



AUG 25 2004

DEPARTMENT ADMINISTRATIVE ORDER

No. 2004- 26

SUBJECT: AMENDING RULE XIX OF DENR ADMINISTRATIVE ORDER NO. 2000-81 (IMPLEMENTING RULES AND REGULATIONS OF RA 8749)

In order to expedite compliance of establishments having air pollution source equipment with the DENR standards and requirements, and considering that the knowledge on the field of air pollution control has been greatly enhanced by experience and adequate information/references from local and foreign sources, making it unnecessary for the government to regulate some aspects in this field, the "Authority to Construct" requirement of the Rule XIX, of DENR Administrative Order (DAO) 2000-81 is hereby removed. However, proponents or firms are encouraged to consult with DENR-EMB regarding the plans and specifications of the facility prior to "construction/installation" so that the DENR-EMB can guide them in complying with the air quality regulations.

Rule XIX of DAO 2000-81 is hereby amended and shall now read as follows:

RULE XIX PERMIT REGULATIONS

Section 1. Permits Required


All sources of air pollution subject to these Implementing Rules and Regulations must have a valid Permit to Operate issued by the Environmental Management Bureau (EMB) Regional Director.

Section 2. Filing of Fees for Applications

A fee to be determined by the Department through the Bureau shall be paid upon the filing of any of the following applications:

- (a) Permit to Operate;
- (b) Transfer of an existing and valid Permit to Operate by reason of transfer of location of the installation or change of permittee or both;
- (c) Revision of any existing and valid Permit to Operate involving alteration or replacement of the installation;
- (d) Renewal of an expired Permit to Operate;
- (e) Any other application for a permit not otherwise enumerated above.

Filing fees for applications, which have been denied, shall not be refunded nor applied to subsequent applications.

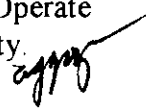


Section 3. Application for Permit to Operate

An application for a Permit to Operate shall be filed for each source emitting regulated air pollutants. Facilities having more than one source may group the sources under a single permit application, provided the requirements below are met for each individual source. Applications shall be made in a format prescribed by the Department through the Bureau, filed in triplicate copies, together with a copy of the official receipt of the filing fees and including the following:

- (a) An engineering report covering the plant description and operations, the estimated types, concentrations and quantities of all emissions to the atmosphere, the control facilities, the emission rate and annual mass emission objectives, the design criteria for air pollution control equipment, and other relevant information. The design criteria, if warranted, shall be based on the results of laboratory and pilot plant scale studies. The designed efficiencies of the air control equipment and the quantities and types of pollutants in the final emissions shall be indicated. Where confidential records are involved, the Bureau may limit the full disclosure of the same after discussions with the applicant;
- (b) The plan and specifications of the installation and its control facilities (preferably in standard size of 50 cm by 90 cm) duly certified by a registered professional mechanical engineer, mechanical engineer, chemical engineer or any appropriate engineer or a combination of any two or all of them as may be required by the Bureau depending upon the nature of the construction, operation or activity sought to be covered by the Permit. The plans shall clearly show in adequate detail the arrangement, location and size of the pollution control equipment or facilities, including their accessories, cross-sections and construction details. The specification shall be in sufficient detail so that, when read in conjunction with the plans, they clearly reveal the proposed means and methods for the control of pollution and their expected performance efficiency.
- (c) The project proponent shall conduct an air quality impact analysis using Bureau-approved computer dispersion models and techniques. The impact analysis shall estimate the resulting ambient air concentrations for all significant pollutants from the facility, and shall include the existing ambient air concentrations as a baseline. The impact analysis will be used by the Bureau, together with other relevant information, to determine if the construction or modification will result in a violation of an applicable air quality standard.
- (d) A vicinity map adequately identifying the street address, if any, of the location or premises of the installation.

Requirements in the Permit to Operate will be based on operating conditions at the time of the test. For example, if the facility passes the stack sampling test at 50% operating capacity, then the Permit to Operate will require the facility to operate at or below 50% operating capacity.



Section 4. Action on the Application for Permit to Operate

Within twenty five (25) days from submission of the complete requirements, the Department through the Bureau shall act on the application for Permit to Operate by approving or denying the same in writing. The Department through the Bureau may deny an application having incomplete requirements when the applicant fails or refuses to complete the same despite being given reasonable time to do so.

In case the application is denied, the applicant may, within fifteen (15) days from notice, file a petition for reconsideration.

Applications for a Permit to Operate shall be available for public review at the Bureau Regional Office in which the applicant's facility is located. Any interested person may oppose the application for a Permit to Operate in writing before its approval. In such a case, the Bureau may conduct a public hearing on the application.

