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Department of Environment and Natural Resources

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DENR Administrative Order No. 2003- 30

**SUBJECT: Implementing Rules and Regulations (IRR) for the Philippine
Environmental Impact Statement (EIS) System**

Consistent with the continuing effort of the Department of Environment and Natural Resources (DENR) to rationalize and streamline the implementation of the Philippine Environmental Impact Statement (EIS) System established under Presidential Decree (PD) No. 1586, Presidential Proclamation No. 2146 defining the scope of the EIS System and pursuant to Administrative Order No. 42 issued by the Office of the President on November 2, 2002, the following rules and regulations are hereby promulgated;

ARTICLE I
BASIC POLICY, OPERATING PRINCIPLES, OBJECTIVES AND
DEFINITION OF TERMS

Section 1. Basic Policy and Operating Principles

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 the EIS by EMB shall be guided by three general criteria: (1) that environmental considerations are integrated into the overall project planning, (2) that the assessment is technically sound and proposed

environmental mitigation, measures are effective, and (3) that social acceptability is based on informed public participation;

- e. Effective regulatory review of the EIS depends largely on timely full; and accurate disclosure of relevant: information by project proponents and, other stakeholders in the EIA process
- f. The social acceptability of a project is a result of meaningful public participation, which shall be assessed as part of the Environmental Compliance Certificate (ECC) application, based on concerns related to the project's environmental impacts;
- g. The timelines prescribed by this Order, within which an Environmental - Compliance Certificate must be issued, or denied, 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.

Section 2. Objective

The objective of this Administrative Order is to rationalize and streamline the EIS System to make it more effective as a project planning and management tool by:

- a. Making the System more responsive to the demands and needs of the project proponents and the various stakeholders;
- b. Clarifying the, coverage of the System and updating it to take into consideration industrial and technological innovations and trends
- c. Standardizing requirements to ensure focus on critical environment parameters;
- d. Simplifying procedures for processing ECC applications, and establishing measures to ensure adherence to ECC conditions by project proponents, and
- e. Assuring that critical environmental concerns are addressed during project development and implementation

Section 3. Definition of Terms

For the purpose of this Order, the following definitions shall be applied;

- a. 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
- b. 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.
- c. Environment - Surrounding air, water (both ground and surface), land, flora, fauna, humans and their interrelations.
- d. Environmental Compliance Certificate (ECC)- document issued by the DENR/EMB after a positive review of an ECC application, certifying that based on the representations of the proponent, the proposed project or undertaking will not cause significant negative: environmental impact. The ECC also certifies 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

- contains specific measures and conditions that the project proponent has to undertake before and during the operation of a project, and in some cases, during the project's abandonment phase to mitigate identified environmental impacts.
- e. Environmentally Critical Area (ECA) - area delineated as environmentally sensitive such that significant environmental impacts are expected if certain types of proposed projects or programs are located, developed or, implemented in it.
 - f. Environmentally Critical Project (ECP) - project or program that has high potential for significant negative environmental impact.
 - g. 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.
 - h. 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. The process is undertaken by, among others, the project proponent and/or EIA Consultant, EMB, a Review Committee, affected communities and other stakeholders.
 - i. 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.
 - j. 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.
 - k. 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.
 - l. 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,
- m. 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.
 - n. 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 disburseable.
 - o. Environmental Performance - capability of proponents to mitigate environmental impacts of projects or programs.
 - p. 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 ECC's, i.e., Category A-3. For Category B-3 projects, a checklist form of the EPRMP would suffice.
 - q. 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.)
 - r. EMS-based EMP - environmental management plan based on the environmental management system (EMS) standard as defined in the DAO 2003-14.
 - s. Initial Environmental Examination (IEE) Report - document similar to an EIS, but with reduced details and depth of assessment and discussion.
 - t. 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.
 - u. 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.
 - v. 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),
- w. 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.
 - x. Project Description (PD) - document, which may also be a chapter in an EIS, that describes the nature, configuration, use of raw materials and natural resources, production system, waste or pollution generation and control and the activities of a proposed project. It includes a description of the use of human resources as well as activity timelines, during the pre-construction, construction, operation and abandonment phases. It is to be used for reviewing co-located and single projects under Category C, as well as for Category D projects.
 - Y. Project or Undertaking - any activity, regardless of scale or magnitude, which may have significant impact on the environment.
 - z. Proponent - any natural or juridical person intending to implement a project or undertaking.
 - aa. Public Participation - open, transparent, gender-sensitive, and community based 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.
 - bb. 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.
 - cc. Process Industry - an industry whose project operation stage involves chemical, mechanical or other processes.
 - dd. Scoping - the stage in the EIS System where information and project impact assessment requirements are established to provide the proponent and the stakeholders the scope of work and terms of reference for the EIS.
 - ee. Secretary - the Secretary of the DENR.
 - ff. 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.
 - gg. Stakeholders - entities who may be directly and significantly affected by the project or undertaking.

