

**[DENR ADMINISTRATIVE ORDER NO. 21 SERIES
OF 1992, June 05, 1992]**

**AMENDING THE REVISED RULES AND REGULATIONS
IMPLEMENTING P.D. (ENVIRONMENTAL IMPACT STATEMENT
SYSTEM)**

**Article I
Policy Objectives and
Definition of Terms**

SECTION 1. Basic Policy

1.1 Consistent with the basic policy of the state to assure the availability and sustainability of the country's natural resources through its judicious use in order to achieve immediate economic gains and in pursuance to Presidential Decree 1586 and Proclamation 2146, the following amendments to the revised rules and regulations implementing the Environmental Impact Statement are hereby promulgated .

SECTION 2. Policy Objectives

1.2.1 To identify environmental constraints and opportunities of natural systems in order to guide the planning and development of project activities from the selection of appropriate site to the design, implementation and termination so that environmental considerations are incorporated in the early stages of project development.

1.2.2 To identify, predict and describe in appropriate terms the costs and benefits of development projects and assess the likely primary and secondary changes therein and systematically present the results for review and decision-making.

1.2.3 To ensure the success of development project through finding ways to reduce unacceptable impacts and prescribe the most appropriate and cost-effective mitigating measures.

1.2.4 To involved as much as possible a wide spectrum of concerned sectors and the adjacent communities who will be affected by the project development in the exchange of views, information and concerns in order to effect projects that are beneficial to the majority and acceptable to the community.

1.2.5 To provide the basis of assessing the actual impacts of implemented and completed projects and identify other significant impacts in order to effect corrective orders and to improve future projects of similar type and magnitude.

SECTION 3. Definition of Terms

1.3.1 For the purpose of these rules and regulations and whenever any of the following words and terms are used therein shall have the meaning ascribed in this section.

- a. **DENR** — refers to the Department of Environment and Natural Resources.
- b. **EMB** — refers to the Environmental Management Bureau.
- c. **Environmental Impact Statement (EIS) System** — refer to the entire process of organization, administration and procedure institutionalized for the purpose of assessing the significance of the effects of physical developments on the quality of the environment.
- d. **Environmental Impact Assessment (EIA)** — refers to the process of predicting the likely environmental consequences of implementing project activities.
- e. **Environmental Impact Statement Study (EIS)** — refers to the documents(s) of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all the relevant information and details about the project to enable the DENR and other concerned parties to make judicious decisions. Such EIS shall substantially conform with the outline set forth in Annex A.
- f. **Environmental Compliance Certificate (ECC)** — refers to the document issued by the Secretary of the Department of Environment and Natural Resources or his duly authorized representative certifying that the proposed project under consideration will not bring about an unacceptable environmental impact and that the proponent has complied with the requirements of the Environmental Impact Statement (EIS) System.
- g. **Environmental Impact Statement Monitoring and Evaluation** — refers to the process of comparing the predicted impacts on the environment as stipulated in the EIS with those which actually occurred after the implementation and operation of the project.
- h. **Environmental Impact/Statement Review Committee** — refers to the body of experts from various fields created by DENR whose main task is to assist the DENR in evaluating EIS and other documents.
- i. **Compliance Monitoring** — refers to the activity designed to gauge the level of compliance with the conditions stipulated in the ECC issued in the EIS or PD submitted.
- j. **Environmentally Critical Projects (ECP)** — refer to those projects which have high potential for negative environmental impacts and area listed in Presidential Proclamation 2146 dated Dec. 14, 1981.

- k. **Environmental Critical Areas (ECA)** — refer to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated Dec. 14, 1981.
- l. **Project** — refers to activities including actions, programs or undertaking regardless of scale or magnitude which may have significant impact on the environment.
- m. **Project Proponent (PP)** — refers to any entity, private and government organizations, persons, owners/agents, planning or intending to undertake a project.
- n. **Project Description (PD)** — refers to the document submitted by the project proponent substantially describing the proposed project particularly those aspects of the project which will likely cause environmental impact. Such project description shall substantially conform with the outline set forth in Annex B hereof.
- o. **Public Hearing** — refers to the activity undertaken by DENR to gather facts and thresh out all issues, concerns and apprehensions and at the same time provide the project proponent with the opportunity to present the project to the people community who would be affected by such.
- p. **RED** — refers to the Regional Executive Director of DENR.
- q. **RTD** — refers to the Regional Technical Director for Environmental Management and Protected Areas Services of the DENR regional offices.
- r. **PENRO** — refers to the Provincial Environment and Natural Resources Officer of the DENR.
- s. **CENRO** — refers to the Community Environment and Natural Resources Offices of the DENR.

