, the following guidelines stated in the Procedural Manual are hereby clarified as follows:

A. Scope and Coverage of the EIS System

Clarification on the scope and coverage of the Philippine EIS System shall follow the attached Table on the Revised Matrix on Projects/Undertakings. Please take note carefully on the footnote, B1, in the implementation of the categorization matrix and coverage of the Philippine EIS System.

B. Documentary Requirement

1. To fully assess the risks involved in a proposed project under Category B, please refer to Bullets 2 and 3 under Section 2.3. Procedures for Determining Project Categories, page 21 of the Procedural Manual for DAO 2003-30.
2. Locational Clearance issued by the Housing and Land Use Regulatory Board (HLURB)/Zoning Administrator can be used as or is equivalent to the Zoning Clearance issued by the LGU and the issuance of ECC places emphasis on the need for HLURB and the LGU to note and consider seriously on the conflicting land use. Note that the EIA as a planning tool does not necessary require prior clearances. In fact it is more effective without the clearance as its recommendations and suggestions could be incorporated in the evaluation by the other organs of government in issuing their respective clearances, permits and authorizations.
3. Forestry projects not located in a contiguous area but are covered by one Integrated Forest Management Agreement (IFMA) may prepare an strategic Environmental Impact Statement (EIS) covering all project sites for submission to the appropriate EMB Regional Office. However, consistent with DENR Administrative Order (DAO) 99-53 on Regulations Governing the Integrated Forest Management Program, an Initial Environmental Examination (IEE) Report for each project site may be submitted to the EMB Regional Office concerned to support the ECC application.

C. ECC Transmittal

Acknowledgement of the ECC by the proponents shall also mean that they are committed to comply with the conditions in the ECC. As such, proponent should also sign in the "conforme part" of ECC upon receipt of the same.

D. Fines and Penalties

1. The phrase "operating without an ECC" refers to all Projects that were implemented without an ECC that should have been required (please note that on page 24 of the Procedural Manual, projects that are not covered by the Philippine EIS system are no longer expected to secure an ECC).

"Implementation" of the Project is defined as, the time when the project begun its construction activities (i.e. site clearing, excavation works). However, for Projects which do not require construction activities, its "implementation" is defined as, the time when the machines started its operation;

2. A project that has commenced its implementation is deemed "operating without an ECC", whether or not it is an actual operation. The maximum penalty for implementing a project without an ECC is Php 50,000.00, however, it may be subjected to penalty as computed based on MC 2002-15 dated November 25, 2002 or under table, Section 11.2 page 131 of the Procedural Manual with the equivalent amount to be deducted as shown below;

CRITERIA	PERCENT REDUCTION IN PENALTY	EQUIVALENT AMOUNT IN PESO TO BE DEDUCTED
1. Name of ECC Application		
Proponent applied for ECC before issuance of NOV	25	12,500
2. Percent 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 M	20	10,000
Project cost is ≤ PhP 10 M	10	5,000
4. Project Impact on the Environment		
Project does not cause adverse environmental impacts	25	12,500
Note: A maximum of 80% reduction in penalty can only be imposed provided that the project proponent meets all of the above criteria.		

3. In case of violation of ECC conditions, the sum of Php50, 000.00 is set as the maximum amount fine per violation and can be appropriately reduced at the discretion of the Secretary, EMB Director or Regional Directors.
4. Please note further that for project of "operating without an ECC" an EPRMP or PEPRMP is required. A project description is required when applying in a CNC.

E. Others

Proponents that intend to secure an ECC for their proposed expansion project/s located within the Philippine Export Zone Authority (PEZA) shall apply at the respective EMB Regional Offices. However, if proponents were previously issued an ECC by the Laguna Lake Development Authority (LLDA) such ECC may be superseded by the concerned EMB regional office. This is in support to DAO No. 2005-02.

In case PEZA already obtained an ECC thru Programmatic EIS, PEZA will just communicate with the Regional Director for the implementation of the project for no objection or concurrence of the EIA.