- hh. Substantive Review - the phase in the EIA process whereby the document submitted is subjected to technical evaluation by the EIARC.
- ii. Technology - all the knowledge, products, processes, tools, methods and systems employed in the creation of goods or providing services.

ARTICLE II

ECC APPLICATION PROCESSING AND APPROVAL PROCEDURES

Section 4. Scope of the EIS System

4.1 In general, only projects that pose potential significant impact to the environment shall be required to secure ECC's. In coordination with the Department of Trade and Industry (DTI) and other concerned government agencies, the EMB is authorized to update or make appropriate revisions to the technical guidelines for EIS System implementation.

4.2 The issuance of 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.

In determining the scope of the EIS System, two factors are considered: (i) the nature of the project and its potential to cause significant negative environmental impacts, and (ii) the sensitivity or vulnerability of environmental resources in the project area.

4.3 The specific criteria for, determining projects or undertakings to be covered by the EIS System are as follows:

- a. Characteristics of the project or undertaking
 - Size of the project
 - Cumulative nature of impacts vis-a-vis: other projects
 - Use of natural resources
 - Generation of waste and environment-related nuisance
 - Environment-related hazards and risk of accidents
- b. Location of the Project
 - Vulnerability of the project area to disturbances due to its ecological importance, endangered or protected status
 - Conformity of the proposed project to existing land use, based on approved zoning or on national laws and regulations
 - Relative abundance, quality and regenerative capacity of natural resources in the area, including the impact absorptive capacity of the environment
- c. Nature of the potential impact
 - Geographic extent of the impact and size of affected population
 - Magnitude and complexity of the impact

- Likelihood, duration, frequency, and reversibility of the impact

The following are the categories of projects/undertakings under the EIS system:

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

Category B. Projects that are not categorized as ECPs, but which may cause negative environmental impacts because they are located in Environmentally Critical Areas (ECA's)

Category C. Projects intended to directly enhance environmental quality or address existing environmental problems not falling under Category A or B.

Category D. Projects unlikely to cause adverse environmental impacts.

4.4 Proponents of co-located or single projects that fall under Category A and B are required to secure ECC. For co-located projects, the proponent has the option to secure a Programmatic ECC. For ecozones, ECC application may be programmatic based on submission of a programmatic EIS, or locator-specific based on submission of project EIS by each locator.

4.5 Projects under Category C are required submit Project Description.

4.6 Projects classified under Category D may secure a CNC. The EMB-DENR, however, may require such, projects or undertakings to provide additional environmental safeguards as it may deem necessary.,

4.7 Projects/undertakings introducing new technologies or construction technique but which may cause significant negative environmental impacts shall be required to submit a Project Description Which will be used as basis by EMB for screening the project and determining its category.

Section 5. Requirements for Securing Environmental Compliance Certificate (ECC) and Certificate of Non-Coverage (CNC)

5.1 Documentary Requirements for Proponents

ECC processing requirements shall focus on information needed to assess critical *environmental impacts of projects*. Processing requirements shall be customized based on the project categories.