Section 5. Temporary Permit to Operate

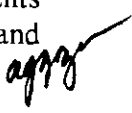
For purposes only of sampling and testing of new facilities, the Department through the Bureau, upon submission of satisfactory proof, may issue a Temporary Permit to Operate not to exceed ninety (90) days, provided that the applicant has a pending application for a Permit to Operate under Section 3. Once the results show compliance with the standards, a regular permit shall be issued.

Section 6. Life and General Conditions of Permit

A permit duly issued by the Department through the Bureau shall be valid for the period of five (5) years from the date of issuance unless sooner suspended or revoked in accordance with Section 7 of the Rule. It may be renewed by filing an application for renewal at least thirty (30) days before its expiration date and upon payment of the required fees and compliance with requirements. Issuance of the permit shall not relieve the permittee from complying with other requirements of the Act and these Rules and Regulations that commencement of the work or operation under such permit shall be deemed acceptance of all the conditions therein specified.

Section 7. Grounds for Modification of Permit Conditions

The Department through the Bureau may modify any existing and valid permit by imposing new or additional conditions, provided that the permittee is given reasonable time to comply with such new or additional conditions, upon showing:

- (a) That an improvement in emission quality or quantity can be accomplished because of technological advancement without unreasonable hardship;
 - (b) That a higher degree of treatment is necessary to effect the intents and purposes of the applicable provisions of these Rules and Regulations;
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- (c) That a change in the environment or surrounding conditions requires a modification of the installation covered by a permit to conform to applicable air quality standards, as the case may be;
- (d) That the area in which the permitted facility is located has been changed from an undesignated area or an attainment area to a non-attainment area for one or more criteria pollutants; or
- (e) That Republic Act 8749 or these Rules and Regulations require the modification of the permit conditions.

Section 8. Grounds for Suspension or Revocation of Permits

After due notice and/or hearing, the Department through the Bureau may suspend or revoke any existing and valid permit on any of the following grounds:

- (a) Non-compliance with, or violation of any provision of Act, these Rules and Regulations, and/or permit conditions;
- (b) False or inaccurate information in the application for permit that led to the issuance of the permit;
- (c) False or inaccurate information in the monitoring data or in reports required by the Permit to Operate;
- (d) Refusal to allow lawful inspection conducted by the Department through the Bureau of duly authorized personnel;
- (e) Non-payment of the appropriate fees; or
- (f) Other valid purposes.

Section 9. Posting of Permit

The permittee shall display the permit upon the installation itself in such manner as to be clearly visible and accessible at all times. In the event that the permit cannot be so placed, it shall be mounted in an accessible and visible place near the installation covered by the permit. No person shall willfully deface, alter, forge, counterfeit, or falsify any permit.

Section 10. Transfer

In case of sale or legal transfer of a facility covered by a permit, the permittee shall notify the Department through the Bureau of such and the name and address of the transferee within thirty (30) days from the date of sale or transfer. In case of failure to do so, he shall be liable for any violation of these Rules and Regulations that the transferee may commit by reason of such transfer. It shall be the duty of the transferee to file an application for transfer of the permit in his name within ten (10) days from notification of the Department through the Bureau.

Section 11. Plant Operational Problems

In the event that the permittee is temporarily unable to comply with any of the conditions of the Permit to Operate due to a breakdown of the installation covered by the permit for any cause, he or his pollution control officer shall immediately notify within 24 hours from occurrence of such breakdown the Department through the Bureau of such cause(s), and the steps being taken to solve the problem and prevent its recurrence, including the estimated duration of the breakdown, the intent toward reconstruction or repair of such installation and such other relevant information or data as may be required by the Department through the Bureau. The Department through the Bureau shall be immediately notified when the condition causing the failure or breakdown has been corrected and such source equipment or facility is again in operation. In such a case, the permittee may be subject to the payment of fines or penalties as provided under Part XIII of these Implementing Rules and Regulations.


Section 12. Monitoring and Reporting

The owner or the pollution control officer in charge of the installation subject to the provisions of these Implementing Rules and Regulations shall keep a record of its operational data and control test indicating its operational efficiency, and shall furnish a copy of the same to the Department through the Bureau quarterly in accordance with the procedures and/or programs approved by the Department through the Bureau for this purpose.

A permit issued by the Department through the Bureau will generally contain source-specific monitoring and reporting requirements for air pollutant concentrations at the point of emission, for determination of compliance with the requirements of Rule XXV. These requirements may include, where applicable, a provision that sample results for particulate matter shall be corrected to standard operating (or combustion) conditions such as 12% carbon dioxide.

All the other Rules of Administrative Order No. 2000-81 shall continue to remain in force.

This Order shall take effect fifteen (15) days from its publication in a newspaper of general publication.


ELISEA G. GOZUN
Secretary