Article II

Procedures for Processing of ECC Applications

SECTION 1. Screening of Projects

2.1.1 The proponent shall submit a duly accomplished ENFORM I which shall serve as the basis for determining whether the project within purview of the EIS System. The said form appears as Annex C.

2.1.2 Projects that fall within the purview of the EIS System are as follows:

- a. Environmentally Critical Projects (ECP) wherein the project proponent shall submit an Environmental Impact Statement (EIS) to EMB.
- b. Projects that fall within Environmentally Critical Areas (ICA) wherein project proponents shall be required to submit PDs to DENR Regional Offices. However, they may be required later to submit an EIS if deemed necessary.

2.1.3 Projects Not Covered by the EIS System

- a. Environmentally Critical Projects which have been operational prior to 1982 are not be covered by the scope of the EIS System except in cases where their operations are expanded in terms of daily production capacity or the coverage of its original area in which case such project will be covered by the EIS System.
- b. Exempted projects - Any proposed activity or operation that does not fall within the category stated in Article II, Section I of this order and which are characterized by all of the following conditions:
 - discharges minimal amount of wastes and the management of such wastes are relatively easy,
 - has a capitalization of not more than P500,000
 - employs not more than 20 persons.

An exemption certificate however, shall still have to issued by the DENR for those projects in which the above criteria apply.

Likewise, pursuant to Article II Section II of P.D. 1586 some projects may be exempted by the President or his duly authorized representative for reasons of national interest or in compliance with international commitments. Such exemptions, however, does not preclude the DENR to require the proponent from instituting the necessary remedial measures to protect the environment.

2.1.4 The proponent shall pay the necessary fees in accordance with the schedule of fees.

Further, for exempted projects that are within ECA, comments and/or recommendations shall be submitted from appropriate units or agencies which have jurisdiction over these ECA, prior to the issuance of the exemption certified by DENR.

SECTION 2. PROCESSING OF EIS and PD

The EMB shall be responsible for processing EIS documents of Environmentally Critical Projects (ECP). The DENR Regional Offices shall be responsible for those projects that fall within the scope of Environmentally Critical Areas (ECA) and exempted projects. The flow charts showing the processing steps enumerated below appear as Annex D-1^[*] and D-2^[*].

A. Steps in the review and evaluation of Environmental Impact Statements (EIS)

2.2.1 Upon determination by DENR that the project shall be subject to an EIS, a copy of the scoping guidelines shall be given to the project proponent for his guidance. On the basis of the above and on the outline given, the proponent has the option to commission the undertaking of the EIS to a competent professional group or by the proponent's technical staff.

2.2.2 Upon completion of the EIS the proponent shall submit at least fifteen (15) legible copies of the document to the DENR for review.

2.2.3 Upon receipt of the EIS, the DENR shall forward the document to the concerned EIS unit which shall initially evaluate the submitted document as to its content and completeness of the supporting documents. Within thirty (30) days, the EIS Unit shall decide whether or not the information contained in the EIS is sufficient for a thorough evaluation of the project's environmental impacts. The EIS Unit shall then inform the proponent of any additional information that may be needed for further evaluation of the EIS. After the evaluation, the EIS Unit may:

- a. recommend issuance of the Environmental Compliance Certificate (ECC);
- b. recommend conduct of an ocular inspection of the proposed project site to check the veracity of the information contained in the submitted EIS; or
- c. recommend further review by the EIS Review Committee to thoroughly assess the submitted EIS with respect to accuracy of the data presented, the applicability of the mitigating measures and the adequacy of the monitoring program.

2.2.4 For projects referred to the Review Committee, EIS Unit shall convene the committee whose members shall be selected from the pool of experts/area subject specialist.

The Review Committee can require the holding of a public hearing to be conducted by the DENR/EMB or the Regional Office, subject to the process stipulated in Article II Section 3 or may likewise require the project proponent to submit additional information if necessary.

2.2.5 After a through evaluation of all inputs the Review Committee shall recommend for the approval or denial of the ECC by the Secretary of the DENR or his duly designated representative.

B. Steps in the review and evaluation of Project Descriptions

2.2.6 Projects requiring Project Descriptions shall follow same process as required in the review of EIS, except for the conduct of public hearing which is not necessary at this stage.

2.2.7 Upon submission of the PD, the regional EIS unit shall review and evaluate the documents and determine the accuracy of data and assessments presented, the applicability of mitigating measures, the adequacy of the monitoring programs and public acceptability of the projects. The RTDs can always request for additional information if necessary. Part of the evaluation process is the ocular inspection of the project site which may be conducted by the EIS Unit with the assistance of the PENRO/CENRO.

2.2.8 Once all pertinent information have been validated, the RTD can recommend for the granting or denial of the ECC to the Regional Executive Director (RED). The Regional Office shall decide not more than two (2) months from receipt of the PDs whether it shall issue or deny the ECC to the concerned proponent.