The following is a summary of the required documents, the processing, endorsing and deciding authorities for ECC/CNC applications and timeframe for each project category:

		APPLIED TO	DOCUMENTS REQUIRED FOR ECC/CNC APPLICATION	PROCESSING RESPONSIBILITY/ Endorsing Official	DECIDING AUTHORITY	MAXIMUM TIME TO GRANT OR DENY ECC APPLICATION (working days)
A: Environmentally Critical Projects	A-1: New	Co-located projects	Programmatic EIS based on an eco-profile and focused on the most critical environmental parameters	EMB Central Office (CO) Director	DENR Secretary	180 days
		Single Project	Project EIS	EMB CO Director	DENR Secretary	120 days
		Co-located projects	Programmatic Environmental Performance Report and Management Plan (PEPRMP)	EMB Central Office Director	DENR Secretary	120 days
B: Non-Environmentally Critical But located in an ECA	A-2: Existing and to be expanded (including undertakings that have stopped operations for more than 5 years and plan to re-start, with or without expansion)	Single Project	Environmental Performance Report and Management Plan (EPRMP)	EMB CO/EIA Division Chief	EMB Central Office Director	90 days
		Single Project	Project IEE or IEE Checklist if available (IEE may be followed up by full EIA if required by EMB after its review of the IEE)	EMB/CO EIA Division Chief	EMB Central Office Director	60 days
		Single Project	Environmental Performance Report and Management Plan (based on a checklist if available)	EMB Region/EIA Division Chief	EMB Regional Director	60 days
C: Environmental Enhancement or Direct Mitigation	B-2: Existing and to be expanded (including undertakings that have stopped operations for more than 5 years and plan to re-start, with or without expansion)	Co-located Project	PEPRMP	EMB CO/EIA Division Chief	EMB Central Office Director	60 days
		Co-located or Single Projects	Project Description	EMB RO / EIA Division Chief	EMB Regional Office Director	15 days
			Project Description or Proof of Project Implementation Start prior to 1982 (if applying for a CNC)	EMB CO or RO /EIA Division Chief	EMB CO or RO Director	15 days
D: Not Covered						

The total maximum processing time reckons from the acceptance of the ECC/CNC application for substantive review up to the issuance of the decision

5.2 Forms and Contents of EIA Study Reports and Other Documents Required Under the EIS System

The following are the different forms of EIA study reports and documents required under the EIS System. DENR employees are prohibited from taking part in the preparation of such documents.

The DENR/EMB shall limit to a maximum of two (2) official requests (in writing) to the project proponent for additional information, which shall be made within the first 75% of the processing timeframe shown in Section 5.1.1.

5.2.1. Environmental Impact Statement (EIS).

The EIS should contain at least the following:

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

5.2.2. Initial Environmental Examination (IEE) Report

IEE Report is similar to an EIS, but with reduced details of data and depth of assessment and discussion.

It may be customized for different types of projects under Category B. The EMB shall coordinate with relevant government agencies and the private sector to customize

and update IEE Checklists to further streamline ECC processing, especially for small and medium enterprises.

5.2.3. Programmatic Environmental Impact Statement (PEIS)

The PEIS shall contain the following:

- a. Executive Summary;
- b. Project Description;
- c. Summary matrix of scoping agreements as validated by EMB;
- d. [-co-profiling of air, land, water, and relevant people aspects;
- e. Environmental carrying capacity analysis;
- f. Environmental Risk Assessment (if found necessary during scoping);
- g. Environmental Management Plan to include allocation scheme for discharge of pollutants; criteria for acceptance of locators, environmental management guidebook for locators, and environmental liability scheme;
- h. Duties of the Environmental Management Unit to be created;
- i. Proposals for Environmental Monitoring & Guarantee Funds and terms of reference for the Multi-partite Monitoring Team, and
- j. Other supporting documents and clearances that may be agreed during the scoping.

5.2.4. Programmatic Environmental Performance Report and Management Plan (PEPRMP).

The PEPRMP shall contain the following:

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

5.2.5. Environmental Performance Report and Management Plan (EPRMP).

The EPRMP shall contain the following:

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

5.2.6. Project Description (PD)

The PD shall be guided by the definition of terms and shall contain the following:

and update IEE Checklists to further streamline ECC processing, especially for small and medium enterprises.

5.2.3. Programmatic Environmental Impact Statement (PEIS)

The PEIS shall contain the following:

- a. Executive Summary;
- b. Project Description;
- c. Summary matrix of scoping agreements as validated by EMB;
- d. [-co-profiling of air, land, water, and relevant people aspects;
- e. Environmental carrying capacity analysis;
- f. Environmental Risk Assessment (if found necessary during scoping);
- g. Environmental Management Plan to include allocation scheme for discharge of pollutants; criteria for acceptance of locators, environmental management guidebook for locators, and environmental liability scheme;
- h. Duties of the Environmental Management Unit to be created;
- i. Proposals for Environmental Monitoring & Guarantee Funds and terms of reference for the Multi-partite Monitoring Team, and
- j. Other supporting documents and clearances that may be agreed during the scoping.

