

**[ DENR DEPARTMENT ADMINISTRATIVE ORDER  
NO. 2004-26, August 25, 2004 ]**

**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, 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