DR. ELY ANTHONY R. OUANO

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

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

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

Projects or Undertakings	Category		
	A	B ¹	D – CNC
Extraction of metallic ores (on shore) <ul style="list-style-type: none"> Open pit method with mechanical operations, blasting or combinations thereof Other methods 	<p>≥ 100,000 MT per annum OR Mining area ≥ 25 hectares</p> <p>≥ 150,000 MT per annum OR Mining area ≥ 25 hectares</p>	<p>< 100,000 MT per annum AND Mining area < 25 hectares</p> <p>< 150,000 MT per annum AND Mining area < 25 hectares</p>	<p>≤ 1.0 MT daily production capacity but not to exceed 200.0 MT per year</p>
Extraction of non-metallic ores with or without blasting <ul style="list-style-type: none"> Limestone Aggregates (sand, stone, gravel) Dredging activities resulting to commercial use or ore recovery 	<p>≥ 75,000 MT per annum OR Quarry area ≥ 20 hectares</p>	<p>< 75,000 MT per annum AND Quarry area < 20 hectares</p>	
Off-shore mining (including extraction of deuterium, oil and gas)	Regardless of capacity or area		
Coal mining	<p>> 70,000 MT extraction rate per annum</p>	<p>IEE: ≤ 70,000 MT extraction rate per annum² AND Mining Area < 15,000 hectares</p> <p>IEE Checklist: ≤ 20,000 MT extraction rate per annum AND Mining Area < 5 hectares</p>	
Extraction of Oil and Gas (on- shore) <ul style="list-style-type: none"> Extraction of oil Extraction of gas 	<p>≥ 4,000 barrels (or equivalent) per day extraction rate</p> <p>≥ 250,000 cubic meters per day extraction/production rate</p>	<p>< 4,000 barrels (or equivalent) per day extraction rate</p> <p>< 250,000 cubic meters per day extraction/production rate</p>	
2. Forestry Projects			
Logging Projects (for IFMA please refer to Item B.3.)	Cutting of trees equivalent to ≥ 5,000 cubic meters	Cutting of trees equivalent to < 5,000 cubic meters	Cutting of < 20 trees in an area < 5 hectares outside critical slopes
Major Wood Processing Projects	>4,000 cubic meters (equivalent) of product per year	>1,000 – 4,000 cubic meters (equivalent) of product per year	Less than or equal to 1,000 cubic meters (equivalent) of product per year
Pulp and Paper Industries	=> 50,000 MT annual production capacity	< 50,000 MT annual production capacity	
Introduction of Exotic Flora or Fauna	Regardless of number or area		
Grazing Projects		EIS: > 1 head/hectare	

² This provision is based on PD 1174 dated July 27, 1977 and Bureau of Energy Circular No. 87-03-001 dated March 6, 1987.

Projects or Undertakings	Category		
	A	B ¹	D – CNC
3. Dikes for/and Fishpond Development Projects			
Fishery/Aquaculture Projects (inland-based, e.g., lakes, rivers, bays, etc.)	≥ 25 hectares	≥ 1 hectare but < 25 hectares	< 1 hectare
Fishery/Aquaculture Projects in water bodies (coastal areas)	≥ 100 hectares	≥ 1 hectare but < 100 hectares	< 1 hectare
C. INFRASTRUCTURE INDUSTRIES			
1. Major Dams	Reservoir (flooded area) ≥ 25 hectares OR ≥ 20 million cubic meters capacity	Reservoir (flooded area) < 25 hectares AND < 20 million cubic meters capacity	
2. Major Power Plants			
Gas-fired thermal power plants	≥ 50.0 MW rated capacity	≥ 10.0 MW but < 50.0 MW rated capacity	< 10.0 MW rated capacity
Other thermal power plants (e.g., diesel, bunker, coal, etc.)	≥ 30.0 MW rated capacity	≥ 5.0 MW but < 30.0 MW rated capacity	< 5.0 MW rated capacity
Waste-to-energy projects including biogas projects	≥ 50.0 MW rated capacity	< 50.0 MW rated capacity	
Geothermal facilities	≥ 50.0 MW generating capacity	≥ 1.0 MW but less than 50.0 MW generating capacity	< 1 MW generating capacity
Hydropower facilities	Impounding ≥ 20 million cubic meters	Impounding < 20 million cubic meters	Run-of-river system
Renewable energy projects such as ocean, solar, wind, tidal power and fuel cell (for biogas and waste-to-energy projects refer to above)		EIS: ≥ 100 MW rated capacity IEE: ≥ 5 MW but < 100 MW rated capacity	< 5 MW rated capacity
3. Major Reclamation Projects	≥ 50 hectares	< 50 hectares	
4. Major Roads and Bridges			
Bridges and viaducts, new construction	≥ 10.0 Km	≥ 80 m but < 10.0 Km	< 80 m
Bridges and viaducts, rehabilitation/Improvement		≥ 50% increase in capacity (or in terms of length/width)	< 50% increase in capacity (or in terms of length/width)
Roads, new construction	≥ 20.0 Km (no critical slope) ≥ 10.0 Km (with critical slope)	< 20.0 Km (no critical slope) < 10.0 Km (with critical slope)	Farm-to-market roads of < 2 Km
Roads, rehabilitation/Improvement		≥ 50% increase in capacity (or in terms of length/width)	< 50% increase in capacity (or in terms of length/width)
Elevated roads, flyover/cloverleaf/interchanges		Regardless of size	
Tunnels and sub-grade roads and railways	≥ 1.0 Km	< 1.0 Km	
Pedestrian passages		Underpass	Overpass
On-grade railway system	New railways	Rehabilitation of railways	