5.2.4. Programmatic Environmental Performance Report and Management Plan (PEPRMP).

The PEPRMP shall contain the following:

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

5.2.5. Environmental Performance Report and Management Plan (EPRMP) .

The EPRMP shall contain the following:

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

5.2.6. Project Description (PD)

The PD shall be guided by the definition of terms and shall contain the following:

- a. Description of the project;
- b. Location and area covered;
- c. Capitalization and manpower requirement;
- d. For process industries, a listing of raw materials to be used, description of the process or manufacturing technology, type and volume of products and discharges;
- e. For Category C projects, a detailed description on how environmental efficiency and overall performance improvement will be attained, or how an existing environmental problem will be effectively solved or mitigated by the project, and
- f. A detailed location map of the impacted site showing relevant features (e.g. slope, topography, human settlements).
- g. Timelines for construction and commissioning .

5.2.7. EMS-based EMP.

The EMS-based EMP is an option that proponents may undertake in lieu of the EPRMP for single projects applying for ECC under Category A-3 and B-3.

5.3 Public Hearing 1 Consultation Requirements

For projects under Category A-1, the conduct of public hearing as part of the EIS review is mandatory unless otherwise determined by EMB. For all other undertakings, a public hearing is not mandatory unless specifically required by EMB. .

Proponents should initiate - public consultations early in order to ensure that environmentally relevant concerns of stakeholders are taken into consideration in the EIA study and the formulation of the management plan, All public consultations and public hearings conducted during the EIA process are to be documented. The public hearing/consultation Process report shall be validated by the EMB/EMB RD and shall constitute part of the records of the EIA process.

5.4 Documentation Requirements for DENR-EMB and EIA Reviewers

The EMB Central Office as well as the EMB Regional Offices shall document the proceedings of the ECC application process and shall set up and maintain relevant information management systems. The documentation shall, at a minimum, include the following:

5.4.1. Review Process Report

This is to be prepared by the EMB Central or EMB RO. It is to be forwarded to the DENR Secretary or RD as reference for decision-making and maintained as part of the records on the ECC application. The report should contain at least the following:

- a. Summary of the environmental impacts of the undertaking, along with the proposed mitigation and enhancement measures;
- b. Key issues/concerns and the proponent's response to these;
- c. Documentation of compliance with procedural requirements;
- d. Acceptability of proposed EMP including the corresponding cost of mitigation, EGF and EMF if required;
- e. Key bases for the decision on the ECC application.

5.4.2. EIARC Report

This report, to be prepared by the EIA Review Committee, forms part of the EIS review documentation. The EIARC Report shall be written by the designated member of the EIARC and signed by all the members within five days after the final review meeting. If an EIARC member dissents, he or she must submit a memorandum to the EMB Director through the EIARC Chairman his or her reasons for dissenting.

At a minimum the EIARC report should contain;

- a. Detailed assessment of the proposed mitigation and enhancement measures for the identified environmental impacts and risks;
- b. Description of residual or unavoidable environmental impacts despite proposed mitigation measures;
- c. Documentation of compliance with technical/substantive review criteria;
- d. Key issues/concerns and the proponent's response to these, including social acceptability measures;
- e. Assessment of the proposed EMP (including risk reduction/management plan) and amounts proposed for the Environmental Guarantee Fund and the Environmental Monitoring Fund, and
- f. Recommended decision regarding the ECC application as well as proposed ECC conditions.

5.4.3. Decision Document

This is an official letter regarding the decision on the application. It may be in the form of an Environmental Compliance Certificate or a Denial Letter. The ECC shall contain the scope and limitations of the approved activities, as well as conditions to ensure compliance with the Environmental Management Plan. The ECC shall also specify the setting up of an EMF and EGF, if applicable. No ECC shall be released until the proponent has settled all liabilities, fines and other obligations with DENR.

A Denial Letter on the other hand shall specify the bases for the decision.

The ECC or Denial Letter shall be issued directly to the project proponent or its duly authorized representative, and receipt of the letter shall be properly documented.

The ECC of a project not implemented within five years from its date of issuance is deemed expired. The Proponent shall have to apply for a new ECC if it intends to pursue

the project. The reckoning date of project implementation is the date of ground breaking, based on the proponent's work plan as submitted to the EMB.

Section 6. Appeal

Any party aggrieved by the final decision on the ECC / CNC applications may, within 15 days from receipt of such decision, file an appeal on the following grounds:

- a. Grave abuse of discretion on the part of the deciding authority, or
- b. Serious errors in the review findings.

The DENR may adopt alternative conflict/dispute resolution procedures as a means to settle grievances between proponents and aggrieved parties to avert unnecessary legal action. Frivolous appeals shall not be countenanced.

The proponent or any stakeholder may file an appeal to the following:

Deciding Authority	Where to file the appeal
EMB Regional Office Director	Office of the EMB Director
EMB Central Office	Office of the DENR Secretary
DENR Secretary	Office of the President

Section 7. The EIA Process in Relation to the Project Planning Cycle

Proponents are directed under AO 42 to conduct simultaneously the environmental impact study and the project planning or feasibility study. EMB may validate whether or not the EIS was integrated with project planning by requiring relevant documentary proofs, such as the terms of reference for the feasibility study and copies of the feasibility study report.

The EMB shall study the potential application of EIA to policy-based undertakings as a further step toward integrating and streamlining the EIS system.

Section 8. EIS System Procedures

8.1 Manual of Procedures

8.1.1. The procedures to enable the processing of ECCICNC applications within the timeframes, specified in AO 42 shall be prescribed in a Procedural Manual to be issued by the EMB Central Office within ninety (90) days from the date of this Order.

8.1.2. The Manual of Procedures shall be updated as the need arises to continually shorten the review and approval/denial timeframes where feasible. Formulation of said procedures shall conform to the following guidelines;

8.2 Processing Timeframe

- 8.2.1. If no decision is made within the specified timeframe, the ECC/CNC application is deemed automatically approved and the approving authority shall issue the ECC or CNC within five (5) working days after the prescribed processing timeframe has lapsed. However, the EMB may deny issuance of ECC if the proponent fails to submit required additional information critical to deciding on the ECC/CNC application, despite written request from EMB and despite an adequate period for the proponent to comply with the said requirement;
- 8.2.2. In cases where ECC issuance cannot be decided due to the proponent's inability to submit required additional information within the prescribed period, the EMB shall return the application to the proponent. The project proponent may resubmit its application, including the required additional information, within one (1) year for Category A projects and six (6) months for Category B projects without having to pay processing and other fees. Otherwise, the matter shall be treated as a new application.
- 8.2.3. In cases where EMB and the project proponent have exhausted all reasonable efforts to generate the information needed for deciding on the ECC/CNC application, the responsible authority (Secretary or EMB Director/ Regional Director), shall make a decision based on the available information so as to comply with the prescribed timeframe. The decision shall nonetheless reflect a thorough assessment of impacts taking into consideration (i) the significance of environmental impacts and risks; (ii) the carrying capacity of the environment; (iii) equity issues with respect to use of natural resources, (iv) and the proponent's commitment, to institute effective environmental management measures.

8.3 Amending an ECC

Requirements for processing ECC amendments shall depend on the nature of the request but shall be focused on the information necessary to assess the environmental impact of such changes.

- 8.3.1. Requests for minor changes to ECCs such as extension of deadlines for submission of post-ECC requirements shall be decided upon by the endorsing authority.
- 8.3.2. Requests for major changes to ECCs shall be decided upon by the deciding authority.
- 8.3.3. For ECCs issued pursuant to an IEE or IEE checklist, the processing of the amendment application shall not exceed thirty (30) working days; and for

ECCs issued pursuant to an EIS, the processing shall not exceed sixty (60) working days. Provisions on automatic approval related to prescribed timeframes under AO 42 shall also apply for the processing of applications to amend ECCs.

Section 9. Monitoring of Projects with ECCs

Post ECC monitoring of projects shall follow these guidelines. Other details on requirements for monitoring of projects with ECCs shall be stipulated in a procedural manual to be formulated by EMB.

9.1 Multipartite Monitoring Team

For projects under Category A, a multi-partite monitoring team (MMT) shall be formed immediately after the issuance of an ECC. Proponents required to establish an MMT shall put up an Environmental Monitoring Fund (EMF) not later than the initial construction phase of the project.