Projects or Undertakings	Category		
	A	B ¹	D – CNC
5. Major Ports and Harbors			
Airports		EIS: New projects OR major improvements ($\geq 50\%$ extension/widening of runway) IEE: Minor improvements ($< 50\%$ extension/widening of runway) OR Private airstrip	Repair and rehabilitation of existing facilities (no expansion)
Causeways, Ports and harbors, new		EIS: ≥ 15.0 hectares reclamation OR ≥ 25.0 hectares (w/o reclamation) IEE: < 15.0 hectares reclamation OR < 25.0 hectares (w/o reclamation)	< 1.0 hectares (w/o reclamation)
6. Irrigation, Water Supply or Flood Control Projects			
Water Supply Systems (Complete System)		EIS: more than six production wells and other systems (e.g., infiltration gallery, etc.) IEE: six or less production wells	
Water Supply System (Distribution Only)		Level III – with household connection and water treatment	Level II – communal faucet and Level I – deep wells
Irrigation System (Distribution System Only)		EIS: $\geq 1,000$ hectares service area IEE: $< 1,000$ hectares service area	< 300 hectares service area
Impounding System or Flood Control Project		EIS: Reservoir (flooded area) ≥ 25 hectares IEE: Reservoir (flooded area) < 25 hectares	

Projects or Undertakings	Category		
	A	B ¹	D – CNC
7. Pipelines			
Fuel pipelines		EIS: Length ≥ 25 kilometers IEE: Length < 25 kilometers	
Other pipelines		EIS: Length ≥ 50 kilometers IEE: Length < 50 kilometers	
8. Waste Management Projects			
Sanitary landfill for domestic wastes only		EIS: > 1,000 MT daily capacity IEE: ≤ 1,000 MT daily capacity IEE Checklist: ≤ 75 MT daily capacity	
Landfill for industrial and other wastes		EIS: Multi-users IEE: Single-user	
Materials Recovery Facilities		with composting facilities (see category of composting below)	Segregation only
Hazardous waste treatment, recycling, and/or disposal facilities (for recycling of lead, see details in <i>Heavy Industries</i>)		EIS: ≥ 10.0 MT per year capacity IEE: < 10.0 MT per year capacity	
Industrial and hospital waste (non-hazardous) materials treatment facilities		EIS: ≥ 50.0 cubic meters per day IEE: < 50.0 cubic meters per day	
Domestic wastewater treatment facility		EIS: ≥ 5,000 cubic meters daily capacity IEE: < 5,000 cubic meters daily capacity	< 30 cubic meters daily capacity
Receiving facilities, paper, plastic, and other materials recycling		EIS: ≥ 300,000 MT per annum to be treated IEE: < 300,000 MT per annum to be treated OR involve use of chemicals	involve manual or mechanical processes only
Compost/fertilizer making		≥ 15 MT daily capacity or 5,475 MT annual capacity	< 15 MT daily capacity or 5,475 MT annual capacity
D. GOLF COURSE PROJECTS			
Golf course projects/complex	≥ 9 hole golf course	< 9 hole golf course	

Projects or Undertakings	Category		
	A	B ¹	D – CNC
E. OTHER PROJECTS			
1. Buildings and Other Structures			
Family dwellings/apartment type			Regardless of area
Subdivision and housing projects, resettlement projects and other similar (horizontal) land development projects		IEE: ≥ 10 hectares IEE Checklist: < 10 hectares	
Motels, Hotels, Condominium/Apartelles (residential) Commercial, [Business centers with residential units (mixed use), malls, supermarkets] <ul style="list-style-type: none"> • Fastfood/Restaurant Projects • Commercial Establishments (i.e. Showrooms) 		EIS: ≥ 25,000 square meters (gross/total floor area including parking and other areas) IEE: ≥ 10,000 square meters but < 25,000 square meters (gross/total floor area including parking and other areas)	< 10,000 square meters (gross/total floor area including parking and other areas) OR Kiosk-type or mobile fastfoods
Commercial, [office spaces only] Institutional and other related facilities: religious, government, and educational		EIS: ≥ 50,000 square meters (gross/total floor area including parking and other areas) IEE: ≥ 15,000 square meters (gross/total floor area) but < 50,000 square meters (gross/total floor area including parking and other areas)	< 15,000 square meters (gross/total floor area including parking and other areas)
Institutional and other structures with laboratory facilities		Regardless of size or area	
Telecommunication Projects (Including broadcasting towers, monopole/guyed towers, three and four-legged self-supporting towers and other similar structures.)			All telecommunication projects
Institutional and other related facilities: medical facilities		EIS: Tertiary hospitals or medical facilities IEE: Secondary hospital or medical facilities IEE Checklist: Primary hospitals or Medical Facilities	Clinics (out-patient, health centers, dental clinics) including rural health units
Storage facilities, non-toxic/hazardous materials		≥ 10,000.0 square meters (gross/total floor area)	< 10,000.0 square meters (gross/total floor area including parking and other areas)
Storage facilities, toxic or hazardous materials		EIS: ≥ 1,000 MT capacity IEE: < 1,000 MT capacity	< 100 Kg capacity