The MMT shall be composed of representatives of the proponent and of stakeholder groups, including representatives from concerned LGU's, locally accredited NGOs/POs, the community, concerned EMB Regional Office, relevant government agencies, and other sectors that may be identified during the negotiations. The team shall be tasked to undertake monitoring of compliance with ECC conditions as well as the EMP. The MMT shall submit a semi-annual monitoring report within January and July of each year.

The EMB shall formulate guidelines for operationalizing area-based or cluster-based MMT. The Bureau may also develop guidelines for delegating, monitoring responsibilities to other relevant government agencies as may be deemed necessary.

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

9.2 Self-monitoring and Third Party Audit

The proponent shall also conduct regular self-monitoring of specific parameters indicated in the EMP through its environmental unit. The proponent's environmental unit shall submit a semi-annual monitoring report within January and July of each year.

For projects with ECCs issued based on a PEPRMP, EPRMP, or an EMS-based EMP, a third party audit may be undertaken by a qualified environmental or EMS auditor upon the initiative of the proponent and in lieu of forming an MMT. The said

proponent shall submit to EMB a copy of the audit findings and shall be held accountable for the veracity of the report. The EMB may opt to validate the said report.

9.3 Environmental Guarantee Fund

An Environmental Guarantee Fund (EGF) shall 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. An EGF Committee shall be formed to manage the fund. It shall be composed of representatives from the EMB Central Office, EMB Regional Office, affected communities, concerned LGUs, and relevant government agencies identified by EMB.

An integrated MOA on the MMT-EMF-EGF shall be entered into among the EMB Central Office, EMB Regional Office, the proponent, and representatives of concerned stakeholders.

9.4 Abandonment

For projects that shall no longer be pursued, the proponent should inform EMB to relieve the former from the requirement for continued compliance with the ECC conditions. For projects that have already commenced implementation, an abandonment/decommissioning plan shall be submitted for approval by EMB at least six (6) months before the planned abandonment/decommissioning. The implementation of the plan shall be verified by EMB.

ARTICLE III STRENGTHENING THE IMPLEMENTATION OF THE PHILIPPINE EIS SYSTEM

Section 10. Coordination with other Government Agencies and other Organizations

The DENR-EMB shall conduct regular consultations with DTI and other pertinent government agencies, affected industry groups and other stakeholders on continually streamlining the processing of ECC applications and post ECC implementation to fulfill the policy and objectives of this administrative order.

The President shall be apprised of the issues raised as well as the actions taken by DENR to address these issues whenever necessary.

Section 11. Information Systems Improvement

The information system on the EIS System implementation shall be improved for the effective dissemination of information to the public. The information system shall include regular updating of the status of ECC applications through a website and through other means.

Section 12. Accreditation System

To enhance the quality of the EIS submitted to the DENR/EMB, the EMB shall establish an accreditation system for individual professionals, academic and professional organizations that can be tapped to train professionals in conducting EIA using training modules approved by EMB.

The EMB shall also work with DTI-BPS for an accreditation system for environmental and EMS auditors, consistent with provisions of DAO 2003-14 on the Philippine Environmental Partnership Program.

Section 13. Creation of an HAM Division and Strengthening of Review and Monitoring Capability

In order to effectively implement the provisions of this administrative order, the current EIA ad hoc division at the EMB Central Office and the EMB Regional Offices that are primarily in-charge of processing ECC applications and post-ECC monitoring shall be converted to a full-pledged Environmental Impact Assessment and Management Division (EIAMD). The Division shall have the following structure and functions:

13.1 The EIA Evaluation Section shall be in charge of screening projects for coverage under the EIS System, EIS Scoping, and evaluation of EIS's and IEE's submitted for ECC issuance. It shall have three units responsible, respectively, for screening for coverage, EIS Scoping, and evaluation of ECC applications. The EMB may commission independent professionals, experts from the academe and representatives from relevant government agencies as members of the EIA Review Committee as may be deemed necessary. Further, continual improvement of the technical capability of the Staff of the EIA Division shall be undertaken.

13.2 The Impact Monitoring and Validation Section shall be in charge of monitoring compliance to ECC conditions and implementation of the Environmental Management Program (EMP): The unit shall also validate actual impacts as a basis for evaluating environmental performance and effectiveness of the EMP.

13.3 In the EMB Central Office, there shall be a Systems Planning and Management Section. It shall ensure that a continually improving systems-oriented and integrated approach is followed in implementing the Philippine EIS System vis-a-vis national development programs. The section shall have two units responsible for specific systems-level concerns: (1) Project Level Systems Planning and Management Unit; and (2) Program and Policy Level Systems Planning and Management Unit. This section shall also be responsible for technical coordination with the EIA Division in the different EMB Regional Offices.

The organizational structure of the EMB Central Office is in Annex 1.

ARTICLE 1V
MISCELLANEOUS PROVISIONS

Section 14. Budget Allocation

For the effective implementation of this order, adequate funding should be provided under the annual General Appropriations Act.

Per AU 42, the new position items for the EIA Division shall be created out of the existing budget and vacant position items within the government service, which shall be reclassified accordingly.

Section 15. Fees

All proponents, upon submission of the IEEIEIS and application for amendment, shall pay filing fees and other charges in accordance with prescribed standard costs and fees set by EMB in relation to the implementation of the Philippine EIS System, as shown in Annex 2.

The proponent shall shoulder the cost of reviewing the EIS.

Section 16. Fines, Penalties And Sanctions

The EMB Central Office or Regional Office Directors shall impose penalties upon persons or entities found violating provisions of P.D. 1586, and its Implementing Rules and Regulations. Details of the Fines and Penalty Structure shall be covered by a separate order.

The EMB Director or the EMB-RD may issue a Cease and Desist Order (CDO) based on violations under the Philippine EIS System to prevent grave or irreparable damage to the environment. Such CDO shall be effective immediately. An appeal or any motion seeking to lift the CDO shall not stay its effectivity. However, the DENR shall act on such appeal or motion within ten (10) working days from filing.

The EMB may publish the identities of firms that are in violation of the EIA Law and its Implementing Rules and Regulations despite repeated Notices of Violation and/or Cease and Desist Orders.

Section 17. Transitory Provisions

The DENR may extend reprieve to proponents of projects operating without ECC (Categories A-3 and B-3) from penalties specified in PD 1586 upon registration with the EMB Central Office. An Environmental Performance Report and Management Plan (EPRMP) shall be submitted as a requirement for such ECC application within six months from the signing of this Administrative order.

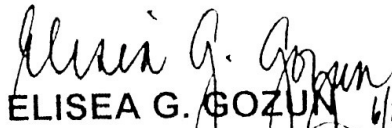
During the period that that the Procedural Manual and other necessary guidelines are being prepared, existing guidelines which are consistent with the provisions of this Order shall remain in effect. Adequate resources shall be provided for the formulation of the Procedural Manual and for the effective implementation of this Order.