Projects or Undertakings	Category		
	A	B ¹	D – CNC
Cemetery, crematorium, etc.		≥ 5.0 hectares	< 5.0 hectares, OR funeral parlors, crematorium, columbarium
2. Agricultural Projects			
Livestock projects (Note: The term poultry/birds covers all avian species regardless whether these are ostrich, quails, ducks or fighting cocks, while the term head of pigs refer to individual heads of pigs not the sow level.)		EIS: ≥ 100,000 heads poultry/birds OR IEE: ≥ 5,000 heads pigs/goats IEE: ≥ 40,000 heads but < 100,000 heads poultry/birds OR IEE Checklist: ≥ 10,000 heads but < 40,000 heads poultry/birds OR IEE Checklist: ≥ 100 heads but < 1,000 heads pigs/goats	< 10,000 heads poultry/birds OR < 100 heads pigs/goats
Agricultural plantation		EIS: ≥ 1,000 hectares IEE: ≥ 100 hectares but < 1,000 hectares	< 100 hectares
Agricultural processing facilities		EIS: ≥ 50,000 MT annual production capacity IEE: ≥ 5,000 MT but < 50,000 MT annual production capacity	< 5,000 MT annual production capacity
3. Textile, Wood, Rubber		EIS: ≥ 50,000 MT annual production capacity IEE: < 50,000 MT annual production capacity	
4. Food and Related Industries			
Sugar Mills		EIS: ≥ 50,000 MT annual production capacity IEE: < 50,000 MT annual production capacity	
Distillation and Fermentation Plants		EIS: ≥ 50,000 MT annual production capacity IEE: < 50,000 MT annual production capacity	
Fruit and vegetable processing		EIS: ≥ 500 Kg daily processing capacity IEE: < 500 Kg daily processing capacity	

Projects or Undertakings	Category		
	A	B ¹	D – CNC
Processing of dairy products		EIS: $\geq 100,000$ L (liquid) OR $\geq 100,000$ Kg (solid) monthly production capacity	
		IEE: $< 100,000$ L (liquid) OR $< 100,000$ Kg (solid) monthly production capacity	
Coconut processing plants		EIS: $\geq 25,000$ MT per month production capacity	
		IEE: $< 25,000$ MT per month production capacity	
Animal products processing (fish/meat processing, canning, slaughterhouses, etc.)		EIS: $\geq 10,000$ Kg daily production capacity	< 500 Kg daily production capacity
		IEE: ≥ 500 Kg but $< 10,000$ Kg daily production capacity	
Food preservation (e.g., drying, freezing) and other methods aside from canning			Regardless of capacity (please see coverage under <i>building and other structures</i>)
Other types of food (and other food by-products, additives, etc.) processing industries		EIS: $\geq 50,000$ MT annual production capacity (finished product)	
		IEE: $< 50,000$ MT annual production capacity (finished product)	
Leather and related industries		≥ 1 MT raw hides per day (or 25 MT per month)	< 1.0 MT per day (or 25 MT per month)
5. Packaging Materials and Miscellaneous Products Industries			
Paper and plastic based products		$\geq 15,000$ MT annual production capacity	$< 15,000$ MT annual production capacity
Glass-based products		≥ 60 MT daily production capacity	< 60 MT daily production capacity
Metal-based products		≥ 30 MT daily production capacity	< 30 MT daily production capacity
6. Tourism Projects			
Resorts and other tourism/leisure projects		EIS: ≥ 25 hectares	≤ 10 rooms/units OR $\leq 1,000$ square meters in land area
		IEE: < 25 hectares	
		IEE Checklist: < 5 hectare	
7. Wildlife Farming or any related projects (as defined by PAWB)		Establishments or facilities for wildlife farming	