Section 18. Repealing Clause

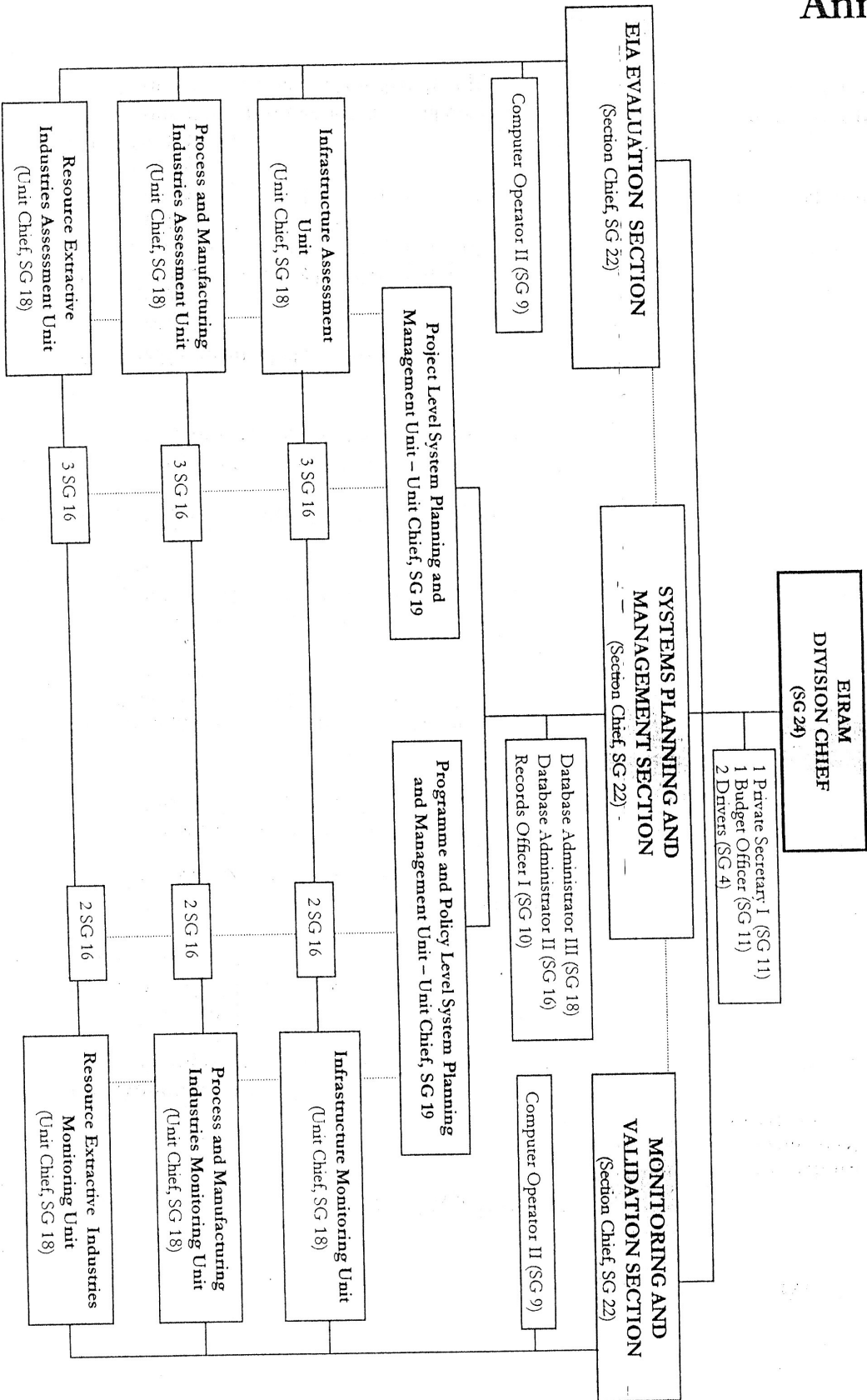
This Order hereby supersedes Department Administrative Order No. 96-37, Department Administrative Order No. 2000-37, DAO 2000-05 and other related orders, which are inconsistent herewith.

Section 19. Effectivity

This Order shall take effect 15 days after its publication in a newspaper of general circulation.


ELISEA G. GOZUN
Secretary
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6/30

ENVIRONMENTAL IMPACT ASSESSMENT and MANAGEMENT (EIAM) DIVISION



ANNEX 2

Schedule of Fees

	Fees and Other Charges (in Philippine Pesos/Non-refundable)
A. Application for ECC	
1. Category A-1 (Co-located Projects)	PhP 10,000.00
Procedural Screening Fee	1,500.00
Database Management Fee	3,000.00
Processing Fee	5,500.00
2. Category A-1 (Single Project), Category A-2 and A-3 (Co-located Project)	6,000.00
Procedural Screening Fee	600.00
Database Management Fee	2,000.00
Processing Fee	3,400.00
3. Category A-2, A-3 and B- 1 (Single Project) ; B-2 and B-3 (Co-located Projects)	4,000.00
Procedural Screening Fee	300.00
Database Management Fee	1,000.00
Processing Fee	2,700.00
4. Category B-2 and B-3 (Single Projects)	3,000.00
Procedural Screening Fee	300.00
Database Management Fee	1,000.00
Processing Fee	1,800.00
B. Certification of Non-Coverage	
1. Category D	100.00
2. Category C	600.00
C. Post ECC Processing Services	
1. Request for minor ECC Amendment (Article III Section 8.3)	300.00 / condition
2. Request for major ECC Amendment (Article III Section 8.3)	1,200.00 /condition
D. Other Services	
1. Request for miscellaneous certifications	50.00 /certification
2. Request for Certified True/Photocopy	25.00 /document